

BORDER POLICE OF BOSNIA AND HERZEGOVINA - A „PART“ OF INTEGRATED BORDER SECURITY FRAMEWORK

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Abstract

The basic issues of Bosnia and Herzegovina are facing the problems of the B&H authorities' commitment to the accepted obligations on Bosnia and Herzegovina's joining the EU. The subject of this paper is, that from of theoretical and empirical point of view, importance to fulfill the conditions on B&H's path to the EU. In the focus of scientific and empirical thought and research is the Border Police of Bosnia and Herzegovina, as well as its role and tasks in fulfilling the conditions on B&H's path to the EU. In addition of elaborating the activities carried out by the Border Police of Bosnia and Herzegovina, it is also necessary to carry out an empirical research to confirm (or reject) a conclusion that will confirm or overcome the hypothesis given in the research work. This research paper should provide information on the role of the B&H Border Police in relation to the undertaken activities to meet the Bosnia and Herzegovina requirements on the road to the EU, and on the basis of the European Commission Progress Reports, as well as other relevant reports in the framework of integration.

Key words: Border management, border police BiH, migrants, security framework, Bosnia and Herzegovina

1. INTRODUCTION

The border environment is complex and comprises a variety of actors with conflicting interests. As O'Dowd states, borders are 'places of economic and political opportunity for nations and states as well as for a host of other interest groups and agencies, legal and illegal' (O'Dowd 2002, 24). Throughout human history borders have played a major role in the state by being

a silent tribute to its sovereignty. However, in the last 30 years, we have witnessed two major opposing processes. Because of the dissolution of the Soviet Union and Yugoslavia and, as a result, the emergence of new countries on the world map, new borders have been created or 'externalised'. At the same time, the most successful integration project in human history, the European Union (EU) leading to the 'internalisation' of the borders, resulted in the creation of the Single Market, Schengen area and common external border. These processes of transformation have had a significant impact on the border environment of the countries concerned. For some countries, borders lost their primary function as barriers, and acquired a new 'bridging' function (O'Dowd 2002). For other countries, embarking on the road to independence, the borders retained their role as primary sovereignty indicators.

Because of its geographic position, Bosnia and Herzegovina is a key transit country for all forms of security threats and criminal activity. For this reason, the strength and efficiency of the Border Police (hereinafter: GP BiH) in Bosnia and Herzegovina is of crucial importance for the level of crime and security in the European Union. It was shown that Bosnia and Herzegovina in the first years of its "afterwar" existence was unable to secure and control its borders. That was the reason why the international community proposed the concept of the State Border Service. The Border Police of BiH as the first multiethnic police organization at the state level with the support and financial assistance of the UN Mission in BiH and a member of the European Union comes to radical and rooted changes in the manner and level of state border control.

The Border Police of Bosnia and Herzegovina (formerly: State Border Service BiH) was established on the basis of the Law on the State Border Service of BiH, which, in accordance with its mandate, was issued by the High Representative in BiH on 13 January 2000. With operational work, the Border Police of Bosnia and Herzegovina started on 6 June 2000 with the formation of the First Unit, JGP Aerodrom Sarajevo (Airport Sarajevo). The process of taking oversight and control of the state border crossing from Entity and Cantonal MUPs has been completed and completed on September 30, 2002 by the inauguration of the Strmica Border Police Unit.

By adopting the new Law on the State Border Service - BiH Border Police in October 2004, the Border Police of BiH is defined as an administrative organization within the BiH Ministry of Security, with operational autonomy, established to perform police affairs related to the supervision and control of crossing the borders of BiH and other jobs prescribed by law.

At the beginning of 2000 when it covered 10% of the limit. By 2002, it controlled the "green border" as well as three airports in Sarajevo, Banja Luka and Mostar. In 2005, the Border Police controls and administers 100% of the borderline, the airport and the river access by the presence of their staff on them, and by patrols and patrol boats units.

Following the policy of the International Community and a members of the European Union, the GP of BiH, in cooperation with other competent BiH authorities, endeavors to adopt in its work the most European norms for monitoring and preventing all forms of illegal migration, cross-border and all forms of organized crime. In this respect, measures were taken to bring the border and migration management into the 'Schengen' framework.

In spite of all the efforts and successes that have been made to establish frontier work, it can still be noted that much work and effort is needed to reach the European level to which it is sought. The high professionalism of GP BiH members in the performance of the Law on Supervision and Control of Transit State Border Policies BiH achieves significant and respectable results, thus contributing to the stabilization of the security situation in BiH and strengthening its reputation in Europe and the world.

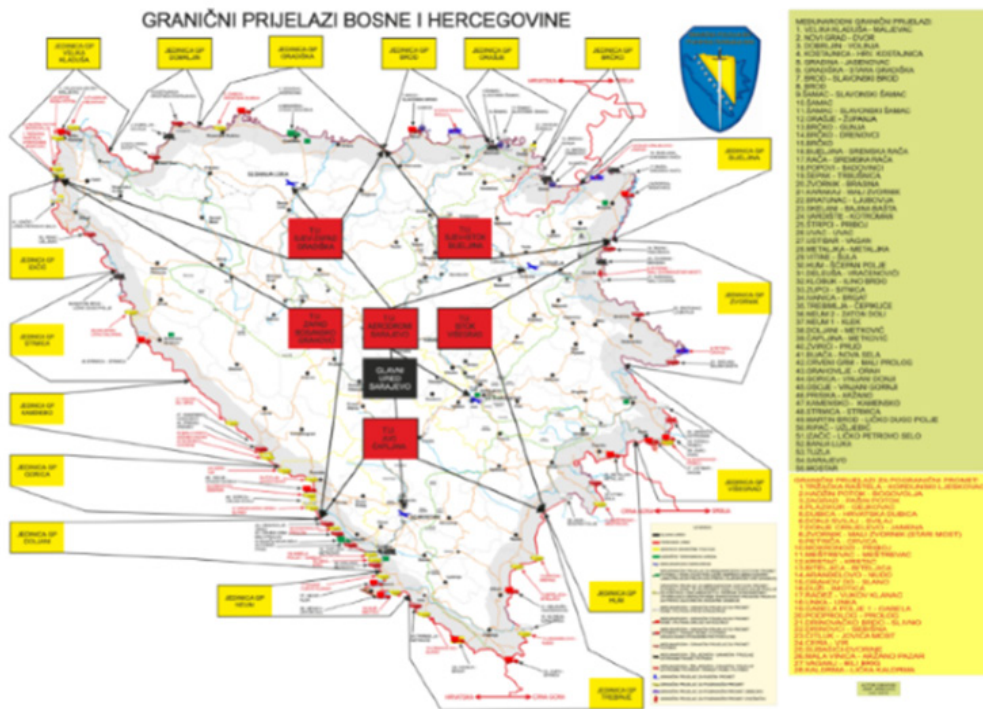
The Border Police of Bosnia and Herzegovina is an administrative organization within the Ministry of Security of Bosnia and Herzegovina with operational autonomy, established to perform duties related to the control and control of crossing the state border and other activities prescribed by law. As a part of the security system of Bosnia and Herzegovina, the GP is responsible for the safety of citizens who live and reside in Bosnia and Herzegovina (BiH). GP as a modern police agency conducting its activities at the border is also responsible for the security of the region and the wider European and world environment. Also, the GP as a part of the state administration of BiH must continuously work to meet the EU requirements and standards in the BiH accession process with the EU in the field of border control.

Until recently, the GP did not have its own strategy of work and development. However, there are a number of adopted strategies in Bosnia and Herzegovina that are, to a lesser or greater extent, related to GPs. This points to the need to adopt its own unique strategy of the GP BiH, which will incorporate and logically link the requirements of all high-level strategies of the state administration organization in BiH and define the strategic orientation of the GP to effectively conduct border control operations based on Integrated Border Management.

Pursuant to Article 17, paragraph 1, item e.¹ The GP Director defines an operational strategy for effective border management. The GP Director has authorized the Strategic Planning and Analysis Office to manage and manage the overall process of developing the GP Strategy¹. The strategy development process began on December 8, 2008. by drafting and adopting the Action Plan on its elaboration. Among other things, the plan outlined 7 basic planning areas, headed by the heads of the organizational units of the Main Office of the GP and the heads of the Department of Informatics and Human Resources.

By implementing the strategy, the GP BiH will build its own capacities capable of significantly enhancing the security of citizens not only in BiH, but also wider, fulfilling part of the obligations and requiring the EU to be competent in the BiH Stabilization and Association process with the EU.

¹Law on State Border Service. Official Gazette of Bosnia and Herzegovina as well as in the Official Gazettes of both Entities 13/th January 2000.



2. Basic Border Management Laws and Regulations -THE BORDER POLICE BiH (SBS/BP BiH)

Existing practices and management processes in many organizations include risk management components, and many organizations have already adopted a formal risk management process for certain types of risks or circumstances. For example, in the area of information security, environmental protection, health and safety of people, but also in the field of project management, especially if management is based on the application of integrated border management. The general approach described in ISO 31000 provides guidelines for conducting critical risk management components in a transparent and credible manner in any area of application and context, taking into account specifics by stimulating individual needs, perceptions and criteria (Ahić J, Nađ I.,2017:20).

The establishment in 2000 of a state-level and genuinely multinational State Border Service (SBS) was both a practically important contribution towards police reform in BiH,² and a politically

² The SBS Directorate consists of three directors (one from each constituent people), and the force itself currently employs 37 per cent Bosniaks, 35 per cent Serbs, 24 per cent Croats and 4 per cent “others”. Yet UNMIBH has claimed that “It had been stressed throughout that ethnicity plays no part in this [recruiting] process at all”. Juan A. Pina, “BiH

significant step towards building a viable state. The state constitution provides for the state to have responsibility over customs policy; immigration, refugee, and asylum policy and regulation; and international and inter-entity law enforcement.³ In addition, under Article III, "Bosnia and Herzegovina shall assume responsibility for such matters as are agreed by the Entities; are provided for in Annexes 5 through 8 of the General Framework Agreement; or are necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina."⁴ Control over frontiers is a sine qua non of territorial integrity and international legal personality, and the SBS has already gone a long way to shore up these attributes of Bosnia's fledgling sovereignty. For this very reason, the SBS encountered formidable opposition from an RS political establishment committed to maximizing the entity's 'statehood' and minimizing that of BiH, above all by denying it effective or potentially powerful central institutions. Even though the three-member Bosnian presidency agreed to establish the SBS when signing the "New York Declaration" in 1999⁵, the High Representative had to impose the law creating it on 13 January 2000. The BiH Parliament only ratified the law in August 2001, long after the service had in fact taken control of major border crossings. Under the stewardship of UNMIBH's Border Service Department (BSD), the SBS has become an established institution, controlling 88 per cent of Bosnia's frontiers and deploying 1,750 officers, a complement which is targeted to rise to 2,700 by the end of 2002. In addition to BSD supervision, the SBS has benefited from immigration control training provided by the EU IMMPACT team.⁶ Although it has made considerable progress in sealing Bosnia's notoriously porous borders, expectations of the SBS have also risen since 11 September 2001. Another intended benefit of SBS deployment is a reduction in customs evasion. In last few years such evasion cost the budgets of the Federation and the RS an estimated KM 300 million and KM 500 million, respectively. The fact that government officials and political parties have often been complicit in backing or profiting from evasion partly explains their opposition to creating such a force. The establishment of the SBS seems to have improved revenue collection at those crossings where it operates. Besides combating customs evasion on the import of legal goods, the SBS has proved central to curbing cross-border trafficking of weapons and other contraband.

The SBS is also controlling the flow of illegal immigrants through Bosnia into Western Europe, to keep out potential terrorists and to prevent the trafficking of refugees and immigrants into and through Bosnia. Since its formation, the number of people estimated to have used Bosnia as a transit route to EU countries has been raised by approximately 400 per cent from January to

State Border Service inaugurated", SFOR Informer, N°90, 21 June 2000.

³ Article III, Paragraph 1, subparagraphs (c), (f) and (g).

⁴ Article III, Paragraph 5, subparagraph (a).

⁵ On the fourth anniversary of the Dayton Accords, the UN Security Council met with Bosnia's three-man presidency and convinced them to sign on to the "New York Declaration" 19 November 1999 reaffirming the DPA.

⁶ The EU IMMPACT team has trained approximately 550 SBS officers in detecting forgery and in interviewing and profiling. UNHCR has trained the SBS in the handling of asylum seekers and the appropriate application of the relevant laws.

present Office for foreigners BiH had been processed around 3500 migrants which is three times more of total number of migrants in 2017.⁷

Although the SBS now controls major border crossings, those that it does not are staffed by regular entity police officers, and several minor crossings are totally unmanned.⁸ SBS deployment has also been hampered by the continuing absence of border infrastructure. There is, moreover, considerable evidence testifying to the impotence of the SBS in the face of well organized and politically well connected smuggling operations.

Customs are also problem, proposals to enhance and institutionalize cooperation have thus far come to naught, and co-operation will probably continue to stall until the collection of customs is transferred from the entity level to the state level and the two organizations are eventually merged. Despite its high profile, political significance and international support, the SBS has also lacked sufficient funds. The UN Secretary-General reported to the Security Council in November 2001 that the projected shortfall in SBS salaries for 2001-02 was U.S.\$ 16 million, while the equipment budget had a hole of some U.S.\$ 2.5 million. The IMF reportedly told the High Representative last autumn that Bosnia simply could not afford the SBS. Lack of funds obviously inhibits the ability of the SBS to do its job. For example, the SBS until 2005 didn't have the motorboats required to patrol Bosnia's Sava and Drina river borders with Croatia and FRY. The IMMPACT team has concluded, however, that Sarajevo Airport is no longer being used as a way station for illegal immigrants or dubious asylum seekers. SBS efforts to track potentially illegal movements have been aided by an ICITAP-funded project aimed at providing real-time information on all persons entering and leaving the country. It has enhanced the authority of the state, boosted its revenues and made a real contribution to fighting cross-border crime. Nevertheless, the follow-on mission will need to strengthen the arm of the SBS and work to ensure that it is not hijacked by political interests. The EU has included support for the SBS in plans for first and second EUPM mission. This is a positive sign, because so much more remains to be done in establishing an effective border regime. Reconstruction, Development and Stabilization (CARDS) program also to support the SBS.

Strategy for Integrate Border Management (2011-2014) defined one of the priorities to implement IBM is to ensure communication between Border Police local and central levels and also to ensure the equipment for the electronic oversight of the border crossings.

Border Police of BiH primarily applies in its work the following basic laws: Law on Border Control, Law on Police Officers of BiH, Law on Movement and Stay of Aliens and Asylum, Law on Civil Service in Institutions of BiH etc. As for the recent relevant documents, it should be emphasized

⁷ Director of Office for foreigners BiH Slobodan Ujić, Press release May 2018, <http://sps.gov.ba/saopstenja-en/visit-of-ombudsman-for-human-rights-to-service-for-foreigners-affairs/?lang=en> , entered on 24.05.2018.

⁸ Lack of 526 police officers (under the current systematization of job positions), and the fact that the six-month extraordinary and strengthened measures at the border have almost exhausted human, material and technical resources of this agency. SBS BiH, Press release, May 2018. <http://www.granpol.gov.ba/Publication/Read/937275?title=uz-pripadnike-gpbih-na-istocnom-dijelu-granice-angazovani-sluzbenici-sipa-e-i-dkpt-a&pagelid=22>, entered on 24.05.2018.

that, by approval of the Council of Ministers of BiH in 2013 - of changes and amendments to the Rulebook on Internal Organization of Border Police, new vacancies for police officers have been open in Border Police Unit Doljani, within whose competence is the new International Border Crossing Point Bijača, new vacancies for strategic planning and European integration, protection of confidential and personal data have been open, and some civil servants have been employed by establishment of new Internal Audit Office. Moreover, with enactment of the new Rulebook, Joint Risk Analysis Center was established as internal organizational unit within the Head Office of Border Police of BiH.

2.1 Coverage and Co-ordination of Border management

For the performance of the border protection and airport security, Border Service authorities have been established within the responsibility of Bosnia and Herzegovina. The Presidency of Bosnia and Herzegovina established the fundamental principles of organization, functioning and responsibilities of the Border Service of Bosnia and Herzegovina⁹. Field offices are established as required, and they are reporting to the Border Service main headquarters in Sarajevo. The composition of the personnel of the Border Service¹⁰ is based on the 1991 census according to the following criteria:

- the main headquarters reflects the BIH-wide distribution;
- the field offices reflect the distribution of the regions or cantons in which they are situated;
- the representation of any one of the constituent peoples of BIH at each office level in no event are more than 2/3 or less than 10 percent of total Border Service personnel; this provision does not apply to the representation of Others who shall, in all cases, be entitled to representation in accordance with the 1991 Census and the above criteria;
- All Border Service units are fully integrated and members may serve at any point on the border.

2.2 Accountability

Up to 2001 Republika Srpska, the Federation of Bosnia and Herzegovina (hereinafter, Federation) or its Cantons have performed border protection, Bosnia and Herzegovina has been able to recruit part of the staff presently assigned to such tasks. So State border service is responsible directly to Ministry of Security BIH (Ministry to Presidency of BIH). In last five years State border service BIH actively fulfill its capacities with employing around 300 officers what produced covering of 83% of the BIH border. Institutional structure in the past 3 to 4 years hasn't been changed, but some new responsibilities have been assumed (like patrolling and jurisdiction

⁹ Law on State Border Service. Official Gazette of Bosnia and Herzegovina as well as in the Official Gazettes of both Entities 13/th January 2000.

¹⁰ Law on State Border Service. Official Gazette of Bosnia and Herzegovina as well as in the Official Gazettes of both Entities 13/th January 2000.

amplification to 30 km border area). Only mayor change happened in 10. September 2006 when „State Border Service BiH“ changed its name in „Border Police BiH“¹¹.

The organization that is formally accountable for the policy and operational accountability is State Presidency of BiH (throughout Ministry of Security) and for financial accountability special Commission is formed between EU Commission and BiH authorities. The partners have agreed on a set of technical assistance projects, with the overall objective to reform the BiH public administration and security agencies. A consortium, formed by ICMPD¹² and its partner TC Team Consult, has been tasked to carry out the functional review of the BiH the State Border Service (SBS). The project resulted in a report on financial sustainability and efficiency of the forces, including recommendations, is submitted to EU Commission and BiH authorities annually. Parliament Assembly also receives Internal Commission report of the of Audit Office of the Institutions of Bosnia and Herzegovina.

2.2.1 Other institutions

Only Ministry of Security have specific powers in relation to Border Management Forces, and newly formed State office for fight against trafficking and organized crime BiH, during the fact that State Border Service is the first law enforcement agency to deal with cross border crime and especially with trafficking of women. There are no significant changes in these arrangements in the past decade, except of increase and fulfilment of the service. State border can evade their obligations in the respect of these arrangements.

2.2.2 The media and society at large

All the media (print, broadcast media, digital), and individual citizens, have right of access to state information about State Border Service work BiH and it has this been secured in the constitution and especially in the Law about access to public information's¹³ and it can be judicially enforced.

Questions raised in the media are acknowledged by the authorities as the right of journalists to protect their sources and that has been secured and the regulated throughout State Agency for protection of information's. If an individual citizen believes that he/she has been improperly treated, there is an office and official Ombudsman empowered to receive and investigate complaints and correct abuses. Quality of media coverage of the activities of Border management forces, internal security forces, security services is at the highest level, due to importance and actuality of the police reform in Bosnia and Herzegovina, and more then dozen polls on public attitudes to security services, Border management forces and with reference to accountability have been done (ICG, CSS Sarajevo¹⁴, etc.)

¹¹ "Change of the Law on State Border Service", Dnevni avaz 11. September 2016. Entered on 24.05.2018.

¹² ICMPD Consultancy, www.icmpd.org entered on 24.05.2018.

¹³ Official Gazette of Federation of BiH 32/01.

¹⁴ www.icg.org, www.css.ba, entered on 24.05.2018.

The Stabilization and Association Agreement, signed between the European communities and their member states and BiH on 3 June 16, 2008, is a treaty whose provisions directly apply to local legislation. Article 81, Prevention and control of illegal immigration; readmission of Title VII of the agreement, "Justice, Freedom and Security", establishes the obligation of BiH to readmit any of the nationals illegally present on the territories of the EU member states, to provide them with appropriate identity documents, and extend to them the administrative facilities. BiH agreed to conclude readmission agreements establishing the procedures for readmission of its nationals. The Agreement between BiH and the European Community on the readmission of persons residing without authorization⁴ was signed in Brussels on September 18, 2007, and entered into force on January 1, 2008. It is the main legal instrument governing readmission matters in the context of relations with the EU. This agreement obligates BiH to readmit its nationals who do not meet residence requirements in the territory of the state submitting a readmission application. It is important to emphasize that the agreement complies with the rights, obligations and responsibilities arising out of international law, which implies that every case of return has to be comply with international protection and respect of returnees' human rights. The agreement provides for the signature of implementing protocols with each EU member state to define certain technical matters, such as designation of the competent authorities, border crossing points for the transfer of individuals, modalities for readmission under the accelerated procedure, etc. So far BiH has signed the implementing protocols with Estonia, Malta, Austria, Bulgaria, Hungary, the Czech Republic, Denmark, Romania, Germany, the Benelux countries (Belgium, the Netherlands, Luxembourg) and Ireland. In addition to the readmission agreements with the European Communities, BiH has signed bilateral readmission agreements and implementing protocols with the following non-EU countries: Moldova, Norway, Switzerland, Lichtenstein, Serbia, Montenegro, Macedonia, Turkey, and Albania. The decision on lifting visas for BiH nationals (visa-free registration).

2.2.3 Codes and conventions

International codes and conventions that Bosnia and Herzegovina subscribe and conduct:

1. The Universal Declaration of Human Rights (1948)
2. The International Covenant on Civil and Political Rights (1966)
3. United Nations (e.g. 1979 UN Resolution: Code of Conduct for law-enforcing officers)
4. The International Convention on the Elimination of All Forms of Racial Discrimination (1965)
5. The International Covenant on Economic, Social and Cultural Rights (1966)
6. The Convention on the Rights of the Child (1989)
7. The Convention on the Rights of Persons with Disabilities (2006)
8. Council of Europe (e.g. 1979 Council of Europe Declaration on the Police)
9. OSCE (e.g. 1994 Code of Conduct on Politico-Military Aspects of Security)
10. Europol (e.g. 1995 Europol Convention)

11. Interpol (e.g. 1999 Interpol Seoul Declaration)
12. European Convention on Human Rights

Throughout EU feasibility study Bosnia and Herzegovina tries to fulfil requirements of the European Union, and most of these international obligations are respected due to long term process of international oversight (IPTF and EUPM mission and its sanction measures - de-authorisation and screening).

International co-operation between security services and specially State Border Service does affect the domestic accountability of Bosnia and Herzegovina forces and the co-operation is at the highest level, so it is not likely that some extra-territorial operations can escape scrutiny.

3. Transparency

3.1. Domestic transparency: dimensions

When a transparency is at stake, all of the Bosnia's enumerated forces, services and agencies are obliged to make information available to elected representatives throughout parliamentary sub commissions and commissions.

Constitutional provisions and EUPM mandate impose this obligation, and there are legislative provisions (for the agencies at state level, as well for the agencies at the entity and cantonal level), and they state that for Intelligence Service of BIH there is no such obligation.

Information's about the organisation of the different forces, services and agencies are available to the public and all relevant information's are public and they are not subject to privileged access to selected persons (e.g. members of a specialist committee of the legislature or even a sub-committee or group of carefully chosen individuals).

All information's about the personnel strength of the different forces, services and agencies; are available too and, if there is some breakdown of personnel or restricting or downsizing transparency is guaranteed.

Budgets information's are available and mostly the material contain detail covering what money is spent on (inputs) and what funds are used for (outputs), transparency is guaranteed throughout the Law about access to public information's.

General information's about the nature of operations that are, or will be, conducted are available. The material is not specific but it is more expressed in the most general terms and it is in public domain.

Information's about the strategic outlook of the services under scrutiny, and planning in the services are subject to privileged access but they are under constant monitoring of EUPM mission program officers.

Confidentiality criteria and clauses apply only for those information's and documents protected by the Law about protection of secret information's¹⁵.

Regular reports of activities are published in Official gazettes of the respected agencies, BP BiH publish its own magazine and monthly report.

All statistics about police forces efficiency, capacities, are available in the public domain by services reports in Entity or Cantonal Agencies for statistics, Bosnia and Herzegovina has state level statistic agency.

3.2 International transparency

International codes and conventions that Bosnia subscribes impose 'transparency' obligations:

1. United Nations (e.g. 1979 UN Resolution: Code of Conduct for law-enforcing officers)
2. Council of Europe Police Code of Conduct
3. OSCE (e.g. 1994 Code of Conduct on Politico-Military Aspects of Security)
4. Europol (e.g. 1995 Europol Convention)
5. Interpol (e.g. 1999 Interpol Seoul Declaration)
6. European Convention on Human Rights
7. EUPM mission mandate rules,

One can say that the authorities comply with such obligations. International co-operation between Border management forces, between internal security forces, security services and police agencies affect domestic transparency positively, but until reform and precise legislation in this sector one can not expect efficient transparency and true internal and external cooperation. Bosnia is a member and has its own coordinator police and border management officer in SECI Centre in Bucharest but still doesn't have officer in Europol.

4. Evolution of border management concept

From the mid-1990s, there has been a growing demand to coordinate the work of different agencies at the border in order to facilitate trade. Various institutions started developing a concept that is currently known as Coordinated Border Management (CBM). By definition, CBM is of interest to non-customs border agencies, policymakers, and international organisations. While the World Customs Organization (WCO) uses the term „Coordinated Border Management“, other organisations have devised their own terminology, including but not limited to Integrated Border

¹⁵ Official Gazette of Bosnia and Herzegovina 54/05.

Management (EU), Collaborative Border Management (the World Bank's more recent choice of terminology), and Comprehensive Border Management (OSCE [Organisation for Security and Cooperation in Europe]). Although these terms have subtle differences in definition, the intent is largely the same: there is the need for border agencies to coordinate their actions in order to improve effectiveness and efficiency of border procedures in all aspects of security. In practice, this term has become a cornerstone for a set of donor-driven structural border reforms in numerous countries.

4.1 Recent changes 2015 /18 border management and general appeal

The events of crises migrations in Western Balkan Route 2015 led to changes to 'normal practice' so far as the transparency and accountability of State border service, security and intelligence services are concerned.

Although it has made considerable progress in sealing Bosnia's notoriously porous borders, expectations of the SBS have also risen since 2015 till now. Efficiency in work has been analyzed¹⁶ and all procedures have been raised to the higher level due to fact that Directorate for Coordination of Police Bodies of BiH and State Investigation and Protection Agency of BiH, sent their police officers who, as part of border police units under the competence and together with police officers of BiH Border Police Field Office East – Višegrad, will be carrying out border surveillance aimed at prevention of illegal migration. Responsibility zone of BP BiH FO East, with HQ in Višegrad, is the border area of Zvornik, Bratunac, Srebrenica, Višegrad, Rudo, Čajniče and Foča.

4.2 The Specificities of Oversight and Guidance of border management

The role of the Parliament in endorsing Border management policy decisions is restricted. The Parliament is allowed to make amendments only in consent with the executive powers, and all the amendments with consent need to be approved by EUPM mission and in some cases by Office of High Representative (OHR). When Parliament preparing its opinions on Border management matters there is an independent body/staff of experts on police and border management and control working solely for the parliamentary commissions monitored by (OHR), but beside of that some members of the Parliament try to follow the party or coalition lines in deciding on police matters.

Bosnia and Herzegovina doesn't have the National Security and Defence Council due to the reform process problem.

The role of the head of Prime-minister in formulating and endorsing policy decisions is just assertive, and it is under co-ordinated with EUPM mission. Due the EUPM mission most of

¹⁶ Decision "Council of Ministers of BiH - deploy operative and action plan for refugee and migrant crise", State Border Service", 18.May 2018 ,Official Gazzete of BiH, 05/18.

the policies passes through parliament assembly and presidency in a declarative form during the adjustment process of legislation and reform process.

As we stated before when a strategic document on Border management policy is issued for endorsement, SBS faced complex process of legal and customary provisions for formal guidance from a higher authority. That is also one crucial reason for functional security reform under the EUPM. Main topics addressed in that guidance for border management strategy are threat assessment, different national ethnic objectives, and intended level of ambition for the size and the structure of the armed forces needed to accomplish the strategic mission. Funding of border management -both the police system and the general government procurement one are transparent for the industry, business and the public. International contacts and cooperation are at the highest possible level due to the missions of IPTF before and EUPM mission now.

One can say that the main sources of knowledge the general government authorities' use for fulfilling their obligations for formulating national police policies are respected professional experiences and domestic and regional literature being researched at the Faculties, Faculty of Criminal Justice Sciences of University of Sarajevo and similar in the region like Faculty of Philosophy/Institute for Defence and Protection, University of Skoplje, Macedonia.

Conclusion

Integrated border management, if properly implemented, can provide substantial benefits to both border agencies and society, local and central communities. By streamlining and harmonising procedures, border agencies can substantially optimise the use of their resources and manage the border effectively and efficiently, despite increasing flows of goods, people and migrants. This paper has detailed the institutional arrangements with emphasis on the new organisational solutions, and some operational arrangements, in particular of BP BiH in its development. While emphasising the necessity to cooperate, the paper does not endorse a particular solution as every solution needs to be tailored to the specific needs of the country, in this case Bosnia and Herzegovina. Having discussed the theoretical underpinnings of the IBM concept and given some practical examples of its implementation, the paper leaves open for further research the discussion on other means, such as single window, common risk management and targeting centres, and other successful examples of IBM implementation.

In accordance with available human potentials and material and technical resources, border management concept has many prevention and repression measures and actions to survey the state border, such as: patrols, surveillance and observation, collection of intelligence and security information, setting up ambushes and control points, conducting operational actions and mixed patrols along the BiH border with the neighbouring countries. For this purpose Border Police BiH use service dogs, special terrain vehicles and service vessels, they also use modern technical devices (different types of movement sensors, thermal vision cameras, night observation binoculars etc.).

Conducting of mixed patrols with police officers of the neighbouring countries, based on signed bilateral protocols, is of particular importance for surveillance of the BiH state border. Due to registered increased number of cases of using cargo space in freight motor vehicles for smuggling migrants, Border police introduced a temporary measure of strengthened control and obligatory inspection of all freight motor vehicles coming to BiH from the Republic of Serbia. In order to enhance border control of persons and transportation means when crossing the state border, BP BiH started activities on introduction of a system for automatic reading and check of registration plates of vehicles. By the latest changes to the Rulebook on standards and conditions of development and equipping of border crossing points, video surveillance systems at all border crossing points came under the competence of BP BiH. By previous decision, that kind of equipment was under the competence of the ITA, and was treated as common. There are, currently, quality video surveillance systems installed at certain number of border crossing points, which are networked and available also to the Operations Centre at the BP BiH HQ. However, there is a considerable number of border crossing points still not equipped, or equipped with outdated video surveillance systems. BP BiH put forward to the European Commission the Project on establishment and reconstruction of video surveillance system at all international border crossing points in BiH, which was approved within the budget of IPA 2015. These activities are implemented along with the Project on video surveillance establishment (IPA 2015), thus BP BiH submitted to the European Commission in Sarajevo the required documentation for realization of the Project. The dynamics of the Project implementation depends on procedures and competent authorities of European Commission. With staffing and technical equipment, and better infrastructure at border crossing points, Bosnia and Herzegovina would have faster and safer cross border traffic, increased quality of carrying out border checks, better protection of the state border, prevention of cross border crime, which of course results in better general protection of people and property, and in positive financial effects of economic entities in BiH. By strengthening capacities of border security and by application of best practices of the EU countries, BiH would make significant progress in establishment of standards required for joining the EU is fundamental basic Code of Ethics for police officers of BP BiH. The Code represents set of rules of conduct, but also society expectations from every police officer. The citizens do not see police officers through the Code and legal norms of their conduct, but through their immediate behaviour with them, people close to them or to phenomena that affect their safety. One can argue that professionalism the most important characteristic of a police officer. Then follow honesty, expertise, ethics, cultural behaviour, communicability etc. Provision of financial means for the project realization is ongoing. Blocking locations is carried out by placing physical obstacles, mainly concrete blocks or metal ramps. The blocked places are regularly monitored by officers of Border Police of BiH and ministries of security of the neighbouring countries. One of big problems, noticeable is poor infrastructure at border crossing points. In accordance with the Law on Border Control, the Indirect Taxation Authority of BiH is responsible for building, rebuilding, reconstruction, management and maintenance of facilities and infrastructure at border crossing points. On several occasions BP BiH warned competent authorities that the infrastructure at only 20% of border crossing points was fulfilling standards

required for quality and efficient performance of border checks. Particularly alarming situation, due to poor infrastructure, is at international border crossing points Eastern and southeastern borders of BiH (Doljani, Trebimlja, Ivanica, Deleuša, Hum, Vitine, Metaljka, Ustibar, Uvac). At these border crossing points, along with other standards and conditions of development and equipping, prescribed by the Rulebook on standards and conditions of development and equipping of border crossing points, the priority is building of roof overhangs, control cabins, traffic lanes and stop ramps. It is relevant to emphasise that the infrastructure is also poor at frequently used international border crossing points Northetrn BiH (Gradiška, Brod). Moreover, at some border crossing points for border area traffic, such as Mokronozi, Plazikur, Vir, Orahov Do, Radež and Meštrevac, there aren't any basic infrastructural conditions for performance of border checks. A new border crossing point Ivanica is currently being built. Works on building new border crossing points Bratunac and Vardište, and border crossing points at motorway Banja Luka-Gradiška-RC, are ongoing. There are plans to build and reconstruct some other international border crossing points. Within the IPA Program 2017, European Commission is planning to allocate considerable financial means for integrated border management, of which around EUR 3 million for building the infrastructure at border crossing points for border area traffic. Border Police of BiH submitted We have introduced a temporary measure of strengthened control and obligatory inspection of all freight motor vehicles coming to BiH from the Republic of Serbia and Montenegro. State law enforcement agencies operational information, and those of other authorities in BiH, intelligence information and reports of EUROPOL, IOM, FRONTEX and other relevant international authorities, indicate that BiH is currently exposed to frequent medium size migratory pressure, but still it is not mass migratory pressure and risk.

Today, the Border Police is a "part" of coordinated border management, a complete and efficient law enforcement agency, designed for the complete task associated with preserving the sovereignty, territorial integrity of BiH and of course combating all forms of border related crime including illegal migration, smuggling ... the whole spectrum.

We can, in a certain way, acknowledge the successes of SBS BiH/GP BiH - but also we have to say that a lot still needs to be done. GP BiH need to increase the number of its police officers, secondly GP BiH need specialized equipment and third they need more educational training.

With the GP BiH still short of at least 500 officers, one of the future tasks of the government and international programs will be to increase the management capacities within the service. This will mean getting the most from the existing, though limited resources of personnel, equipment and funds. It is only by doing so that the GP BiH will be able to „efficiently“ manage refugee/migrant flow and fight cross border crime in Bosnia and Herzegovina. Without of this it will be impossible to stop the next shipment of drugs from passing through the mountains of Bosnia on its way to the EU or another destination.

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