

## CHAPTER I

### ***Reporting and Implementation of the International Instrument to Enable States to Identify and Trace, in Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument).***

#### **National Report – Bosnia and Herzegovina 2007**

- (i) Whether measures have been undertaken to duly mark all small arms and Light weapons (SALW) in the possession of government armed and security forces for their own use?

*In accordance with the information received from the Ministry of Defense of BiH, Police and Security Forces of BiH, all small arms and light weapons in their own use are respectively marked in accordance with the existing laws and regulation. All laws including the newly endorsed regulation for testing, stamping and marking of arms and ammunition are listed and elaborated in the National Report for UN Programme of Action (Chapter II).*

- (ii) Whether manufacturers of SALW in their jurisdiction have developed measures against the removal or alternations of markings?

*All measures against the removal or alternations of markings are implemented in accordance with the existing laws in BiH for testing, stamping and marking of SALW. As stipulated in the law for testing, stamping and marking only speculated companies, firms or agencies are accredited to test, stamp and mark all manufactured stamp and issue the certificates. Further assistance in monitoring and establishment of the central data base of all marked SALW including the accredited institutions, agencies and firms is needed in order to provide fast and accurate information and allow for detailed inspections.*

- (iii) Whether measures have been put in place to ensure that accurate and comprehensive records are established for all marked SALW within their territory, in accordance with relevant paragraphs of the International Tracing Instrument.

*As abovementioned Bosnia and Herzegovina requires technical and financial support for the establishment of the accurate records of all marked SALW. This includes expertise for conducting the assessment of the current capacities and needs for improvement and development of the accurate data base.*

*The Ministry of Defense possesses a central data base of all SALW in military stocks that is applied in NATO Dare system. It provides accurate and comprehensive information and data of all SALW and ammunition in military stocks.*

*All Police and Security agencies and forces in BiH also possess the data base for SALW in their own use and stocks. The Rules and regulations for record-keeping and stockpiling of the European Union Police Mission (EUPM) are applied.*

*The Ministry of Foreign Trade and Economic Relations of BiH also possess a data base of all manufactured SALW and ammunition and their storage. A separate data base is established for the accurate and comprehensive record-keeping of the licenses issued for export and import of SALW. The establishment of the data base was supported by the UNDP BiH through its Small Arms Control programmed. Annual Reports for export and import of SALW, military equipment and dual-use items are developed and submitted to the BiH Parliament. The data base and the reports were established and developed in accordance with the EC Directives and EU Code of Conduct for export and import.*

*The Ministry of Security of Bosnia and Herzegovina is working to develop a Central Registry for SALW in civilian possession including the SALW trade in BiH. The project is supported by UNDP SACBIH and is implemented in accordance with the EC Directive for acquisition, possession and carrying of arms.*

- (iv) Existing or new regulations and administrative procedures that have been put in place in order to ensure the effective implementation of the International Tracing Instrument?

*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, No 21/03).*

*The State Law on Testing, Stamping and Marking of SALW was adopted in March 2003 (Official Gazette of BiH No 21/03).*

*As stipulated in Article 23 a, of the Law on testing, stamping and marking of firearms and ammunition (21/03) and Article 61, Law on Administration the Minister of Foreign Trade and Economic relations endorsed the “Regulation for the procedure of testing, stamping and marking of firearms and ammunition in 2007.*

*As above-mentioned BiH requires technical and financial assistance for the establishment of the centralized, comprehensive and accurate data base of all marked SALW and ammunition in BiH. Additionally, BiH is working on developing and endorsing new laws at state level that will harmonize and regulate the central registers on SALW.*

- (v) The challenges and assistance needs that States may face in their efforts to implement the International Tracing Instrument?

*Bosnia and Herzegovina will work to develop a Strategy and Action Plan for implementation of the International Tracing Instruments that will include specific activities and resources required for its implementation.*

*As mentioned earlier BiH requires detailed assessments of its current capacities and the needs for their upgrade that will allow the BiH to implement the International Tracing instrument effectively.*

## CHAPTER II

### **Reporting and 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**

#### **NATIONAL REPORT 2007-BOSNIA AND HERZEGOVINA**

##### **A) STATE LEVEL**

###### **1. The State Coordination Board in BiH**

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 is composed of the representatives of the following institutions: the Ministry of Security BiH (Office for Cooperation with Interpol, Border Police, State Investigation and Protection Agency), the Ministry of Foreign Affairs BiH, the Ministry of Defense BiH, the Ministry of Foreign Trade and Economic Relations BiH, the Tax Administration Authority of BiH, Ministry of interior of Federation of BiH and Ministry of Interior of RS.

The Council of Ministers officially endorsed the Coordination Board in October 2005. The Coordination Board cooperates with the Ministry of Foreign Affairs BiH 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 in accordance with the *UN Programme of Action* including:

- 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, EU member countries, OSCE, as well as with other countries in the Region.
- Implementation of the BiH projects, UNDP's Small Arms Control and Reduction Project in BiH – SACBiH (2005 – 2009).

The mandate of the CB for SALW encompasses all aspects related to SALW Strategy that are contained in the UN Programme of Action.

The Coordination Board role is:

- a) Identification, determination and assessment of SALW impacts on community, human security, economical and social development;

- b) Further development and improvement of Strategy, as well as public introduction on activities planned within Strategy <sup>1</sup>;
- c) Provision and mobilization of resources, where it is necessary, required for implementation of Strategy activities
- d) Coordination of stakeholders' activities in line with the Strategy;
- e) Informing all stakeholders of Strategy implementation;
- f) Monitoring and assessment of Strategy implementation activities;
- g) Update of Strategy in order to respond to operational changes occurred during implementation;
- h) Ensure reporting on environmental protection soil, air, and environment in regards to ammunition destruction activities;
- i) Reporting to Council of Ministers on progress
- j) Reporting to UN Disarmament Department on Strategy implementation, according to the UN Program of Action <sup>2</sup>;
- k) Reporting to OSCE on Strategy implementation, according to OSCE Document on SALW<sup>3</sup>;
- l) Monitoring of implementation of UN Protocol Against illicit Manufacture and SALW trade<sup>4</sup>, UN Firearms Protocol, EU Code of Conduct in Weapons export – import, and other international regulations on SALW export;

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## **2. Legislation**

**2.1 Manufacturing of SALW** is regulated by the Law on Production of Arms and Military Equipment (“Official Gazette of BiH”, No 09/04).

**2.2. Export, import, transit and brokering of SALW** is regulated by the Law on Export and Import of Arms and Military Equipment (“Official Gazette of BiH”, No 05/03, 14/03, 33/03, 14/05, 56/05 and 75/05).

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<sup>1</sup> This should be done in accordance with Stability Pact Regional Plan in order to combat SALW proliferation, November 28, 2001.

<sup>2</sup> United Nations Programme on prevention, combat, and eradication of illicit trade of SALW in all aspects, July 2001.

<sup>3</sup> OSCE Document on SALW, November 24, 2000.

<sup>4</sup> UN Protocol for combat against illegal manufacture and arms parts and components trade, and ammunition trade, which is Annex to UN Convention Against Transnational Organized Crime

**2.3. The list of the European regulations** incorporates EC Dual-Use Regulation 1334-/2000 into the legislation (Official Gazette of BiH, No 75/05). BiH Parliament also adopted the Law on the Implementation of the Chemical Weapons Convention (CWC).

**2.4. 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, No 21/03).

The State Law on Testing, Stamping and Marking of SALW was adopted in March 2003 (Official Gazette of BiH No 21/03).

As stipulated in Article 23 a, of the Law on testing, stamping and marking of firearms and ammunition (21/03) and Article 61, Law on Administration the Minister of Foreign Trade and Economic relations endorsed the “Regulation for the procedure of testing, stamping and marking of firearms and ammunition in 2007.

**2.5. Stock management and security** is regulated by the legislation and sub-Acts at the entity levels for the police and law enforcement agencies in BiH.

In regards to the military stocks, the management and security of the stockpiles is regulated and implemented in accordance with:

- a) Instruction for handling of SALW and ammunition
- b) Instruction for storage, safekeeping and maintenance of SALW and ammunition

**2.6. Purchase, carrying and possession of arms and ammunition by citizens and legal entities** are not regulated at the state level; rather they are regulated at the level of entity (Republic of Srpska), ten cantons (Federation BiH) and district (Brcko District). In compliance with these laws, the entity ministries of interior, cantonal ministries of interior and Brcko District Police have the mandates to keep records on issued permits for weapons and ammunition purchase, possession and carrying.

**2.7. The Transfer of military properties** from entity to state Ministry of Defence is ongoing. All surplus SALW and ammunition remain under the control of MoD BiH until the Transfer is completed.

With reference to the BiH obligations within the EUFOR Instruction to the Parties (ITP) Change 23<sup>5</sup> and 24<sup>6</sup> and EC Directive 91/477/EC for weapons and ammunition, the National Co-ordination Board for SALW control along with international community initiated the establishment of the expert groups to develop state laws on arms and ammunition in BiH. The Ministry of Security BiH is chairing four working groups that will work to develop the following laws at the state level:

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<sup>5</sup> Change 23 to the Instruction to the Parties (ITP) issued by COM EUFOR and SMR NHQ SA on 10 January 2006

<sup>6</sup> Change 24 to the Instruction to the Parties (ITP) issued by COM EUFOR and SMR NHQ SA on 13 September 2006

- Law on Weapons (i.e. Law on Acquisition, Possession and Carrying of Arms and Ammunition),
- Law on Transport of Dangerous Goods in BiH,
- Law on Control of Movement of Weapons and Military Equipment in BiH
- Amendments to the Decision on Determining the International Border Crossings for Transport of the Arms and Military Equipment, Hazardous, Explosive and Radioactive Substances and Dual-Use List.<sup>7</sup>

**Destruction of surplus weapons and ammunition** is conducted by the Ministry of Defence BiH within the UNDP Small Arms Control in BiH Project and in accordance with the UN Classification System, NATO and Regional Micro Disarmament Standards.

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

Within the UNDP's SAP, which was launched in 2003 and endorsed by the Council of Ministers, the following, among others, has been achieved:

- The SALW Survey for BiH conducted (Small Arms and Light Weapons Survey for BiH); the major findings show that over 19% of BiH households possess weapons and 16% possess these weapons illegally;
- Capacity building for the BiH authorities in the domain of SALW issues (establishment and endorsement of the Coordination Board for SALW Control and endorsement of the National Strategy and Action Plan for SALW Control);
- Ammunition Demilitarization Feasibility Study in BiH; the major findings include the upgrade of one principal demilitarization facility and disposal of over 64,000 tons of surplus ammunition in accordance with the international standards and environmental legislations;
- Destruction of 20,000 SALW; and
- Destruction of over 700 tones of unstable ammunition

In 2005 UNDP and the Ministry of Defence launched the Small Arms Control Project (2005-2009). The Small Arms Control and Reduction Project in BiH (SACBiH) works in partnership with the authorities of Bosnia and Herzegovina to decrease the threat posed to human security by the large and uncontrolled presence of SALW and ammunition in the country. The project is based on three distinct components, each geared towards securing particular objectives. The three components are as follows:

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|-----------------|--|
| Component One   | - Enhanced Institutional Capacity for SALW Control |
| Component Two   | - SALW and Associated Weapons Systems Destruction  |
| Component Three | - Ammunition Demilitarization                      |

Within SACBIH UNDP and MoD BiH destroyed over 2,600 tons of ammunition in 2007 and over 95,000 surplus SALW. Ministry of Security and UNDP work in partnership to develop the aforementioned state laws in accordance with international standards and EC Directives.

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<sup>7</sup> Decision published in Official Gazette of BiH 89/06

MoD BiH and UNDP BiH are working closely to launch the second phase of SACBIH which will include: a) the enhanced institutional capacities to control SALW through support to Law implementation and support to Coordination Board; b) safer communities project and c) upgrade of the ammunition disposal facility and destruction of up to 20,000 tons of unstable and unsafe ammunition in BiH.

#### **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);
- Establishment of the sectoral institutions: Ministry of Security BiH and the Ministry of Defense BiH, as well as departments and services within these ministries: Border Police (BP), Civil Protection Administration; SIPA- State Investigation and Protection Agency, Office for the Cooperation with INTERPOL.
- Actions on collecting the SALW called “Harvest” (SFOR/EUFOR),
- Actions on collecting the SALW called “Internal Harvest 2004-2005” (Ministries of Interior of the Entities and Civil Protection Administrations of the Entities);
- Defence reform including the downsizing and restructuring of the Armed Forces of BiH (abolishment of the Entity Ministries of Defence) and its alignment with NATO standards. Thus, BiH is reducing the number of weapons and ammunition storage sites in BiH.

#### **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:

- Support to Transfer of ownership over the military property
- Educational, financial and technical assistance in regards to the training and education of personnel,
- upgraded security measures at the military storage sites
- upgrade of destruction facilities for SALW (ammunition),
- financial and technical support in development and implementation of the awareness raising campaigns in BiH
- support in fundraising efforts

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

BiH is obliged to submit annual reports in accordance with the UN Programme of Action and OSCE’s exchange of information on SALW.

BiH actively participates in the regional activities within SEESAC (South Eastern Europe Small Arms Clearing House) and RACVIAC (Regional Arms Control Verification and Implementation Assistance Center).

Within the Office for the Cooperation with INTERPOL, a national center for SECI (South-East Cooperation Initiative) was established and is operational. The establishment of EUROPOL is ongoing.

## *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”, No 09/04).

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

Issuing of licenses and authorizations are regulated by the Article 3 of the Law on Manufacturing of Weapons and Military Equipment. The Ministry of Foreign Trade and Economic Relations BiH (MOFTER) has the mandate to issue, revoke or annul the licenses if the requirements are fulfilled or not.

The license shall be revoked in accordance with the regulations and procedures stipulated in the following documents:

- National procedures for the production control;
- Instructions on Monitoring and Reporting of the Manufacturing and Repair of Weapons and Military Equipment;
- Instruction on the Procedure for Issuing of Licenses for Manufacturing and Repair of Weapons and the Military Equipment to the Legal Entities;
- Instruction on Recording and Central Registry of Legal Entities with the License Issued for Manufacturing and Repair of Weapons and Military Equipment.

The procedures foresee that MOFTER is obliged to respond to a request for the issuance of a license within 30 days from the day of its submission (according to the Law on Administrative Procedures).

The MOFTER established the Inspection Team for control and monitoring of the SALW and military equipment manufacturers.

By conducting the inspection, MOFTER obtains the information on regularity of business and code of conduct of legal persons who possess the license for manufacturing and repair of weapons and military equipment. The MOFTER Inspection Teams examine the following:

- existence of valid documentation for manufacturing;
- compliance with organization plans and the security and protection measures;
- Record-keeping on contracts and consumption of the ‘B’ material.

The monitoring is conducted by the Entity Ministries and the following are examined:

- verification of existence and validity of the organization plans;
- application of the regulated physical and technical safety and protection of people and buildings;
- Supervision and inspection of the ‘B’ material supply and consumption.

After completion of their supervision, Entity Ministries are obliged to submit their reports to MOFTER.

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

The license for manufacturing and repair of weapons and military equipment does not have time-limit, unless the license is revoked. The monitoring is conducted by the Entity Ministries and Brcko District whilst the inspections are conducted by the MOFTER inspection teams. The legislation foresees a possibility of changing the assortment of products. However, the legal entity has to apply and request the license or any change in the manufacturing process and the change of the assortment.

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

Annulment of the license for the manufacturing and repair of weapons and military equipment will be implemented if:

- it has been established that the license had been issued based on the false data;
- when the legal entity breached the Law and the regulations issued based therein;
- the legal entity did not eliminate the faults discovered in a prescribed period;
- in case when the inspection or monitoring is prevented.

The decision on license revocation is final. However, there is a legal remedy, through filing of an administrative suit at the Court of BiH within 60 days from the receipt of the decision.

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

The illegal manufacturing of SALW stipulates misdemeanor and criminal penalties for individuals and legal entities in accordance with the Law on Manufacturing of Weapons and Military Equipment, and the Penal Codes in BiH.

There are few reports on investigations conducted or cases processes by the Indirect Tax Authority for breach of rules on exports 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 Indirect Tax Authority in Implementation of the Law on Import and Export of Weapons and Military Equipment and Export and Import of Dual-use Items. There are pecuniary and imprisonment penalties foreseen for the perpetrators of the Law. The Penal Codes in BiH foresees the criminal sanctioning for the cases of the illicit trade and manufacturing of weapons and military equipment.

## **2. Stock management and security**

- BiH Presidency issued the Decision on size and structure of the AFBiH and storage sites of AFBiH on 5 July 2006. The Decision determines the size and structure of Armed Forces of BiH and location for weapons and ammunition storage sites.
- Legislation and state level regulations stipulating stockpile security issues are in the process of development.
- Current safety measures are defined at the state level but are also monitored by the members of the international community (UNDP, NATO, OSCE and EUFOR). The EUFOR Commander Instruction to the Parties (ITP) Change 23<sup>8</sup> and 24<sup>9</sup> is applied. Additional material applied is "The NATO Handbook on Security Principles for the Storing of the Military Ammunition and Explosives".
- BiH MoD issued a Decision on 4 April 2006 to form inspection teams for control of storage sites, weapons and ammunition. The AF BiH weapons and ammunition storage buildings in most of the cases, meet minimum NATO criteria. However, the outside perimeter, surveillance and security are in bad conditions. Efforts are being invested to bring them in line with NATO standards. The assistance and support to upgrade the security and surveillance of the storage sites are necessary.
- The downsizing of the storage sites and buildings locations commenced in 2006 following the BiH Presidency Decision. The Decision sets a standard for reduction of number of storage sites from 22 to 5.
- The European Union Forces (EUFOR) stationed in Bosnia and Herzegovina is conducting storage inspections including the 100% stock take of ammunition and SALW. To date, all the weapons storage sites are inspected and handed over to MoD BiH whilst only 8% of the 22 ammunition storage sites are inspected.
- AFBiH are included into the process of SALW management and are physically securing the ammunition stored. 10% of the AFBiH staff is engaged on safeguarding the storage sites.
- It is important to mention that the AFBiH SALW and the police SALW in Bosnia and Herzegovina are secured and safeguarded separately.
- The reform and downsizing of the AFBiH is ongoing. SALW surplus will be officially declared once the downsizing of AFBiH and the Property Transfer are completed.

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

5.1. Awareness-Raising on SALW in Bosnia and Herzegovina has been implemented through operations conducted by the Civil Protection. The example is the EUFOR's "Operation Harvest". During this operation the collection of weapons was accompanied by media campaigns and the distribution of information using "door-to-door" method. The scope of the activities includes weekly press releases, poster campaigns and daily radio announcements.

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<sup>8</sup> Change 23 to the Instruction to the Parties (ITP) issued by COM EUFOR and SMR NHQ SA on 10 January 2006

<sup>9</sup> Change 24 to the Instruction to the Parties (ITP) issued by COM EUFOR and SMR NHQ Sa on 13 September 2006

UNDP and the Coordination Board will implement one-year Awareness raising campaign in 2008 that will include the media and public campaign, advocacy and risk education activities.

In cooperation with the local police and local authorities the Operation was continued under a different name – “Internal Harvest”, and was accompanied by the local media, press and radio involving the BiH celebrities.

5.2. The non-governmental organizations have implemented the mine risk awareness raising campaigns. The UNDP Small Arms Programme (SAP) implemented public awareness raising campaign against the celebratory gunfire 2005/2006 in coordination with an NGO, Centre for Security Studies, (CSS). As a result the number of incidents during New Year’s and religious holidays was reduced by 200% compared against the statistics of same period in 2004/2005.

Handicap International in cooperation with CSS (supported by UNDP and SEESAC) implemented SALW education curriculum for schools in BiH on the risks associated on the SALW and landmines. The curriculum will be implemented in schools as of 2007/2008.

5.3. In November-December 2006 UNDP and the Coordination Board in partnership with the entity Ministries of Interiors implemented a Pilot weapons collection campaign that included a strong media campaign. Over the period of one month in two Sarajevo municipalities a total of 332 SALW and 5,000 rounds of ammunition were surrendered. The campaign attracted international, regional and national media throughout the campaign implementation.

5.4. During 2007 UNDP and Entity Ministries of Interior marked the UN Disarmament Week. During the week 24-30 October 2007 a total of 40 SALW and 3,500 rounds of ammunition were surrendered in Republika Srpska.

During the Operations harvest implemented by the MoI RS a total of 1,333 SALW, 3,638 hand grenades and 192,093 rounds of ammunition were collected. During 2007 the Police of Brcko District implemented Operation Harvest and collected 48 SALW and 3,992 rounds of ammunition.

## **5.1 SALW destruction techniques**

Conventional methods are used for the destruction of weapons. Destruction of SALW is conducted by cutting and melting at local steelworks. The destruction of SALW is implemented within the UNDP project – SACBiH.

The unstable ammunition is destroyed by detonation. To that end UNDP, within the SAP, has upgraded the ammunition demolition ground in Kalinovik and brought it in line with the NATO and Regional Micro Disarmament Standards (RMDS). The ground will be used by the BiH Armed Forces.

All surplus ammunition is demilitarized (industrially processed). The demilitarization is implemented at the former Government Ordnance Factories such as Pretis in Vogosca and Dobojski military facility. Within the SACBiH framework UNDP invested

limited upgrades of the Pretis demilitarization facility in order to improve the security and safety and the disposal rate.

In November 2006 UNDP commissioned the transportable Explosive Waste Incinerator which will dispose of small arms ammunition up to 14, 5 mm caliber. The EWI including the Pollution Control System (PCS) are installed in their final working locations. To date 400,000 rounds of ammunition has been destroyed.

During 2007, UNDP and MoD BiH destroyed over 2,600 tons of unstable ammunition. The destruction of 2,145 tons of ammunition is ongoing.

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

The destruction activities mostly regard the reported surpluses, the weapons and ammunition surrender individually, and collected SALW. Narrative and electronic reports are filed at the BiH Ministry of Defence, UNDP and NGO's.

Records on destroyed SALW are kept in the relevant institutions also involved in the destruction (EUFOR, UNDP and MoD).

## **5.3 Confiscated or seized weapons**

Confiscated weapons are handed 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 until destroyed.

## **5.4 Surplus of military weapons**

Surplus of arms and ammunition will be declared by the MoD BiH and the decision on the disposal will be made by BiH Presidency upon completion of restructuring of AFBiH. Until the Decision is made the surplus weapons and ammunition remain under control of the MoD/AFBiH at the designated locations.

In May 2006, BiH MoD established an expert team to identify surplus SALW and ammunition. The task of the team is to present proposal on methods of disposal (selling, donation, destruction – demilitarization, melting, etc.) in accordance with the UNDP SACBIH. According to the preliminary assessments of the working group the estimated surplus of military is up to 100,000 SALW and approximately 21,000 tones of ammunition.

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

**Export, import, transit and brokering of the SALW** is regulated by the Law on Export and Import of Arms and Military Equipment (“Official Gazette of BiH”, No 05/03, 14/03, 33/03, 14/05, 56/05 and 75/05).

State institutions are currently conducting activities related to the reduction of number of border crossings for the future transport of weapons and military equipment, dangerous, explosive and radioactive materials and dual-use items.

Once the resolution is passed, transport of the above mentioned shipment will be conducted over designated border crossings and prior notice of 72 hours in advance must be submitted.

### **6.1 Criteria regarding the issuance of permits for import/export of arms, military equipment and dual-use goods**

During the process of issuing of permits for transit and brokering of weapons, military equipment and dual-use goods MOFTER has to obtain approval from the BiH Ministry of Foreign Affairs, the BiH Ministry of Security and the BiH Ministry of Defense of BiH.

When issuing such an approval, the BiH Ministry of Foreign Affairs has to examine (among other things) the prohibitions and sanctions of the:

- UN Security Council,
- EU's Code 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 March 2006, the Law on the implementation of the Chemical Weapons Convention (CWC) was adopted.

### **6.2 Types of licenses**

The Law on Export and Import of Arms and Military Equipment stipulates one license for one export or import.

- Each of the licenses contains all the data relevant for that activity, such as:
  - license number
  - date of issuance
  - name – title of the goods
  - customs code
  - quantity
  - exporter
  - importer
  - end user
  - monetary value
  - license validity

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

The license validity is one year. The clause regarding the revocation 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 which states that the administrative suit can be filed at the BiH Court within 30 days from the receipt of the decision.

The Law stipulates the obligatory report on export/import, brokering and transit to be submitted 15 days after the completion of the mentioned activities. The Reports on exported, imported, brokered or transit weapons and military equipments is submitted by the physical or legal entities to the MoFTER.

The End User Certificate (EUC) is an obligatory document that accompanies each license issued as stipulated by the law and sub-Acts. In accordance with its mandate, the Ministry of Foreign Affairs and the MOFTER are checking and verifying the end user certificates issued. The obligatory storing and safekeeping of the documentation is 5 years.

The MOFTER completed the publishing of the exception from this Law which only refer to the provisional export and import of weapons for sports and hunting purposes. This refers to the sport contests/competitions in and outside BiH.

One of the by-laws published is the Instruction on Obligations of Indirect Taxation Authority in the Implementation of the Law on Export and Import of Weapons and Military Equipment. This Law foresees penalties (pecuniary and imprisonment) for those violating the above mentioned law. Penal Codes in BiH foresee sanctioning of the illicit trafficking and manufacturing of the weapons and the military equipment.

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

From January 1 2006 until December 31 2006, MOFTER issued a total of 350 licenses for export and import of SALW, military equipment and dual-use items. A total of 331 licenses were issued for export and import of SALW and military equipment (156 export and 164 import licenses). MoFTER also processed the same number of different inquiries, opinions, information, notifications, etc in regards to SALW and ammunition. The MOFTER has completed Annual Report on All the Licenses Issued for 2006, by countries, values and categories. It is the MOFTER obligation to submit, through the BiH Council of Ministers, a regular annual report to Parliament of BiH. UNDP BiH supported the MoFTER in developing the software for development of Annual Report for 2006. The Report is endorsed by the BiH Parliament in January 2007 and is available on MOFTER web site: [www.mvteo.gov.ba](http://www.mvteo.gov.ba)

The Annual Report for 2007 is under development.

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

- The law foresees the obligatory document End User Document or End User Certificate, in each subject matter and each type of license

- Verification of the End Use/User Certificate falls under the mandate of the BiH Ministry of Foreign Affairs and MOFTER,
- BiH MFA and MOFTER are obliged to verify end-use or end-user certificates,
- Procedures regarding the re-transferring are same.

## **6.6 Assistance from other countries**

As a part of education assistance to establish effective state mechanism for export control, seminars and lectures have been prepared, as well as short courses under the auspices of USA and EU countries and countries from the SEE Region.

Within regular activities of MFA and MOFTER, there is regular exchange of information between BiH and other states in regards to export control based on the authorities deriving from existing laws.

As a part of regional security, related to the SALW project, various activities are being organized within SIPRI (*Stockholm International Peace Research Institute*), RACVIAC (*Regional Arms Control and Verification Assistance Center of the Stability Pact for SE Europe*), SEESAC (*South Eastern and Eastern Europe Clearinghouse for the Control of SALW*), SECI (*Southeast European Cooperative Initiative*), BAFA (*Budget and Financial Analysis Branch*).

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

The Law on Export and Import of Weapons and Military Equipment also regulates the category “brokering services”. “Brokering services in weapons and military equipment stand for the activity that physical or legal entity, permanently or temporary reside in BiH, provides for, or organizes the trade of weapons and the military equipment in/out of Bosnia and Herzegovina out/into another country”.

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

n/a

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

Export and import licenses issued so far included the two entities of the operation, that is the importer/exporter and the end user, while in most of the cases, the importer is also the end user.

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

All penalties for illegal activities are stipulated by the BiH Criminal Code.

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

### **8.1 SALW marking**

Bosnia and Herzegovina manufactures only certain types and calibers of SALW and ammunition. These are:

- ammunition caliber up to 12,7 mm,
- hand grenades,
- mortars and mortar shells caliber up to/over 100 mm,
- recoilless weapons, hand-held antitank equipment caliber 90 mm,
- other limited equipment, limited amount and limited possibilities.

All SALW which have not been marked regularly and are located in BiH, are destroyed.

Marking system in BiH is consisted of alpha-numerical symbols, while other symbols are not used. Marks are on visible place/part of the equipment and on boxes/packaging. The marks look as follows:

### **SRB 8702-01 or 007 9401-01 or 124 0301**

SRB-name of producer: Slavko Rodic-Bugojno,  
87-two last digits of the production year (e.g. 1987),  
02-production series,  
01-war production series.

or, nowadays:

**124-producer code-Bugojno,**  
03- two last digits of the production year (e.g. 2003),  
01-production series.

Also, as a mark on ammunition, there could be ammunition type and model, the example is given below:

### **TF, M68P1,**

- TF means high-explosive ammunition,
- M model,
- 68 year of introduction of the ammunition in armaments,
- P1 modifications and number of modification.

Boxes are also marked (especially those for ammunition). During maintenance of some SALW types, UN and NATO defined marks are being put on appropriate place. The example is given below:

### **E.G. 1.4S 0345 1305-XX-215-4502**

E.G. means classification of danger,  
0345 UN number,  
1305-XX-215-4502 is NSN number (National Stock Number which identifies producing country of equipment)

Marks on armaments (recoilless rifles and mortars are marked by cold marking on parts such as tube or breech system and they are permanent). Ammunition can be marked with color on the top of the bullet, e.g. black color for penetrating ammunition, red color for flare ammunition, etc.

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

Manufacturers in BiH mark their products in accordance with the Law on Testing, Stamping and Marking of Fire Arms and Ammunition<sup>10</sup> and in accordance with the standard technologies and production documentation.

Marking techniques are harmonized with OSCE standards. Therefore, the main technique is marking with color including marking of the metal parts by cold mark stamping whereas some parts are marked by engraving. BiH is working to comply with the UN International Tracing Instrument

Hot marking as well as casting are not applied, but they can be carried out without any difficulties.

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

State policy for unmarked weapons is defined by the Law on Testing, Stamping and Marking Side Fire Arms and Ammunition<sup>11</sup>. All weapons and ammunition manufacture red in BiH or imported are subject to testing, stamping and marking before their release on the market.

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

MoFTER is implementing the above mentioned Law and development of by-laws which need to be harmonized with recommendations from the Standing International Commission for Testing Side Arms (C.I.P.). The drafting process of this by-law is in progress.

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

There is no private sector in BiH since the manufacturing and marking of weapons and military equipment is still under state control.

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

According to the BiH Law on Manufacturing of Weapons of Arms and Military Equipment MOFTER holds and maintains the central registry of legal entities authorized to manufacture Weapons and Military Equipment. The Central register of legal entities for manufacturing of weapons is managed in accordance with the internal legislation. The Procedures for License issuance, inspection and monitoring are regulated by state and entity by-laws. Therefore, inspection is conducted by

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<sup>10</sup> Official Gazette of BiH 21/03

<sup>11</sup> Official Gazette of BiH 21/03

MOFTER (Inspectorate department) and monitoring is conducted by the Federal Ministry of Industry, Energy and Mining and the Ministry for Tourism and Trade of Republika Srpska.

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

Through inspections MOFTER also examines the business processes and their regularity and behavior of legal entities licenses for manufacturing of Weapons and military equipment. During the inspection the following are checked:

- existence of the valid documentation for manufacturing
- compliance with organization plans and security and protection measures;
- Record keeping on contracts and on consumption of the ‘B’ material.

Monitoring is conducted by the Federal Entity Ministry for Industry, Energy and Mining and Ministry of Tourism and Industry of Republika Srpska. The following are examined:

- verification and validity of the organization plans;
- application of the required physical and technical safety and security of people and buildings;
- Supervision and inspection of the ‘B’ material supply and consumption.

The Entity Ministries are obliged to submit their reports to the MOFTER.

The state control of the Law on Import and Export of Arms and Military Equipment and Control of Import and Export of the Dual-Use Items will be implemented through the US TRACKER system, which will ensure complete and centralized monitoring of data on weapons that are imported, exported and transit. The first stage of the implementation of the TRACKER system has been accomplished and all relevant BiH institutions are connected to the system.

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

This program was conducted within the framework of Dayton Peace Agreement for BiH. Disarmament and demobilization of the AFBiH was executed in accordance with the agreement. The NATO Trust Fund has allocated funds through International Migration Office in BiH (IOM) to implement the reintegration programme in BiH for the soldiers of AFBiH who are redundant due to the downsizing and restructuring of AFBiH.

## **10. Awareness raising**

**10.1.** UNDP BiH through its Small Arms Control Programme (SACBIH) commenced the awareness raising campaign in coordination with the local NGO. The campaign includes public and media information, risk education and advocacy. The campaign will be implemented during 2008.

**10.2.** Awareness raising on SALW in Bosnia and Herzegovina has been implemented through operations conducted by the Civil Protection. The example is the EUFOR’s

“Operation Harvest”. During this operation the collection of weapons was accompanied by media campaigns and the distribution of information using “door-to-door” method. The scope of the activities includes weekly press releases, poster campaigns and daily radio announcements.

In cooperation with the local police and local authorities the Operation was continued under a different name – “Internal Harvest”, and was accompanied by the local media, press and radio involving the BiH celebrities.

The “Internal Harvest” is being implemented in both entities by the police and civil protection forces and is monitored by EUFOR.

**10.3.** The non-governmental organizations have initiated the noteworthy work in organizing the mine risk awareness raising campaigns. The UNDP Small Arms Programme (SAP) implemented public awareness raising campaign against the celebratory gunfire 2005/2006 in coordination with an NGO, Centre for Security Studies, (CSS). As a result the number of incidents during New Year’s and religious holidays was reduced by 200% compared against the statistics of same period in 2004/2005.

Handicap International in cooperation with CSS (supported by UNDP and SEESAC) implemented SALW education curriculum for schools in BiH on the risks associated on the SALW and landmines. The curriculum will be implemented in schools as of 2007/2008.

**10.4.** In November-December 2006 UNDP and the Coordination Board in partnership with the entity Ministries of Interiors implemented a Pilot weapons collection campaign that included a strong media campaign. Over the period of one month in two Sarajevo municipalities a total of 332 SALW and 5,000 rounds of ammunition were surrendered. The campaign attracted international, regional and national media throughout the campaign implementation.

The awareness raising campaign remain on top agenda and priority for the Coordination Board in BiH. In coordination with UNDP SACBIH CB continues to develop and implement the national awareness raising campaign that will be followed by the simultaneous weapons collection campaign.

**10.5.** UNDP SACBIH has conducted a SALW Impact Analysis during 2007. The major finding of the Analysis show that a total of 270 SALW related incidents have occurred, with 67 death fatalities and 70 wounding.

#### **Regional level**

### **11. Obligatory legal instruments**

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

#### **11.1. 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.

### ***11.2. 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.
- Agreement with Romania for fight against Terrorism and Organized Crime signed 4 June 2007 ratified 10 March 2008, Official Gazette 02/08
- Police Cooperation Agreement with Bulgaria signed 20 September 2007 ratified 10 March 2008,
- Strategic Agreement between Bosnia and Herzegovina and European Police (EUROPOL) signed 26 January 2007 in den Haag, Official Gazette 10/07

BiH government officially supported Arms Transfer Treaty (ATT), and ratified the UN Firearms Protocol in 2008.

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

In September 2004 the Ministry of Defense of Bosnia and Herzegovina issued a Moratorium for military SALW exports and imports. The deadline for all exports was set for July 2005. The Moratorium is still valid.

## **Global level**

### **12. 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;
- UN Firearms Protocol ratified in 2008
- UN International Tracing Instrument

### **13. International assistance and cooperation**

Significant financial and educational assistance in SALW control and destruction was provided by Governments of the UK, the Netherlands, Spain, Denmark and Sweden and/through UNDP SACBiH project.

Bosnia and Herzegovina is making a significant effort in development of central register of SALW at the BH state level, centralized in Ministry of Security of BH, which requires necessary funding.

Other funds provided by the United States were directed to the Ministry of Defence BiH for ammunition destruction activities.

### **14. 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 NGO's.

BiH government cooperates with Centre for Security Studies (CSS), humanitarian organization - Red Cross, SAFERWORLD, Bonn International Centre for Conversion, Transition International, etc.

### **15. Information exchange**

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

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

Training for SALW capacity building were conducted through the participation in workshops and seminars, and through other aspects of UNDP, SEESAC, OSCE 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 within UNDP Small Arms Control Programmes.

Within the SACBiH Project, UNDP continues to provide financial and technical assistance, support and advice to the Coordination Board and other state and entity institutions working on SALW control, in order to enhance the state and coordinated SALW control in BiH. Additionally, UNDP continues to upgrade the national capacities for demilitarization and destruction of arms.

To date a total of 95,000 SALW and over 3,000 tons of unstable and surplus ammunition were destroyed by UNDP BiH and MoD BiH.