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Country/ entity	Bosnia and Herzegovina Yugoslavia (former)
Region	Europe and Eurasia Europe and Eurasia
Agreement name	Framework on Police Restructuring Agreement, Reform and Democratization in the Republika Srpska
Date	9 Dec 1998
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Balkan Conflicts (1991 - 1995) (1998 - 2001))
Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Bosnia peace process
Parties	For the Republika Srpska: Nikola Poplasen, President of Republika Srpska; Milorad Dodik, Prime Minister of Republika Srpska; Sredoje Novic, Republika Srpska Minister of Interior. For the United Nations Mission in Bosnia and Herzegovina: Elizabeth Rehn, Special Representative of the Secretary- General; Richard Monk, Commissioner International Police Task Force
Third parties	Endorsed: Carlos Westendorp, High Representative
Description	This short agreement contains principles between Republika Srpska and the United Nations Mission in Bosnia and Herzegovina providing for the restructuring, reforming, and democratizing the Republika Srpska police force. It sets out the role of the International Police Task Force, a cap on numbers of police officers and the ethnic composition of the Republika Srpska police.

Agreement document	BA_981209_Framework on Police Restructuring Agreement, Reform and Democratisation.pdf  Download PDF
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Groups

Children/
youth No specific mention.

Disabled
persons No specific mention.

Elderly/age No specific mention.

Migrant
workers No specific mention.

Racial/
ethnic/
national
group

Groups→Racial/ethnic/national group→Anti-discrimination
Page 2, Article 13

In accordance with the non-discrimination provisions of the GFAP and the ""Principles of Policing in a Democratic State," we affirm that all members of the RS MUP, regardless of ethnic, political, or religious affiliation or gender shall be fully-integrated into the force and shall hold functional positions based on objective, non-discriminatory hiring, assignment and promotion practices. We note that the Constitution of Republika Srpska, Article 5. enshrines the protection of rights of ethnic groups and other minorities.

Groups→Racial/ethnic/national group→Substantive
Page 2, Article 8

The Republika Srpska agrees that, in accordance with democratic standards of policing and the GFAP, the ethnic composition of the police force must reflect an equitable representation of all three constituent peoples and others as called for in the Declaration of the Peace Implementation Council held in Luxembourg on 9 June 1998 (the Luxembourg Declaration). In order to facilitate progress towards that goal, the Republika Srpska is in the process of recruiting 400 minority police officers. In accordance with the standard established by the Luxembourg Declaration, the Republika Srpska's restructured police force should reflect the 1997 municipal election results. As benchmarks towards that standard, in accordance with material, technical, demographic and other relevant conditions, the Republika Srpska shall recruit 25% of the minority police representation indicated by the 1997 municipal election results by 30 June 1999. and shall recruit an additional 15% of that minority police representation by 31 December 1999. Benchmarks for the year 2000 shall be the recruitment of a further 30% of the minority police representation by 30 June 2000 and the remaining 30% by 31 December 2000. The actual plan of implementation for the recruitment of minority police officers during the year 2000 will be finalized between the Special Representative of the Secretary-General and the competent Republika Srpska authorities in the last quarter of 1999.

Page 2, Article 11

In order to facilitate the hiring of minority police officers, the Republika Srpska shall take all necessary measures to implement the provisions of Annex 7 Article 1(1) pertaining to the return of property to such police officers.

Religious
groups

Groups→Religious groups→Anti-discrimination
Page 2, Article 13

In accordance with the non-discrimination provisions of the GFAP and the ""Principles of Policing in a Democratic State," we affirm that all members of the RS MUP, regardless of ethnic, political, or religious affiliation or gender shall be fully-integrated into the force and shall hold functional positions based on objective, non-discriminatory hiring, assignment and promotion practices. We note that the Constitution of Republika Srpska, Article 5. enshrines the protection of rights of ethnic groups and other minorities.

Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	Groups→Refugees/displaced persons→Substantive Page 2, Article 9 Recognizing the right to return set forth in the GFAP, Annex 7. the Republika Srpska agrees that any person whose name appears on the 1991 census as resident in the territory of the Republika Srpska and who indicates his or her willingness to establish Republika Srpska citizenship, shall also be eligible to apply for any position as a police officer.
Social class	No specific mention.

Gender

Women, girls and gender	Page 2, Article 13 In accordance with the non-discrimination provisions of the GFAP and the "Principles of Policing in a Democratic State," we affirm that all members of the RS MUP, regardless of ethnic, political, or religious affiliation or gender shall be fully-integrated into the force and shall hold functional positions based on objective, non-discriminatory hiring, assignment and promotion practices. Page 3, Article 14 Acknowledging the present under-representation of women in the Republika Srpska police force, we agree to undertake measures to increase the training and hiring of women officers. We agree to step up active recruitment of women candidates into the Republika Srpska Police Academy.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols Page 1, Article 4
...

(b) For the purposes of this Agreement, the IPTF Commissioner, in consultation with the Republika Srpska Minister of Internal Affairs, shall make the final determination as to whether or not an individual is exercising police powers, pursuant to consideration of the powers listed above, and also considering whether the individual is otherwise enjoying the prerogatives and privileges of a police officer, including: wearing or otherwise using insignia or other symbol of state authority, including a uniform or an identification card, whether such symbol is displayed openly or concealed

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution Governance→Constitution→Constitution affirmation/renewal

Page 1, Article 2

We note that all legislation and regulations of the Republika Srpska must be in accordance with the GFAP, in particular Annex 4 (the Constitution of Bosnia and Herzegovina). Article 11(2) of which provides that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina, including the Republika Srpska. The Republika Srpska undertakes to amend any Republika Srpska legislation and regulations relevant to civilian law enforcement that are not consistent with the GFAP or the Constitution of Bosnia and Herzegovina or the terms of this Agreement.

Page 2, Article 13

In accordance with the non-discrimination provisions of the GFAP and the ""Principles of Policing in a Democratic State," we affirm that all members of the RS MUP, regardless of ethnic, political, or religious affiliation or gender shall be fully-integrated into the force and shall hold functional positions based on objective, non-discriminatory hiring, assignment and promotion practices. We note that the Constitution of Republika Srpska, Article 5. enshrines the protection of rights of ethnic groups and other minorities.

Page 3, Article 16

...

The standards for certification are set by the IPTF to ensure that all persons who serve in the Republika Srpska police have appropriate qualifications and backgrounds, and have a dedication to law enforcement and-the protection of human rights as provided for in the GFAP and the Constitution of Republika Srpska.

Page 3, Article 21

To assist the Republika Srpska in the organization of effective civilian law enforcement agencies, as required under the GFAP. Annex 1 1. and to assist the Republika Srpska attain the highest standards of professionalism and respect for human rights, as set forth in the Constitution of Bosnia and Herzegovina.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing	No specific mention.
Military power sharing	<p>Power sharing→Military power sharing→Proportionality Page 2, Article 8</p> <p>The Republika Srpska agrees that, in accordance with democratic standards of policing and the GFAP, the ethnic composition of the police force must reflect an equitable representation of all three constituent peoples and others as called for in the Declaration of the Peace Implementation Council held in Luxembourg on 9 June 1998 (the Luxembourg Declaration). In order to facilitate progress towards that goal, the Republika Srpska is in the process of recruiting 400 minority police officers. In accordance with the standard established by the Luxembourg Declaration, the Republika Srpska's restructured police force should reflect the 1997 municipal election results. As benchmarks towards that standard, in accordance with material, technical, demographic and other relevant conditions, the Republika Srpska shall recruit 25% of the minority police representation indicated by the 1997 municipal election results by 30 June 1999. and shall recruit an additional 15% of that minority police representation by 31 December 1999. Benchmarks for the year 2000 shall be the recruitment of a further 30% of the minority police representation by 30 June 2000 and the remaining 30% by 31 December 2000. The actual plan of implementation for the recruitment of minority police officers during the year 2000 will be finalized between the Special Representative of the Secretary-General and the competent Republika Srpska authorities in the last quarter of 1999. This midterm review shall be conducted on the basis of recommendations by the appropriate experts from UNMIBH and the Republika Srpska.</p>

Human rights and equality

Human rights/RoL general	<p>Page 3, Article 16 ...</p> <p>The standards for certification are set by the IPTF to ensure that all persons who serve in the Republika Srpska police have appropriate qualifications and backgrounds, and have a dedication to law enforcement and-the protection of human rights as provided for in the GFAP and the Constitution of Republika Srpska.</p>
	<p>Page 3, Article 21 To assist the Republika Srpska in the organization of effective civilian law enforcement agencies, as required under the GFAP. Annex 1 1. and to assist the Republika Srpska attain the highest standards of professionalism and respect for human rights, as set forth in the Constitution of Bosnia and Herzegovina.</p>

Bill of
rights/
similar

No specific mention.

Treaty
incorporation

Page 1, Article 2

We note that all legislation and regulations of the Republika Srpska must be in accordance with the GFAP, in particular Annex 4 (the Constitution of Bosnia and Herzegovina). Article 11(2) of which provides that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina, including the Republika Srpska. The Republika Srpska undertakes to amend any Republika Srpska legislation and regulations relevant to civilian law enforcement that are not consistent with the GFAP or the Constitution of Bosnia and Herzegovina or the terms of this Agreement.

Civil and
political
rights

No specific mention.

Socio-
economic
rights

No specific mention.

Rights related issues

Citizenship Rights related issues→Citizenship→Citizens, specific rights

Page 2, Article 9

Recognizing the right to return set forth in the GFAP, Annex 7. the Republika Srpska agrees that any person whose name appears on the 1991 census as resident in the territory of the Republika Srpska and who indicates his or her willingness to establish Republika Srpska citizenship, shall also be eligible to apply for any position as a police officer.

Rights related issues→Citizenship→Citizen delimitation

Page 2, Article 9

Recognizing the right to return set forth in the GFAP, Annex 7. the Republika Srpska agrees that any person whose name appears on the 1991 census as resident in the territory of the Republika Srpska and who indicates his or her willingness to establish Republika Srpska citizenship, shall also be eligible to apply for any position as a police officer.

Page 2, Article 10

The authorities of the Republika Srpska shall ensure the issuance of documents or other evidence of citizenship or residency in Republika Srpska to all such candidates mentioned in paragraph 9 above, who are selected or recruited as police officers of the Republika Srpska.

Page 4, Article 25

We agree that citizens' complaints against the police shall be vigorously investigated in a timely manner. We agree that the RS MUP's Department of Internal Control will maintain a distinct section devoted to the investigation of citizens' allegations against police officers. The terms of reference and procedures for handling such allegations, including any internal review procedures already in existence shall be subject to the supervision, monitoring, and advice of IPTF.

Democracy	<p>Page 1, Article 1</p> <p>We, the Republika Srpska and the United Nations Mission in Bosnia and Herzegovina (UNMIBH), enter into this Framework Agreement on Police Restructuring, Reform and Democratisation in the Republika Srpska, bearing in mind</p> <p>...</p> <p>the "Principles of Policing in a Democratic State"</p> <p>Page 1, Article 3</p> <p>...</p> <p>UNMIBH notes that the Republika Srpska Ministry of Internal Affairs (RS MUP), under the direction and with the assistance of the IPTF, is continuing the process of police restructuring, reform and democratisation.</p> <p>Page 2, Article 8</p> <p>The Republika Srpska agrees that, in accordance "with democratic standards of policing and the GFAP. the ethnic composition of the police force must reflect an equitable representation of all three constituent peoples and others as called for in the Declaration of the Peace Implementation Council held in Luxembourg on 9 June 1998 (the Luxembourg Declaration).</p> <p>Page 3, Article 17</p> <p>We agree that all existing police officers in Republika Srpska. as well as any new recruits, will be subject to IPTF training requirements to ensure that they have the skills and knowledge necessary to carry out professional police responsibilities in accordance with democratic standards.</p> <p>Page 4, Article 23</p> <p>We affirm that IPTF policies and instructions are designed to promote more democratic police practices and to instil public confidence.</p>
Detention procedures	<p>Page 1, Article 4</p> <p>This Agreement addresses the restructuring, reform and democratisation of those law enforcement agents, whether in uniform or not, who exercise police powers (a) The "exercise of police powers" includes, but is not limited to</p> <p>...arrest or detention:</p>
Media and communication	<p>No specific mention.</p>
Mobility/ access	<p>No specific mention.</p>

Protection measures	<p>Rights related issues→Protection measures→Protection of groups</p> <p>Page 3,</p> <p>13. ... We note that the Constitution of Republika Srpska. Article 5. enshrines the protection of rights of ethnic groups and other minorities. To further ensure such protections, the RS MUP shall develop, make publicly known, and set forth in a book of rules or other regulations issued by the RS MUP. standardised qualifications for assignments and promotion.</p> <p>Page 3,</p> <p>16. ... The standards for certification are set by the IPTF to ensure that all persons who serve in the Republika Srpska police have appropriate qualifications and backgrounds, and have a dedication to law enforcement and-the protection of human rights as provided for in the GFAP and the Constitution of Republika Srpska.</p>
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	<p>Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform</p> <p>Page 1, Article 4</p> <p>This Agreement addresses the restructuring, reform and democratisation of those law enforcement agents, whether in uniform or not, who exercise police powers (a) The "exercise of police powers" includes, but is not limited to</p> <p>...</p> <p>engaging in criminal investigations: enforcing judicial orders or decisions</p>
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State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 2, Article 11
In order to facilitate the hiring of minority police officers, the Republika Srpska shall take all necessary measures to implement the provisions of Annex 7 Article 1(1) pertaining to the return of property to such police officers. UNMIBH, together with other members of the Reconstruction and Return Task Force (RRTF), will actively explore the possibilities for raising resources from donors to support the efforts by the Republika Srpska in this regard.

Page 2, Article 12
The authorities of the Republika Srpska shall design and implement a program of options for the employment and professional training of any individual who is otherwise suitable and who may remain unemployed as a result of the restructuring, reform and democratisation of the police in the Republika Srpska. UNMIBH will support the efforts of the Republika Srpska in this regard by encouraging relevant donors and agencies to assist the program in financial or other ways.

Page 4, Article 27
UNMIBH will, as it determines appropriate while taking into consideration these priorities, provide material assistance and coordinate further assistance from bilateral donors. We acknowledge that special consideration in distribution of material assistance will be given to those departments and areas of the Republika Srpska police which have, in the view of the IPTF Commissioner in consultation with the Republika Srpska Minister of Internal Affairs, made substantial progress in meeting police restructuring, reform and demoralisation guidelines and standards set by the IPTF.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/
rights No specific mention.

Pastoralist/
nomadism
rights No specific mention.

Cultural
heritage No specific mention.

Environment No specific mention.

Water or
riparian
rights or
access No specific mention.

Security sector

Security
Guarantees Page 4, Article 23
...
In accordance with the GFAP. in particular Annex I 1. the RS MUP shall take all necessary steps to fully implement all such instructions and policies, and fully promulgate explanations and direction to the Public Security Centers and Public Security Stations.

Ceasefire No specific mention.

Police

[Summary: Page 1-5, This agreement in its entirety deals with the restructuring, reform and democratisation of the Republika Srpska police force.]

Page 1, Article 1

...

This Agreement continues the process for the restructuring, reform and democratisation of the Republika Srpska police force.

Page 1, Article 4

This Agreement addresses the restructuring, reform and democratisation of those law enforcement agents, whether in uniform or not, who exercise police powers (a) The "exercise of police powers" includes, but is not limited to, the legal right to exercise under colour of state authority the following powers, whether exercised on a temporary or on a permanent basis: the use of force; carrying a firearm: arrest or detention: stopping and questioning persons: searches and seizures: engaging in criminal investigations: enforcing judicial orders or decisions: investigating, evaluating or sanctioning misconduct by persons who exercise another power set forth in this subparagraph. Persons exercising police powers shall be referred to herein as police officers or as police.

Page 1, Article 5

The Republika Srpska agrees that the number of persons exercising police powers throughout the Republika Srpska shall not exceed a maximum level which is fixed at 8.500. We acknowledge that this maximum level of police officers has been set in light of prevailing conditions. Therefore, in accordance with the GFAP, and in particular Annex 11. The IPTF shall conduct periodic reviews of police staffing levels and adjust the maximum level as circumstances require. The Republika Srpska shall report its staffing list of persons exercising police powers in the Republika Srpska, together with a report on their organisation and hierarchy, to the IPTF Commissioner on a quarterly basis, beginning on 1 January 1999.

Page 3, Article 20

The RS MUP shall vigorously investigate any credible complaint that a police officer has violated international or Republika Srpska law, including the GFAP, and vigorously pursue disciplinary or criminal proceedings against such police officer if appropriate. Article Ili(2)(c). the IPTF Commissioner has designed procedures to bring failures to cooperate to the attention of the RS MUP so that appropriate remedies may be undertaken. We affirm that these procedures facilitate the IPTF's authority to demand that the Republika Srpska police take corrective or disciplinary action, or when merited, commence criminal investigations and prosecutions.

Page 4, Article 26

We affirm that the police serve the public and are accountable to the public they serve. Therefore, we shall emphasize principles of community policing in all aspects of police restructuring, placing the focus of police work on the community it serves. We further commit to emphasizing community policing in the education, training and advising of Republika Srpska police officers, i.p order to increase their responsiveness to the specific needs of communities living in, or returning to, the Republika Srpska. We agree also that the RS MUP, in close coordination with UNMIBH, will initiate a public information

Armed forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/
rebel and
opposition
group
forces No specific mention.

Withdrawal
of foreign
forces No specific mention.

Corruption No specific mention.

Crime/
organised
crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional
justice
general No specific mention.

Amnesty/
pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner
release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing
persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN
signatory For the United Nations Mission in Bosnia and Herzegovina: Elizabeth Rehn,
Special Representative of the Secretary-General; Richard Monk,
Commissioner International Police Task Force

Other
international
signatory No specific mention.

Referendum
for
agreement No specific mention.

International mission/
force/similar Page 1, Article 3
...
UNMIBH notes that the Republika Srpska Ministry of Internal Affairs (RS MUP), under the direction and with the assistance of the IPTF, is continuing the process of police restructuring, reform and democratisation. As the co-location of IPTF advisers with various levels of the police force in the Republika Srpska has been highly beneficial in this regard, we agree that the deployment of IPTF advisers should be continued.

Page 1, Article 4

...
(b) For the purposes of this Agreement, the IPTF Commissioner, in consultation with the Republika Srpska Minister of Internal Affairs, shall make the final determination as to whether or not an individual is exercising police powers, pursuant to consideration of the powers listed above, and also considering whether the individual is otherwise enjoying the prerogatives and privileges of a police officer

Page 3, Article 19

...
This Agreement in no way limits the right and authority of SFOR to disarm and/or detain such persons.

Page 4, Article 27

We agree that the RS MUP will consult with UNMIBH to set priorities regarding training and equipment needs of the Republika Srpska police. UNMIBH will, as it determines appropriate while taking into consideration these priorities, provide material assistance and coordinate further assistance from bilateral donors. We acknowledge that special consideration in distribution of material assistance will be given to those departments and areas of the Republika Srpska police which have, in the view of the IPTF Commissioner in consultation with the Republika Srpska Minister of Internal Affairs, made substantial progress in meeting police restructuring, reform and demoralisation guidelines and standards set by the IPTF.

Enforcement mechanism Page 1, Article 3
...
UNMIBH notes that the Republika Srpska Ministry of Internal Affairs (RS MUP), under the direction and with the assistance of the IPTF, is continuing the process of police restructuring, reform and democratisation. As the co-location of IPTF advisers with various levels of the police force in the Republika Srpska has been highly beneficial in this regard, we agree that the deployment of IPTF advisers should be continued.

Related cases No specific mention.

Source UN Peacemaker
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