

# **Reporting and the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects**

## **A) STATE LEVEL**

### **1. The State Coordination Board in Bosnia and Herzegovina (BiH)**

i) In 2003 the Coordination Board for the Control of SALW (in further text referred to as the CB for SALW) was established in BiH on the basis of the provisions contained by the *United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects* document from 2001, and the *Regional Plan for Implementation of Combat to SALW Proliferation* developed by the Stability Pact for South East Europe in November 2001. The CB for SALW has been informally operating for almost two years.

The CB for SALW is composed of the representatives of the following institutions: the BiH Ministry of Security (Office for Cooperation with Interpol, State Border Service, State Investigation and Protection Agency), the BiH Ministry of Foreign Affairs, the BiH Ministry of Defense, the BiH Ministry of Foreign Trade and Economic Affairs, the BiH Tax Administration, entities ministries of defense and entities ministries of interior.

The majority of the issues related to SALW fall within the responsibility of the BiH Ministry of Security. Since this Ministry does not currently possess sufficient infrastructure and personnel capacities to take over the role of *focal point* for SALW, it has been decided that the BiH Ministry of Foreign Affairs will assume this role, with a possibility to transfer this responsibility to the BiH Ministry of Security once the CB for SALW determines that necessary requirements for that have been attained.

Point of contact for the CB for SALW is the BiH Ministry of Foreign Affairs,  
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The informal Coordination Body cooperates with the BiH Ministry of Foreign Affairs in negotiations on new instruments concerning the control of SALW. It also cooperates with other Government institutions regarding the implementation of the existing projects and agreements, including the agreements and projects from the *UN Programme of Action* as well as:

- Development of the National Policy on SALW
- Research regarding the SALW issues important to BiH
- Implementation of projects and information collection on data exchange between UN, OSCE, EU member countries as well as with other countries in the Region.
- Implementation of the BiH research projects, Small Arms Project – SAP and Small Arms Control and Reduction Project in BiH – SACBiH. The latter project is in the process of being officially stipulated. It has been created in

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cooperation with the UNDP, OSCE, OHR and the relevant ministries, within the scope of their mandate.

The mandate of the CB for SALW encompasses all the aspects related to SALW and contained by the UN Programme of Action.

The CB for SALW has been cooperating with other countries in regard to the implementation of the UN Programme of Action and other documents related to SALW, such as the OSCE Document on Small Arms and Light Weapons. It also provides for the exchange of the information with other countries on systems and practices in working with SALW.

- ii) Process for formal verification of the CB for SALW is ongoing and a formal request for verification was submitted to the BiH Council of Ministers. This includes:
- Official appointment of the members of the CB for SALW;
  - Verification of the focal point institution;
  - Appointment of the State Coordinator for the SALW.

## 2. Legislation

**Production of the SALW** is regulated by the Law on Production of Arms and Military Equipment ("Official Gazette of BiH", number 09/04).

**Export, import, transit, and re-transfer of the SALW** is regulated by the Law on Export and Import of Arms and Military Equipment ("Official Gazette of BiH", number 05/03, 33/03 and 14/05)

**The sale of SALW** is conducted at the state level and is regulated by the Law on Export and Import of Arms and Military Equipment.

**Marking, data safe-keeping and monitoring of the SALW** is regulated by the national policy in the domain of marked and unmarked SALW and by the Law on Examining, Marking and Tracing of Small Firearms and Ammunition ("Official Gazette of BiH, number 21/03).

**Stock management and security** is regulated by the legislation and sub-Acts at the Entity level.

**Purchase, carrying and posesesion of arms and ammunition by citizens and legal entities** are not regulated at the state level; rather they are regulated on the level of entity (Republic of Srpska), cantons (Federation BiH) or district (Brcko District). In compliance with these laws, the entity ministries of interior, cantonal ministries of interior and Brcko District Police are competent to keep record on issued permits for arms and ammunition purchase, as well as for issued weaponry registries. There is call for law in BiH on the state level that will uniquely regulate the subject and create the unique central database on issued weaponry registries to individuals and legal entities in BiH.

**Trade of surplus weapons** is regulated by the Instruction of the BiH Minister of Defense on mandatory compliance with the deadlines on trade prohibition of SALW. This Instruction pronounces the surplus of materials in accordance to the regulated structure/formation of the BiH Armed Forces (AFBiH). Until the final resolution of the status of surplus weapons and ammunition these will stay under the control of the AFBiH at the storage locations foreseen to be used for this purpose.

**Destruction of the surplus weapons** is conducted by the state and entity ministries of defense, in cooperation with EUFOR, UNDP, OSCE and other organizations.

### **3. The State Action Plan for Small Arms and Light Weapons**

UNDP has developed the project proposal for BiH concerning the implementation of the UN Programme of Action (Small Arms Reduction Project-SAP), and in 2004 this project has been adopted by the CB for SALW, and signed by the BiH Ministry of Security and UNDP. The following has been conducted in order to attain the Project goals:

- The analysis of the current situation in BiH related to SALW (Small Arms and Light Weapons Survey for BiH);
- Capacity building for the BiH authorities in the domain of SALW issues;
- Analysis of the needs and the capacities in BiH regarding the reduction of uncontrolled presence of the SALW in BiH (Feasibility Study for Demilitarization of Small Arms and Light Weapons in BiH)

UNDP also developed Small Arms and Light Weapons Control and Reduction Project – SACBiH, which will continue the above mentioned activities and provide concrete financial and technical assistance in the reduction of surplus weapons and ammunition in the country. This project has been submitted to relevant institutions for approval and will be signed by the BiH Ministry of Defense and UNDP. Estimated project implementation period is 4 years.

### **4. The activities related to the implementation of the UN Programme of Action from July 2001**

Activities in regard to the implementation of the UN Programme of Action from July 2001 were conducted through:

- The adoption of the relevant legislation (described in Chapter 2);
- Establishing of the sectoral institutions: Ministry of Security and the Ministry of Defense at the state level, as well as the departments and services within these ministries: State Border Service (SBS), Customs Administration; Civil Protection Administration; SIPA- State Information and Protection Agency, Office for the Cooperation with INTERPOL.
- Actions on collecting the SALW called "Harvest" (SFOR),
- Actions on collecting the SALW called "Internal Harvest" (Civil Protection Administrations of the Entities, Ministries of Interior of the Entities and the Ministry of Security of BiH);
- The overall reform of the defense system included the adjusting to the NATO, OSCE and EU standards in regard to the decrease of the armed forces in BiH, reduction of the number of SALW warehouses in BiH, in order to increase the

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security level at the arms and weapons warehouses, and the reduction of the number of weapons.

#### **5. Problems in the implementation of the Programme of Action**

BiH is still in the process of the post-war recovery and it has significant daily needs for all types of assistance: educational, financial and technical in regard to the training and education of personnel, equipping and providing of locations and storage space as well as the location for the destruction of SALW, and all that respecting the profile of the personnel: army, police, assistance services.

#### **6. International cooperation**

Bosnia and Herzegovina has signed OSCE's document on the exchange of information on SALW. In 2004 the first unique report was done, including information on import and export of SALW, as well as national procedures for control of production, adequate legislation, storage instructions and destruction procedures.

BiH actively participates in the regional activities within the SEESAC-a (Regional Center for the Small Arms and Light Weapons Control for the South-East Europe) and RACVIAC-a. (Regional Center for the Control, Verification and the Implementation of the Activities in the Domain of SALW).

Within the Office for the Cooperation with the INTERPOL., a national Center for SECI (South-East Cooperation Initiative) was established.

## **ANNEX**

### **State level**

#### **1. The state level coordination agency**

**See 1.i**

#### **2. State point of contact**

**See 1.ii**

#### **3. Legislation, sub-Acts and the administration procedure**

##### **3.1 State production control procedures for SALW**

The production of the SALW is regulated through the Law on Manufacturing of Weapons and Military Equipment ("Official gazette of BiH", number 09/04).

##### **3.2 Procedures for the issuing of licenses and authorizations**

These are regulated through the Article 3 of the Law on Manufacturing of Weapons and Military Equipment. The BiH Ministry of Foreign Trade and Economic Affairs (MOFTER) is given the mandate of issuing the licenses as well as to withdraw them, if the valid reasons exist. The withdrawal of licenses can be performed in accordance with the, following procedures :

National procedures for the production control; Instructions on Ways of Monitoring and Reporting in Regard to the Manufacturing and Repairing of Weapons and Military Equipment; Instruction on the Procedure for the Issuing of Licenses for the Production and Repairing of the Weapons and the Military Equipment to the Legal Entities; Instruction on Recording and Central Registry of Legal Entities with the License Issued for the Manufacturing and Repairing of the Weapons and Military Equipment. The clarification of the procedures foresees that the MOFTER is obligated to respond to a request for the issuance of a license submitted, within 30 days from the day the request was submitted (according to the Law on Administrative Procedures).

##### **3.3 Revision and extension of the licenses validity period**

The license for manufacturing and repairing of weapons and military equipment has time-limit, if there aren't justified reasons for its revocation. Constant control by the entity institutions and Brčko District is applied as well as ad-hoc inspections by MOFTER, in accordance with the adopted Instructions. The legislation foresees a possibility of changing the assortment of products. However, the legal entity has to apply and request the license for any change in the production process and the change of the assortment.

### **3.4 Procedures for the revocation of the licenses**

Annulment of the license for the manufacturing and repairing of weapons and military equipment happens in the following cases:  
if it has been established that the license had been issued based on the false data;  
when the legal entity does not operate in accordance with the Law and the regulations issued based on the Law; if the legal entity did not eliminate the faults discovered in a prescribed period; in the case when the inspection or permanent monitoring is being disallowed. The Decision on the revocation of the license is final. However, there is a legal remedy open, through filing of an administrative suit at the Court of BiH, within 60 days from the receipt of the Decision on the revocation of the license.

### **3.5 Law enforcement and court proceedings for the illegal manufacturing**

The illegal production of SALW implies both misdemeanor and criminal penalties for both individuals and legal entities, according to the Law on Manufacturing of Weapons and Military Equipment, and the Penal Code of BiH. Entities' Penal Codes, consistent with the BiH Penal Code, are also enforced.  
There is only a small number of reports on procedures taken, investigations conducted or cases processed by the Customs Authorities and related to the violations of rules applicable during the export of SALW. There are no drastic cases of the violations of legislation, especially since the state level institutions have taken over the control of the export and the issuing of licenses. One of the sub-Acts is the Instruction on Obligations of Customs Authorities in Implementation of the Law on Import and Export of Arms and Military Equipment. There are both pecuniary and imprisonment penalties foreseen for the perpetrators of the violations of the above mentioned Law. The Penal Code of BiH foresees the criminal sanctioning for the cases of the illicit trade and manufacturing of weapons and the military equipment.

## **4. Stock management and security**

SALW stock management at the storage locations of the armed forces in Bosnia and Herzegovina is completely controlled by AFBiH. The Stabilization Forces (SFOR/EUFOR) stationed in Bosnia and Herzegovina are conducting ad-hoc inspections. Stock management is defined by the Instruction on Storing, Safekeeping and Maintenance of the Ammunition and Lethal Devices, instructions on operating the small arms and light weapons. Additional material used in this matter is "The NATO Handbook on Security Principles for the Storing of the Military Ammunition and Explosives" that is being implemented through the Instruction of the SFOR/EUFOR Commander to the Parties. AFBiH are included into the process of the management of SALW and their personnel is physically securing the devices and ammunition stored, while there are ongoing for the installing of the automatic security systems for the storage locations. Having in mind the increased safety measures in regard to the illicit trade and stealing of the SALW, and their use for the terrorist activities, beside the AFBiH, SFOR/EUFOR is included in the process of their safeguarding, performing the ad-hoc control, inspections and monitoring in accordance with their own regular and extraordinary plans of operations. It is important to mention that the SALW of AFBiH and police forces in Bosnia and

Herzegovina are not stored at the same locations, and they are secured and safeguarded separately. There is an ongoing process of the reform of the AFBiH and accordingly with that process the surplus of SALW will be defined. Activities are ongoing, while the final structure/formation of the AFBiH has not yet been defined.

## **5. Prevention, Collecting and Disposal of SALW**

Awareness raising on SALW in Bosnia and Herzegovina has been conducted in cooperation with the SFOR/EUFOR, through the operations conducted by the Civil Protection and through all types of media. The example is the SFOR's/EUFOR's "Operation Harvest". During this operation the collection of weapons was accompanied both by media campaigns and the distribution of information using "door-to-door" method. The aim of such an approach was to raise the awareness on SALW with every citizen. The scope of the activities goes from the weekly press releases to the poster campaigns and daily radio announcements.

In cooperation with the local police and local authorities the Operation was continued under a different name – "State Harvest", and was accompanied by the participation of local media, press, radio as well as the participation of the celebrities and reknown persons from the public and political life.

The process of transfer of responsibility to the authorities in BiH in regard to the implementation of the "State Harvest" is completed. The "State Harvest" is being implemented in both entities, involving AFBiH, police, and civil protection forces, while the SFOR/EUFOR is involved only through the coordination of activities on collecting and monitoring of the capacities of local institutions, thus helping their development.

The non-governmental organizations have initiated the noteworthy work in organizing the mine risk awareness raising campaigns and we hope that this knowledge and experience, within the UNDP Small Arms Programme (SAP), will be transformed into the awareness raising abilities related to SALW.

### **5.1 SALW destruction techniques**

Conventional methods are used for the destruction of weapons. Ammunition is being destroyed by open detonation and demilitarization. One part of SALW has been handed over to companies processing the military materials into the industrial materials. The process of destruction is preceded by listing the equipment for destruction. After the destruction has been completed the related Minutes are created. These Minutes are filed within the Entities' Ministries of Defense, in accordance with the existing Entity legislation and regulations. The provisions of the Environment Protection Act are to be followed during the destruction of SALW.

### **5.2 Details on records keeping and/or the body in charge of the destruction**

There are four years of experience in this domain. The destruction activities mostly regard the reported surpluses, the weapons and ammunition surrendered individually, but also the SALW collected through campaigns and certain quantities of ammunition. The destruction activities are preceded by the preparation of reports. Signed reports are filed within the Entities' Ministries of Defense.

### **5.3 Confiscated or seized weapons**

Confiscated weapons are turned over to the local police stations. Penalty measures, including criminal charges, are applied in accordance with the existing legislation. Confiscated and seized weapons are being recorded in three institutions: civilian protection, police and military units, which is also where the confiscated or seized weapons and ammunition are stored. Entity armies, in cooperation with the SFOR/EUFOR are preparing the weapons and ammunition for destruction.

### **5.4 Surplus of weapons**

Decision regulating the surplus of weapons and arms will be made by the Minister of Defense BiH, upon the adoption of the decision on the final formation of AFBiH. Until such a decision has been made the surplus of weapons and ammunition will stay under the total control of the AFBiH at the locations provided for these purposes.

## **6. Import and Export Control**

**Import and export are regulated by the Law on Import and Export of Arms and Military Equipment ("Official Gazette BiH", no. 05/03, 33/03, 14/05)**

### **6.1 Criteria regarding the issuance of permits for import/export of arms and military equipment**

During the process of issuing of permits for transit and brockering in trade of weapons and military equipment the MOFTER has to obtain a previous approval from the BiH Ministry of Foreign Affairs, the BiH Ministry of Security and the opinion from the BiH Ministry of Defense of BiH.

When issuing such an approval, the BiH Ministry of Foreign Affairs has to take into consideration especially (among other things) the prohibitions and sanctions of the UN Security Council, EU's Rules of Conduct in Export of Arms, OSCE Common Export Control Criteria, international obligations assumed by BiH, foreign-policy interests of the country in regard to the strategic foreign-policy partners of BiH and act in accordance with the principles of fight against the terrorism and non-dissemination of the arms of mass destruction. BiH is not a member of the international control regimes (WA, AG, NSG, MTCR), but does comply with the declarations and other agreements.

In 2005, BiH passed the Law on Amendment of the Law on Export and Import of Arms and Military Equipment which introduced the control of export and import as well as the control of transit of the dual-use goods in Bosnia and Herzegovina. The list of the European regulations (EC Dual-Use Regulation 1334/2000) was included into the legislation. There is an ongoing process for the adoption of the Law on the implementation of the Chemical Weapons Convention (CWC).

### **6.2 Types of licenses**

The only option available is issuing of the individual licenses for each export or the import individually. The issuing authority is the MOFTER. The Law on Export and Import of Arms and Military Equipment foresaw the procedure for obtaining of all the necessary approvals from the sectoral ministries for each individual activity. This means that the approvals need to be obtained from the Ministry of Foreign Affairs, Ministry of Security and Ministry of Defense of BiH, and all in accordance with the relevant regulations and mandates. According to the existing local legislation the licenses are being issued for the export, import, provisional export and transit. Each of the licenses contains all the data relevant for that activity, such as:

- license number
- name – title of the goods
- tariff mark
- quantity
- exporter
- importer
- end user
- period of the license validity
- border crossing
- possibility for the revocation and the annulment of the license, etc.
- deadline for the submission of a complaint
- in accordance with its mandate the MOFTER is conducting the check-up and verification of the end user certificates issued
- procedures handling the new transfer do not differ from the standard procedures already mentioned, especially after the state level has taken over the institution for the export control and license issuance. One of the by-laws published is the Instruction on Obligations of Customs Authorities in the Implementation of the Law on Export and Import of Arms and Military Equipment. This Law foresees penalties (pecuniary and imprisonment) for those violating the above mentioned law. BiH Penal Code foresees sanctioning of the illicit trafficking and manufacturing of the weapons and the military equipment.

### 6.3 The period of validity, annulment/revocation and the exceptions

There is a period of validity stated in each license and in the most of the cases it depends of the legal entity submitting the request for the issuing of a license. The clause regarding the revocation of the license is an obligatory part of each license (it states that it can be annulled if the conditions necessary for its issuing cease to exist). It also includes the clause on the legal remedy as an obligatory part in each of the licenses and it states that the administrative suit can be filed at the BiH Court within 60 days from the receipt of the decision (license). Momentarily there are no exceptions whatsoever within the Law on Export and Import of Arms and Military Equipment. The MOFTER is finalizing the publishing of the exceptions from this Law, and these refer to the provisional export and import of arms for sports and hunting purposes. This refers to the sport teams going abroad for contests/competitions as well as the arrival hunters to the BiH territory.

#### 6.4 Number of licenses and the staff members

From January 1 until December 31, 2004, MOFTER has issued 310 exporting and 270 importing licenses, with the same amount of different inquiries, opinions, information, notifications, etc. The Ministry has completed a Report on All the Licenses Issued for 2004, by countries, values and categories. It is the Ministry's obligation to submit, through the BiH Council of Ministers, a regular annual report to Parliament of BiH on licenses issued. The End User Certificate (EUC) is an obligatory document that accompanies each license issued. This document is prescribed by the law and sub-Acts. In accordance with its mandate, the Ministry of Foreign Affairs and the MOFTER is checking and verifying the end user certificates issued. The obligatory storing and safekeeping of the documentation related to the foreign trade is 5 years. Ministry of Foreign Trade and Economic Relations started issuing the licenses on January 1, 2003.

#### 6.5 End user, verification and the re-transfer

- The law foresees the obligatory document in every file and for every type of license called the End User Certificate or Document.
- Verification of the End Use/User Certificate falls under the mandate of the BiH Ministry of Foreign Affairs and MOFTER.
- In accordance with its mandate the Ministry of Foreign Affairs and MOFTER conduct the check-up of the End Use Certificates issued.
- Procedures regarding the re-transferring do not differ from the standard procedures already stated.

#### 6.6 Assistance from other countries

Within the framework of educational assistance to BiH for the purpose of establishing the efficient national export control mechanism, seminars, lectures and short courses have been provided under the patronage of the governments of the USA, the Great Britain and Canada. Additionally, presentations by the agencies of the countries in transition: Poland, Bulgaria, and Romania, related to SALW, were given. The information technology equipment TRACKER system for the weapons and military equipment export control has been installed within the relevant ministries, and experts from the USA have been conducting training of local personnel. Within the regular activities of the BiH Ministry of Foreign affairs and MOFTER there is a regular exchange of information of BiH with other countries. This exchange has been conducted within the context of the international export control, based on the mandates implied by the existing laws: the Law on Ministries of BiH and the Law on Export and Import of Arms and Military Equipment. Within the framework of the regional security different activities have been organized in the cooperation with the UNDP (Small Arms Project – SAP), as well as the Center for Security Studies of BiH, SEESAC and RACVIAC.

#### 7. Registering of the international brokers operating on the territory of BiH

According to the Law on Export and Import of Arms and Military Equipment there is a category of "brokering services" described, in a rather simple way. "Brokering services in weapons and military equipment stand for the activity that the natural or legal person, permanently or temporary located within the BiH borders, provides for, or organizes the trade of weapons and the military equipment that is located within/out of Bosnia and Herzegovina into another country". According to the Law and by-laws and regulations, the broker has to register in the MOFTER in order to operate as a foreign trade broker. In accordance with the current abilities and equipment that the MOFTER has, there are certain findings on brokers in the arms trade, but in the majority of cases, and according to the experience so far, these are confirmed companies that have been acting as brokers with the BiH companies for years.

### **7.1 Registration of the international brokers – country citizens, regardless of their location**

The installing of the TRACKER system will allow greater possibilities for data gathering for those brokers located outside the BiH territory.

### **7.2 Licenses/permits for the international agency transactions**

Export and import licenses issued so far included the two participants of the operation, that is the importer/exporter and the end user, while in most of the cases, the importer is also the final user. Number of licenses issued is given as the part of the Information on export/import of weapons and the military equipment from 2003.

### **7.3 Penalties for the illicit international agency activities and the enforcement of law**

All the illicit activities are defined by the Law on Export and Import of Arms and Military Equipment ("Official Gazette of BiH" number 5/03), as well as by the Penal Codes of BiH, Brčko District and the Entities.

## **8. Marking, data records and monitoring**

### **8.1 SALW marking**

Bosnia and Herzegovina does not produce all sorts of small arms and weapons. It is capable of producing almost all types of ammunition of a caliber up to 12,7 mm, hand grenades, mortars and mortar grenades of a caliber up to, but also over 100 mm, recoilless weapons and the ammunition of the 82 mm caliber, small counter-armor weapons of a caliber 64 mm and 90 mm, as well as some other devices, in limited quantities however, since the capacities and the human resources have been destroyed during the 1992-95 war. There are, however, certain quantities of the small arms and weapons stored at the storage locations of the AFBiH, imported during the war, seized during the conflicts, as well as those captured during the combats. Part of these is unmarked, or the marks have been removed (painted, scratched, or the arms weren't marked after manufacturing). Other types of marks existing on the SALW of such an origin differ, and mainly refer to the countries of production. System of marking in BiH consists of alpha-numeric codes, while no other symbols are in use. Marks

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should be set in a visible spot on the device itself, but on the packing as well. Here is an example of what the mark looks like:

**SRB 8702-01 or 124 0301**

SRB - the name of the manufacturer: Slavko Rodic-Bugojno,  
87 - the two last numbers of the year of production (ie:1987),  
02- production series,  
01 - production series installment.

or, today:

124 - the manufacturer's code - Bugojno,  
03 - the two last ciphers of the year of production (ie:2003),  
01 - production series.

Following markings are foreseen for the ammunition – the type and the model, as given in the following example:

**TF, M68P1,**

- **TF** means that the ammunition is currently highly explosive,
- **M** model,
- **68** represent a year when the ammunition was introduced into the weapons,
- **P1** represents any modifications and the ordinal number of the modifications.

These marks are also being printed on the package (especially if it is the ammunition). Lately, while doing the repair of certain types of SALW, marks required by the UN and the NATO are being imprinted at the appropriate that are referring to the danger level (i.c. 1.4S), UN number (i.e. 0345) and the NSN (National Stock Number i.c. 1305-XX-215-4502 from which one can see the state that produced the item in case). Marks on weapons (recoilless guns and mortars are denoted by the cold imprinting of marks into the barrel or the breech, and they are permanent). The ammunition can also be denoted with color that is put at the top of the projectile so that the, for example, black color means that it is the penetrating ammunition, red color means that it is marking, etc.

## **8.2. Marking techniques in BiH**

Bosnia and Herzegovina has both the manufacturers of small arms and light weapons, and the repair facilities that were, during the war, equipped to produce the ammunition and repair the arms and weapons. Each of the manufacturers in BiH has a developed system of marking according to the existing Law on Production of Arms and Military Equipment ("Official Gazette of BiH" number 09/04), and according to the technologies and construction documents inherited within the production forms that existed in the former JNA. Each of the manufacturers has its data base on devices produced, as well as the data about the primary products and manufacturing materials on the stock and the entry and exit of semi-products. The data base also includes the data on the end user to whom the arms (goods) have been delivered.

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Techniques used in order to mark the goods are equal to those used by other OSCE member countries. The main technique used is applying the paint onto the device itself. Paint can be applied by using stencils, but also by using serigraphy. Metal parts are generally marked by cold imprinting, while some parts are marked by engraving. Branding (stamping) while hot and marking during the casting process is still not in use, but can be done without greater problems.

### **8.3. State procedures in marking of the unmarked SALW**

The national policy in the domain of unmarked and inadequately marked weapons is regulated by the Law on Examining, Branding and Marking of Small Firearms and Ammunition ("Official Gazette of BiH" number 21/03), that establishes that the small firearms and the ammunition for these firearms manufactured at the territory of BiH, or the exported or imported from abroad should, before being put to use, be examined, branded and marked. The same Law regulates that all types of small and other devices using as the propulsion agent the energy of gun powder such as: the devices for bonding of hard materials, stun-guns for animals, devices for firing the tear-gas cartridges, metal deformation processing devices, signal start-guns, etc. are also subject to examination and branding. The Entities' ministries hold the information on laws prescribing the monitoring of arms and weapons and/or details on record-keeping.

### **8.4 The state body in charge of marking**

The Ministry in charge of the implementation of the Law mentioned above and development of by-laws that will be designed in accordance with the recommendations of the Permanent International Commission for Small Arms Testing (CIP) is the MOFTER. The implementation of this Law is only starting in BiH. However, although the implementation of the central national regulations is a bit slow, there is an established marking system in BiH that is applied and followed. The carriers of the entire marking process are the manufacturers.

### **8.5 State control over the private sector regarding the marking process**

The private sector in this domain in Bosnia and Herzegovina still does not exist, since the production of weapons and military equipment is still completely controlled by the state, however, this Law foresees the complete state control over the private military industry sector once it is established.

### **8.6 State laws or practices regarding the licensed production outside the state territory**

In regard to the licensed production outside BiH, it does not exist. The application of the exterritorial principle in the licensed production does not apply in regard to the domestic legislation. Currently, none of the BiH manufacturers participate in the production of the SALW outside BiH.

### **8.7 Information on instruments for arms monitoring and/or recording details for SALW**

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In accordance with the BH Law on Production of Arms and Military Equipment, MOFTER is managing the Central Register of legal bodies authorized for production of arms and military equipment, as well as conducting the inspection control over the implementation of Law on Production of Arms and Military Equipment. As of June 2004, Ministries of Industry of both entities will be obliged to monitor the legal entities authorized for production of arms and military equipment and regularly report to the MOFTER. The MOFTER is maintaining the Central Licensing Register for physical persons or legal entities involved in import/export and transit of arms and military equipment, managing the Central Register of corporation agreements on long term production cooperation. Through their inspection activities, the above-mentioned ministry is recording consumption of "B" component (gunpowder) for legal entities authorized to produce arms and military equipment. It is anticipated that the full control over the implementation of Law on Production of Arms and Military Equipment in BH will be conducted through the implementation of US TRACKER system, which will enable the complete and centralized monitoring of armament data on import, export and transit procedure. All relevant data on import, export and transit of arms and military equipment are also kept in corporations involved in such activities.

Legislation for purchasing, storing and bearing of small arms and fire arms and ammunition, respectively the Law on Weapons and Ammunition, contains provisions regarding the monitoring of fire arms licenses issued, i.e. licenses for bearing small arms and ammunition, regulates arms and ammunition trafficking and confiscation procedures of illicit arms and ammunition. In accordance with this law, Ministries of Internal Affairs of both entities and Brčko District are the authorities in charge of monitoring and recording. These laws are expected to be harmonized with the state laws, especially in the areas of import/export and transit of products mentioned in Law on Export and Import of Arms and Military Equipment. Central/state record on possession of arms and ammunition for physical/legal entities (fire arms licenses, licenses for small arms and ammunition bearing) does not exist.

#### **9. Disarmament, demobilization and reintegration (DDR)**

This program was conducted within the framework of Dayton Peace Agreement for BH. Disarmament and demobilization of the AFBiH was executed in accordance with the agreement. Operation "Harvest", ensuring additional collection of residuum armaments, is ongoing for the last couple of years.

#### **10. Awareness raising**

Awareness raising operation on SALW in Bosnia and Herzegovina is conducted in cooperation with SFOR, through the Civil Protection operations and with all relevant instruments of media promotion. One example is the SFOR "Operation Harvest" for collection of residuum arms. This operation was accompanied by media campaign and "door-to-door" distribution of information for public, aiming to raise awareness among citizens. Range of activities varies from weekly press releases to poster campaign and daily radio releases.

In cooperation with local police and local authorities, the operation was continued with the title "Internal Harvest" and followed by local media, press and radio as well as by the participation of public and political figures.

The transfer of responsibility to the BH authorities aimed at the implementation of so called "National Harvest" which is to be conducted in both entities and with inclusion of army, police and civil protection, while SFOR will be included in coordination of activities of collection and local institution capacities monitoring, assisting their development.

NGOs initiated significant mine awareness campaign and, within the framework of UNDP SAP program, it is anticipated that this experience and expertise will be reflected in regard to the SALW.

## **Regional level**

### **1. Obligatory legal instruments**

Bosnia and Herzegovina cooperates with the countries within the framework of international multilateral agreements as well as international bilateral agreements.

International multilateral agreements:

- European Convention on Counter Terrorism from January 27, 1977;
- Agreement on Cooperation in Prevention and Combat against Cross Border Crime with the Charter on Establishment and Operation of the Regional Centre Central European Initiative - SECI - (SECI CENTRE) for combat against cross border criminal from May 26, 1999.

International bilateral contracts:

- Agreement with the Republic of Hungary on Cooperation in Combat against Terrorism, Drug Trafficking and Organized Crime from April 21, 1996;
- Agreement with the Republic of Turkey on Cooperation in Combat against the International Terrorism, Illicit Drug Trafficking and Psychotropic Substances and Organized Crime from January 28, 2002,
- Agreement on Cooperation in the Area of Fight against Organized Crime from January 28, 2002,
- Agreement with Croatia on Cooperation in Combat against Terrorism, Abuse and Drug Trafficking and Fight Against Organized Crime from June 27, 2002.

Further activities were undertaken in Bosnia and Herzegovina to sign bilateral agreements with other countries in the region, which would regulate this matter.

### **2. Moratorium on export of surplus SALW from AFBiH**

Instruction by the BiH Minister of Defense on mandatory compliance with the deadlines on trade prohibition of SALW from AFBiH was issued in September 2004. It foresees that all surplus SALW has to be exported not latest then June 30, 2005. After this deadline, all surplus not exported, will be proclaimed as surplus for destruction.

## Global level

### 1. The international instruments against the terrorism and crime that the BiH consented to or has ratified them:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 – BiH is a member based on succession. Published in “Official Gazette of BiH” number 26/98;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 - BiH is a member based on succession. Published in “Official Gazette of RBiH” number 15/95;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 - BiH is a member based on succession. Published in “Official Gazette of RBiH” number 15/95;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 - BiH is a member based on succession. Published in “Official Gazette of RBiH” number 25/95;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 - BiH is a member based on succession. Published in “Official Gazette of RBiH” number 25/95;
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 - BiH is a member based on succession. Published in “Official Gazette of BiH” number 26/98;
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 - BiH is a member based on succession. Published in “Official Gazette of RBiH” number 15/95;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 – ongoing ratification procedure. Proposal for the Decision on Ratification delivered to the BiH Presidency on December 12, 2002;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 - ongoing ratification procedure. Proposal for the Decision on Ratification delivered to the BiH Presidency on December 12, 2002;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 - ongoing ratification procedure. Proposal for the Decision on Ratification delivered to the BiH Presidency on February 21, 2003;
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 - ongoing ratification procedure. Proposal for the Decision on Ratification delivered to the BiH Presidency on February 21, 2003;
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999

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- ongoing ratification procedure. Proposal for the Decision on Ratification delivered to the BiH Presidency on November 11, 2003;

## **2. International assistance and cooperation**

Office for Cooperation with Interpol exists within the Ministry of Security of BH, and is in charge of the information exchange with the authorized international and national institutions.

Office for Cooperation with Interpol in Bosnia and Herzegovina informs and exchanges information, and takes measures to prevent illicit SALW trafficking, in such a way that upon receiving the notification from the entity police and State Border Service puts the stolen, reported or missing fire arms on the search list, in accordance with the Decree and Interpol standards.

According to its mandate, this office is taking measures to institute legal proceedings for unlawful acts.

BH has started the initiative to become a EUROPOL member.

**Bosnia and Herzegovina is making a significant effort in creating unique database for SALW on the BH state level, centralized in Ministry of Security of BH, which requires necessary funding.**

## **3. Cooperation with civil and nongovernmental organizations**

Cooperation with international non governmental organizations is conducted through agreements between local and international governmental institutions and local and international NGOs.

On behalf of and with the BH government, OSCE and UNDP cooperate with SEESAC, RACVIAC, « SAFERWORLD », and Bonn International Centre for Conversion, humanitarian organization - Red Cross and Centre for Security Studies (CSS).

## **4. Information exchange**

Reporting and other forms of exchange of information with OSCE, UN, SEESAC and RACVIAC (seminars, analytical documents etc.).

## **5. Training, capacity building and research**

Training for SALW were conducted through the participation in workshops and seminars, and through other aspects of OSCE, UNDP, SEESAC and RACVIAC activities, as well as other activities such as forums, conferences etc.

Under SAP project framework, the capacity building and researches were conducted. Training of AFBiH members for ammunition destruction was organized under the scope of this project. Also, studies were made on SALW in BiH and existing capacities for ammunition demilitarization. Within the SAP project, pilot project for arms destruction was conducted, resulting in the destruction of 20.000 pieces of

SALW. UNDP provided logistical support in the creation of the National Strategy for Control of SALW in BiH.

In 2004, researches on SALW were conducted through the national and international NGOs and international institutions (OSCE, UN). An NGO "Saferworld"; UK created the "SALW Monitor", which encompassed Bosnia and Herzegovina (Doc. Created in 2004).