

KAI SKOGSTROM

## **EUPM CONTRIBUTION TO THE DEVELOPMENT OF THE STATE BORDER POLICE IN BOSNIA AND HERZEGOVINA**

### **1. Introduction**

Honored Chair of the Seminar, ladies and gentlemen, dear colleagues. I am Lieutenant Colonel Kai Skogstrom. At the moment I work for European Union Police Mission in Bosnia and Herzegovina. I have served in the mission since May 2005 and I have the position of EUPM Chief Advisor to the State Border Police. I'm coming from Finland, where I have served the Finnish Border Guard since 1978.

I was asked to give you a presentation of EUPM contribution to the development of State Border Police of Bosnia and Herzegovina in the light of "Border Control in the Mirror of Dangerous Situations". Unfortunately, at the moment, the SBP does not have any official procedure developed for acting in dangerous situations. That's the reason why I have structured my presentation as follows:

- 1) Firstly I will give a general overview of the new EUPM Mission itself. Due to the fact that the mandate of EUPM has changed, I believe it is needed to give you an overall picture of the new mandate and tasks of EUPM. We'll begin watching a presentation DVD of SBP.
- 2) Secondly I will concentrate on the target of my current work – the State Border Police. I will briefly describe to you the current security environment and I'll show some statistics about the results of the work of SBP in 2005.
- 3) Thirdly I will let you know about the higher level problem – the unfinished demarcation of the state borders and problems related to that.

### **2. General overview of the new EUPM mission**

The European Union Police Mission (EUPM) was established at the invitation of the Bosnia and Herzegovina authorities and began its work on 1<sup>st</sup> of January 2003. The mandate for EUPM 1 in BiH expired on the 31 December 2005. At the end of its three – year mandate, EUPM only partially reached the desired end-state which was to put in to place modern, sustainable, professional and multi-ethnic police agencies trained, equipped and able to assume full responsibility and to independently uphold law enforcement in line with best international standards expected in a democratic society. While progress has been made, there is still a need to continue working towards raising BiH standards, enhance BiH's capacity to fight against organized crime and restructure its police service. The Mission in Bosnia and Herzegovina is now scheduled until the end of 2007. So there is an extension for two years.

## 2.1 Mission mandate

EUPM, under the guidance and co-ordination of the EUSR and as part of the broader rule of law approach in BiH and in the region, will aim, through mentoring, monitoring, and inspecting to establish in BiH a sustainable, professional and multi-ethnic police service operating in accordance with best European and international standards.

- a) EUPM will actively support, advice and guide the preparation and implementation of police restructuring in line with the three EC principles for police restructuring which were confirmed in the political agreement adopted by the RS National Assembly, the Federation Parliament and the BiH State Parliament in October 2005.
- b) Improve, through mentoring, monitoring and inspecting, police managerial and operational cooperation capacities, especially at the State level, including relations and coordination with other law-enforcement agencies
- c) Improve, through proactive mentoring, monitoring and inspecting, police managerial, operational and coordination capacities, especially at the State level to enhance BiH's capacity to fight against organised crime in accordance with existing international and in particular regional, commitments and obligations.
- d) In close coordination with the EUSR, monitor the exercise of political control over the police and address inappropriate political interference in the operational management of the police.
- e) Assist the BiH Police in planning and conducting counter organised crime activities and follow up their actions by means of inspection, mentoring and monitoring functions. When inappropriate conduct is observed, this will be referred to the EUSR/HR for further action.
- f) Strengthening the internal and external control, inspection and accountability of BiH Police to ensure the development of an effective and self sustainable system, and inspect the BiH police in order to identify the systemic problems, corruption, suspected non compliant police officers and criminal links within the police.

## 2.2 Execution of Police Head of Mission's intent

Considering the fact that many systemic problems, which have been affecting the efficiency of police agencies in BiH, have already been resolved, the refocused mission will work on the more selective issues in a more proactive manner. EUPM aims to BiH police in the key areas of:

- a) Support to the Police Restructuring Process;
- b) Assistance to the local police in the fight against major and organised crime; including strengthening the operational capacity of BiH police, strengthening the local ownership and responsibility, facilitating police coordination, cooperation and information exchange capacities, enhancing the cooperation between police

- and prosecutor office and assisting the local authorities in the planning and conduct of major and organised crime investigations, and
- c) Strengthening internal and external control, inspection and accountability of BiH Police.

The BiH Police will have full responsibility and ownership over all policing issues.

### **2.3 Principles of work**

The following principles will be adopted whilst performing the tasks of EUPM:

- a) Forming close and constructive relationships with BiH Police,
- b) Fostering of local ownership,
- c) Proactive approach when mentoring, monitoring and inspecting,
- d) Promoting the importance of proper co-ordination between all actors within the Criminal Justice system,
- e) Using “inspection” methodology to support BiH Police in improving internal and external control, inspection and accountability whereby two central inspection teams will be called to carry out inspections of complex and time-consuming cases.

### **2.4 Strengthening of Operational Capacity**

EUPM will continue to monitor and mentor the implementation of operational capacity-building projects for SIPA and SBP, including training. EUPM will continue to contribute to the role of SBP in the implementation of the Integrated Border Management (IBM) strategy as well to the practical implementation of the respective legal framework.

### **2.5 Facilitation of Police Coordination and Information Exchange**

EUPM will support the development of a standard for joint undertakings of SBP and Indirect Taxation Administration (ITA) in line with the Mutual Co-operation Agreement aimed at tackling organised cross-border criminal activity.

### **2.6 Further support to the development of SBP**

The second target at the end of EUPM is the full establishment of the state-level agencies, preparing SBP and SIPA (State Investigation and Protection Agency) to be fully operational in order to meet BiH's commitments and international co-operation commitments.

SBP and State Investigation and Protection Agency (SIPA) are the recently established state level police agencies. Different from other police agencies in the country, these agencies are still in a transitional phase and therefore are not yet operating in a fully effective manner. SIPA and SBP are vital for completion of the tasks of EUPM and reaching the desired end state. Therefore, the stability of these agencies has to be ensured in order to expect visible results. However; there are still systemic deficiencies in these agencies which are affecting their efficiency and effectiveness (legal, administrative, budget etc). Subsequently, in addition to performing the key tasks of the Mission mandate in these

agencies, special attention shall be given to them to contribute to the establishment of self sustainable police agencies.

Concerning to the SBP, EUPM will provide assistance to SBP for establishment of a case management system and an efficient criminal investigation capacity, re-organisation of SBP, the implementation of the Integrated Border Management strategy (IBM).

EUPM focus is at higher management level of the local police officials. EUPM is deployed throughout the country in four regions and in the state level agencies like State Border Police and State Investigation and Protection Agency (SIPA).

At the moment total field deployment of the EUPM staff is consisting of 172 International Police Officers, 31 international civilians and 211 locals. Police officers come from 24 EU-Member States (90%) and 9 non-member states. (Bulgaria, Canada, Iceland, Norway, Romania, Russia, Switzerland, Turkey, Ukraine). As you can notice the number of personnel is reduced by more than half compared to EUPM 1.

### **3. The Bosnia and Herzegovina State Border Police**

The State Border Service (SBS, in the future State Border Police, SBP) was an initial concept of the UN IPTF strategy to create state level security institutions (in addition to SIPA and later MoS). The SBP is the first state level multi-ethnic police force in BiH. It began to function in 2000 when it covered about 10% of borders and by 2002 it covered the green border and airports. Now, it covers 100% of all legal crossings and all airports with regular patrol and boat units covering 1550 km.

Currently there are 55 international border crossing points including four international airports) and 34 local BCPs (25 on the Croatian and 9 on SMN border) These BCPs are those contained within variety of treaty documents that are, or have been, negotiated with Croatia and SCG.

The State Border Police is currently tasked with supervision of the border, control of border crossings and airports, discovering and preventing border crime related offences, searching for the persons responsible and investigating border related criminal offences within the jurisdiction of SBP through its daily routines.

The SBP's structure is a centralized, state level institution continues to shield it from excessive local political interference, although a level of interference still exists when speaking about upper management. It must also be assumed that local deals and internal job protection arrangements between SBP, Customs, local political, business, cultural and ethnic interests are almost certainly in place.

The SBP has the legal power and the organizational structure to act as a police force at BiH state level along the borders, and is mandated to conduct in-depth investigations. In regards to the field structure, the SBP is set up with five regional Field Offices and one Field Office for the airports.

As regards working conditions, a concise report was carried out and produced at the end of 2004 on all the international and local BCPs and it concluded that most of those are of poor quality and not up to European standards.

The statistics show the success of the State Border Police:

In 2005 the State border Police arrested 655 who attempted to cross the BiH border illegally

- 534 wanted persons were arrested
- 334 Forged documents were detected
- 350 vehicles were confiscated

- Huge amount of different kind of smuggled goods were confiscated, i.e.
- 22,110 kg of sugar
- 3,704 kg of coffee
- 14,580 cartons of cigarettes
- 27,10 kg of heroin
- 9,50 kg of cocaine
- 1123 ecstasy tablets
- 110,6 kg of marijuana

#### **4. Unfinished demarcation of the state borders**

BiH was until 1992, one of the republics within SFRY. The then Yugoslav republics were separated by administrative borders and as such they have never been physically marked. To date, the physical demarcation of the border line, between the independent, internationally recognised BiH and the neighbouring countries has not been conducted in any part of the territory due to significant number of objective and subjective reasons on which BiH SBS has little or no influence.

##### **4.1. About the demarcation of the borders.**

In short the procedure is as follows: The experts of the State Border Commissions identify every inch of the border on the basis of the cadastre books, old maps, tax payment registries etc. Once the border is identified and maps drafted by the State Border Commission experts of two neighboring countries, the Agreement on the Border needs to be signed by the competent bodies or representatives. Only when the Parliaments of both countries in question ratify the Agreement, the process of the border demarcation can start.

##### **4.2. Border with Croatia**

The Agreement on the Border between Croatia and Bosnia and Herzegovina was signed in 1999 by the then Presidents of the two countries. Consequently, the State Border Commissions of both countries have identified the border and signed the maps. According to this document two small islands Veliki Skolj and Mali Skolj as well as the tip of Klek peninsula belong to BiH. However, the Agreement on the Border has never been ratified by any of the Parliaments.

On week 21/2006, the Croatian State Border Commission sent the documents to the BiH Council of Ministers (CoM) that, according to the Croatian Government, offer new facts, proofs that the islands and the tip of Klek belongs to Croatia. The experts of the BiH State Border Commission will analyse the received documentation and, by the end of May, send their opinion to the CoM. The CoM will, on the basis of this report give the answer to the Croatian Government whether they agree to new negotiations or not.

The reasons why Croatia needs this territory and the reasons why BiH needs it are the same – economic, political and strategic. The Croatian Government plans to build a bridge from Peljesac peninsula to the mainland and connect its territories and BiH needs free access to open sea, international waters. In order to achieve those goals, both countries need those tiny islands and it is unlikely that either of the countries will easily give them up.

Because the resolution of the dispute is very important for both countries it is extremely sensitive.

### **4.3. Borders with Serbia and Montenegro**

As from the week 21/2006, BiH has one more neighbour. At the referendum, held on 21 May, the citizens of Montenegro voted for independence from the state union of Serbia and Montenegro.

It is important to emphasize that all problematic areas and “disputable” parts of the border with former Serbia and Montenegro have remained along the border with Serbia. Therefore, no policy changes on the Serbian side can be expected as the result of the Montenegro independence. For the time being, there are no clear indications of what the standpoint of the Government of Montenegro will be towards the border issues.

### **4.4. Some Practical difficulties related to the unsolved problem (as example)**

- Problem of determination of facts during border incidents (it is not clear whether a certain activity presented a violation of border because it is not practically possible to define on whose territory border incident started, whether it presented violation of other country’s territory);
- Difficult orientation in the field in the sense of definition of area of activities for BiH SBS officers (area of general responsibility of BiH SBP, area of border zone, area of special approval for movement of people and similar);
- Citizens are not in position to know exact position of the border line as it is not marked, and that is often a reason for committed offences related to violation of border and protected zone;
- Inability to establish permanent and occasional patrol paths along the state border due to undefined border line;
- Existence of parts of territory which present “nobody’s territory” or territory which claim two countries (e.g. certain islands on the Drina River which is patrolled by officers from both countries).

### **4. Conclusion**

I will end my presentation by emphasizing a couple of important issues. As a normal development of a crisis aftermath the local Law Enforcement Agencies of BiH shall take the whole responsibility by themselves in the future - then it is a question of local ownership. It is already seen that the military presence in BiH will be reduced in 2007 and EUPM will finalize its task by the end of 2007. The presence International Community in BiH will also be diminishing in 2007.

To solve the above mentioned problems related to the unfinished demarcation of the borders is above the mandate / tasks of EUPM SBP but also BiH SBP. In practise the problem hampers a lot of the daily work of BiH SBP. It is an obligation for higher level international authorities to recognise the problem and to accelerate the process. The finalization of the physical marking of the State Borders is also an indication of an Independent State.