

# CROATIA

**ARTICLE 4 DEADLINE: 1 AUGUST 2020**  
(ON TRACK TO MEET DEADLINE)

<b>PROGRAMME PERFORMANCE</b>	2016	2015
Problem understood	9	9
Target date for completion of cluster munition clearance	7	7
Targeted clearance	7	7
Efficient clearance	7	7
National funding of programme	9	9
Timely clearance	6	6
Land release system in place	7	7
National mine action standards	6	7
Reporting on progress	6	6
Improving performance	8	7
<b>PERFORMANCE SCORE: GOOD</b>	<b>7.2</b>	<b>7.2</b>

## PERFORMANCE COMMENTARY

Croatia's release of area contaminated with cluster munition remnants (CMR) strengthened in 2016 with a substantial increase in clearance output, marking a five-year high. This is despite the adoption of a new mine action law that may impede effective and efficient operations.

## RECOMMENDATIONS FOR ACTION

- Croatia should adopt and present a strategic plan for completion of its clearance obligations under the Convention on Cluster Munitions (CCM).
- Croatia should revisit the 2015 Mine Action Law to rectify some of the unintended challenges it poses to the implementation of mine action operations.

## CONTAMINATION

At the end of 2016, Croatia had ten areas confirmed to contain CMR covering a total area of 1.74km<sup>2</sup> (see Table 1).<sup>1</sup> This compares to reported contamination a year earlier of 11 confirmed hazardous areas (CHAs) over a total of 2.64km<sup>2</sup>.<sup>2</sup>

CMR clearance in the county of Split-Dalmatia was completed in 2016, leaving only three counties contaminated.<sup>3</sup>

**Table 1: CMR contamination by county (at end 2016)<sup>4</sup>**

County	CHAs	Area (km <sup>2</sup> )
Lika-Senj	4	0.72
Zadar	4	0.73
Šibenik-Knin	2	0.29
<b>Totals</b>	<b>10</b>	<b>1.74</b>

Croatia was contaminated with unexploded KB-1 and Mk-1 submunitions by the conflicts in the 1990s that followed the break-up of the Socialist Federal Republic of Yugoslavia. While Croatia was affected by the 2014 Balkan floods, none of the CMR-affected areas were flooded.<sup>5</sup>

The Croatian Mine Action Centre (CROMAC) reports that CMR have more of a socio-economic than humanitarian impact.<sup>6</sup> At the end of 2016, 7.1% of the remaining CMR-contaminated land was defined as agricultural; 92.6% as forested, and 0.3% as “other area” (e.g. water, marshland, landslides, coast).<sup>7</sup>

## Other Explosive Remnants of War and Landmines

Croatia is heavily contaminated by other unexploded ordnance (UXO) and anti-personnel mines.

## PROGRAMME MANAGEMENT

CROMAC was established on 19 February 1998 as the umbrella organisation for mine action coordination.<sup>8</sup> The CROMAC Council, the oversight and strategic planning body for mine action, is supposed to meet on a monthly basis<sup>9</sup> but since the expiry of the mandate of government-appointed members in August 2016, the council has not met.<sup>10</sup> As at April 2017, the CROMAC Council had been reformed, but was awaiting a new government decree in order to be formally established and commence its work.<sup>11</sup>

Delay in government approval of the CROMAC Council primarily poses administrative challenges, rather than hindering mine action operations on the ground. Until the Decree is passed the CROMAC council is not able to send documents such as the annual work plan, to the government for approval; and it also impacts recruitment within CROMAC.<sup>12</sup> This explains why the head of CROMAC was still “Acting” Director as at writing.

In April 2012, the government created the OMA, reporting to the Prime Minister’s office, to function as a focal point for mine action, strengthen coordination among stakeholders and funding agencies, and raise public awareness about mine hazards.<sup>13</sup> The OMA does not sit above CROMAC; rather, it is the government institution dealing with the political aspects of mine action whereas CROMAC deals with operations.<sup>14</sup> The OMA includes a Unit for European Union (EU) Funds, tasked with promoting access to a range of EU funds to support the mine action sector.<sup>15</sup> The establishment of the OMA has elevated the status of mine action within the country as it can politically pressure the government and international actors in ways that CROMAC, as a technical body, cannot.<sup>16</sup>

## Strategic Planning

CROMAC has a National Mine Action Strategy 2009–2019, which includes among its main goals the tackling of CMR in accordance with the obligations of the CCM.<sup>17</sup> There is, though, no detailed plan for the release of all areas containing CMR. All CMR-contaminated areas are said to be cleared in accordance with county and state priorities.<sup>18</sup>

## Legislation and Standards

A new mine action law was adopted by the Croatian Parliament on 21 October 2015, incorporating developments from the latest International Mine Action Standards (IMAS), and specifically those relating to the use of technical survey to confirm the presence or absence of contamination.<sup>19</sup> The 2015 law introduces a new procedure for “supplementary general survey” (i.e. non-technical survey) and enables “exclusion” (i.e. reduction) of suspected hazardous areas (SHAs) through technical survey, which was not possible under the previous law.<sup>20</sup> The 2015 Law on Mine Action has eliminated the need for standing operating procedures (SOPs), as all aspects of mine action are now clearly defined in the new law.<sup>21</sup> National Mine Action Standards are also encompassed within it.<sup>22</sup>

While the 2015 Law, which was initiated by the OMA and produced by the Ministry of Interior, marks an improvement in certain respects (for instance, by permitting land release through technical survey), it also poses challenges to the efficient and effective running of Croatia’s mine action programme. Operators were extensively consulted during the drafting of the former mine action law, but this did not occur during the elaboration of the 2015 Law. While CROMAC provided expert input and feedback on the draft, many of its substantive recommendations were not incorporated.<sup>23</sup>

There is widespread agreement among mine action experts and professionals with significant experience in the field (e.g. CROMAC staff and deminers), that the new law is not practical to implement in the field, and impedes efficient and effective mine action operations.<sup>24</sup> Certain articles of the 2015 Law lack clarity and are hard to interpret, or do not make good sense operationally.<sup>25</sup> Furthermore, the 2015 Law has limited CROMAC’s supervision of the commercial operators.<sup>26</sup>

Another consequence of the new law is that CROMAC no longer has responsibility for investigating demining accidents. This responsibility now lies with the State Attorney, under the oversight of the Ministry of Interior, rather than with the body with the requisite technical expertise. CROMAC only receives accident report summaries from the Ministry.<sup>27</sup>

With sufficient political will, the challenges posed by the 2015 Law could be addressed and its provisions strengthened.<sup>28</sup> CROMAC would prefer that this is achieved through amendments to the law itself, rather than through the creation of supplementary by-laws and regulations, which is currently the case.

Previously, Croatia’s land release system was felt to be more suited to addressing mined areas, and lacked a specific system for tackling CMR. In particular,

technical survey was not being used to release land efficiently.<sup>29</sup> Article 143 of the Law on Mine Action required that by-laws be adopted to cover a number of issues, including demining methodology. Accordingly, a working group under the Ministry of Interior developed two supplementary regulations. The first by-law, “Regulations on demining, quality control, non-technical and technical surveys and marking of suspected hazardous areas”, entered into force in May 2016, and included, among other aspects, distinct technical survey procedures for mines and CMR, respectively. The second by-law, “Regulations on personal supervisory booklet and ID card of mine action employees and record forms”, entered into force in June 2016.<sup>30</sup>

Under the 2015 Law, the Ministry of Interior assesses authorised legal entities for conducting demining; this was formerly CROMAC’s responsibility.<sup>31</sup> With regard to accreditation, the Ministry of Interior now provides three separate permits: approval for manual mine detection, approval for mechanical mine detection, and approval for operations by mine and UXO detection dogs. This replaces the former unified accreditation license.<sup>32</sup>

## Quality Management

With the adoption of the 2015 Law on Mine Action, supervision during and after survey and clearance has been replaced by ongoing quality control (QC) and final QC. Required “ongoing QC” for clearance operators has increased from a minimum of 1% of cleared area to 5%, in order to increase safety and quality. In addition, CROMAC QC officers review a minimum of 5% of control samples at least every three days, and final quality management of 1% is conducted by a commission with two representatives from CROMAC and one from the Ministry of Interior.<sup>33</sup> The QC requirements of the 2015 Law are said to pose a significant capacity challenge for both operators and CROMAC, and rather than strengthen QC as intended, they threaten to negatively impact it.<sup>34</sup>

## Operators

At the beginning of 2016, 46 commercial companies, with a total capacity of 653 deminers, 55 machines, and 42 mine detection dogs (MDDs), were accredited to conduct CMR and mine clearance. By the end of the year, this had decreased to 41 accredited commercial companies with a total of 600 deminers, 51 demining machines, and 60 MDDs.<sup>35</sup> Nine companies were involved in clearing CMR in 2016.<sup>36</sup> Overall capacity remained roughly the same, but use of MDDs increased in 2016.<sup>37</sup> Most assets were deployed for mine clearance.

Following the adoption of the new mine action law, CROMAC expects MUNGOS, a state-owned clearance operator, to be more involved in technical survey, in addition to clearance.<sup>38</sup>

## LAND RELEASE

Croatia released 1.2km<sup>2</sup> of CMR area by clearance in 2016 and completed clearance of CMR in Split-Dalmatia county.<sup>39</sup> Output was a significant increase on the 0.43km<sup>2</sup> of clearance in 2015.<sup>40</sup>

### Survey in 2016

CROMAC identified and confirmed three CMR-contaminated areas totalling 94,270m<sup>2</sup> in 2016: 28,197m<sup>2</sup> in Lika-Senj county; 34,369m<sup>2</sup> in Split-Dalmatia county; and 31,704m<sup>2</sup> in Zadar county.<sup>41</sup> Of the total area confirmed as CMR-contaminated in 2016, part was cleared during the year, and 55,426m<sup>2</sup> remained to be cleared at the end of the year.<sup>42</sup>

### Clearance in 2016

Croatia cleared 1.2km<sup>2</sup> of area containing only CMR in 2016, in addition to a further 111,571m<sup>2</sup> of mixed mine and CMR clearance in two areas in Lika-Senj county and Zadar counties, destroying 214 submunitions, mainly KB-1 submunitions in total (see Table 2).<sup>43</sup>

**Table 2: Clearance of CMR-contaminated area in 2016<sup>44</sup>**

Operator	County	Areas cleared	Area cleared (m <sup>2</sup> )	Submunitions destroyed
Israživač	Lika-Senj	1	25,182	26
Piper	Lika-Senj	1	14,926	15
Fas	Split-Dalmatia	1	16,769	5
MUNGOS	Split-Dalmatia	1	17,600	1
MUNGOS	Split-Dalmatia	1	765,744	69
Diz-eko	Šibenik-Knin	1	125,419	13
Istraživač Benz	Zadar	1	86,389	72
Capsula Interna	Zadar	1	146,707	13
<b>Totals</b>		<b>8</b>	<b>1,198,736</b>	<b>214</b>

## ARTICLE 4 COMPLIANCE

Under Article 4 of the CCM, Croatia is required to destroy all CMR in areas under its jurisdiction or control as soon as possible, but not later than 1 August 2020. It is on track to meet this deadline.

In 2016, Croatia contributed around €4.9 million (approximately US\$5.3 million) in national funding towards the cost of CROMAC, and around €21 million (approximately US\$22.9 million) to cover the cost of survey and clearance of mined areas.<sup>45</sup> CROMAC expected to receive increased funding in 2017, especially from the EU.<sup>46</sup> In 2017, however, CROMAC reported that funding to complete CMR clearance had been committed from the state budget, and that the success of the programme was not dependent on EU funds.<sup>47</sup>

Croatia has cleared a total of 4.21km<sup>2</sup> over the past five years, with 2016 recording the highest annual clearance total in this period, as illustrated in Table 3. Croatia predicts that it will be able to meet its Article 4 obligations by the end of 2018,<sup>48</sup> well in advance of its August 2020 Article 4 deadline.

**Table 3: Five-year summary of clearance<sup>49</sup>**

Year	Area cleared (km <sup>2</sup> )
2016	1.20
2015	0.43
2014	0.66
2013	1.15
2012	0.77
<b>Total</b>	<b>4.21</b>

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- 1 Email from Nataša Mateković, Assistant Director and Head of Planning and Analysis Department, CROMAC, 22 March 2017.
  - 2 Emails from Miljenko Vahtaric, then Assistant Director for International Cooperation and Education, CROMAC, 13 and 18 May 2016; and CCM Article 7 Report (for 2015), Form A.
  - 3 Email from Nataša Mateković, CROMAC, 22 March 2017; and CCM Article 7 Report (for 2015), Form A.
  - 4 Ibid.
  - 5 Email from Miljenko Vahtaric, CROMAC, 27 April 2015.
  - 6 Email from Nataša Mateković, CROMAC, 22 March 2017.
  - 7 Ibid.
  - 8 CROMAC, "National Mine Action Strategy of Croatia 2009–2019", Zagreb, June 2009, p. 2.
  - 9 Interview with Nataša Mateković, then Director, Planning and Analysis Department, CROMAC, Sisak, 29 February 2008; extract from "Law on Humanitarian Demining", National Gazette (Narodne Novine), No. 153/05, 28 December 2005; and interview with Miljenko Vahtarić, CROMAC, Sisak, 14 April 2014; and emails, 9 June 2015 and 24 August 2016.
  - 10 Emails from Miljenko Vahtaric, CROMAC, 24 August 2016; and Nataša Mateković, CROMAC, 20 June 2017.
  - 11 Email from Nataša Mateković, CROMAC, 22 March 2017.
  - 12 Interviews with Hrvoje Debač, Acting Director, Government Office for Mine Action (OMA), 17 May 2017, Zagreb; and Neven Karas, Assistant Director and Head of Sector for General and Financial Affairs, CROMAC, Sisak, 18 May 2017.
  - 13 Interview with Dijana Pleština, Director, OMA, in Geneva, 23 May 2012 and 10 April 2014; and email from Miljenko Vahtaric, CROMAC, 4 July 2013.
  - 14 Email from Miljenko Vahtaric, CROMAC, 3 June 2016.
  - 15 Interview with Miljenko Vahtaric, CROMAC, in Geneva, 11 April 2013, and email, 4 July 2013.
  - 16 Interview with Miljenko Vahtaric, CROMAC, Sisak, 14 April 2014.
  - 17 Email from Miljenko Vahtaric, CROMAC, 13 May 2016.
  - 18 Email from Miljenko Vahtaric, CROMAC, 10 June 2015.
  - 19 CCM Article 7 Report (for 2015), Form A.
  - 20 Ibid.; and emails from Miljenko Vahtaric, CROMAC, 13 and 18 May 2016.
  - 21 Email from Miljenko Vahtaric, CROMAC, 13 May 2016; and CCM Article 7 Report (for 2015), Form A.
  - 22 Email from Miljenko Vahtaric, CROMAC, 13 May 2016.
  - 23 Interviews with Hrvoje Debač, OMA, 17 May 2017, Zagreb; Ante Brkljačić, Acting Director, CROMAC, Geneva, 9 June 2017; and Neven Karas, CROMAC and Tomislav Ban, Assistant Director and Head of Sector for Operational Planning and Programming, CROMAC, Sisak, 18 May 2017.
  - 24 Interviews with Neven Karas and Tomislav Ban, CROMAC, Sisak, 18 May 2017.
  - 25 Interview with Tomislav Ban, CROMAC, Sisak, 18 May 2017.
  - 26 Ibid.
  - 27 Ibid.; and interview with Ante Brkljačić, CROMAC, Geneva, 9 June 2017.
  - 28 Interviews with Neven Karas, and Tomislav Ban, CROMAC, Sisak, 18 May 2017; and Ante Brkljačić, CROMAC, Geneva, 9 June 2017.
  - 29 Email from Darvin Lisica, Programme Manager, Bosnia and Herzegovina, Norwegian People's Aid, 3 March 2015.
  - 30 Emails from Miljenko Vahtaric, CROMAC, 18 May 2016 and Nataša Mateković, CROMAC, 20 June 2017; Statement of Croatia, Clearance session, Anti-Personnel Mine Ban Convention 15th Meeting of States Parties, Santiago, 29 November 2016; and CCM Article 7 Report (for 2016), Form A.
  - 31 Email from Miljenko Vahtaric, CROMAC, 24 August 2016.
  - 32 Ibid.
  - 33 Emails from Miljenko Vahtaric, CROMAC, 13 May 2016; and Nataša Mateković, CROMAC, 20 June 2017.
  - 34 Interviews with Tomislav Ban, CROMAC, Sisak, 18 May 2017 and a representative of the Croatian Employers' Association (CEA) – Humanitarian Demining Association, Zagreb, 17 May 2017.
  - 35 Email from Nataša Mateković, CROMAC, 22 March 2017.
  - 36 Ibid.; and interview with Nataša Mateković, CROMAC, Sisak, 18 May 2017.
  - 37 Ibid.
  - 38 Ibid.
  - 39 Email from Nataša Mateković, CROMAC, 22 March 2017.
  - 40 Email from Miljenko Vahtaric, CROMAC, 13 May 2016.
  - 41 Statement of Croatia, Clearance Session, CCM 6th Meeting of States Parties, Geneva, 5 September 2016.
  - 42 Emails from Nataša Mateković, CROMAC, 22 March and 26 May 2017; and CCM Article 7 Report (for 2015), Form F.
  - 43 Email from Nataša Mateković, CROMAC, 20 June 2017; and CCM Article 7 Report (for 2016), Form F.
  - 44 Emails from Nataša Mateković, CROMAC, 20 June 2017; and Dejan Rendulić, CROMAC, 30 June 2017; and CCM Article 7 Report (for 2016), Form F. CMR clearance operations also involved destruction of 27 anti-personnel mines and 15 anti-vehicle mines.
  - 45 Ibid.
  - 46 Ibid.
  - 47 Interview with Nataša Mateković, CROMAC, in Geneva, 10 February 2017.
  - 48 Ibid.; and email from Nataša Mateković, CROMAC, 22 March 2017.
  - 49 See Cluster Munition Monitor and Mine Action Review reports on clearance in Croatia covering 2012–15.