Country/entity	Bosnia and Herzegovina Yugoslavia (former)
Region	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)

Former Yugoslavia

The disintegration of former Yugoslavia post cold war saw conflicts which became mediated and produced peace agreements in Slovenia (where the brief independence conflict was mediated by the EC Troika in 1991), Croatia (between Croatian and Serb populations 1991-1995), in Bosnia (between Croatian, Serb and Bosniak populations 1992-1995), in Macedonia (where mediation played a key pre-emptive role in preventing large scale conflict in 2001), in Kosovo (between Kosovar Albanians and Serbian population and the Federal Republic of Yugoslavia (FRY), but also between FRY and NATO, 1998-1999), and a conflict in the Presevo Valley (between Albanians in South Serbia and FRY, 2000-2001). The continued fall-out of the disintegration of former Yugoslavia also saw mediated agreement and ultimate dissolution of the Union between Serbia and Montenegro.

Bosnia-Herzegovina

In 1991, after nationalist parties won the first multi-party elections in the Socialist Federal Republic of Yugoslavia, a violent process of disintegration commenced. With its mixed population, Bosnia-Herzegovina became the centre of the following civil war that began in 1992 between the newly formed army of the Republic of Bosnia and Herzegovina (mostly Muslim Bosniacs), and the parastatal forces of self-declared Bosnian Croat (Herzeg-Bosnia) and Bosnian Serb (Republika Srpska) entities within Bosnia-Herzegovina, supported by Croatia and Serbia, with various, often short-lived, coalitions. The General Framework Agreement (Dayton Peace Agreement), signed in 1995, split the country into two ethno-federal entities, the Bosniak-Croat Federation and the Republika Srpska, and included continued peacekeeping and institutional administration by international actors.

Kosovo

The conflict between Serbs and Kosovar Albanians has a long history and always involved territorial disputes as well as ethno-political, cultural and linguistic factors. The most recent phase of the conflict began in November 1997 when the Albanian Kosovo Liberation Army (KLA or UCK) began their campaign for the independence of Kosovo from the Federal Republic of Yugoslavia (FRY – then Serbia and Montenegro). The subsequent war lasted until the NATO intervention, which undertook bombing campaigns of Belgrade and other places in Serbia during spring 1999. The main agreements solving the conflict were internationally driven and, finally, a UNSC resolution imposed a post-conflict arrangement in the wake of what was essentially a NATO military victory. In February 2008, Kosovo's parliament declared independence, but independence is still internationally disputed.
Close
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 Interiror. For the United Nations Mission in Bosnia and Herzegovina: Elizabeth Rehn, Special Representative of the Secratary-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 (opens in new tab) | Download PDF

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

Power sharing→Military power sharing→Proportionality
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. This midterm review shall be conducted on the basis of recommendations by the appropriate experts from UNMIBH and the Republika Srpska.

Human rights and equality

Human rights/RoL general

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.

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	Page 1, Article 1 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 ... the "Principles of Policing in a Democratic State" 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. 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). Page 3, Article 17 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. Page 4, Article 23 We affirm that IPTF policies and instructions are designed to promote more democratic police practices and to instil public confidence.
Detention procedures	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 ...arrest or detention:
Media and communication	No specific mention.
Mobility/access	No specific mention.

Protection measures	Rights related issues→Protection measures→Protection of groups Page 3, 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. Page 3, 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.
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	Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform 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 ... engaging in criminal investigations: enforcing judicial orders or decisions
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 sub-paragraph. 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 lli(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 campaign to educate the public on Republika Srpska police practices.

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 Secratary-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.