

IPA National Programme 2008 Part I – Bosnia and Herzegovina

Project Fiche 1: Support to the Police reform process

1. Basic information

- 1.1 CRIS Number:** 2008/20-111
- 1.2 Title:** Support to the Police reform process
- 1.3 ELARG Statistical code:** 01.24 Political criteria / Justice, freedom and security
- 1.4 Location:** Bosnia and Herzegovina

Implementing arrangements:

- 1.5 Contracting Authority:** European Commission
- 1.6 Implementing Agency:** European Commission

1.7 Beneficiary:

The main beneficiary and partner for the project will be the Ministry of Security (MoS) with:

- The Directorate for Coordination of B&H Police Agencies and Bodies
- Agency for Forensic Examinations and Expertise
- Agency for Education and Advanced Training of Personnel
- Police Support Agency

Samir Rizvo, Lejla Solunović

Ministry of Security

Trg BiH 1

71 000 Sarajevo

Bosnia and Herzegovina

Tel: +387 33 216 027

Fax: +387 33 213 628

E-mail: samir.rizvo@msb.gov.ba, lejla.solunovic@msb.gov.ba

Financing:

- 1.8 Overall cost (VAT excluded):** 2 000 000 EUR
- 1.9 EU contribution:** 2 000 000 EUR
- 1.10 Final date for contracting:** Two years following the date of the conclusion of the Financing Agreement
- 1.11 Final date for execution of contracts:** Two years following the end date of contracting
- 1.12 Final date for disbursements:** One year following the end date for the execution of contracts.

2. Overall Objective and Project Purpose

2.1 Overall Objective:

First phase of the police restructuring process completed according to legislation adopted by the competent BiH instances.

2.2 Project purpose:

The project purpose is to assist in establishing the necessary legislative and institutional framework for the police service functioning and operating in a single efficient and sustainable structure, capable of fulfilling its role in the enforcement of the rule of law.

2.3 Link with AP/NPAA / EP/ SAA

Bosnia and Herzegovina 2007 Progress Report

No progress has been made regarding the overall police restructuring, aiming at unifying the police forces under a single State police structure. As a result, the country's police remains fragmented.

Implementation of many operational tools has continued (including the telecommunications system, databases, computer-based investigation, criminal analysis systems and forensics). The tools are actively used countrywide. Nonetheless, the way they operate is not optimal in the current organisational set-up. Sustainability will be guaranteed only if the overall police reform is accepted and progressively implemented.

In the area of police, Bosnia and Herzegovina's preparations remain severely undermined by the deadlock in the restructuring process.

Stabilisation and Association Agreement (SAA)

The SAA has been initialled following the adoption of the so-called Mostar declaration in October 2007 and the subsequent adoption of an action plan by the Council of Ministers.

TITLE VII

JUSTICE FREEDOM AND SECURITY

Article 78

Reinforcement of institutions and rule of law

In their co-operation on justice and home affairs the Parties shall 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 administration of justice in particular. Co-operation will notably aim at strengthening the independence of the judiciary and improving its efficiency and institutional capacity, enhancing access to justice, developing adequate structures for the police, customs and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.

2.4 Link with MIPD

Political Requirements:

Main areas of intervention, priorities and objectives:

Support to the Police Reform to assist Bosnia and Herzegovina to gain a police service which is operating in a single efficient and sustainable structure, capable of fulfilling its role in the enforcement of the Rule of Law.

Expected results and time-frame

The following results are expected to be achieved until the end of the first IPA programming cycle (2009):

The Police Restructuring, as agreed in the Mostar declaration of October 2007, is being implemented according to the benchmarks agreed in the Action Plan for its implementation.

Programmes to be implemented in pursuit of these objectives

Continuation of the police restructuring process.

3. Description of project

3.1 Background and justification:

The Council of Ministers of Bosnia and Herzegovina declared being fully committed to addressing of the issue related to police reform as one of the key issues on the European path of Bosnia and Herzegovina, and in reference to this, at the 29th session held on December 3, 2007, it reviewed and supported the Mostar Declaration of October 2007 of Commitment to Conduct the Police Reform, aimed at initialling and signing of the Stabilisation and Association Agreement.

The Declaration is based on the agreement of its signatories on undertaking all activities required to conduct the police reform in line with the European Union principles as necessary for continuation of the process of association with the European Union of Bosnia and Herzegovina.

In terms of further development of the police reform, the Council of Ministers of Bosnia and Herzegovina reviewed and adopted the Action Plan for implementation of the Mostar Declaration, aimed at meeting of obligations required for initialling and signing of the Stabilization and Association Agreement, at the same 29th session held on December 3, 2007. In addition, the same session adopted the conclusion that the Council of Ministers should as soon as possible draft its own framework plan for creation and adoption of the laws needed for establishment of Bosnian and Herzegovinian police bodies.

In line with this conclusion, at its 31st session held on December 13, 2007, the Council of Ministers adopted the Framework Plan for creation and adoption of the laws required for establishment of Bosnian and Herzegovinian police bodies, envisaging that the Council of Ministers of BiH shall form a working group for drafting of the aforementioned laws.

At the meeting of the Council of Ministers held on December 27, 2007, the Decision was passed on appointment of the Working Group for implementation of the Framework Plan for creation and adoption of the laws needed for establishment of state bodies for the level of Bosnia and Herzegovina. This decision appointed the members of the Working Group for

implementation of the Framework Plan, aimed at meeting of the obligations taken on by the Council of Ministers by adopting the aforementioned Framework Plan. The basic task of this group is to develop the laws pursuant to which the following bodies shall be created: Directorate for Coordination of Police; Institute for Forensic Examinations and Expert Examinations; Institution for Education and Expert Development of Personnel; Agency for Police Support; Independent Broad; Citizens' Complaint Board, and Police Officers' Complaint Board.

The Working Group for Implementation of the Framework Plan for creation and adoption of the laws needed for establishment of Bosnian and Herzegovinian police bodies submitted mid-February 2008 to the Council of Ministers the draft laws pursuant to which the aforementioned bodies shall be formed. In April 2008 both Houses of the Parliament adopted the two laws on police reform.

The laws foresee the establishment of seven new agencies at the level of the State of Bosnia and Herzegovina. Given that no agreement on a transfer of policing competences was reached, the new bodies do not have a coordination role vis-à-vis the entities', cantonal and Brčko district police forces. However, the new institutions create a positive momentum for improved cooperation on police matters and may become a platform for streamlining the overall police structure in the coming years. In this context, transitional provisions in the laws determine that future steps will be considered after the constitutional reform; this approach is essential to ensure full compliance with the three European Union principles over a longer period of time.

The Ministry of Security is planning the establishment of a working group which will draft changes and amendments to the related legislation. The procedures for the legal harmonisation and the appointment of the directors of the new agencies will follow.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

Efficient implementation of the first part of the police reform should provide BiH citizens with a more efficient police that are incapacitated to fight all sorts of crime, protect civil rights and that are financially sustainable. The reform of the fragmented legal framework, which currently governs the police sector, should bring about uniform standards of operation across the country, rational use of the technical facilities and equipment which is in place as a result of previous EC projects, as well as harmonised employment conditions at all levels.

3.3 Results and measurable indicators:

Directorate for Coordination of B&H Police Bodies established and developed technical conditions necessary for:

- international cooperation in police matters,
- country-wide operational centre set-up;
- efficient physical and technical protection of persons and buildings,
- security data processing,

Agency for Forensic Examinations and Expertise

- drafted relevant coordination procedures.

Agency for Education and Advanced Training of Personnel

- developed and harmonized training curricula and its continued implementation,

Police Support Agency

- developed and implemented procurement procedures, capacity for managing the procurement process and tender procedures built,
- necessary information and telecommunication technologies developed, administrated and maintained, equipment provided; necessary training delivered for sustainable administration and maintenance.

3.4 Activities:

3.4.1. Directorate for Coordination of B&H Police Bodies

3.4.1.1. develop and/or create the technical conditions in order to realize the communication and cooperation with relevant foreign and international bodies in police matters; special attention to Interpol, Europol, other national units tasked to perform the international cooperation in police matters,

3.4.1.2. organise and implement physical and technical protection of persons and facilities of B&H bodies and diplomatic and consular bodies,

3.4.1.3. create technical conditions for gathering, monitoring, analyzing of information and establishment of National Situation/Operation Centre and provide equipment for its function,

3.4.1.4. develop and implement training programme for employees of the Directorate.

3.4.2. Agency for Forensic Examinations and Expertise

3.4.2.1. draft procedures for coordination with the existing forensics laboratories and crime scene intervention units.

3.4.3. Agency for Education and Advanced Training of Personnel

3.4.3.1. advise on the harmonisation of training curricula in accordance with the needs of B&H police bodies and other services and agencies in the field of security,

3.4.4. Police Support Agency

3.4.4.1. develop and implement procurement procedures,

3.4.4.2. build capacity of the Agency in managing the procurement procedures,

3.4.4.3. develop, administer and maintain information and telecommunication technologies.

N.B: It has to be noted that the European Commission reserves the possibility to give more weight to the assistance for the Directorate for Coordination through a twinning or other forms of technical assistance, while providing only general advice for the other institutes as the case may be.

3.5 Conditionality and sequencing:

There is no conditionality attached to the project.

3.6 Linked activities

A strong link will be established with EUPM's mandate in this field and complementarity will be pursued at all levels.

With regards to donors' coordination, coordination is sought within regular donors' meetings co-chaired by the EC Delegation and EUPM and within the Rule of Law Working Group chaired by OHR. The meetings bring together EU Member States, international organisations and third countries. Tangible results of the efficient donors' coordination can be seen especially in the fields of forensics (joint EC-US projects); on the contrary, difficulties persist in the field of telecommunications, as different donors' agendas do not allow full compatibility and interoperability of the systems in place.

With regards to past EC assistance, the following elements are worth mentioning:

The functional review of the Police Forces, funded under CARDS 2002, took stock of all the achievements made until now by concluding that the products of policing in BiH are of average to good quality.

However, the number of the weaknesses identified indicated that the police forces of BiH are not prepared for a (European) future. They are working with an outdated policing philosophy, without clear modernisation strategies, with an old management style, with mostly outdated equipment and systems and with too many under-trained police officers. New significant problems like organised crime, terrorism, drugs, money laundering, but also juvenile delinquency, domestic violence and care for victims are not properly addressed by the current system.

In BiH, the recognition of the need to fight more effectively against organised crime and admittance that the organisation of Police forces are fragmented and not financially sustainable led to the establishment of the Police Restructuring Commission. The European Commission funded the posts of the Chairman and his adviser under CARDS 2004.

The Police Restructuring Commission was established by decision of the High Representative in July 2004, with the responsibility of proposing a single structure for policing under the overall political oversight of a Minister or Ministers in the Council of Ministers. All concerned authorities have subscribed to this exercise by approving the analysis of the functional review and providing members to the Police Restructuring Commission and have declared readiness to support the process. The basis of its work is the functional review of the BiH Police Forces. However, it has not been possible to adopt the recommendations due to political reasons.

Finally, the Policing sector has been marked by the political agreement of October 2005 to restructure the police forces of the country, based on the three principles set by the EU.

The DIPR, established in December 2005 as a temporary body under the Council of Ministers and consisting of Police professional from all current administrative levels, was tasked with the elaboration of the implementation plan by September 2006. The plan should include the necessary draft legislation for the police reform; a detailed timeline for the implementation period and other aspects, such as defining the local police areas. It had to be adopted by the BiH authorities and the implementation period is envisaged for five years.

The European Commission's assistance under CARDS 2005 addressed specific parts of the implementation plan aiming at supporting certain key functions of a single structure for policing. EC experts supported the specific working groups established for each domain of the plan.

3.7 Lessons learned

In the Policing sector, the interventions which have already been implemented focused mainly on building the capacity of State-level institutions and law enforcement agencies. They related, inter alia, to IT databases, telecommunications system, forensics and training. These interventions paved the way for the reorganisation of pivotal aspects of Police work and will constitute the first sectors where reform will effectively take place following the Mostar declaration of October 2007.

Based on previous experience from the long-lasting negotiations on Police reform, it is expected that political difficulties will persist during the whole implementation period. It is therefore important that the EC assistance is deployed in a consistent and vigorous manner. The difficult and fragmented internal political situation of the country will require delicate fine-tuning and commitment from the beneficiaries, in order to ensure the sustainability of the projects.

The implementation of the laws on police reform may lead to more controversies as their formulation –result of long negotiations- may give rise to different interpretations. The guidance of the EC assistance should strive to ensure that the new structures are as efficient and competent as possible.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	(2) 0
Twining/TA contract 1.1	-	-	1 200 000	1 200 000	100							-
Supply contract 1.3	-	-	800 000	800 000	100							-
TOTAL IB			1 200 000	1 200 000	100							
TOTAL INV			800 000	800 000	100							
TOTAL PROJECT			2 000 000	2 000 000	100							

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1 Twinning/TA service	Q4 2008	Q1 2009	Q1 2011
Contract 1.2 Supply	Q4 2008	Q1 2009	Q3 2009

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA.

6. Cross cutting issues

6.1 Equal Opportunity

Equal opportunity for participation of men and women and the minorities will be assured in all aspects of project implementation. Contractors involved in the project will be required to provide monitoring data recording the participation of men and women and minorities' representation in terms of expert inputs and trainee days as an integral component of all project progress reports.

The project will also ensure that the gender and minority/vulnerable groups concerns awareness is raised through the training activities undertaken in its framework.

6.2 Environment

The project will not have negative environmental effects.

6.3 Minorities

Participation in the project activities will be guaranteed on the basis of equal access regardless of racial or ethnic origin, religion or belief, disability, sex or sexual orientation.

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed per Quarter over the full duration of Programme
- 3- Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents:
- 5- Details per EU funded contract

ANNEX I: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX for Project Fiche	Programme name and number: Support to the Police reform process		
	Contracting period expires: N+2		Disbursement period expires: N+5
	Total budget: 2M		IPA budget: 2M
Overall Objective	Objectively verifiable indicators	Sources of verification	Assumptions
First phase of the police restructuring process completed according to legislation adopted by the competent BiH instances.	Efficient function of the established police bodies and agencies. Enhanced security, protected citizens rights, etc.	Monitoring reports, evaluation reports, relevant international reports, report on the police reform progress, EC monitoring reports etc.	
Project purpose	Objectively verifiable indicators	Sources of verification	Assumptions
The project purpose is to assist in establishing the necessary legislative and institutional framework for the police service functioning and operating in a single efficient and sustainable structure, capable of fulfilling its role in the enforcement of the rule of law.	Established legislative and institutional framework for the police service functioning. Police service is fulfilling its role in the enforcement of the rule of	Monitoring reports, evaluation reports, relevant international reports, report on	

Results	Objectively verifiable indicators	Sources of verification	Assumptions
<p>Directorate for Coordination of B&H Police Bodies</p> <p>established and developed technical conditions necessary for:</p> <ul style="list-style-type: none"> – international cooperation in police matters, – country-wide operational centre set-up; – efficient physical and technical protection of persons and buildings, – security data processing, <p>Agency for Forensic Examinations and Expertise</p> <ul style="list-style-type: none"> – drafted relevant coordination procedures. <p>Agency for Education and Advanced Training of Personnel</p> <ul style="list-style-type: none"> – developed and harmonized training curricula and its continued implementation, <p>Police Support Agency</p> <ul style="list-style-type: none"> – developed and implemented procurement procedures, capacity for managing the procurement process and tender procedures built, – necessary information and telecommunication technologies developed, administrated and maintained, equipment provided; necessary training delivered for sustainable administration and maintenance. 	<p>law.</p> <p>Improved police cooperation in police matters. Enhanced physical and technical protection of persons and buildings, as well as secure data processing/ large number of data processed. Unified training programme for all police officers. Many cases of forensic examination and expertise done and/or coordinated. Improved technical and other studying conditions for police officers. Independently realized procurement procedures</p>	<p>the police reform progress etc.</p> <p>Assessment of needs, monitoring reports, evaluation reports, relevant international reports, report on the police reform progress etc.</p>	<p>The relevant bodies established according to the Law on the Directorate for Coordination of Police Bodies and B&H Police Structures Support Agencies.</p>

Activities	Means	Cost	Pre-condition
<p>3.4.1. Directorate for Coordination of B&H Police Bodies</p> <p>3.4.1.2. develop and/or create the technical conditions in order to realize the communication and cooperation with relevant foreign and international bodies in police matters; special attention to Interpol, Europol, other national units tasked to perform the international cooperation in police matters,</p> <p>3.4.1.2. organise and implement physical and technical protection of persons and facilities of B&H bodies and diplomatic and consular bodies,</p> <p>3.4.1.3. create technical conditions for gathering, monitoring, analyzing of information and establishment of National Situation/Operation Centre and provide equipment for its function,</p> <p>3.4.1.4. develop and implement training programme for employees of the Directorate.</p> <p>3.4.2. Agency for Forensic Examinations and Expertise</p> <p>3.4.2.1. draft procedures for coordination with the existing forensics laboratories and crime scene intervention units.</p> <p>3.4.3. Agency for Education and Advanced Training of Personnel</p> <p>3.4.3.1. advise on the harmonisation of training curricula in accordance with the needs of B&H police bodies and other services and agencies in the field of security,</p>	<p>1 twinning</p> <p>1 supply contract (for the operational centre).</p>	<p>Twinning/TA 1.200.000 EUR</p> <p>Supply 800.000 EUR</p> <hr/> <p>2.000.000 EUR</p>	

<p>3.4.4. Police Support Agency</p> <p>3.4.4.1.develop and implement procurement procedures, 3.4.4.2.build capacity of the Agency in managing the procurement procedures, 3.4.4.3.develop, administer and maintain information and telecommunication technologies.</p>			
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ANNEX II: amounts (in EUR) Contracted and disbursed by quarter for the project

Contracted	3/4 2008	4/4 2008	1/4 2009	2/4 2009	3/4 2009	4/4 2009	1/4 2010	2/4 2010	3/4 2010
Twinning/TA contract 1.1			1.2M						
Supply contract 1.3					0.8M				
Cumulated			1.2M		2M				
Disbursed	3/4 2008	4/4 2008	1/4 2009	2/4 2009	3/4 2009	4/4 2009	1/4 2010	2/4 2010	3/4 2010
Twinning/TA contract 1.1				0.96M			0.24M		
Supply contract 1.3					0.48M		0.32M		
Cumulated				0.96	1.44		2.00		

ANNEX III: Description of Institutional Framework

The institutional framework will be defined when the laws on police reform are adopted.

ANNEX IV: Reference to laws, regulations and strategic documents

- Reference list of relevant laws and regulations:

Agreement on Restructuring of Police Structures (signed on 05.Oct. 2005);

Declaration on Duties Assumption for Police Reform Implementation with a view to initial the Stabilisation and Association Agreement (signed in Mostar, 28. Oct. 2007);

Agreement between 6 political party leaders on the Council of Ministers working group establishment and the B&H Police Reform Action plan Implementation (signed in Laktaši, 11. Dec. 2007);

Framework Plan for Drafting and Adoption of Necessary Laws for the Establishment of State Bodies at the B&H Level (adopted on 31. B&H Council of Ministers session held on 13.Dec.2007);

Draft Law on the Directorate for Coordination of B&H Police Bodies and on Support Agencies to the B&H Police Structures;

Draft Law on Independent and Supervision Bodies of the B&H Police Structures;

- Reference to the European Partnership
- Reference to the Stabilization and Association Agreement
- Reference to MIPD

ANNEX V: Details per EU funded contract

Details per Twinning/TA

3.4.1. Directorate for Coordination of B&H Police Bodies

- 3.4.1.1 develop and/or create the technical conditions in order to realize the communication and cooperation with relevant foreign and international bodies in police matters; special attention to Interpol, Europol, other national units tasked to perform the international cooperation in police matters,
- 3.4.1.2. organise and implement physical and technical protection of persons and facilities of B&H bodies and diplomatic and consular bodies,
- 3.4.1.3. develop and implement training programme for employees of the Directorate.

3.4.2. Agency for Forensic Examinations and Expertise

- 3.4.2.1. draft procedures for coordination with the existing forensics laboratories and crime scene intervention units.

3.4.3. Agency for Education and Advanced Training of Personnel

- 3.4.3.1. advise on the harmonisation of training curricula in accordance with the needs of B&H police bodies and other services and agencies in the field of security,

3.4.4. Police Support Agency

- 3.4.4.1. develop and implement procurement procedures,
- 3.4.4.2. build capacity of the Agency in managing the procurement procedures,
- 3.4.4.3. develop, administer and maintain information and telecommunication technologies.

Expected results:

Improved police cooperation in police matters;

Developed technical conditions for international communication and cooperation in police matters;

Enhanced physical and technical protection of persons and buildings. Organized and implemented physical and technical protection of persons and facilities of B&H bodies and diplomatic and consular bodies;

Trained staff of the Directorate for Coordination of B&H Police Bodies. Developed and implemented training programme for employees of the Directorate;

Many cases of forensic examination and expertise done and/or coordinated. Procedures for coordination with the existing forensics laboratories and crime scene intervention units drafted.

Unified training programme for all police officers. Improved technical and other studying conditions for police officers. Developed and harmonized training curricula, organized and implemented professional and advanced training, in accordance with the needs of B&H police bodies and other services and agencies in the field of security.

Independently realized procurement procedures. Developed and implemented procurement procedures. Capacity of the Agency in managing the procurement procedures built. Capacity of the agency in managing the procurement process and tender procedures built. Police Support Agency's staff adequately trained.

Existing information and communications systems used and administered in an efficient manner according to relevant European and international standards.

Details per supply contract

3.4.1.3. create technical conditions for gathering, monitoring, analyzing of information and establishment of National Situation/Operation Centre and provide equipment for its function.