

Bosnia and Herzegovina



1 Small Arms problem

Bosnia and Herzegovina (BiH) suffered more damage and more loss of life during the conflicts of the early 1990s than any other successor state of the former Socialist Federal Republic of Yugoslavia (SFRY), with at least 150,000 deaths, many of which directly involved SALW.¹

The security situation in BiH has improved in the intervening ten years to the degree that, by 2004, the United Nations announced that half of the estimated two million people displaced from their homes had returned to their communities, three quarters of them to the Federation of Bosnia Herzegovina (FBiH) and one quarter to the Republika Srpska (RS). The presence of a combined European Union Stabilisation Force (EUFOR) and its predecessor, the 7,000 strong NATO Stabilisation Force (SFOR)² has undoubtedly contributed to enhancing security in BiH, although in many cantons and in the entities,³ ethnic divisions continue to frustrate a proper rehabilitation process. The reality is that ten years after the end of a war that displaced half the population and cost the lives of one in every sixteen Bosnians, BiH is still struggling to overcome strong political and ethnic tensions.

All evidence points towards the continued widespread presence of substantial numbers of firearms throughout BiH. While pre-war statistics on registered firearms indicated that there was almost one firearm for every ten members of the public, the figure is now higher.⁴ It is impossible to estimate the quantity of firearms and military equipment that entered BiH during the war. It is however widely believed that this figure is extremely significant and that many of these firearms remained in the country after the end of the conflict. Indeed, a senior representative of the FBiH Ministry of Interior stated that the number of illegal firearms in FBiH is likely to be three times that of legal firearms.⁵ Indicative of the large amount of military equipment in BiH were the ongoing SALW seizures by SFOR in 2004 and

¹ Previous estimates have ranged up to 250,000 deaths. See BBC News Online BiH Country Profile, <http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1066886.stm> accessed 05 May 2005.

² SFOR's Operation 'Althea' is mandated under the United Nations Security Council (UNSC) Resolution 1575, adopted unanimously on 22 November 2004.

³ BiH is divided into two semi-autonomous entities comprising 1) the Federation of Bosnia and Herzegovina which, in turn is comprised of ten cantons; and 2) the Republika Srpska which is comprised of a single administrative unit.

⁴ In 1989 there were 342,131 firearms registered in BiH. In 2003 there were 345,365. *Small Arms and Light Weapons Survey Bosnia and Herzegovina* (Hereafter SALW Survey BiH), Bonn International Centre for Conversion, July 2004, p 19-21.

⁵ SALW Survey BiH, p 23.

EUFOR in 2005. In only three months in early 2004, 347 shoulder-fired rocket launchers, 5,320 hand grenades, 1,299 anti-personnel mines and several hundred explosive devices were collected through a 'no questions asked' amnesty.⁶

Clearly, in such a polarised environment the continued presence of large numbers of SALW is dangerous and jeopardises the security improvements experienced over the past decade. There are also serious public health costs associated with the residual weapons, ammunition, explosives and land mines in the territory as routine accidents demonstrate.⁷ Equally, the continued influence that organised and dangerous criminal groups have over business interests in BiH, as well as the growth in the armed private security sector, has negative consequences both for human security and law and order in BiH.⁸

The importance of the military-industrial sector in BiH (including its previous high level of output) as well as the legacy of a large standing army have compounded the problems of SALW proliferation associated with the conflict of the 1990s. Stockpiled weapons can be found throughout BiH in official stores, which hold large stocks of ammunition, and storage standards vary despite significant improvements over the last decade.⁹

2 Small Arms policy and practice

Bosnia and Herzegovina (BiH) is governed through a complex structure of multi-tiered administrations, originating in the Dayton Accord of 1995.¹⁰ At the head of the governance structure is the international administration of the Office of the High Representative (OHR), which is charged with civilian implementation of the Dayton Accord. The OHR holds wide-ranging powers to impose decisions in cases where local governance structures are unable or unwilling to reach consensus or where key political or economic interests are in question. Although these powers are used with reserve, the OHR has acted on occasion to dismiss government officials.¹¹

The complexity of BiH's governing structures means there are significant challenges to the state's ability to combat SALW proliferation. The state government, two entity governments and their police and military, as well as the cantonal administrations (in FBiH), civil protection agencies and the international community all play a role in SALW control and regulation. In such an environment, achieving improvements to regulatory controls is a challenge and requires a centralised coordination body capable of integrating a collective approach to SALW control.

⁶ SFOR website, News Summary, <<http://www.nato.int/sfor/media/2004/ms040222.htm>>, accessed 17 May 2005

⁷ Despite impressive landmine destruction figures of approximately 460,000 since November 1999, there are still an average of four human land mine casualties in BiH per month. Landmine Monitor, 2004, <<http://www.icbl.org/lm/2004/developments>>, accessed 1 May 2005; Shoot-outs amongst 'mafia' gangs in Sarajevo continued throughout 2004. 'Will Europe Take on Bosnia's Mafia', *Balkan Crisis Report*, IWPR, <http://www.iwpr.net/index.pl?archive/bcr3/bcr3_200412_531_1_eng.txt>, accessed 18 May 2005.

⁸ Interview with Nerma Jelacic, IWPR, 12 February 2005.

⁹ Interview with Mr. Mehmed Hrnjic, Chief of the Sector for the Infrastructure Management in the Department for Supplies and Logistics, MoD BiH, Sarajevo, 15 February 2005.

¹⁰ In 1995 the Dayton Peace Accord was signed, ending the four-year war between Serbs, Croats and Bosniaks in Bosnia. The country was subsequently divided into two separate entities - the Muslim-Croat Federation and the Republika Srpska.

¹¹ As on 19 December 2004 when High Representative Ashdown dismissed nine RS officials. 'Ashdown stands by sackings,' BBC, <<http://news.bbc.co.uk/1/hi/world/europe/4108633.stm>>, accessed on 15 May 2005.

BiH does have a Coordinating Body (CB) for SALW, albeit an unofficial one that awaits approval from the Council of Ministers. On 1 February 2005 a co-ordination meeting was held at which a designated focal point for SALW control was nominated within the Ministry of Foreign Affairs (MFA). This ministry has submitted the request for the verification of the CB to the Council of Ministers.¹² Members of the CB represent the Ministries of Foreign Affairs, Security, Foreign Trade and Economy, Defence, and Interior (two entity ministries) and Indirect Tax Administration. The CB meets on average once a month or when the need arises. During 2004 the CB contributed to the creation of a SALW Project under the auspices of UNDP BiH and also worked to compile reports to United Nations Department for Disarmament Affairs (UNDDA) on the implementation of the UN PoA and to the OSCE under the OSCE Document on SALW. It also worked on the development of a draft SALW control strategy.¹³ Upon the Council of Ministers' approval, the CB's mandate will expand to encompass the following:¹⁴

- A needs assessment of the SALW control situation;
- Development of a SALW control strategy and coordination of ministry activities towards realising the goals of this strategy;
- Assessment of strategy implementation;
- Reporting to the Council of Ministers of BiH on the implementation of the strategy.

In July 2004 the Minister of Security in BiH signed a Small Arms Project (SAP) agreement with UNDP BiH. The project agreement included several components:

- Capacity building in BiH institutions that deal with SALW issues;
- Formalisation of the Coordination Body for SALW;
- Realisation of the Pilot project for the destruction of 20,000 units of SALW held by the Armed Forces in BiH;
- Implementation of required research studies on SALW in BiH.¹⁵

BiH is committed to a range of regional and international SALW control agreements:

¹² Interview with Mr. Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA BiH, Sarajevo, 07 June 2005.

¹³ United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, Information 2003/2004 – Bosnian and Herzegovina (Hereafter referred to as the *2004 UN POA Report*).

¹⁴ Interview with Mr. Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA BiH, Sarajevo, 10 February 2005.

¹⁵ The strategy will require the approval of the Council of Ministers before it can be adopted.

Table 1: Bosnia Herzegovina's commitments to Arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	BOSNIA AND HERZEGOVINA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001
UN Firearms Protocol	-
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	Incorporated into domestic legislation in 2003. ¹⁶
EU Joint Action on SALW	-
Wassenaar Arrangement	-

2.1 SALW production

The conflicts of the 1990s resulted in military production being split along entity lines, with production in the RS retaining close links with Belgrade. The military industry is currently organised on an entity level and in both cases the state is the majority owner in military production and export companies, with a focus on supplying the needs of the respective armed forces and exporting surplus.¹⁷ Manufacturing and servicing facilities exist and output is generally thought to be low. According to those familiar with the industry, 'there is a lack of organised marketing and markets, combined with a lack of modern technology'¹⁸ – problems that affect many transitional states with formerly well developed production capacity. The industry faces the additional burdens of an uncertain investment climate and weak infrastructure, such as an irregular electricity supply.¹⁹

In 2005 the majority of the defence industry of BiH is located in the RS. There are a total of seventeen companies that are in some way involved in defence production in BiH, although only a small number of these are thought to be producing SALW.²⁰ Four firms that do produce SALW are Unis Promex (Sarajevo), Kosmos (Banja Luka), Unis Pretis (Rogatica) as well as Orao (Bijeljina).²¹ Production levels for the industry as a whole are not known although some individual companies do disclose their turnover. Unis Promex, for example, exported €4.8 million worth of small arms, mortars, artillery and other weapons in 2002.²²

¹⁶ Article 6 of the 2003 Law on Import and Export of Arms and Military Equipment (Official Gazette of BiH, No.5/03) rules that decisions on licensing must be taken in accordance with the EU Code. See Table 2 below for more detail.

¹⁷ Although, as mentioned elsewhere in this chapter, a prohibition on the export of army surplus is currently in place.

¹⁸ *Needs Assessment on SALW in BiH*, Centre for Security Studies (CSS), Sarajevo, September 2003, p 55.

¹⁹ *Needs Assessment on SALW in BiH*, Centre for Security Studies (CSS), Sarajevo, September 2003, p 53.

²⁰ *SALW Survey of BiH*, p 29.

²¹ *Ibid.*

²² *Ibid.*

3 Small Arms progress

3.1 Legislative and regulatory Issues

There was wide ranging legislative progress in 2004 with the adoption of new laws regarding arms production, export and border controls. The 'Law on the Production of Arms and Military Equipment' sets out the system for oversight of the production and overhaul of arms and military equipment by the authorities, including licensing of producers and reporting and record keeping via a central register.²³ An amendment to the existing 'Law on the Export and Import of Arms and Military Equipment', due to enter into force in summer 2005, is also said to have led to substantive improvements to the list of dual use goods by amendment. However, the amendments to the law have not yet been published.²⁴

The National Assembly of the Republika Srpska (RS) adopted the 'Law on Changes and Amendments of the Law to the Ministries of RS'²⁵ with the aim of implementing the 'Law on the Import and Export of Arms and Military Equipment in BiH' as well as the 'Law on Production of Arms and Military equipment in BiH.' With the adopted law, authority for the import and export of arms and military equipment was transferred from the Ministry of Defence of RS to the Ministry of Economy, Energy and Development of the RS. A similar procedure is underway in FBiH. Another regulatory change made in 2004 was the adoption of the 'Law on the Supervision and Control of State Borders', which contains regulations on the transfer of weapons across state borders.²⁶

Arms export licence decision making currently falls under the authority of the Ministry for Foreign Trade and Economic Relations (MOFTER), although, in order to issue a licence, MOFTER must first receive approval from the Ministry of Foreign Affairs (MFA) Ministry of Defense (MoD) and Ministry of Security (MoS).²⁷ The MFA has the legal responsibility to ensure arms exports are not made to states on the UN embargo list or ones that contravene the criteria of the EU Code of Conduct. Provided this is established, the MFA informs MOFTER that it has no objection to a particular transfer. If, however, the MFA believes there are grounds to deny the export then it informs MOFTER which in turn is obliged to reject the application outright. The legal basis for this licensing protocol is found in the 2003 'Law on the Import and Export of Arms and Military Equipment.'²⁸ According to Article 5 of the law, an End-User certificate must be obtained by the MFA in advance of the shipment by the MFA. In 2005 the 'Law on the Import and Export of Arms and Military Equipment' was amended to include the 'List of Dual Use Items'.

Once an import or export is made, MOFTER is legally bound to collect details of licensing approvals and refusals, values and types of shipments and destination states and, once a

²³ Official Gazette of BiH No. 28/04, No. 36/04.

²⁴ Interview, Ms. Dragica Hinic, Acting Secretary of the Commission for Defence and Security of the Parliamentary Assembly of BiH, Sarajevo, 3 March 2005. The new list will be published and maintained by MOFTER.

²⁵ Official Gazette of RS No. 33/04.

²⁶ Official Gazette of BiH, No 56/04.

²⁷ In practice a number of additional agencies may be asked for their input, including foreign embassies and EUFOR.

²⁸ Article 5, Paragraph A.

year, create an annual report, which it must submit to a Parliamentary Assembly of BiH.²⁹ Reports are now public and details of the 356 licence approvals and three rejections issued by MOFTER in 2004 may now be scrutinised.³⁰ In terms of exports, the report provides comprehensive lists of destination states and value of sales to those states. However, the report does not describe which types of controlled goods are exported to which states. Instead the report lists broad categories of military goods and defence equipment and ascribes an overall annual value for the export of goods within these categories, regardless of their destination. More specific categories and details of destinations of particular types of goods would greatly improve the annual reporting process.

Licensing of civilian firearms is regulated at entity level. The 1993 'Law on Arms and Ammunition' regulates civilian possession in the RS. This law has undergone several minor amendments in the last 12 years and is due to be replaced by a new draft RS 'Law on Arms and Ammunition,' which was submitted to the Office of the High Representative (OHR) in April 2003. In FBiH the situation is rather different in that each canton has a law regulating the acquisition, possession and carrying of arms and ammunition. These laws have not been harmonized between the cantons. Although a draft 'Law on Arms and Ammunition' has been prepared by the FBiH Ministry of Internal Affairs and sent for consideration to the FBiH Parliament, this has not yet resulted in an FBiH-wide law. There is said to be mounting pressure for the constituent parts of BiH to agree to a single, state-level law regulating the acquisition, possession and carrying of firearms.³¹

A state-level 'Law on Testing, Stamping and Marking Small Arms and Ammunition' was passed in March 2003, making provisions that entity authorities may only issue permits for the possession of SALW that have been marked in accordance with provisions of the law. Determining which arms and ammunition should be tested, stamped and marked is the responsibility of MOFTER.³²

Table 2: Features of Bosnia and Herzegovina's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	BOSNIA AND HERZEGOVINA
NATIONAL	
National Co-ordinating Agency	Yes, although still remains informal
National Point of Contact	Yes, MFA
LAWS & PROCEDURES ON PRODUCTION, IMPORT, EXPORT AND Transit	
Legislation	Yes, new legislation in 2004 and 2005
Production	Yes, new legislation in 2004
Export	Yes, new legislation in 2003 and 2005
Import	Yes, new legislation in 2004 and 2005
Transit	Yes, new legislation in 2004
NATIONAL SYSTEM OF EXPORT & IMPORT LICENSING OR AUTHORISATION	
Diversions risk	Yes, MFA to assess
End User Certificate	Yes

²⁹ Each licence is said to contain the following information: License number, tariff mark, quantity, exporter, importer, end user, period of license validity, border crossing/s. 'Law on the Import/Export of Arms and Military Equipment', Article 11, Paragraph 1.

³⁰ *Annual Report of 2004 on the Import and Export of Arms and Military Equipment of BiH*, MOFTER, February 2005, p. 3.

³¹ Interview with Denis Hadzovic, CSS, Sarajevo, 11 April 2005.

³² 'Law on Testing, Stamping and Marking Small Arms and Ammunition', Official Gazette of BiH, No 21/03.

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	BOSNIA AND HERZEGOVINA	
Re-transfers	Yes	
Verification (pre/post)	Yes	
Brokering Controls	Yes	
DOMESTIC POSSESSION, STOCKPILING & TRADE		
Manufacture	Federation	Repair and modification only ³³
	RS	Repair and modification only ³⁴
	Brčko District	Repair and modification only ³⁵
Marking and Tracing	Yes for "hand firearms", e.g. rifles, handguns, revolvers ³⁶	
Possession	Federation	Yes ³⁷
	RS	Yes ³⁸
	Brčko District	Yes ³⁹

³³ Repair and modification of licensed firearms is possible only by registered legal entities registered for business of this kind. Draft Federation 'Law on Arms and Ammunition,' June 2002.

³⁴ Repair and modification of licensed firearms is possible only by registered legal entities registered for business of this kind. Draft RS 'Law on Arms and Ammunition,' April 2003.

³⁵ Repair and modification of licensed firearms is possible only by registered legal entities registered for business of this kind (Article 56). 2002 Brčko District 'Law on Arms and Ammunition.'

³⁶ The 'Law on Testing, Stamping and Marking Hand Fire Arms and Ammunition' (Official Gazette of BiH, No.21/03) rules that all 'hand fire arms', whether manufactured in BiH or imported from abroad, must be tested, stamped and marked according to its provisions (Article 1). Exceptions to this general rule are: imported hand firearms and ammunition already appropriately marked and tested; hand firearms and ammunition imported exclusively for research and study purposes; hand firearms and ammunition in transit; and hand firearms and ammunition 'intended to be exclusively used by entity's military and police forces' (Article 4). Licences for possessing and carrying hand firearms and ammunition may only be issued for items that have been tested, stamped and marked in accordance with the provisions of the law (Article 6).

³⁷ It is forbidden for civilians to procure or keep, keep or carry: military-style firearms and weapons (including automatic weapons, although certain semi-automatic weapons are permitted); unmarked firearms; arms equipped with silencers and; exploding and gas firearms (trade of which is also prohibited). Licences for the purchase of weapons or ammunition cannot be issued to those who are underage, suffering from mental disabilities or illness and those without an official health certificate or with a criminal record. Following the issuing of procurement licence and the purchase of a firearm, a five year renewable weapons registration licence allowing possession and carrying of weapons must be applied for and obtained. Draft 'Law on Arms and Ammunition', Federation of Bosnia and Herzegovina, June 2002.

³⁸ It is forbidden for civilians to procure or keep, keep or carry: military-style firearms and weapons (including automatic weapons, although certain semi-automatic weapons are permitted); unmarked firearms; arms equipped with silencers and; exploding and gas firearms (trade of which is also prohibited). Licences for the purchase of weapons or ammunition cannot be issued to those who are underage, suffering from mental disabilities or illness, possess a criminal record, have not been trained in firearms handling and according to police discretion. Following the issuing of procurement licence and the purchase of a firearm, a weapons registration licence (valid for an indefinite period of time) allowing possession and carrying of weapons must be applied for and obtained. The licence holder may carry weapons for personal security with approval from the authorities. Draft RS 'Law on Arms and Ammunition,' April 2003.

³⁹ Civilians may procure, keep and carry arms and ammunition, including some kinds of semi-automatic and self-loading firearms with a permit, (Articles 11 and 12). This is somewhat confusing, as the Law also states that it is forbidden to procure or keep military-style arms, including certain automatic/semi-automatic weapons, hand grenades and launchers, anti-aircraft guns etc., as well as disguised firearms, or firearms that are unmarked (Articles 9 and 10). Non-transferable permits are issued on citizen's written request to the District Police. Permits are not issued to persons who are underage, mentally ill or impaired, convicted of a crime or under investigation or who have been punished for disturbance of the peace in the last 5 years or more than three times in the last decade (Articles 16 and 34). Permits may also be issued to legal entities for the purposes of property protection and authorised employees meeting the permit requirements may carry and keep these weapons on the property of the legal entity, with the exception of crop-keepers, foresters and game-wardens who may carry arms for the guarding of territory, crops and herds, and to and from their homes (Article 40). Shooting and hunting clubs may also lend weapons to members (Articles 41 and 42). After a permit has been issued and a firearm purchased, citizens must register the procured weapon with the District Police and a licence will be issued. The District Police must keep a register of all firearms licences (Articles 22-25). 'Old arms' may be kept and carried without a firearms licence, but it is illegal to purchase, manufacture or use ammunition for such arms. 'Trophy' weapons do however require a permit and may not be carried or used (Articles 26-30). Firearms must be safely stored in a locked metal cabinet or case, may not be carried at public gatherings (except shooting competitions) and must be unloaded and holstered for transport (Articles 31 and 32). 2002 Brčko District 'Law on Arms and Ammunition.'

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	BOSNIA AND HERZEGOVINA	
Stockpiling	No, there is only limited reference to safe storage of possessed weapons by civilians and trading entities in the possession legislation of the entities and Brcko District.	
Trade	Federation	Yes ⁴⁰
	RS	Yes ⁴¹
	Brcko District	Yes ⁴²

3.2 SALW transfers

In February 2005 MOFTER completed its annual report for arms imports and exports for the calendar year 2004. According to the report, the ministry approved 356 licenses in total for international arms transfers during 2004.⁴³ Of these, 191 licenses were issued for the export of firearms and military equipment with a total value of just under €35 million, representing an approximate increase of €5million on 2003 figures. Table 3 below lists the states to which BiH transferred the largest amounts of military equipment during this period:

Table 3: Destinations and values of largest transfers of military equipment from BiH in 2004

COUNTRY	VALUE OF EXPORT (Euro)
USA	10.3m
Serbia and Montenegro	7m
Germany	4.2m
Saudi Arabia	2.8m
Iraq	2.4m
Kuwait	1.5m
Canada	1.1m

In addition, transfers worth €5.7million were reported to a further 32 states including India, Israel, Russia and the United Kingdom. An interesting omission from the 2004 export report is Venezuela. In 2003 Venezuela was BiH's largest export market for defence products.⁴⁴

⁴⁰ Trade in firearms is permitted by companies, entrepreneurs and other legal entities which are registered as legal entities for procuring arms and ammunition. All traders have a responsibility to keep detailed records and to notify the police of all sales, which are only possible to civilians possessing a valid licence, to keep firearms and ammunition under specified safe storage conditions. Draft Federation 'Law on Arms and Ammunition,' June 2002.

⁴¹ Retail trade in weapons and ammunition may be conducted by enterprises and shops that have obtained a license to trade weapons, parts for weapons and ammunition before registration as a trading enterprise. Such licenses will only be issued if storage conditions are met and the responsible person meets the conditions necessary for obtaining a weapons acquisition permit. Draft RS 'Law on Weapons and Ammunition,' April 2003.

⁴² 'Retail sale in arms and ammunition can be performed by entrepreneurs and other legal entities that are, in accordance with law, registered as legal entities engaged in trade in arms and ammunition.' Data on traders must be entered into police registers and only those meeting the conditions for procurement of weapons and ammunition can be issued a licence to trade (Article 51). Weapons and ammunition may only be sold to citizens and legal entities with permits for procurement, and copies of permits and notes of all sales must be kept and reported to the district police within 5 days of any sale (Articles 52 and 53). Traders must keep weapons and ammunition 'at a specified place, out of reach of unauthorised persons' (Article 54). Brcko District 'Law on Arms and Ammunition,' 2002.

⁴³ *Annual Report of 2004 on the Import and Export of Arms and Military Equipment of BiH*, MOFTER, February 2005, p 3.

⁴⁴ In 2003, the value of exports reached €6m.

Venezuela, along with Chad and Rwanda are cited as the three states to which export licenses were refused by MOFTER in 2004 although in the cases of Chad and Rwanda these applications were initially approved.⁴⁵ A moratorium on the export of military surplus SALW came into effect on 31 December 2004. This decision was welcomed by the UK, OSCE, the UN and others.⁴⁶ It has since been extended until 30 June 2005.

Of the €35 million in exports sales, €22 million of this involved the transfer of 'ammunition, bombs, grenades, torpedoes, mines and rockets'⁴⁷ while €4.1 million was raised through the export of 'revolvers, pistols and guns.'⁴⁸ In addition to these sales, other categories of defence equipment on the BiH control list and exported during 2004 included explosives, detonators and military aircraft parts.

In 2004 MOFTER approved 128 licenses for the importation of firearms and military equipment with a total value of approximately €12 million, representing an increase of €2 million on 2003 figures.⁴⁹ Table 4 below shows the primary states of origin of firearms and military equipment imported into BiH during 2004.⁵⁰

Table 4: Value of largest imports of military equipment into BiH during 2004

COUNTRY	VALUE OF IMPORT (Euro)
Croatia	3.9m
Hungary	2.1m
Serbia and Montenegro	2m
Slovenia	1.8m
Canada	1.4m

In addition to these states, imports in 2004 were reported as having been received from a further 12 states including Italy, South Africa, Spain and the US with a value of approximately €1.6 million. No breakdown of the type or category of firearm and defence equipment imported was provided in the report.

According to the State Border Service (SBS), there were no orchestrated cases of widespread SALW smuggling uncovered in 2004,⁵¹ although the SBS did report isolated cases of individuals illegally moving SALW across BiH's external borders.⁵² The SBS certainly intercepts far fewer SALW than those found internally during seizure operations.

⁴⁵ 'Bosnia Suspends Accord on Arms Sales to Rwanda', BBC Monitoring Service, 15 December 2004, quoting MFA Spokesperson Lepa Babic; subsequent correspondence with the MFA confirmed that this change in decision reflected a deterioration in the security situation in both countries.

⁴⁶ Official Gazette of BiH, No 47/04. 'UK Envoy Welcomes Bosnia's Moratorium on Sale of Surplus Arms'; BBC Monitoring Service, Onasa, 28 July 2004.

⁴⁷ Designated by the MOFTER as category T.B. 9307.

⁴⁸ Designated by the MOFTER as category T.B. 9301.

⁴⁹ MOFTER Annual Report of Export / Import, p 6.

⁵⁰ MOFTER Annual Report of Export / Import, p 6.

⁵¹ Interview, Mr Jozo Corluka, Chief of Central Investigation Office, State Border Service of BiH, Sarajevo 8 February 2005.

⁵² *Ibid.*

In 2004 the SBS confiscated 51 SALW in the routine execution of their duties.⁵³ Yet while the 'Law on the Supervision and Control of State Border Crossings' provides the SBS with greater authority to track and apprehend those thought to be involved in arms trafficking, the agency continues to stress that it lacks the resources to properly secure BiH's borders (staffing targets for 2004 were missed). A concurrent lack of specialised equipment provides further challenges to effective frontier control for the agency.⁵⁴

3.3 SALW collection programmes and capacities

Since 1999 there has been an amnesty in force across BiH for all citizens who choose to voluntarily surrender their firearms and military equipment, 'Operation Harvest'. The amnesty is run concurrently with an aggressive 'search and seizure' programme designed to collect illegal SALW, 'Operation Harvest Plus'. Table 5 below shows the reported totals for weapons and ammunition collected by SFOR in recent years:

Table 5: Summary of SALW collection in Bosnia and Herzegovina 1998 – 2004⁵⁵

COLLECTION ACTIVITY	SALW	AMMUNITION / EXPLOSIVES
SFOR Activities and Operations (January 2000-November 2003)	22,620	20 tonnes of bulk explosives
SFOR Activities and Operations (January 2004-December 2004)	9,000	30,000 hand grenades
Total	36,620	-

Collection and destruction of SALW continues to be handled principally by the international forces of EUFOR but there is an increasing involvement of BiH forces. A case in point is the Velika Ribnica weapons destruction facility, which is now controlled by BiH authorities.⁵⁶ However, aside from this ongoing amnesty, there have been separate collection initiatives. The government of RS began a highly successful collection called 'Internal Harvest' on 1 November 2003. A coordinating body was created in order to ensure that the collection programme properly involved all relevant parties from RS institutions as well as SFOR / EUFOR.⁵⁷ The operation was initially planned to last for three months but was extended until December 2004 owing to the positive response. According to the RS MoD, 768 automatic and 918 semi-automatic rifles, 189 handguns, approximately 100 heavy machine guns, 347 shoulder-fired rocket launchers, 5,320 hand grenades, 1,299 anti-personnel mines and several hundred other explosive devices were collected between November 2003 and February 2004.⁵⁸ Final figures for collected SALW were, at the time of writing, not available.

⁵³ Interestingly, police in the UK have, as recently as April 2005, discovered batches of miniature 0.22in and 0.25in calibre 'key fob' pistols on U.K. streets and traced these back to BiH. 'Killer Key Fob', *Daily Mirror*, 2 April 2005. Interview with Mr Jozo Cortuka, Chief of Central Investigation Office, State Border Service of BiH, East Sarajevo, 8 February 2005.

⁵⁴ *Ibid.*

⁵⁵ SEESAC SALW database, <www.seesac.org>, accessed 08 February 2004. South East Europe TV, The European Security and Defence Policy, <<http://www.seetv-exchanges.com/transcripts/2005/04/2005-04-28.htm>>, accessed 05 May 2005. Data on collections before 01 January 2000 is unfortunately not available.

⁵⁶ 'SFOR Hands Over Destruction Facility', BH1 Radio, 02 September 2004

⁵⁷ Information letter from: Ms. Cvijeta Kovacevic, Bureau Chief, Bureau for Public Relations in the Government of Republika Srpska, Banja Luka, 16 February 2005.

⁵⁸ SFOR website, <<http://www.nato.int/sfor/media/2004/ms040222.htm>>, accessed 05 May 2005.

3.4 SALW destruction programmes and capacities

BiH has the capacity to destroy SALW and does so at factories in Zenica and Jelisingrad and elsewhere.⁵⁹ On the basis of a scoping study commissioned by UNDP – ‘Bosnia and Herzegovina Small Arms and Light Weapons Ammunition Demilitarization Study’ – the UNDP office in BiH is expected to provide assistance to upgrade demilitarization facilities during 2005.⁶⁰ Between 2000 and 2003, 23,145 SALW are recorded as having been destroyed in BiH.⁶¹ A significant amount of military equipment, including 10,000 SALW from each of the two entity armies, was destroyed in 2004.⁶² This process is due to continue throughout 2005. Ongoing reforms of BiH’s defence sector accelerated in 2004, further adding to the already large quantities of stockpiled SALW surplus in BiH (since 1996 the number of professional soldiers in both entities has been reduced to 12,000 from 160,000).⁶³ EUFOR as did SFOR before it, also organises and implements ongoing destruction activities associated with the weapons collected as part of ‘Operation Harvest’. The most recent example involved the February 2005 destruction of 1,170 SALW in Bihac (FBiH) and Banja Luka (RS) where firearms were crushed by tanks and then smelted.⁶⁴ In 2004 SFOR began handing over authority for some destruction facilities, such as that in Velika Ribnica, to local authorities.⁶⁵

Table 6: Summary of SALW destruction in Bosnia and Herzegovina 2000 – Feb 2005⁶⁶

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)
SFOR Activities and Operations (January 2000-November 2003)	23,145	NA ⁶⁷
SFOR and entity armed forces Activities and Operations (2004)	22,251	10,429,901
EUFOR (February 2005)	1,170	-
Total	46,566	> 10,429,901

3.5 SALW stockpile management programmes and capacities

There has been over the past nine years a significant downsizing of the armed forces, which should correspond with a like-for-like decrease in the quantity of SALW and ammunition possessed by the BiH armed forces. These soon-to-be surplus SALW are part of an

⁵⁹ *Ibid.*

⁶⁰ Interview, Amna Berbic, Project Manager for SALW, UNDP BiH, 08 February 2005.

⁶¹ SEESAC destruction database, <www.seesac.org>, accessed 05 February 2004.

⁶² Interview, Amna Berbic, UNDP BiH Project Manager for SALW, 16 February 2005.

⁶³ OSCE Mission to BiH Security Cooperation Fact Sheet. <<http://www.oscebih.org/documents/76-eng.pdf>>. There are in addition around 60,000 reservists. *SALW Survey BiH*, p 9.

⁶⁴ EUFOR BiH, Lieutenant Matt Reynolds, UK Navy, and Captain Nick Griffith UK Army, as quoted by the Centre for Security Studies (CSS), Sarajevo, 02 March 2005.

⁶⁵ BBC Monitoring Service, BH1 Radio, 02 September 2004.

⁶⁶ SEESAC SALW Destruction Database, www.seesac.org, referenced 10 February 2004.

⁶⁷ No information on tonnes of ammunition destroyed exists, however official figures estimated over 4 million pieces were destroyed by the end of May 2003.

estimated current surplus of 370,000 weapons under the control of BiH armed forces.⁶⁸ How these weapons are stored, managed and transported is a continuing matter of concern as previous procedural weaknesses are reported to continue to adversely affect stockpile security (see below).⁶⁹

In 1999 there were 540 weapons storage sites in BiH. Five years later that number was reduced to 42 with plans for a further reduction by the end of 2005.⁷⁰ As a result of the reduction in the number of storage depots, there has been an appreciable improvement in general storage standards, although informed sources suggest that the situation remains “hazardous” because stores are beyond their capacity and because of a lack of sufficient personnel to guard them.⁷¹

The entity components of the Armed Forces of BiH (the Army of the FBiH and the Army of RS), with support from EUFOR, are currently responsible for the maintenance and security of military warehouses.⁷² Under the framework of the local Armed Forces restructuring, it was decided in 2005 to return the inspection of weapons and ammunition to the armed forces of BiH. In order to facilitate this, EUFOR forces organised training to instruct personnel on conducting inspections.⁷³ Current security conditions at ammunition and weapons storage locations are said to be ‘superficial and therefore inadequate.’⁷⁴ According to a 2004 demilitarisation study, ‘Inadequate physical security, coupled with poor accounting standards does not effectively prevent pilfering of weapons and ammunition from storage sites.’ In addition, access denial systems are ‘primitive and largely ineffective.’ Adequate financial resources are said to be the greatest obstacle to increased standards.⁷⁵

3.6 SALW awareness raising

In 2004 the state institutions of BiH did not organise any significant educational programmes or SALW awareness campaigns for the public regarding the dangers of SALW.⁷⁶ According to the 2004 UN PoA report, ‘Awareness-raising on SALW in Bosnia and Herzegovina is conducted in cooperation with EUFOR and through the operations of Civilian Protection.’⁷⁷ NGOs and international organisations were however involved in several initiatives. At the entity level, the RS government was involved in raising awareness surrounding ‘Operation Internal Harvest’ through government-run media outreach involving TV and newsprint.⁷⁸

⁶⁸ *Small Arms and Light Weapons Survey (SAS) Bosnia and Herzegovina*, p 13.

⁶⁹ Interview with Mr. Mehmed Hrnjic, Chief of the Sector for the Infrastructure Management in the Department for Supplies and Logistics, Ministry of Defence of BiH, Sarajevo, 15 February 2005.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ EUFOR website, <<http://www.euforbih.org/>>, accessed 17 May 2005.

⁷⁴ UNDP BiH, *Bosnia and Herzegovina Small Arms and Light Weapons Ammunition Demilitarisation Study*, September 2004, p. 6-1, <<http://www.undp.ba/>>, accessed 21 April 2005.

⁷⁵ *SALW Survey BiH*, p 52.

⁷⁶ Interview, Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA BiH, Sarajevo, 10 February 2005.

⁷⁷ *UN PoA*, p 7.

⁷⁸ Information letter from Cvijeta Kovacevic, Bureau Chief, Bureau for Public Relations in the Government of Republika Srpska, Banja Luka, 16 February 2005.

From February to December 2004, the Red Cross in BiH in cooperation with SEESAC and UNDP BiH implemented a pilot project highlighting the dangers of SALW for primary school students in BiH. The project was implemented as an extension to an ongoing Mine Risk Education (MRE) programme run by the Red Cross. The instructors organised 841 lectures, which were attended by 15,019 persons including youth, parents, teachers and others.⁷⁹

3.7 SALW survey activities

UNDP BiH completed two significant research projects on SALW issues during 2004, the 'Bosnia and Herzegovina Small Arms and Light Weapons Ammunition Demilitarisation Study' and the 'SALW Survey of BiH' produced by Threat Resolution Limited (UK) and the Bonn International Centre for Conversion (BICC) respectively. The scope and methods of the national SALW survey were in accordance with UNDP-SEESAC guidelines designed to provide a comprehensive picture of the SALW situation. The ammunition demilitarisation study, written by the UK-based company Threat Resolution Ltd, examined the feasibility of establishing an Ammunition Disposal Facility (ADF) in BiH.⁸⁰

3.8 Civil Society involvement in SALW interventions

The Genesis Project – an NGO from Banja Luka – implemented 209 awareness raising puppet shows during 2004, targeting 21,000 young people aged 5-11 years in kindergartens and primary schools throughout BiH.⁸¹ Approximately 30 percent of each show was dedicated to the problems of firearms in the home and their potential negative consequences. There were several activities by the Campaign for Conscientious Objection in BiH regarding SALW in 2004. Activities included five public rallies, the printing of 20,000 posters and a 'Food not Arms' campaign that distributed food with a pacifist message.⁸² The Campaign for Conscientious Objection in BiH also organised a Regional Conference on 21 September 2004 to coincide with the International Day of Peace. This Conference focused on the demilitarisation of the region and included government representatives, members of international organisations, NGOs and the media. One of the associated activities was a 'Toys for Toy Weapons' campaign for children.⁸³ The Centre for Security Studies (CSS), the Genesis Project, the Red Cross of FBiH and the Campaign for Conscientious Objection participated in regional seminars and training organised by SEESAC, RACVIAC and Saferworld and other NGOs during 2004.⁸⁴ Cooperation with many other NGOs also took place through the Regional Network for arms control (SEENCA).

Other work of note includes the participation of CSS and the Red Cross of FBiH in the efforts of the Coordination Body. CSS in particular was actively involved in the creation of the draft Strategy for SALW in BiH. CSS and the Red Cross of FBiH also participated in monitoring and verifying the destruction of 20,000 SALW organised by UNDP BiH.

⁷⁹ Email correspondence with Senadin Kumro, Program Coordinator, Red Cross of the Federation of BiH, Sarajevo, 26 January 2005.

⁸⁰ Available from UNDP BiH, SALW Control Programme, <<http://www.undp.ba>>.

⁸¹ Email correspondence with Dijana Pejic, Program Manager, Genesis project, Banja Luka, Sarajevo, 28 January 2005.

⁸² Email correspondence with Darko Brkan, Co-ordinator, Campaign for Consciences Objection in BiH, Sarajevo, 11 February 2005.

⁸³ *Ibid.*

⁸⁴ Interviews with Mr. Senadin Kumro, Program Coordinator, Red Cross of the Federation of BiH; Mr. Darko Brkan, Co-ordinator, Campaign for Consciences Objection BiH; Sarajevo, 01 March 2005; Ms. Dijana Pejic, Program Manager, Genesis project – Banja Luka, Sarajevo, 15 February 2005.

3.9 Cross-border SALW control initiatives

BiH has now signed a number of bilateral agreements with states across the region expressing commitment to jointly combating illegal activities including organised crime.⁸⁵ During 2004 there were no joint projects on border control with other countries. Nonetheless, SBS BiH states that the service maintained regular contact and has relevant information exchanges with authorised police institutions from neighbouring countries.⁸⁶ The SBS training programme includes activities aimed at preventing the flow of SALW across state borders. This necessitates enhanced cooperation with equivalent services in neighbouring states with the aim of a co-ordinated approach to countering the illegal arms trade and related types of criminal activity. Toward this end, BiH seconds a law enforcement officer to the SECI Centre, based in Bucharest that provides a forum for South East European states to share information on arms trafficking.

Part of EUFOR's role is to work with the 534-strong Integrated Police Unit (IPU). IPU units are armed and work alongside the SBS and local police services. During 2004 IPU carried out a number of intelligence-based operations that focused on anti-smuggling along the borders with Serbia and Montenegro. The IPU discovered significant weapons caches away from borders, including RPGs, 85 mm rockets, grenades and bombs that were uncovered during 'Operation Tarcin' in December 2004.⁸⁷ Since 2003 a EU Police Mission (EUPM) has also been active in BiH working on policing, customs, taxation and justice issues. The EUPM has, during 2004, succeeded in assisting the Customs and Fiscal Assistance Office (CAFAO) to create a single, unified customs service for BiH.⁸⁸

3.10 SALW management and information and exchange systems and protocols

There is an unmistakable move towards increased transparency in BiH, facilitated in part by the 2002 passage of the 'Freedom of Information Act,' which places in the public domain a great deal of information previously regarded as secret.⁸⁹ The public dissemination of the 2003 national report on strategic imports and exports, issued again for 2004, marked an important watershed in the move towards greater transparency.⁹⁰ In addition, all laws that are passed and are related to SALW are published in the official gazettes relating to those institutions to which they correspond. These gazettes are available to any member of the public. Further, during 2004, state institutions prepared reports to UNDDA on implementation of the UN Programme of Action, to the OSCE and the Wassenaar Arrangement. These reports were submitted to the relevant international organisation as well as to the Parliamentary Assembly by the MFA.⁹¹ The timeliness and high level of detail

⁸⁵ As in the 05 May 2005 Agreement between BiH and Turkey to fight terrorism and organised crime.

⁸⁶ *Ibid.*

⁸⁷ EUFOR Website, <<http://www.euforbih.org/sheets/fs050225a.htm>>, accessed 17 May 2005.

⁸⁸ EU External Affairs website, <http://europa.eu.int/comm/external_relations/see/news/ip03_44.htm> accessed 18 May 2005.

⁸⁹ This legislation provides each member of the public with the right to access information on a great variety of state related matters.

⁹⁰ The report was compiled by MOFTER in accordance with the 'Law on the Import/Export of Arms and Military Equipment.' Interview, Berin Kurspahic, Senior Consultant, Ministry of Foreign Trade and Economic Relations of BiH, Sarajevo, 02 February 2005.

⁹¹ Interview, Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA of BiH, Sarajevo, 10 February 2005.

provided by BiH in its annual reports on the implementation of the UN PoA are promising signs of an enhanced information exchange capability.

BiH participates actively in initiatives associated with the South Eastern Europe Clearinghouse for the Control of SALW (SEESAC) and with the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC). BiH also has an Office for Cooperation with INTERPOL, and accordingly shares information with this agency. This recently resulted in the apprehension of a BiH citizen by the French police for smuggling 100 kg of Semtex plastic explosives.⁹² Cooperation has also been established with the South East European Cooperative Initiative (SECI), a regional information-sharing organisation for law enforcement officers from around the region.

Despite these improvements in transparency levels and information exchange, BiH faces engrained problems associated with corruption that have implications for further progress in this area. Over the last eighteen months, Lord Ashdown, the High Representative, has invoked his extraordinary powers on several occasions to dismiss officials accused of corruption.⁹³ Another potential barrier to better information exchange systems is a lack of resources to meet existing commitments on transparency of information.⁹⁴

Table 7: Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	BOSNIA AND HERZEGOVINA
INTERNATIONAL	
Reporting to the UN DDA on the Programme of Action (PoA)	Yes
Reporting to the UN Register of Conventional Arms	Yes
Reporting to other international regimes, if appropriate (eg Wassenaar)	-
INTERPOL/ EUROPOL	Yes/ Yes
REGIONAL	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	-
SECI Regional Centre intelligence exchange	Yes
NATIONAL	
Transparency – on SALW imports, exports and decision-making	Yes
Publication of national reports on arms / SALW transfers	Yes, through request to MOFTER
Publication of SALW national strategy	Yes, limited strategy detailed in UN PoA Report

⁹² 'Bosnia, Croatian citizens caught smuggling explosives in France', BBC Monitoring Service, HINA, 13 April 2005.

⁹³ As in the 29 March 2005 sacking of Croat member of the BiH Joint Presidency, Dragan Covic, accused by state prosecutors of customs evasion, corruption and abuse of office. BBC Online, <<http://news.bbc.co.uk/1/hi/world/europe/4390635.stm>>, accessed 01 April 2005.

⁹⁴ Interview with Mr. Berin Kurspahic, Senior Consultant, Ministry of Foreign Trade and Economic Relations of BiH, February 2005.

