

# BOSNIA AND HERZEGOVINA

ARTICLE 4 DEADLINE: 1 MARCH 2021 (ON TRACK TO MEET DEADLINE)

<b>PROGRAMME PERFORMANCE</b>	2015	2014
<b>Problem understood</b>	8	8
<b>Target date for completion of cluster munition clearance</b>	4	5
<b>Targeted clearance</b>	6	6
<b>Efficient clearance</b>	6	6
<b>National funding of programme</b>	7	7
<b>Timely clearance</b>	6	6
<b>Land-release system in place</b>	5	6
<b>National mine action standards</b>	6	6
<b>Reporting on progress</b>	5	5
<b>Improving performance</b>	6	6
<b>PERFORMANCE SCORE: AVERAGE</b>	5.9	6.1

## PERFORMANCE COMMENTARY

While new mine action standards relating to mines were introduced in 2015 that encourage more efficient use of survey, including the introduction of targeted technical survey, corresponding standards relating to cluster munition remnants (CMR) were still being revised as at June 2016. Bosnia and Herzegovina (BiH) has yet to provide a strategic plan and timeframe for completion of CMR clearance.

## RECOMMENDATIONS FOR ACTION

- BiH should accelerate clearance of CMR to fulfil its Convention on Cluster Munitions (CCM) Article 4 obligations in advance of the deadline.
- BiH should develop a strategic plan for the release of areas confirmed or suspected to contain CMR.
- The demining capabilities of the BiH Armed Forces and the Federal Administration of Civil Protection should be enhanced by provision of new equipment and training.
- BHM MAC should complete the revision of its land release standards for CMR as soon as possible, including with regard to fade-out distances, following best international practice in order to avoid unnecessary clearance.

## CONTAMINATION

At the end of 2015, BiH had 25 areas covering a total of 0.85km<sup>2</sup> confirmed to contain CMR, while a further 294 areas over 7.3km<sup>2</sup> are suspected to contain CMR (see Table 1).<sup>1</sup> This compares to reported contamination as at the end of 2014, of 17 confirmed hazardous areas (CHAs) over a total of 0.78km<sup>2</sup>, and 400 suspected hazardous areas (SHAs) over 8.76km<sup>2</sup>.<sup>2</sup>

The contamination figures in Table 1 differ from those reported in BiH's latest CCM Article 7 transparency report, which claimed 7.3km<sup>2</sup> was the total of all contamination. No reference is made to the 0.85km<sup>2</sup> of confirmed area reported separately to Mine Action Review.<sup>4</sup> Of the total suspected CMR contamination, 4.3km<sup>2</sup> is also suspected to be contaminated with anti-personnel mines.<sup>5</sup>



Table 1: **CMR contamination at the end of 2015**<sup>3</sup>

Canton	SHAs	Suspected area (km <sup>2</sup> )	CHAs	Confirmed area (km <sup>2</sup> )
Unsko-Sanski	41	0.41	4	0.20
Tuzlanski	47	1.18	3	0.05
Zenicko-Dobojski	73	1.30	4	0.07
Srednje-Bosanski	50	2.79	4	0.10
Zapadno-Hercegovacki	6	0.09	2	0.08
Sarajevo	13	0.35	2	0.04
Canton 10	33	0.47	5	0.25
<b>Totals Federation BiH</b>	<b>263</b>	<b>6.59</b>	<b>24</b>	<b>0.79</b>
<b>Totals Republika Srpska</b>	<b>31</b>	<b>0.71</b>	<b>1</b>	<b>0.06</b>
<b>TOTALS</b>	<b>294</b>	<b>7.30</b>	<b>25</b>	<b>0.85</b>

1 Email from Tarik Serak, Head, Department for Mine Action Management, Bosnia and Herzegovina Mine Action Center (BHM MAC), 26 May 2016. BiH's CCM Article 7 Report (for 2015) reports the 7.3km<sup>2</sup> of suspected contamination, but not the 0.85km<sup>2</sup> of confirmed contamination BHM MAC has reported to Mine Action Review.

2 Emails from Tarik Serak, BHM MAC, 23 April 2015; and Amela Balic, Operations Manager, Norwegian People's Aid (NPA) BiH, 15 April 2015; and BHM MAC, "Five years since the entry into force of the Convention on Cluster Munitions", 3 August 2015, at: <http://www.bhmac.org/en/stream.daenet?sta=3&pid=839&kat=19>.

3 Email from Tarik Serak, BHM MAC, 26 May 2016.

4 CCM Article 7 Report (for 2015), Form F.

5 BHM MAC, "Mine Action Report in BiH for 2015 approved by the BH Ministry Council", 16 May 2016, at: <http://www.bhmac.org/en/stream.daenet?sta=3&pid=937&kat=19>.

CMR contamination dates back to 1992–95,<sup>6</sup> the result of the conflicts related to the break-up of the Socialist Federal Republic of Yugoslavia. A survey and initial general assessment of cluster munition contamination was jointly conducted by the Bosnia and Herzegovina Mine Action Centre (BHMIC) and Norwegian People's Aid (NPA) in 2011. This estimated the total area suspected to contain CMR at almost 12.2km<sup>2</sup>, scattered across 140 areas. This estimate was subsequently revised upwards to 14.6km<sup>2</sup> following the start of land release operations in 2012.<sup>7</sup> Of this, around 5km<sup>2</sup> was deemed as contaminated and marked for clearance.<sup>8</sup>

BiH claims to have released 6.92km<sup>2</sup> of hazardous area in 2012–15, of which approximately half (3.65km<sup>2</sup>) was released through technical survey or clearance in 44 separate tasks. In operational activities, 1,406

submunitions and 53 other explosive remnants of war (ERW) were found and destroyed.<sup>9</sup> As at September 2015, BiH reported to have reduced suspected CMR contamination from 14.6km<sup>2</sup> to 7.69km<sup>2</sup>, an overall reduction of 47%.<sup>10</sup>

CMR contamination in BiH is a humanitarian risk, impeding access to natural resources and posing an obstacle to rehabilitation and development of infrastructure.<sup>11</sup> Sixty communities have been identified as affected with CMR, of which 31 are also affected by mines.<sup>12</sup> According to BHMIC's records, the last submunition casualty was in 2009.<sup>13</sup>

## Other ERW and Landmines

BiH is also contaminated by other unexploded ordnance (UXO) and anti-personnel mines.

## PROGRAMME MANAGEMENT

The Demining Commission, under the BiH Ministry of Civil Affairs, supervises the state-wide BHMIC and represents BiH in its relations with the international community on mine-related issues.<sup>14</sup> The Demining Commission's three members, representing BiH's three majority ethnic groups (Bosniaks, Croats, and Serbs),<sup>15</sup> propose the appointment of BHMIC senior staff for approval by the Council of Ministers. Three new members of the Demining Commission were appointed on 23 July 2015.<sup>16</sup> Whereas the Minister for Civil Affairs remains ultimately responsible for mine action, the Demining Commission represents the strategic body responsible to set the mine action policies.<sup>17</sup>

BHMIC, established by a 2002 Decree of the Council of Ministers, is responsible for regulating mine action and implementing BiH's demining plan, including accreditation of all mine action organisations.<sup>18</sup> BHMIC operates from its headquarters in Sarajevo, and through two main offices in Sarajevo and Banja Luka, and eight regional offices (Banja Luka, Bihać Brčko, Mostar, Pale, Sarajevo, Travnik, and Tuzla).<sup>19</sup> A 2015 United Nations Development Programme (UNDP) evaluation concluded that BHMIC was "doing a good job in operational

management and in introducing new and more efficient procedures"; and was carrying out its core activities "effectively, despite not being fully funded."<sup>20</sup> Prior to 2015, BHMIC's governance and management had come under strong criticism (see "Clearing the Mines 2015" report on BiH), but major reforms are being implemented and an acting director of BHMIC was appointed on 22 September 2015 by the Council of Ministers of BiH, who will serve until the formal appointment of a new Director.<sup>21</sup>



6 Ibid.

7 Statement of BiH, First CCM Review Conference, Dubrovnik, 9 September 2015; and Statement of BiH, High-level Segment, First CCM Review Conference, 7 September 2015.

8 Statement of BiH, High-level Segment, First CCM Review Conference, Dubrovnik, 7 September 2015.

9 Ibid.

10 Statement of BiH, First CCM Review Conference, Dubrovnik, 7 and 9 September 2015.

11 Email from Darvin Lisica, Programme Manager BiH, NPA, 5 May 2016.

12 Email from Tarik Serak, BHMIC, 26 May 2016.

13 Statement of BiH, High-level Segment, First CCM Review Conference, Dubrovnik, 7 September 2015.

14 BHMIC Organisational chart, at: <http://www.bhmic.org/en/stream.daenet?kat=84>, accessed 5 April 2016.

15 The principle of organising BiH state-level bodies along ethnic lines has come under increasing scrutiny following the 2009 judgment by the European Court of Human Rights (ECtHR) that the rights of two Bosnians of Roma and Jewish descent had been violated by being denied the opportunity to run for high-level elected office because they were not from one of the three major ethnic groups. ECtHR, *Sejdic and Finci v. Bosnia and Herzegovina*, Judgment, 22 December 2009.

16 BHMIC, "The appointment of new members of Demining Commission in Bosnia and Herzegovina", 24 July 2015.

17 UNDP, "Draft Mine Action Governance and Management Assessment for BiH", 13 May 2015, p. 22.

18 Bosnia and Herzegovina Official Gazette, Sarajevo, 17 March 2002.

19 BHMIC Organisational chart.

20 UNDP, "Draft Mine Action Governance and Management Assessment for BiH", 13 May 2015, pp. 26, 32.

21 Council of Ministers of BiH, "The conclusions of the 24th session of the Council of Ministers of Bosnia and Herzegovina", 22 September 2015.

## Strategic Planning

The BiH Mine Action Strategy for 2009–19 guides mine action in BiH, but the original document does not mention CMR clearance. BHMAC conducted the first of three planned revisions of the strategy in 2012–13.<sup>22</sup> The 2012 revision did refer to CMR clearance,<sup>23</sup> but the revision was not formally adopted by the Council of Ministers, indicating a lack of political attention to mine action in BiH.<sup>24</sup> The second revision of the strategy was conducted in 2015,<sup>25</sup> in consultation with the Demining Commission and UNDP, and was adopted by the Demining Commission in BiH.<sup>26</sup> The Demining Commission will report to the Council of Ministers regarding information from the analysis of the strategy.<sup>27</sup> The third revision of the strategy is due to take place in 2017.

## Legislation and Standards

In 2015, BHMAC adopted new national land release standards with regard to mines, which enable more efficient operations by introducing “targeted investigation” during technical survey.<sup>28</sup> However, as at June 2016, revision of the corresponding land release standards for CMR was still ongoing.<sup>29</sup> BHMAC also adopted a new standard operating procedure (SOP) for non-technical survey (NTS) of areas suspected to contain CMR, based on NPA’s own SOPs.<sup>30</sup> In addition, rules and regulations were adopted for accreditation of organisations for technical survey and clearance of CMR.<sup>31</sup>

Furthermore, a new draft demining law, which was first submitted to parliament in 2010, has still to be approved, and has not received approval from the Council of Ministers,<sup>32</sup> after which it must be sent for parliamentary approval. It is thought unlikely that the new demining law will be adopted before the end of 2016, due to a lack of political will.<sup>33</sup>

## Operators

During 2015, three organisations conducted CMR survey and clearance: NPA, the Federal Administration of Civil Protection (FACP), and the BiH Armed Forces.<sup>34</sup>

NPA’s operational capacity reduced from two manual teams in January–April 2015 to one manual team from May onwards (with one team leader and six deminers per team). The reduction was due to the end of the project funded by a Norwegian TV fundraising effort (NRK Telethon). NPA expected its current capacity to remain unchanged during the remainder of 2016.<sup>35</sup>

## Quality Management

BHMAC’S two main offices in Banja Luka and Sarajevo coordinate the activities of regional offices in planning, survey, and quality control (QC)/quality assurance (QA). QA inspectors are based in the regional offices.<sup>36</sup>



Cluster munition technical survey with special detection dogs (SDD), Livno, BiH. © NPA BiH

22 Statement of BiH, Anti-Personnel Mine Ban Convention (APMBC) Thirteenth Meeting of States Parties, Geneva, 5 December 2013, p. 2.

23 BHMAC, “Revision of Mine Action Strategy in Bosnia and Herzegovina 2009-2019 (First Revision 2012)”, 14 March 2013.

24 UNDP, “Draft Mine Action Governance and Management Assessment for Bosnia and Herzegovina”, 13 May 2015, p. 17.

25 Statement of BiH, APMBC Fourteenth Meeting of States Parties, Geneva, 18 December 2015; and email from Tarik Serak, BHMAC, 26 May 2016.

26 Email from Tarik Serak, BHMAC, 26 May 2016.

27 Ibid.

28 Emails from Darvin Lisica, NPA, 5 May 2016; and Amela Balic, NPA, 17 June 2016.

29 Email from Amela Balic, NPA, 17 June 2016.

30 Emails from Darvin Lisica, NPA, 11 August 2015, and Tarik Serak, BHMAC, 26 May 2016; and Statement of BiH, First CCM Review Conference, Dubrovnik, 9 September 2015.

31 Statement of BiH, First CCM Review Conference, Dubrovnik, 9 September 2015; and email from Amela Balic, NPA, 17 June 2016.

32 UNDP, “Mine Action Board of Donors Meeting”, 31 March 2016, at: [http://www.ba.undp.org/content/bosnia\\_and\\_herzegovina/en/home/presscenter/articles/2016/03/31/sastanak-odbora-donatora-za-protuminske-akcije.html](http://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/presscenter/articles/2016/03/31/sastanak-odbora-donatora-za-protuminske-akcije.html); and email from Amela Balic, NPA, 17 June 2016.

33 Email from Amela Balic, NPA, 17 June 2016.

34 Statement of BiH, First CCM Review Conference, Dubrovnik, 9 September 2015; and email from Tarik Serak, BHMAC, 26 May 2016.

35 Email from Darvin Lisica, NPA, 5 May 2016.

36 BHMAC, “Bosnia and Herzegovina Mine Action Annual Report 2011”, adopted by the Demining Commission, May 2012, p. 22; and email from Tarik Serak, BHMAC, 6 May 2014.

## LAND RELEASE

In 2015, a total of 0.23km<sup>2</sup> of CMR-contaminated area was released by clearance while 0.76km<sup>2</sup> was reduced by technical survey. A further 0.47km<sup>2</sup> was cancelled by NTS. This represents a slight decrease compared to 2014, when 0.26km<sup>2</sup> was fully cleared, 1.07km<sup>2</sup> was reduced by technical survey, and 0.41km<sup>2</sup> was cancelled by NTS.

## Survey in 2015

In 2015, NTS of areas suspected to contain CMR was conducted by BHMAL and NPA teams seconded to BHMAL regional offices.<sup>37</sup> In addition, BHMAL, the Armed Forces, the FACP, and NPA all conducted technical survey.<sup>38</sup>

During survey operations, 82 SHAs totalling just under 0.47km<sup>2</sup> of land were cancelled by NTS while 0.76km<sup>2</sup> was reduced by technical survey. Eight SHAs were confirmed as contaminated, totalling 0.27km<sup>2</sup> (see Table 2).<sup>39</sup>

Table 2: **CMR survey in 2015**<sup>40</sup>

Operator	SHAs Cancelled	Area cancelled (m <sup>2</sup> )	Areas confirmed (m <sup>2</sup> )	Confirmed area (m <sup>2</sup> )	Area reduced by TS (m <sup>2</sup> )
BHMAL*	82	468,948	8	270,000	
Armed Forces					407,506
FACP					93,979
NPA					258,980
<b>Totals</b>	<b>82</b>	<b>468,948</b>	<b>8</b>	<b>270,000</b>	<b>760,465</b>

\* Includes survey support from NPA. TS = Technical survey

## Clearance in 2015

In 2015, three operators cleared a total of 0.23km<sup>2</sup> containing CMR, destroying 232 KB1 submunitions and 17 other items of UXO (see Table 3).

During 2014, NPA implemented a pilot project using special detection dogs (SDDs) for technical survey and clearance of CMR-contaminated areas. According to NPA, the results of this project "gave important inputs for further definition of the process for using SDD in targeted TS in areas contaminated with CMR."<sup>42</sup> SOPs were subsequently drafted regarding use of dogs in targeted

technical survey over CMR-contaminated areas, which were awaiting BHMAL approval as at May 2016.<sup>43</sup> BHMAL was in the process of revising national standards to allow the use of dogs in targeted technical survey.<sup>44</sup>

From May 2015, the number of NPA teams engaged in technical survey and clearance of CMR-contaminated areas was decreased from two to one.<sup>45</sup> This resulted in a 50% reduction in the amount of CMR-contaminated land released by NPA.<sup>46</sup>

Table 3: **Clearance of CMR-contaminated area in 2015**<sup>41</sup>

Operator	Areas cleared	Area cleared (m <sup>2</sup> )	Submunitions destroyed	Other UXO destroyed
Armed Forces	6	31,153	168	13
FACP	1	20,221	3	0
NPA	4	179,213	61	4
<b>Totals</b>	<b>11</b>	<b>230,587</b>	<b>232</b>	<b>17</b>

37 Emails from Tarik Serak, BHMAL, 26 May 2016; and Darvin Lisica, NPA, 5 May 2016.

38 Email from Tarik Serak, BHMAL, 26 May 2016.

39 Ibid. In addition to the 258,980m<sup>2</sup> reduced by technical survey, NPA also reported supporting BHMAL to cancel three areas covering 180,359m<sup>2</sup> and confirm five areas covering 356,050m<sup>2</sup>. Email from Darvin Lisica, NPA, 5 May 2016.

40 Email from Tarik Serak, BHMAL, 26 May 2016.

41 Ibid.; and CCM Article 7 Report (for 2015), Form F. However, the number of submunitions reported as having been destroyed in its Article 7 report was 354, which is 122 more than the total reported to Mine Action Review.

42 Email from Amela Balic, NPA Bosnia, 15 April 2015.

43 Email from Darvin Lisica, NPA, 5 May 2016.

44 Ibid.

45 Emails from Darvin Lisica, NPA, 15 April and 25 May 2015, and 5 May 2016.

46 Email from Darvin Lisica, NPA, 5 May 2016.

## ARTICLE 4 COMPLIANCE

Under Article 4 of the CCM, BiH is required to destroy all CMR in areas under its jurisdiction or control as soon as possible, but not later than 1 March 2021. It is on track to meet this deadline.

BHMAC has stated that it does not expect any obstacles in meeting its Article 4 deadline.<sup>47</sup> According to BHMAC, small-scale investments in equipment and training could significantly increase the capabilities of the FACP and the Armed Forces, and full use of available human and technical resources could enable BiH to meet its obligations under Article 4 by the end of 2017.<sup>48</sup> However, based on the status of current CMR survey and clearance operations, BHMAC no longer expects to meet its Article 4 obligations by the end of 2017, as it had previously stated at the CCM First Review Conference in September 2015.<sup>49</sup>

The 2012 Mine Action Strategy Revision had expected that BiH would “completely eliminate” all CMR-contaminated areas by 2015<sup>50</sup> — a target that was missed — and the target risks being pushed back further. Given that less than 1km<sup>2</sup> of CMR-contaminated land has been cleared in the last five years (see Table 4), it is not certain that BiH will indeed meet its Article 4 deadline.

BiH national funding supports BHMAC, survey and clearance of CMR, and the operations of the Armed Forces, while the Government of the Federation of BiH (FBiH) finances the operations of FACP.<sup>52</sup> In 2015, just over BAM35 million (approx. US\$20 million) was allocated to mine action operations in BiH. Of this, BAM19.5 million (approx. US\$11.1 million) came from national sources while BAM 15.6 million (approx. US\$8.9 million) was from international donors.<sup>53</sup> Funding for the implementation of the Mine Action Strategy 2009–2019 is significantly less than originally planned.<sup>54</sup>

Table 4: **Five-year summary of CMR clearance**<sup>51</sup>

Year	Area cleared (km <sup>2</sup> )
2015	0.23
2014	0.26
2013	0.24
2012	0.16
2011	0*
<b>Total</b>	<b>0.89</b>

\* No CMR-contaminated area was cleared, but 59 submunitions from areas totalling 85,256m<sup>2</sup> were cleared during mine clearance operations.



47 Email from Tarik Serak, BHMAC, 26 May 2016.

48 Statement of BiH, First CCM Review Conference, Dubrovnik, 9 September 2015.

49 Email from Tarik Serak, BHMAC, 26 May 2016.

50 BHMAC, “Revision of Mine Action Strategy in Bosnia and Herzegovina 2009–2019 [First Revision 2012]”, 14 March 2013, p. 13; and email from Darwin Lisica, NPA, 5 May 2016.

51 See Cluster Munition Monitor reports on clearance in BiH covering 2011–14.

52 Email from Tarik Serak, BHMAC, 26 May 2016.

53 BHMAC, “Mine Action Report in BiH for 2015 approved by the BH Ministry Council”, 16 May 2016, at: <http://www.bhmac.org/en/stream.daenet?sta=3&pid=937&kat=19>.

54 BHMAC, “Five years since the entry into force of the Convention on Cluster Munitions”, 3 August 2015.