

Croatia



1 SALW problem

Having been granted the formal status of an EU candidate country in June 2004, Croatia has its sights firmly set on EU membership and is working towards meeting a range of outstanding requirements across different sectors. Several important SALW control problems, some of them related to EU priorities, still remain to be addressed. The widespread availability of SALW in Croatian society, both illegal and registered weapons and ammunition, presents dangers to public health, safety and security. The illegal possession, use and trafficking of weapons by criminal groups, presents additional problems for law enforcement and border control. These are compounded by other challenges which include a regulatory system governing arms transfer control that still falls short of EU standards in certain important respects; inadequate inter-agency planning and co-operation; and low transparency and accountability to both parliament and the general public on SALW control issues.

According to Ministry of Interior (Mol) records, as of early 2005 there are approximately 376,000 registered firearms,¹ suggesting that close to twenty percent of Croatian households have legal weapons. In combination with illegal holdings, this makes Croatia one of the most heavily armed countries of South Eastern Europe.² Both civil society groups and government officials consistently express concerns about this issue, noting the regular occurrence of accidents and armed crime.³

An associated and potentially more serious problem is the illicit cross-border trade in SALW, a topic that featured regularly in Croatia's media during 2005/6, with some stories alleging the involvement of registered SALW producers and law enforcement officers in trafficking on more than one occasion. For example, in late 2005, owners of the firm HS Produkt, Ivan Žapčić and Marko Vuković were brought before a Croatian court along with a Customs Officer, Pero Antunović, accused of having co-operated to smuggle 3,810 units of HS-2000 small arms to overseas buyers.⁴ Light weapons have also been intercepted during anti-trafficking operations. In July 2005, 13 persons were imprisoned for dealing in Soviet-made, hand held anti-tank rockets, 11 of which were seized by police. The weapons

¹ Correspondence, Mr. Zlatko Mehun, Mol official, 18 March 2005.

² The level of illicit societal possession will be the subject of the upcoming 2006 National SALW Survey of Croatia.

³ See for example 'Loose Gun License Control a Problem', *Vecernji List*, Zagreb, HRT, 06 April 2005. Correspondence, Mr. Zlatko Mehun, *Op Cit.*; Correspondence, Mr. Col. Mirko Kukolj, MoD official, 21 February 2005.

⁴ 'Mol in business with suspects for smuggling of 3810 guns', *Večernji list*, 09 October, 2005.

were believed to be destined for the Italian and German market.⁵ Moreover, illicit arms trafficking is not confined to the smuggling of SALW; in Spring 2005, four Montenegrins were arrested for smuggling 208 tonnes of gunpowder into Rijeka harbour.⁶ Also in July 2005, 5,100 128mm rockets were found to be missing from military stores. A subsequent police investigation revealed that the weapons had been shipped to FYR Macedonia from Pula airport by a Ukrainian aircraft some years previously.⁷ Unfortunately, cases such as these have continued to feature in the Croatian media from the 1990s onwards. Even allowing for the occasional inaccuracy of media reports, the repetitive occurrence of such stories serves to indicate that trafficking rings established during the wars of the 1990s remain operational.⁸ As recently as April 2006, Croatian police uncovered a sizeable cross-border trafficking ring with contacts in Bosnia and Herzegovina, Croatia and Slovenia.⁹

Croatia faces multiple challenges to effective border control because of its long and geographically varied Adriatic coastline to the South, and difficult terrain along its eastern border with Bosnia and Herzegovina. Interviewees from border control agencies report ongoing difficulties with at least some of the country's 189 crossing points. Shortages of personnel, skills, technology and equipment are at the root of these problems. According to the Croatian Customs Service, many crossing points are not adequately equipped and search equipment such as radiation detectors and X-ray vehicles for cargo scanning are particularly lacking. Further, although Customs officers receive regular training, procedures for checks of military goods shipments and related documentation are not adequately covered as part of the training process.¹⁰

Current regulation and practice with respect to international arms transfers adheres more closely than in the past to international and European norms. However, despite a public commitment by the Croatian Government in May 2005 to apply the criteria and principles of the EU Code of Conduct on Arms Exports, the Code's criteria are not as yet incorporated into domestic legislation. Officials also admit that difficulties remain with their ability to determine what is an acceptable export and also to monitor the end-use of transferred items.¹¹ Croatia is also working towards the introduction of a military list that is compatible

⁵ 'POA and police discovered Zolya', *Vecernji list*, 14 December 2005, Available at: <http://www.vecernji-list.hr/newsroom/news/croatia/417686/index.do>, accessed 01 June 2006.

⁶ 'Croatia – illegal arms dealers' paradise', *T-Portal*, 31 November 2005, available at: <http://www.tportal.hr/vijesti/hrvatska/page/2005/05/30/0344006.html>, accessed 02 June 2006.

⁷ According to news reports, Ministerial approval was said to have been given for the transfer. See for example 'Jozo, where are the rockets', *Iskon.hr*, 21 January 2006, available at: <http://www.iskon.hr/vijesti/page/2006/01/21/0007006.html>, accessed 01 June 2006.

⁸ SEESAC, *South Eastern Europe SALW Monitor 2005*, Belgrade, 2005, pp. 67-86.

⁹ A 'large' amount of arms, together with radio and telecommunication equipment was seized in Sisak, Split, Virovitica and Osijek. The smuggled goods were believed to have crossed the border with Bosnia and Herzegovina. 'Croatian Police Busts Arms Trafficking Channel', *FOCUS News Agency*, 02 April 2006. Available at: <http://www.focus-fen.net/index.php?catid=129&newsid=85618&ch=0>, accessed 01 June 2006.

¹⁰ Correspondence with P Simunovic, Assistant Minister, Ministry of Foreign Affairs and European Integration, February 2006.

¹¹ During interviews, MoE representatives expressed a desire for the introduction of detailed guidelines on the application of the EU Code of Conduct export criteria. Interviews and subsequent correspondence with Ms. Vesna Focht, MoE official, 21 February 2006, and Drazen Hrstic, National Focal Point for SALW, Ministry of Foreign Affairs, 16 September 2005.

with that of the EU.¹² Crucially, the Croatian arms transfer control system distinguishes between commercial and state-authorised transactions: state-to-state transfers, or imports for use by the Croatian army and police, undergo a less rigorous assessment process.¹³ Commercial licensing is more thorough however, with approval required by an inter-ministerial commission composed of representatives from the Ministry of Foreign Affairs (MFA), Ministry of Economy (MoE), Ministry of Defence (MoD) and the Mol.¹⁴ The transit of SALW is also regulated by lower standards of control and administered by the Mol only.¹⁵

Lack of transparency over the arms transfer licensing process, and in particular, the role of the state-owned arms manufacturing company RH Alan, are also causes for concern. The Alan Agency is reported to process all arms transfer licence applications prior to submission to the inter-agency group that formally authorises applications, the 'National Commission for Issuing Permits for Export and Import of Arms for Commercial Purposes'.¹⁶ There are also no provisions in the regulatory system either for parliamentary scrutiny of arms transfer decision-making, or for the publication of reports on this subject by the Government.

A final challenge that Croatia must still overcome is that of poor inter-agency planning and co-ordination, a recurrent problem in most sectors of government that is compounded by undue secrecy and competitiveness between institutions.¹⁷ For example, all indications are that Croatia's National SALW Control Commission, though created in early 2005, having barely met since then, is not yet fully functional.¹⁸ The existence of a second commission for weapons of mass destruction (WMD) is thought by some observers to add a degree of confusion.¹⁹ Withholding of information by key ministries such as the MoD and Mol (e.g. the level of surplus SALW stocks) is also said to be commonplace, undermining intra-governmental attempts at co-operation.²⁰

¹² *Ibid.*

¹³ When importing weapons for their own use, the Mol and MoD issue their own licences. State-to-state deals are generally exempt from any form of licensing. Article 4, 'Decree on Goods Subject to Import and Export Licensing'. *Report of the Republic of Croatia on Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate Trade in Small Arms and Light Weapons in All Its Aspects*, 2003, pp. 2–6. Available at: <http://disarmament.un.org/cab/nationalreports/2002/Croatia.pdf>, accessed 01 June 2006. See also Grillot, S., 'Small Arms Control in Central and Eastern Europe', Eurasia Series No 1, International Alert, June 2003, p. 13.

¹⁴ Correspondence, Ms. Vesna Focht, MoE *Op Cit.*; *UN PoA Report 2003, Op Cit.*, pp. 2–6.

¹⁵ *UN PoA Report, 2003 Op Cit.*; *Report of the Republic of Croatia on Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate Trade in Small Arms and Light Weapons in all its Aspects*, 2004. Available at, <http://disarmament.un.org/cab/nationalreports/Croatia04.pdf>, accessed 01 June 2006.

¹⁶ An accompanying commission for 'Issuing Permits for Exporting Dual Purpose Goods' also exists. Presentation, Mihaela Baric, Regional Steering Group meeting, Belgrade, 16 May 2006.

¹⁷ Interview with international consultant seconded to Croatian MUP, 08 March 2006.

¹⁸ Some confusion is also believed to exist among members about their roles within it. Commission members are as follows: Mol, MoD, Customs and MoE, some of which are also represented on RH Alan's Board of Directors. Interviews, February 2006.

¹⁹ Interviews, foreign embassy officials, February 2006.

²⁰ Interview, international consultant, *Op Cit.*

2 SALW policy and practice

As part of Croatia's broader efforts towards Euro-Atlantic integration, the country is committed to regional and international agreements such as the UN Programme of Action (PoA), the OSCE Document on SALW, the UN Firearms Protocol²¹ and the Stability Pact Regional Implementation Plan. During 2005, Croatia also became party to the Wassenaar Arrangement.

On 31 March 2005 Croatia established a comprehensive National SALW Control Commission.²² According to the commission's terms of reference, it is composed of assistant ministers from the MFA, Mol, MoD, MoE, Ministry of Finance/Customs Administration and Ministry of Justice, as well as representatives from the National Intelligence Agency, Counterintelligence Agency and the arms production/licensing agency RH Alan. Although, as noted above, this body is not yet fully functional, the commission is mandated to develop a national strategy and action plan for combating problems related to arms and ammunition, and to co-ordinate the activities envisaged by the action plan.²³

ARMS OR SALW CONTROL AGREEMENTS	CROATIA'S COMMITMENTS
EU Code of Conduct on Arms Exports	August 2002
OSCE Document on SALW	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	2003
OSCE Decision on End User Certificates	2004
OSCE Decision on Brokering	2004
Stability Pact Regional Implementation Plan	November 2001
UN Firearms Protocol	November 2004
UN Programme of Action on SALW	July 2001
UN Register of Conventional Arms	Submitted returns since 1992 (with the exception of 1995)
Wassenaar Arrangement	Since 2005

Table 1: Croatia's commitments to conventional arms or SALW control agreements

²¹ Correspondence, Mr. Col. Mirko Kukolj, *Op Cit.*

²² 'National Commission for Arms and Ammunition', Decision of the Government of the Republic of Croatia, 31 March 2005.

²³ *Ibid.*

3 SALW progress 2005–2006

3.1 Legislative and Regulatory Issues

Transfer controls

The military industry in Croatia, and the trade of SALW, is regulated by the Law on Production, Overhaul and Trade in Arms and Military Equipment, adopted on 25 March 2002.²⁴ As previously noted, a dual licensing system operates for transfers, with different standards of scrutiny for commercial and state transactions. In 2005, the MoE reported that it was working on a new draft law on *Trade in Arms and Military Equipment*, which would (among other things) introduce a list of arms and military equipment subject to import-export licensing along the lines of the EU Common military list and introduce brokering controls in line with the EU Common Position on Brokering.²⁵ No progress has been reported in this area since.

Domestic possession and use

Civilian possession of SALW in Croatia is governed primarily by the *Law on Weapons* including various amendments under which citizens are allowed to possess and carry firearms for reasons of self-protection, hunting or sport.²⁶ Although a new *Law on Weapons* is currently being prepared collaboratively by the MoI and MFA, and is expected to reach the Parliament sometime in 2006, no amendments have been reported so far for 2005/6.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	CROATIA
NATIONAL	
National Co-ordinating Agency	Yes
National Point of Contact	Yes (MFA as a whole) ²⁷
LAWS AND PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT	
Primary legislation	Yes ²⁸
Production	Yes ²⁹
Export	Yes ³⁰

²⁴ *Official Gazette* 33/2002.

²⁵ Interview and subsequent correspondence with MoE, *Op Cit.* See also *UN PoA Report*, 2003 *Op Cit.*, pp. 2–6.

²⁶ 'Law on Weapons', *Official Gazette* 46/97; Amendments: *Official Gazette* 27/99, 12/01, 19/02. *UN PoA Report*, 2004, *Op Cit.*, p. 5.

²⁷ *UN PoA Reports*, 2003 and 2004, *Op Cit.*

²⁸ 'Law on the Production, Overhaul and Trade in Arms and Military Equipment', adopted 25 March 2002 (*Official Gazette* 33/2002).

²⁹ Also, the 'Regulation on Special Measures for Securing and Protecting the Production, Overhaul and Trade in Arms and Military Equipment', *Official Gazette* 5/2003, and the 'Regulation on Special Conditions for Defense Equipment Development', *Official Gazette* 67/2003, which governs the application of safety measures in the production of military equipment.

³⁰ 'Law on Production', 2002; also 'Decree on Goods Subject to Import and Export Licensing', *Official Gazette* 67/03, which specifies the commodities subject to import and export licensing in addition to customs tariff numbers: Articles 15-21, 'Law on Production'.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	CROATIA
Import	Yes ³¹
Transit	Licensing by MoI only (after consultation with MoD) ³²
NATIONAL SYSTEM OF EXPORT AND IMPORT LICENSING OR AUTHORISATION	
Diversion risk	No
End User Certificate	Yes ³³
Re-transfers	No
Verification (pre/post)	No
Brokering Controls	No
DOMESTIC POSSESSION, MANUFACTURE, STOCKPILING AND TRADE	
Manufacture	Yes ³⁴
Marking and Tracing	Yes ³⁵
Possession	Yes ³⁶
Stockpiling	Yes ³⁷
Trade	Yes ³⁸

Table 2: Features of Croatia's legislative and regulatory framework

3.2 SALW Collection programmes and capacities

A succession of weapons collection programmes were organised in Croatia between 1992 and 2003, resulting in the collection or seizure of 33,598 weapons as well as large numbers of landmines, explosive items and ammunition rounds.³⁹ Since the last amnesty period ended in December 2003, seizures by police have been ongoing. In 2004, a total of 4,179 weapons were confiscated, but no up-to-date figures have been provided on seizures during 2005/6.⁴⁰

³¹ *Ibid.*

³² Arms consignments must use only international border crossings 'unless otherwise provided under interstate agreement': Article 20, 'Law on Production'; The 'Law on Weapons' also contains provisions on the transport of weapons within the country, for which permission must be obtained from the police for more than 12 firearms or 500 pieces of ammunition. For transport across state borders, the Law states that permission from the MoI is required (Articles 63 - 65).

³³ See: 'Decree Specifying Goods Subjected to Export and Import Licences'.

³⁴ The 'Law on Weapons' (Articles 55 - 58).

³⁵ The 'Firearms Protocol' has been incorporated into national law. The 'Law on Weapons' does not stipulate the marking of weapons, but licenses should be withheld if the origin of a weapon cannot be determined: 'Law on Weapons' (Article 30).

³⁶ 'Law on Weapons' (Articles 11, 14, 18 - 23, 27 - 30, 36 and 37).

³⁷ Article 97 of the 'Law on Weapons' states that 'Rule Book' provisions on storage conditions should be followed.

³⁸ 'Law on Production' (Article 16), 'Law on Weapons' (Articles 59-72), 'Law on the Production, Overhaul and Trade in Arms and Military Equipment'.

³⁹ 2006 draft SALW Action Plan provided by MFA. See also *UN PoA Reports*, 2003 and 2004, *Op Cit.*

⁴⁰ Correspondence, Mr. Zlatko Mehun, *Op Cit.*

3.3 SALW Destruction programmes and capacities

According to Croatia's 2004 report to UNDDA, SALW are destroyed in maintenance facilities and then melted down in steel plants, with ammunition destroyed at military testing grounds.⁴¹ Encouragement for the destruction of surplus SALW has been provided by a German programme known as 'New for Old', in which the German Embassy has provided firearms to the MoD from 2004 onwards.⁴² According to data provided by the MoD, 1,905 weapons were destroyed in 2005.⁴³ However, no information has been provided on whether plans suggested in 2005 to use industrial facilities owned by the private sector to increase ammunition destruction capacities have come to fruition, or on how much ammunition was destroyed during the last year.⁴⁴

3.4 SALW Stockpile Management programmes and capacities

Reserve and surplus weapons under the control of the MoI are reported to be stored at four locations across the country, under close police supervision and subject to accurate record keeping.⁴⁵ In contrast, according to information from the MoD, surplus military weapons and ammunition are stored at a central location.⁴⁶ According to MoD regulations, military stockpiles are to be checked every month, and a detailed inventory carried out annually. Technical inspection of ammunition is apparently conducted on an annual basis, on a required percentage for different types of ammunition.⁴⁷ Because required facilities were lacking, prior to 2005 weapons in the possession of the Customs Service were held in stores belonging to firearm producers. During 2004/5 however, these weapons were transferred to MoI depots.⁴⁸ No further changes to stockpile management procedures or technical upgrades to facilities have been reported for 2005/6.⁴⁹

3.5 SALW Awareness activities

Awareness-raising activities and public information campaigns were part of Croatia's amnesty and collection efforts up until 2003, during which the mass media and civil society organisations such as the Croatian Red Cross, veterans' and women's groups as well as hunters' associations joined government-led initiatives.⁵⁰ A SALW Awareness campaign for school children has also been run in past years by the DELTA Shooting Club and a war

⁴¹ UN PoA Reports, 2003 and 2004, *Op Cit.*

⁴² Interview, Dr. Larids Holscher, Deputy Head of Mission, German Embassy, Zagreb, Croatia, 14 February 2006.

⁴³ Correspondence, BICC, 25 April 2006.

⁴⁴ These plans were originally discussed in correspondence with Col. Mirko Kukolj, Deputy Head of Directorate for Development, Acquisition and Modernization, MoD, 21 February 2005.

⁴⁵ Correspondence, Mr. Zlatko Mehun, *Op Cit.*

⁴⁶ The security and accounting methods used in military stores are set out in the 'Manual on Storing, Keeping and Maintaining of Ammunition and Explosive Ordnance'. Correspondence, Mr. Col. Mirko Kukolj, *Op Cit.*

⁴⁷ UN PoA Report, 2004, *Op Cit.*

⁴⁸ *Ibid.*

⁴⁹ UN PoA Report, 2004, *Op Cit.*

⁵⁰ See: Presentation by Lav Kalda, MoI official, Almaty 2002.

veterans' association. Part-funded by the Croatian Government and positively evaluated by the Ministry of Education, the project has apparently reached around 10,000 children.⁵¹

3.6 SALW Survey activities

The first comprehensive National SALW Survey of Croatia is currently underway. Due for publication in mid-2006, the study is being conducted by the Bonn International Center for Conversion (BICC). It is hoped that the Survey's findings will be used by Croatia's National SALW Commission to plan SALW control activities in the coming years.

3.7 Civil society involvement in SALW interventions

As noted above, Croatian NGOs and the mass media previously played a significant role in raising awareness for SALW issues during the country's amnesty and collection periods, also participating in the Weapons Collection Co-ordinating Committee. At the present time however, there appears to be little engagement by civil society actors on SALW issues in Croatia. Moreover, although according to the terms of reference of Croatia's new SALW Commission, NGOs and independent experts may participate in its meetings; this is not thought to have taken place so far.⁵²

3.8 Cross-border SALW control initiatives

Because of Croatia's long Adriatic coastline and the difficult terrain along its eastern border, considerable effort has been invested in border control during recent years. Working to achieve EU standards, Croatia developed a National Border Management Information System under the EU CARDS programme⁵³ in 2002 to enhance co-operation between border control agencies. Considerable financial and technical support has since been forthcoming from key governments such as Austria (e.g. provision of TARIC software under a twinning arrangement) and the US (equipment such as telescopes and Sea Interdiction training for 50-60 Customs Officers⁵⁴) to assist Croatia in implementing an Integrated Border Management programme.⁵⁵

3.9 SALW Management Information and exchange systems and protocols

In recent years, Croatia has reported regularly to UNDDA (UN Register of Conventional Weapons and as required by the UNPoA) as well as to the OSCE under the OSCE Document on SALW.⁵⁶ Information is also exchanged actively within EUROPOL and INTERPOL, with

⁵¹ Correspondence, Tobias Pietz, Bonn International Centre for Conversion, 07 June 2006.

⁵² Decision of the Government of Croatia, 31 March 2005.

⁵³ *Ibid.*

⁵⁴ Interview, Darko Kihalic, Head of Department, Ministry of Finance, Customs Directorate HQ, 14 February 2006.

⁵⁵ Correspondence with Pjer Simunovic, *Op Cit.*

⁵⁶ *UN PoA Report*, 2004, *Op Cit.*; Correspondence with Anton Martynyuk, OSCE Secretariat, 31 May 2006.

the MoI having established a dedicated INTERPOL unit.⁵⁷ Croatian law enforcement bodies have also participated in the Southeast European Co-operative Initiative (SECI) Regional Centre for Combating Trans-border Crime's Taskforces on SALW, exchanging information with participating states of 'Operation Ploughshares' and 'Safe Place' in 2002, 2004 and 2005.

INFORMATION EXCHANGE AND PROTOCOLS	CROATIA
INTERNATIONAL	
Reporting to the UN DDA on the Programme of Action (PoA)	Yes, 2005
Reporting to the UN Register of Conventional Arms	Yes, 2005
Reporting to the Wassenaar Arrangement	Yes ⁵⁸
INTERPOL/EUROPOL	Yes
REGIONAL	
Information exchange with OSCE	Yes, 2005
Information exchange with EU	-
SECI Regional Centre intelligence exchange	Yes
NATIONAL	
Transparency on SALW imports, exports and decision-making	No
Publication of national reports on arms/SALW transfers	No
Publication of SALW national strategy	Under consideration

Table 3: Information exchange and protocols

3.10 Additional SALW related activities

Since the beginning of 2006, UNDP, in partnership with the EU, has employed an EUSAC Chief Technical Adviser, based full-time in Croatia, to assist the Government in co-ordinating SALW control activities and drafting a National SALW Control Strategy. At the present time this work is ongoing, and results are anticipated in late 2006.

⁵⁷ UN PoA Report, 2004, Op Cit.

⁵⁸ *Ibid.*