

**UNITED NATIONS PROGRAMME OF ACTION TO PREVENT, COMBAT AND  
ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN  
ALL ITS ASPECTS**

**Information 2003/2004-Bosnia and Herzegovina**

**Sarajevo, July 2004**

## **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 in All Its Aspects**

### **A) NATIONAL LEVEL**

#### **1. The National Coordinating Body in BiH**

i) The informal Coordination Body for SALW exists and operates in BiH. Guidelines for its operations are being adopted by the relevant ministries: Ministry of Security, Ministry of Defense, Ministry of Foreign Trade and the Ministries of Interior, that are actually conducting the research and monitoring of operations on prevention, combating and eradication of the illicit trafficking of SALW, each of them in accordance with its own mandate.

The Ministry of Foreign Affairs is coordinating the operations of all the participants within the country with the international institutions and bodies operating in this matter, while, through the informal Coordination Body (CB) for SALW, it represents a national level core in regard to the SALW issues.

CB includes the representatives from the following ministries:

- *Ministry of Foreign Affairs*
- *Ministry of Security*
- *Ministry of Defense*
- *Ministry of Foreign Trade and Economic Relations*
- *Ministry of Interior (two Entity ministries).*

Point of contact for the CB is the Ministry of Foreign Affairs of BiH.

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The informal Coordination Body cooperates with the Ministry of Foreign Affairs in negotiations on new instruments of small weapons. 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*, and:

- Developing of the National Policy on Small Arms
- Research regarding the SALW issues important to BiH
- Implementation of the BiH Research Project (Small Arms Project - SAP), that is about to be signed, created in cooperation with the UNDP, OSCE, OHR and the relevant ministries, within the scope of their mandate.

The mandate of the Informal Coordination Body covers all the aspects of SALW from the UN Programme of Action.

The CB has eight members. There is an ongoing procedure for the selection of the National Coordinator, who will, actually be the chair of the CB.

CB was cooperating with other countries in regard to the implementation of the UN Programme of Action and other documents in regard to the 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 the SALW.

ii) There is an ongoing procedure in regard to the verification, at the national level of the:

- Local point: Ministry of Security,
- National Coordinator for the SALW,
- Confirmation of the Informal Coordination Body members.

## **2. Legislation and by-laws**

**Production of the SALW** is provided for 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 provided for by the Law on Export and Import of Arms and Military Equipment ("Official Gazette of BiH", number 05/03), as well as the relevant by-laws ("Official Gazette of BiH", number 14/03).

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

**Marking, data safe-keeping and monitoring of the SALW** is provided for by the national policy in the domain of marked and unmarked and regulated 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 at the Entity level.

**Destruction of the surplus of weapons** is regulated by the Decision pronouncing the surplus of weapons. The decision is adopted by the Ministries of Defense of the Entities in accordance with the prescribed structure of the military forces of BiH. Until the final resolving of the status of this surplus of weapons and ammunition, the arms are staying under the total control of the armed forces of BiH at the storage locations foreseen to be used for this purpose.

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

UNDP has, on behalf of BiH, developed the project proposal for the implementation of the UN Programme of Action. CB adopted this document and this document is about to be signed.

The project aims at helping BiH in resolving the problems in regard to SALW by supporting it in taking over and accepting the responsibility for the coordination and initiating of policies and legislation related to the SALW.

The process of the realization of the goals established, this Programme foresees:

- The analysis of the current situation in BiH related to SALW;
- Capacity building for the BiH authorities in the domain of SALW issues;
- Reduction of the uncontrolled presence of the SALW in BiH.

This project foresees the implementation within the eighteen months period of time.

#### **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 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, including the needs that haven't been fulfilled**

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 an OSCE document on the exchange of information on SALW (the first half-year report has been prepared) that includes the data on export and import of SALW, as well as the national procedures for the production control, accompanying legislation, ways of storage and safeguarding, as well as the procedures for the destruction.

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. Its coordinator is Mr. Dragoslav Rubež.

## **ANNEX**

### **State level**

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

See I.i

#### **2. National point of contact**

See I.ii

#### **3. Legislation, by-laws and the administration procedure**

##### **3. National production control procedures**

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

The import and export is regulated by the Law on Import and Export of Arms and Military Equipment ("Official gazette of BiH", number 05/03), as well as with certain bylaws ("Official gazette of BiH", number 14/03).

The national policy in the domain of marked and unmarked weapons is regulated by the Law on Examining, Branding and Marking of the Small Arms and Ammunition ("Official gazette of BiH", number 21/03).

##### **3.1 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 Ministry of Foreign Trade is given the mandate of issuing the license as well as for its withdrawal, if there are valid reasons to withdraw the license. For that purpose, following procedures apply:

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 Ministry of Foreign Affairs is obligated to respond to a request for the issuance of a license submitted, within the 30 days from the day the request was submitted (according to the Law on Administrative Procedures).

##### **3.2 Reviewing and the license extending**

The license for manufacturing and repairing of weapons and military equipment has time-limit, if there aren't justified reasons for its revocation. There is a constant

control by the entity institutions and Brčko District and the ad-hoc inspections by the Ministry of Foreign Trade and Economic Relations, in accordance with the Instructions adopted. The Law foresees the 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.

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

Annulment of the license for the manufacturing and repairing of weapons and military equipment happens in following cases:

If it has been established that the license was 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, or, in other case, if the legal entity does not eliminate the faults discovered in a set deadline, or 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.

### **3.4 Court proceedings/penalties for the illegal manufacturing**

The illegal production of SALW implies both misdemeanor and criminal penalties for both natural and legal persons/entities, according to the Law on Manufacturing of Weapons and Military Equipment, and the Penal Code of BiH. By-laws in regard to this matter are currently in preparation. Institutions of Entities, Cantons and the Brčko District will harmonize or adopt the regulations related to this issue within their mandate. Accompanying institutions, personnel and equipment, necessary for the adequate and successful implementation of the legislation, are still missing.

## **4. Implementation of the legislation/criminalization**

There is a small number of reports and information on procedures of custom authorities investigations in the cases of export violations, and a small number of processed cases related to this issue. 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 issuing of licenses. One of the by-laws 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 of the illicit trade and manufacturing of weapons and the military equipment.

## **5. Stock management and security**

SALW stock management at the storage locations of the armed forces in Bosnia and Herzegovina completely controlled by the armed forces in Bosnia and Herzegovina, while the Stabilization Forces (SFOR) 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 Commander to the Parties. The armed forces in Bosnia and Herzegovina are included into the process of the management of the small arms and light weapons, 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 armed forces in Bosnia and Herzegovina, SFOR 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. They also participate in the physical securing of certain types of SALW. It is important to mention that the SALWs of the armed forces and police forces in Bosnia and Herzegovina are not being kept (stored) at the same locations, and they are being secured and safeguarded separately. There is an ongoing process of the transformation of the armed forces in Bosnia and Herzegovina, and accordingly the process of defining of the surplus of SALW. Activities are ongoing, while the final structure of the BiH Armed forces is not defined yet. There is a general opinion and assessment that there is a surplus of SALW, and the ways of resolving this issue will be defined through the cooperation and the agreement with the SFOR.

## 6. Collecting and Disposal

Awareness raising on SALW in Bosnia and Herzegovina is being conducted in cooperation with the SFOR, through the operations of the Civilian Protection and through all types of media. We will just underline the SFOR "Operation Harvest". During this operation, the weapons were being collected, while the operation was accompanied by media campaigns and the distribution of public information "door-to-door", and all for the purpose of awareness raising in every citizen. The scope of activities goes from the weekly press releases to the poster campaigns and daily radio announcements.

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

There is a process of transfer of responsibility to the authorities in BiH going on related to the implementation of the so called "National Harvest", that is supposed to be implemented in both entities, with the involvement of the military, police, and civilian protection forces, while the SFOR will only be involved through the coordination of activities on collecting and monitoring of the capacities of local institutions, helping thus 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 will be transformed into the awareness raising abilities related to SALW.

### 6.1 Destruction techniques

The method used for the destruction of weapons is melting, while the ammunition is being destroyed by detonations, since these are (both for weapons and the ammunition) the most reliable and for us, the only possible options of permanent destruction. One part of these devices is being handed over to companies for transforming of the military into the blasting agents and demolition charges. The process of destruction is preceded by the making of minutes which is stored and kept in the Entities' Ministries of Defense, and in accordance with the existing Entity legislation and regulations. The provisions of the Environment Protection Act are usually being violated during the destruction of the SALW.

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

There are four years of experience in this domain. What were mainly being destroyed are the surplus reported and the weapons and ammunition from the individual surrender, but also the SALW that was taken away, and certain quantities of ammunition. Before the very destruction, everything is being recorded in reports. Reports defined and signed this way are being stored and kept in the Entities' Ministries of Defense.

#### **6.3 Confiscated or seized weapons**

Seized weapons are being turned over to the local police stations. Certain measures, including the criminal charges are being undertaken. Confiscated and seized weapons are being recorded in three places: civilian protection, police and military units where the seized weapons and the ammunition are being stored. Entity armies, in cooperation with the SFOR are preparing the weapons and the ammunition for destruction.

#### **6.4 Surplus of weapons**

Decision by which the surplus of weapons and arms is being stated, are adopted by the Entities' Ministries of Defense, upon a proposal from armies in accordance with the arranged structure of the armed forces in BiH. Until the final solution for the status of the surplus of weapons and ammunition is found, they will stay under the total control of the BiH armed forces at the locations provided for these purposes.

### **7. Export control**

#### **7.1 OSCE's common criteria regarding the export and other international obligations**

According to the Law on Export and Import of Arms and Military Equipment, arms and the military equipment means the Common List of Military Equipment encompassed by the EU's Rules of Conduct in Export of Arms. When issuing a license for transit and mediating in trade of weapons and military equipment, the Ministry of Foreign Trade and Economic Relations first has to obtain an approval from the Ministry of Foreign Affairs, Ministry of Security and the opinion from the Ministry of Defense of BiH. When issuing the approval, the 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, international obligations taken, foreign-policy interests of BiH 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. The Ministry of Foreign Affairs may, if the issuing of the license is in accordance with the foreign policy interests, issue the approval when the import, export, transit and mediation are being conducted for the purpose of support according to: decisions of the UN Security Council, OSCE decisions, peace-keeping operations that are being implemented in accordance with the UN Charter, or in other cases. BiH applies the legal obligations from the OSCE Common Export Control Criteria regarding the import of small arms and light weapons. BiH is not a member of the international control regimes (WA, AG, NSG, MTCR), but does comply with the declarations and other agreements. In BiH there is an ongoing process for the adoption of the Law on the implementation of the Chemical Weapons Convention (CWC) as well as the process of amending the Law on Export and Import of Arms and Military Equipment which would introduce the control of export and import and the transit of the dual-use goods control in Bosnia and Herzegovina. The list to be included into the legislation will be identical to those in the European regulations (EC Dual-Use Regulation 1334/2000).

## 7.2 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 Ministry of Foreign Trade and Economic Relations of BiH. 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 Ministry of Foreign Trade and the Economic Relations 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.

### **7.3 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. In the Ministry of Foreign Trade and Economic Relations they are 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.

### **7.4 Number of licenses and the staff members**

Starting from January 1, 2004 till now, the Ministry of Foreign Trade and the Economic Relations has issued 110 exporting and 70 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 2003, by countries, values and categories. It is the Ministry's obligation to submit, through the 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 by-laws. In accordance with its mandate, the Ministry of Foreign Affairs and the Ministry of Foreign Trade and Economic Relations is checking-up 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.

### **7.5 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 MFA and MFTER BiH.
- In accordance with its mandate, MFA, but the MFTER also, conducts the check-up of the End Use Certificates issued.
- Procedures regarding the re-transferring do not differ from the standard procedures already stated.

## **7.6 Assistance from other countries**

Within the educational assistance for the purpose of the establishing of the efficient national export control mechanism, seminars and lectures were being organized, as well as the short courses under the mentorship of governments of: USA, Great Britain and Canada. Additional activity that was organized was presentations by the agencies of the countries in transition: Poland, Bulgaria, and Romania, related to these issues. We are expecting the arrival of experts from the USA for training purposes and for the purpose of establishing the TRACKER system for the weapons and military equipment export control. Within its regular activities of MFA and MFTER, there is a regular exchange of information of BiH with other countries within the contexts of the international export control, based on the mandates implied within the existing laws: Law on Ministries of BiH and the Law on Export and Import of Arms and Military Equipment. Within the framework of the regional security regarding the Project on Small Arms and Light Weapons, different activities are being organized, and all that in the cooperation with the UNDP, and the Center for Security Studies of BiH, SEESAC, RACVIAC,.

## **7.7 Application of law and the penalties**

Data on procedures in cases of custom investigations due to violation of the law, and the number of cases processed, as well as the information on how serious these violations were, are very modest, 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.

## **8. Trade**

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 Ministry of Foreign Trade and Economic Relations of BiH in order to operate as a foreign trade broker. In accordance with the current abilities and equipment that the MFTER 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. The installing of the TRUCKER system will allow greater possibilities for data gathering for those brokers located outside the BiH territory.

### **8.1 Registering of the international brokers operating at the territory of the state**

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 Ministry of Foreign Trade and Economic Relations of BiH in order to operate as a foreign trade broker. In accordance with the current abilities and equipment that the MFER 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.

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

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

### **8.3 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.

### **8.4 Penalties for the illicit international agency activities and the application of the law**

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

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

### **9.1 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 armed forces of BiH, 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 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.e. 1.4S), UN number (i.e. 0345) and the NSN (National Stock Number i.e. 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

#### **9.2. 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.

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.

### **9.3. National 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.

### **9.4 The national 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 Ministry of Foreign Trade and Economic Relations. 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.

### **9.5 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.

### **9.6 National 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 extraterritorial 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.

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

In accordance with the BH Law on Production of Arms and Military Equipment, the Ministry of Foreign Trade and Economic Relations 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 Ministry of Foreign Trade and Economic Relations. The Ministry of Foreign Trade and Economic Relations 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.

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

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

#### **11. 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 and action programmes**

Bosnia and Herzegovina has delivered the first report related to the OSCE document on the information exchange for SALW with the OSCE countries, including the information on import/export of small arms and light weapons.

BH has also delivered the national procedure for control and production of SALW and outlined the existing legislation in use in Bosnia and Herzegovina, explained the

methods of destruction of SALW excess, as well as delivered the information on storing and storage working procedures.

Bosnia and Herzegovina is an active participant in SEESAC (South East Europe Small Arms Centre) established aiming to achieve regional Stability Pact plan to fight against the expansion of SALW and formulated and adopted in November 2001 in Bucharest.

BH is actively participating in RACVIAC operation (Regional Centre for Control, Verification and Assistance in Disarmament Program Implementation), established in Zagreb, aiming to build the trust and upgrade the security in the region.

### **3. Regional cooperation**

The Office for Relations with Interpol in Bosnia and Herzegovina provides and exchanges information, as well as take necessary measures aiming to prevent illicit SALW trafficking, and in such manner that, upon receiving the notification from the entity police and State Border Service, puts on the search list for stolen, reported or missing fire arms, in accordance with the Decree and Interpol standards. According to the authorizations, the office is taking measures to institute legal proceedings for unlawful acts.

Bosnia and Herzegovina is putting significant efforts in creating unique database for SALW at the BH state level centralized in the Ministry of Security of BH. This requires necessary funding.

### **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 - 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 is continuously 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.

SAP project envisaged the capacity building and research on the matter (national SALW project). The same project envisaged the reconstruction of the existing and development of future capacities for SALW destruction, as well as the personnel training.

Current researches in SALW are being conducted through the national and international NGOs and international institutions (OSCE, UN).

The needs assessment in the small arms domain was conducted by the local NGO "Centar za sigurnosne studije" (Security Studies Centre) from Sarajevo (Doc. Created in 2003). An NGO "Saferworld"; UK created the "SALW Monitor", which encompassed Bosnia and Herzegovina (Doc. Created in 2004).

This year, UNDP has created the "Small Arms Survey" document.