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Delegations will find attached the partially declassified version of the above-mentioned document.



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NOTE

From : General Secretariat of the Council
To : Committee for Civilian Aspects of Crisis Management
Subject : Draft Concept of Operations (CONOPS) for the Follow-on Mission to EUPM in
Bosnia and Herzegovina

Delegations will find enclosed the draft Concept of Operations (CONOPS) of the Civilian Operations Commander, for the extension of EUPM in Bosnia and Herzegovina.

CONOPS FOR THE FOLLOW-ON MISSION TO EUPM IN BOSNIA AND HERZEGOVINA

References

- A. European Council Conclusions, Thessaloniki, 19-21 June 2003.
- B. Council Joint Action (2002/210/CFSP) on the European Union Police Mission, 11 March 2002.
- C. Council Joint Action, 27 February 2003, amending Joint Action 2002/210/CFSP on the European Union Police Mission (2003/141/CFSP).
- D. Council Joint Action, 17 March 2003, amending Joint Action 2002/210/CFSP on the European Union Police Mission.
- E. Council Joint Action, 17 February 2005, amending Joint Action 2002/210/CFSP on the European Union Police Mission (2004/143/CFSP).
- F. European Security Strategy: Bosnia and Herzegovina/Comprehensive Policy June 2004 (doc. 10099/04).
- G. Council Joint Action 2005/824/CFSP, 24 November 2005, on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)
- H. EUPM-EUFOR Common Operational Guidelines of 11 May 2006, revised on 19 October 2006 and 31 May 2007
- I. European Union Police Mission in Bosnia and Herzegovina six-monthly review report of 03 May 2007 (doc 8900/07)
- J. Report of the Secretary General/High Representative on EUPM's 3rd six-monthly review report of 04 May 2007 (doc 9295/07)
- K. CIVCOM advice on the Report of the Secretary General/High Representative on EUPM's 3rd six-monthly review report of 29 May 2007 (doc 10103/07)
- L. Council Joint Action 2007/87/CFSP, 07 February 2007, amending and extending the mandate of the European Union Special Representative in Bosnia and Herzegovina
- M. Council Decision 2007/427/CFSP, 18 June 2007, appointing the European Union Special Representative in Bosnia and Herzegovina
- N. United Nations Security Council Resolution 1325 (2000) on Women, peace and security
- O. Checklist to ensure gender mainstreaming and implementation of UNSCR 1325 in the planning and conduct of ESDP operations (doc. 12068/06)

- P. CivCom advice on the "Checklist to ensure gender mainstreaming and implementation of UNSCR 1325 in the planning and conduct of ESDP operations" (doc. 12947/06)
- Q. Policy of the EU on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union (doc.9490/06)
- R. Generic Standards of Behaviour for ESDP Missions (doc. 8373/3/05)
- S. Draft Guidelines for Command and Control Structure for EU Civilian Operations in Crisis management (doc. 9919/07)
- T. Coordination and coherence between the EU Special Representative (EUSR), the EU military operation (EUFOR - Althea) and the EU Police Mission (EUPM) in Bosnia and Herzegovina (BiH) : Case study and Recommendations for the future (doc.16770/06)
- U. Invitation letter from the Chairman of the Bosnia and Herzegovina Presidency for a follow on mission dated 25 September 2007
- V. Agreement between the European Union and Bosnia and Herzegovina (BiH) on the activities of the European Union Police Mission (EUPM) IN BiH, 4 October 2002

1. Situation

The current mandate for EUPM in Bosnia and Herzegovina (BiH) will expire on 31 December 2007. EUPM, supported by the European Commission (EC) institution-building programmes and as part of the broader rule of law approach, has made considerable achievements in developing sustainable policing arrangements under BiH ownership. EUPM's achievements to date include:

- Based on its comprehensive organized crime situation analysis and its targeted approach, EUPM's advice on the planning and conduct of major and organized investigations and operations has yielded concrete results and has improved the cooperation between police services in Bosnia and Herzegovina.
- With regard to police-prosecution relations, the mission helped to transform previously confrontational attitudes into practical arrangements to improve the quality of investigations, including on the court district level. Practical coordination on local level has started to yield results thanks to the targeted anti-organized crime approach of the mission.
- EUPM contributed decisively to the work of the Directorate for the Implementation of Police Restructuring (DIPR). The final report of the DIPR constitutes the basis for ongoing political negotiations for an agreement on police restructuring in which the mission plays an important advisory role.
- Solid development of state-level institutions, in cooperation with the EC, not least the Ministry of Security (MoS), the BiH Border Police and the consolidation of the State Investigation and Protection Agency (SIPA) into an operational police agency with enhanced powers to fight major and organised crime.
- Development of local ownership of the reform process through the establishment of the Police Steering Board, co-chaired by EUPM and local authorities, which is playing an important role in harmonisation and coordination efforts.

However, at the end of its second two-year mandate, EUPM will not have reached the desired end-state which is to put in place a modern, sustainable, professional and multiethnic police force, trained, equipped and able to assume full responsibility and to independently uphold law enforcement at the level of European and international standards expected in a democratic society.

While progress has been made, there is a need to continue working towards raising BiH standards of policing, enhance BiH's capacity to fight organised crime and restructure its police services. An ESDP mission, continuing the co-location methodology, will therefore be necessary to support the police restructuring process and to continue to develop and consolidate local capacity and regional cooperation in the fight against major and organised crime.

a. Political objectives

The ultimate political goal is for BiH to join the EU as a sustainable, multi-ethnic, peaceful and democratic state. In the medium term, it is to set BiH irreversibly on track for EU membership within the Stabilisation and Association process. To achieve this objective, strengthening the rule of law and the development of an effective, independent and accountable police service (as identified by the Directorate for the Implementation of Police Restructuring) are crucial.

The Stabilisation and Association Process (SAP) of June 1999 constitutes the anchor for the integration process in south-east Europe. In return for the prospect of EU membership, countries of south-east Europe undertook to abide by EU conditionality and to use the SAP as a vehicle to prepare for the demands of potential accession to the EU. In order to begin negotiations on a possible Stabilization and Association Agreement (SAA) with BiH, the European Commission *inter alia* required a commitment to reform police based on three principles:

1. All legislative and budgetary competencies for all police matters must be vested at the State level.
2. No political interference with operational policing.
3. Functional local police areas must be determined by technical policing criteria, where operational command is exercised at the local level.

During 2006 the Directorate for the Implementation of Police Restructuring (DIPR) produced a comprehensive report which formed the basis for political negotiations facilitated by the EUSR in the first half of 2007. The protocol put forward by the EUSR/HR in late August

2007 essentially summarises the institutional features described in the DIPR report together with elements put forward by the parties during negotiations in March 2007.

A political agreement on police restructuring is required for the initialling of the Stabilisation and Association Agreement. EUPM stands ready to assist in the implementation of a political agreement on the ground and promote intermediate reform and harmonisation efforts.

The police restructuring process and the ongoing police reform efforts are crucial to enhance the effectiveness of police, not least to fight major and organised crime and corruption. The countries of south-eastern Europe agreed to meet European crime-fighting standards by, among others, fulfilling commitments made to the EU as part of the SAP. The 2003 Thessaloniki European Council reaffirmed that the fight against organised crime constitutes a major priority for countries in south-east Europe. BiH has already made a series of commitments to fight organised crime, among them the adoption of a National Action Plan to fight against Organised Crime and Corruption in 2006 and the signing of a strategic agreement with EUROPOL in February 2007.

EUPM, as part of the international community's broader approach to the rule of law, is contributing to peace implementation in BiH and to achieving the European Union's policy in BiH and the region.

b. Political assumptions

- 1) The commitment of the BiH authorities at all levels to support the implementation of the mission's mandate will be key to its success. The ownership of the BiH authorities over police restructuring is of paramount importance. BiH authorities will continue to provide the necessary budgetary and legislative support to the development of a policing system in line with the EC requirements and principles and in particular to the state level law enforcement agencies.
- 2) The process of political stabilisation in BiH will continue and the security situation is not expected to deteriorate (both in BiH and the region).

- 3) Coherence will be ensured with actions undertaken by the international community in implementing the General Framework Agreement for Peace in BiH and strengthening the Rule of Law, under the coordination of the High Representative/EUSR.
- 4) Depending on the evolution of the situation, the aim is OHR closure by 30 June 2008. The Peace Implementation Council (PIC) Steering Board will review the situation at its meetings in October 2007 and February 2008. The EU's role in BiH will adapt to take this into account.
- 5) Coherence and coordination will be ensured with other EU instruments in BiH, not least with the European Commission and EUFOR, but also in the region. In line with his mandate the EUSR will have the leading role in coordination.
- 6) The European Commission and EUPM will establish a joint coordination mechanism, of which the EUSR will be informed, to facilitate a possible transition to Community assistance to meet remaining police and rule of law development needs.
- 7) Support from Member States will be indispensable if EUPM is to achieve the objectives set out in the Joint Action.

2. Mission

The mission will continue to be named "European Union Police Mission in Bosnia and Herzegovina" (EUPM).

a. Mission statement

EUPM, in coordination with and under the local political guidance 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 multiethnic police service operating in accordance with European and international standards¹. This

¹ European and international standards of policing are understood to mean the following:

1. police services structured in accordance with criteria of effectiveness and efficiency;
2. based on the rule of law;

police service should operate in accordance with commitments made as part of the Stabilisation and Association process with the European Union, in particular with regard to the fight against organised crime and police reform.

EUPM will operate in line with the general objectives of Annex 11 of the General Framework Agreement for Peace in Bosnia and Herzegovina and its objectives will be supported by European Community instruments.

EUPM will continue to lead the policing aspects of the ESDP efforts in the fight against organised crime, without prejudice to the agreed chains of command.

EUPM will assist local authorities in planning and conducting major and organised crime investigations, in contributing to an improved functioning of the whole criminal justice system in general and enhancing police prosecutor-relations in particular.

b. Desired end-state

- 1) The police restructuring process and police reform efforts have become self-sustainable, 'police restructuring' being the institutional process linked to the Stabilisation and Association Agreement, while 'police reform' covers technical measures that may be implemented ahead of, and in line with the police restructuring process;
- 2) The establishment of state-level agencies is completed, and the work of Border Police and SIPA is meeting BiH's commitments and obligations in the field of international co-operation;
- 3) Sustainable progress is made towards bringing the overall performance of policing up to European and international standards (as defined in the mission statement).
- 4) A sustainable, effective capability has been developed by the BiH authorities in the fight against organised crime, including exchange of information between all law enforcement agencies in BiH and regional/international cooperation and coordination with EU Member States police authorities, EUROPOL, INTERPOL, EUROJUST and other international police coordination mechanisms.

3. adequately protected from improper political interference;

4. acting in accordance with democratic values and human rights standards;

5. aimed at protecting citizens' rights and properties.

- 5) BiH authorities, with the assistance of EUPM and the EC, have identified remaining police development needs which could be addressed through Community assistance.

c. Duration

The duration of EUPM will be two years with six-monthly reviews. As far as possible, reviews of EUPM should be conducted in close coordination with EUFOR Althea review process.

3. NOT DECLASSIFIED

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4. Service Support

a. Legal Aspects

- 1) The present SOMA will continue to apply.

b. Administration

- 1) The Head of Mission will be provided with the necessary financial, logistics and personnel resources in a timely manner, and will be responsible for the financial aspects of the mission in accordance with the European Community rules and procedures applicable to the budget.
- 2) The European Commission, as the institution responsible for the implementation of the General Budget, signs a contract with the Head of Mission as CFSP Special Advisor. The Head of Mission is personally responsible to the Commission for the implementation of his budget as detailed in the standard contract. The European Commission retains powers on the legal and financial control of the budgetary implementation.
- 3) The implementation of the budget will cover the needs of the mission, its intended deployment and the tasks with which it is entrusted.
- 4) The Head of Mission is responsible under the terms of his contract for the procurement of all the required material means (equipment and services), the definition of the organisational resources, as well as for their management. As regards the procurement for mission security, the Head of Mission and his Mission Security Officer will closely liaise with the Council Security Office and work on the basis of a detailed threat assessment.
- 5) In order to support the Head of Mission with his tasks, the mission will establish its Administration and Support Department, provided with the necessary means to ensure appropriate management of resources. Functions related to the administration component are:
 - Finance, Procurement, Human Resources, and Legal and Financial Control;

- General Support Services: Logistics, Transportation, Communications and Information Systems, Medicare/Medevac.
- Legal Advise on Administration-related matters.

There will be a Head of the Administration and Support Department.

- 6) The Administration of the mission reports to the Head of Mission. Within its field of responsibility, it establishes direct relations with suppliers, other appropriate external actors and, on behalf of the Head of Mission, with the European Commission.
- 7) An internal legal and financial control, independent from the structures related to Administration and Support Department, will be placed under the direct responsibility of the Head of Mission. This structure will be, on behalf of the Head of Mission, directly related all relevant external actors, notably the European Commission.

c. Human Resources

- 1) Contributing States will ensure a timely deployment and rotation of qualified personnel (according to the deployment and rotation plan of the mission) and shall bear the costs related to the personnel seconded by them. To allow for a seamless transition, as many EUPM personnel as possible will be maintained at the beginning of 2008 for a hand over period.
- 2) The mission will aim to have an adequate gender balance among mission personnel at all levels. Gender issues should be addressed in line with EU policy, based on UNSCR 1325. Member States and Third States will be encouraged to promote gender balance in the selection of their personnel.
- 3) The Head of Mission will be able to get Third States secondments and to contract personnel where no qualified seconded personnel from Member States are available. Employment conditions shall be in agreement with the terms of the Commission Communication on CFSP Special Advisers.
- 4) Mission members will, when arriving in theatre, follow an in-mission training course under the guidance of the Head of Mission to familiarise them with the local conditions and the objectives of the mission.
- 5) Mission personnel should be familiar with international humanitarian law and international human rights law, as well as with EU human rights policy and the generic standards of behaviour for ESDP missions. Issues related to children affected by armed conflict should be addressed in line with EU policy, based on UNSCR

1612.

- 6) The Mission will be a “no family” mission.
- 7) For security reasons the private accommodation of the international members of EUPM can be restricted to areas and locations designated by the Head of Mission.

d. Logistics

- 1) Logistical support, based on current arrangements, will be adapted to and adjusted for the new EUPM. It will be cost-effective and will make maximum use of local resources.
- 2) Logistical arrangements will be further detailed in the OPLAN.

e. Movement and transportation

- 1) Contributing states are responsible for the deployment, rotation and re-deployment of their own personnel.
- 2) Movement of personnel in theatre for operational reasons will be regulated by the Head of Mission through the Standard Operating Procedures (SOPs).
- 3) Existing SOPs will be adapted to meet the needs of the follow on mission.
- 4) Movement and transport issues will be further detailed in the OPLAN.

f. CIS

- 1) Security of communications is essential. The existing policy for the classification of documents within EUPM will continue.
- 2) Existing appropriate procedures and technical systems will be maintained as appropriate to ensure confidentiality.
- 3) Existing rules will continue to deal with the release of 'EU classified documents' to non-EU personnel as appropriate in accordance with existing EU regulations.

g. Medical support

Existing arrangements for medical assistance, including MEDEVAC, will continue to apply.

h. Communications and information strategy

- 1) The mission will be supported by a communication and information strategy which will define the main objectives, the main themes to be developed and the audiences to which such themes or messages should be directed. Public information activities have a critical role in presenting and promoting the credibility of the mission. A coherent communication and information strategy is needed to ensure that not only the mission in BiH but also the EU overall approach towards BiH is well understood.
- 2) At the implementation level, the different EU actors will conduct their information activities in accordance with their respective audiences and practices; the EUSR will ensure consistency and coherence of the messages delivered, while her/his spokesperson will be the main point of contact for BiH media with regards to CFSP/ESDP, in close coordination with the mission when it regards EUPM. Increased coordination and enhanced cooperation between all EU actors will continue to be ensured through the Info Ops / Press Office coordination meetings chaired by the EUSR Spokesperson.
- 3) Close co-ordination between Brussels and the mission will be an essential requirement to implement the Communication and Information Strategy. The communication and information activities of EUPM will be closely co-ordinated with public information activities in Brussels (SG/HR Spokesperson / Council Press Office).
- 4) Public information activities have a critical role in presenting and promoting the credibility of the mission and will therefore be sufficiently resourced.

i. Security

- 1) The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUPM in coordination with the Council Security Office.
- 2) The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation in line with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union and its supporting documents.

- 3) There will be an EUPM security structure including the security officer's office directly subordinated to the HoM and a security officer deployed in each EUPM region.

5. Command and Control

(1) Chain of Command

1. EUPM shall have a unified chain of command, as a crisis management operation.
2. The Political and Security Committee (PSC) shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission.
3. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the SG/HR, shall exercise command and control of EUPM at the strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.
4. The Head of Mission shall exercise command and control of EUPM at theatre level and, as such, shall issue instructions for the effective conduct of EUPM in theatre, assuming its coordination and day-to-day management, following the instructions of the Civilian Operation Commander. He shall be directly responsible to the Civilian Operation Commander.

(2) Transfer of authority

National authorities will transfer Operational Control (OPCON) to the Civilian Operation Commander.

The Head of Mission will exercise Operational Control (OPCON) as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the mission.

Command positions. For the specific purpose of this operation:

- a) All members of the EUPM remain under full command of their national authorities.
- b) The EUPM Head of Mission shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national authority or EU institutions concerned.
- c) Each contributing State should appoint a National Contingent Leader or National

Contact Point (NCL or NCP) to represent each national contingent in the mission, responsible for contingent discipline.

- d) The EUPM Desk within the CPCC will provide technical guidance and support and will be the first point of contact for the Mission.

(3) Reporting Procedures

The reporting system will enhance the capability of EU to follow and support the EUPM in all its aspects. Reporting needs will be mainly dealt with through periodic reporting, based *inter alia* on performance indicators, or in response to specific requests or the need to inform about a situation through the chain of command. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility. (Reporting procedures in Annex B).

Annex A:

Mission structure

The mission will be structured as follows:

- Mission Headquarters in Sarajevo;
- 4 Co-location Regions with regional offices in Banja Luka, Mostar, Sarajevo and Tuzla and further offices at cantonal and Public Security Centre-levels as well as in Brcko;
- SIPA co-location at central and regional levels;
- Border Police co-location at central and field office levels.

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Annex B: Reporting Requirements

1. GUIDELINES:

- a. EUPM specific reports will be precise and concise in relation to the subject matter and will contain the recommendations, comments and/or impression of the signing authority.
- b. Reports will be forwarded by appropriate technical means to ensure secure and timely transmission.

The report chain will follow the chain of command being formed of EU SG/HR, Civilian Operation Commander, EUPM Head of Mission.

The adequate level of reporting to PSC shall be ensured in order to allow it to provide political control and strategic direction. Some of the reports will be forwarded by the **SG/HR** to the member states and the Commission through the PSC or the CIVCOM and making due use of the ESDP Net as far as classified documents are concerned.

2. REPORTS

The following reports are to be provided by EUPM to Civilian Operation Commander.

REPORT	Frequency
MAR (EUPM HoM Assessment Report)	Monthly
PERSREP (Weekly Personnel Report)	Weekly
LOGREP (Logistics report)	Monthly
SPEREP (Special Report)	As Required
