

THE EU MULTINATIONAL OPERATIONS – THE LEGAL FRAMEWORK AND IMPORTANCE OF ENGAGEMENT OF THE SERBIAN ARMED FORCES PERSONNEL

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Engagement of the Serbian Armed Forces personnel and other defence forces outside the borders of the state territory is planned and carried out within the multinational operations of the European Union (EU). This research is partly an analysis and comparison of positive legal provisions and the content of the most important strategic documents defining engagement of these capacities in multinational operations, in order to define the concept of multinational operations and the critical opinion on the legal framework regulating this field, and in the second part it includes a systematic explanation of the importance of engaging the Serbian Armed Forces capacities in the European Union military activities of this kind.

Kej words: *strategic multinational operations, peacekeeping operations, military, European Union, Serbian Armed Forces, Republic of Serbia*

Introduction

The long and glorious military tradition of the Serbian people is one of the most important pillars of national identity and folklore. A long time ago, Serbs were considered to be people skilled in weapon handling, but, what is even more important - people who chivalry and honourable warfare are not foreign to. Medieval history, especially the events during the 20th century, were marked by the great suffering of the Serbian people, but also by the examples of honour and chivalry, unprecedented in the world. Consequently, it is understandable that military profession is still highly respected, and the citizens of Serbia have the greatest trust in the Serbian Armed Forces as the state institution.

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The Serbian Armed Forces (SAF) was formally established on June 8, 2006, by a Decree of the National Assembly of the Republic of Serbia, following the dissolution of the State Union of Serbia and Montenegro. According to the definition from the Law on the Serbian Armed Forces, it is “an organized armed force that defends the country from external armed threats and performs other missions and tasks, in accordance with the Constitution, law and principles of international law regulating the use of force”.¹ The mentioned legal definition represents the concretization of a very similar definition from the 2006 Constitution of the Republic of Serbia (Article 139, Paragraph 1), and the Law on the Serbian Armed Forces is *lex specialis* and, as such, the main legal source regulating issues related to the Serbian Armed Forces as the state institution.

The issues of organization, preparation, engagement and support of the Serbian Armed Forces primarily depend on the framework defined through the missions and tasks of the Serbian Armed Forces, whose definition is within the competence of the National Assembly. The missions and tasks of the Serbian Armed Forces are defined in accordance with the strategic commitments of the Republic of Serbia (among which the commitment to regional and international cooperation is particularly important for this field), the provisions of the Constitution of the Republic of Serbia and the United Nations Charter. One of three missions of the Serbian Armed Forces refers to participation in building and maintaining peace in the region and worldwide, which, among other things, is operationalized through participation in multinational operations. Accordingly, the importance of the activities within multinational operations for the organization, preparation, engagement and support of the Serbian Armed Forces can be noticed, and attention is focused on the detailed definition of this concept.

Defining the concept of multinational operation

The Constitutional provisions do not contain a definition of the concept of multinational operations, mainly because this concept, although significant, does not belong to constitutional law. On the other hand, the 2006 Constitution, in Article 140, Paragraph 1, prescribes a mechanism for engaging the capacities of the Serbian Armed Forces outside the state borders only by a decision of the National Assembly, which is accepted and specified by the Law on Defence.² In other words, this decision of the National Assembly is *conditio sine qua non* in this matter, and thus enables the exercise of civil and democratic control of the Armed Forces. The mentioned Law on the Serbian Armed Forces does not define this term, but regulates a number of other issues related to multinational operations, such as specifying service in the Serbian Armed Forces (Article 6, Paragraph 5):

¹ Article 2, Paragraph 1 of the “Law on the Serbian Armed Forces”, *Official Gazette of the RS*, no. 116/2007, 88/2009, 101/2010 - other law, 10/2015, 88/2015 - CC decision, 36/2018 and 94/2019.

² Article 40, Paragraph 1 prescribes: “In case of endangering peace and security in the world, the Serbian Armed Forces personnel, in accordance with law and a decision of the National Assembly, may be deployed to multinational operations outside the borders of the Republic of Serbia”.

“Service in the Serbian Armed Forces is considered to be the execution of duties of the Serbian Armed Forces professional personnel in multinational operations and other activities abroad in accordance with the law regulating engagement of the Serbian Armed Forces outside the borders of the Republic of Serbia”, the use of special service cards (Article 51, Paragraph 5), extraordinary promotion (Article 59), etc. The definition of the concept of multinational operations is prescribed by the Law on Defence: “Multinational operations are activities undertaken within the system of collective security and the system of collective defence, in accordance with international law and ratified international agreements”.³ The same definition can be found on the official website of the Serbian Armed Forces, and it has been accepted within this research.⁴ Considering the concept of multinational operations, it can be easily concluded that the concept is complex, the definition is quite abstract, and that it greatly relies on non-legal categories - concepts such as collective security and collective defence systems, assuming cooperation with the international community entities, which is simultaneously one of the highest principles of the 2009 National Security Strategy of the Republic of Serbia, the most important strategic (political) document, which defines the basics of security policy in the protection of the national interests of the Republic of Serbia.⁵ The National Security Strategy from December 2019 speaks in a similar way, in which the participation of military (but also civilian) capacities in the multinational operations and missions of the United Nations, EU and OSCE is mentioned as one of the fundamental attributes of national security policy.⁶

The complexity of this concept results from several facts - nation states do not renounce sovereignty through cooperation within multinational operations, political systems, especially democratic ones, do not renounce civil control over the engaged contingents, and there are double correlations between international engagement and internal state policy.⁷ The abstract legal categorization of multinational operations is not a consequence of the desire to create a broad legal framework in which abuses of military capacities abroad can be inserted (and thus legalized), but a consequence of practical needs imposed by field activities and attributes of international community today. Namely, modern forms of security threats are rather numerous, dynamic and changeable, as well as proactive and reactive methods that security systems use to counter them at all levels. At the same time, international cooperation and international relations in polycentric (multipolar) world today are intertwined, interdependent, very

³ Article 4, Paragraph 23 of the Law on Defence, *Official Gazette of the RS*, no. 116/2007, 88/2009, 88/2009 - other law, 104/2009 - other law, 10/2015 and 36/2018.

⁴ Internet: http://www.vs.rs/sr_cyr/medjunarodna-saradnja/multinacionalne-operacije/multinacionalne-operacije, 9/2/2020.

⁵ “National Security Strategy”, *Official Gazette of the RS*, no. 88/2009, Belgrade, 2009, p. 3. The 2009 Strategy ceased to be valid on the day the 2019 Strategy was published.

⁶ “National Security Strategy”, *Official Gazette of the RS*, no. 94/2019, Belgrade, 2019, p. 22.

⁷ On this: Patrick Mello & Stephen Saideman, “The politics of multinational military operations”, *Contemporary Security Policy*, Vol. 40, No. 1/2019, pp. 30-37.

changeable, and therefore complex. A more detailed legal regulation of the concept of multinational operations and related issues could have a negative impact today on the effectiveness of the defence forces response, especially when urgency is required.⁸ At the same time, the question could be asked: whether the international community currently has sufficient authority to be able to force the subjects to consistently adhere to more detailed supranational norms that would regulate such sensitive fields as international security cooperation.⁹ Having this in mind, and considering the fact that the last amendments to the Law were made during 2018, it can be concluded that by using more abstract legal norms the legislator has decided on a more practical legal solution, which can be evaluated as positive and in compliance with the dynamic international community, which is increasingly shaped by multipolarity. Such a legal solution, therefore, should be maintained in the future, and possibly corrected in the event of great changes at international level or in the security policy of the Republic of Serbia.

The legal framework for engagement of the Serbian Armed Forces in multinational operations

Multinational operations, therefore, include missions and tasks in preserving national, regional and global security and peace in the world, in which the Serbian Armed Forces can be engaged, and they can be combat or non-combat.¹⁰ The importance of these activities is indicated by the existence of a special law - the Law on engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the Republic of Serbia borders, which regulates at the very beginning and in detail "engagement and preparation of the Serbian Armed Forces and other defence forces for participation in multinational operations outside the borders of the Republic of Serbia".¹¹ The same Law in Article 2 defines what types of missions and tasks can be considered multinational operations. The special law regulating engagement of the mentioned capacities in multinational operations in the Serbian legal system also testifies to the high legal evaluation of these activities (in this regard, it is interesting to note that in this way the position of the National Assembly as the holder of legislative power, in comparison to executive power, has been greatly strengthened), as well as on the real readiness of political decision-makers to operationalize the established strategic commitments in relatively long continuity, thus presenting the state as a more serious, reliable partner in international relations.

⁸ By, for example, detailed and rigid legal rules would make it difficult, or even impossible, to launch mechanisms used by capacities of the Armed Forces and other defence forces.

⁹ If we take into account, for example, the previous practice of the United Nations, especially the Security Council, the rational answer to the mentioned question is not very optimistic.

¹⁰ "Operations Doctrine of the Serbian Armed Forces", Media Centre "Odbrana", Belgrade, 2012, p. 25.

¹¹ *Official Gazette of the RS*, no. 88 of October 28, 2009, 36 of May 10, 2018.

In accordance with the defined security and defence needs and interests, as well as in compliance with the National Security Strategy, Defence Strategy and Strategic Defence Review of the Republic of Serbia, the Annual Engagement Plan is prepared, which includes, inter alia, name of planned missions/multinational operations, their mandate, the objective to be achieved by engagement of the Serbian Armed Forces and other defence forces and the like, and the mentioned plan is discussed and adopted by the National Assembly.¹² If “security or humanitarian situation in the world significantly worsens”, the National Assembly may, in accordance with the interests of the Republic of Serbia, approve engagement of the capacities of the Serbian Armed Forces in multinational operations not provided for in the adopted Annual Engagement Plan.¹³ The legislator, therefore, has left the possibility to the National Assembly, as the body that exercises democratic and civil control of the Armed Forces, to intervene in case of extraordinary circumstances, which also confirms the commitment of the Republic of Serbia to international security cooperation. Exceptionally, the decision about engagement out of the Annual Engagement Plan may be made by the Government (Article 10, Paragraph 3), but only “in case of immediate alleviation of large-scale natural, technical-technological and environmental disasters, as well as providing assistance to civil authorities in crises. Furthermore, the decision of the Government can refer only to other defence forces, thus not to the Serbian Armed Forces. The last instance in deciding on engagement of the Serbian Armed Forces personnel in multinational operations is the President of the Republic, who, according to the Constitution, is also the Supreme Commander. He decides on the basis of a decision of the National Assembly, in accordance with law and on the proposal of the Minister of Defence (Article 9, Paragraph 1). The legal provision, therefore, does not give the Supreme Commander the discretionary right to decision-making, but it defines cooperation with the other two institutions – the National Assembly and the Minister of Defence. A question can be asked why the authority of the Supreme Commander is so limited in this matter, i.e. why the strongest position in this place is assigned to the National Assembly. It could be assumed that the legislator’s assessment was that in relation to this decision, the “main word” is given to institutions that have mostly participated in the development, discussion and adoption of the Annual Engagement Plan because their previous engagement is a prerequisite for detailed knowledge of circumstances and better understanding of the plan content – an undoubted practical solution. Moreover, it could be concluded that the legislator thought that it was necessary to organize public debate on such

¹² The Annual Engagement Plan is prepared by the Ministry of Defence for its employees, and in cooperation with competent ministries for employees in other state administration bodies, civil protection staff and persons who can be engaged in providing assistance within multinational operations. The Ministry of Interior prepares the Annual Engagement Plan for its employees.

¹³ Article 8, Paragraph 4 of the “Law on engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the Republic of Serbia borders”, *Official Gazette of the RS*, no. 88 of October 28, 2009, 36 of May 10, 2018, Belgrade, 2018.

important issues, and hence the powers of the National Assembly. However, the decision-making process in Parliament is, as a rule, relatively slow, which can be an aggravating circumstance in situations requiring urgency, and giving special, but limited powers to the Government in emergencies can be viewed as another practical solution.¹⁴

Regarding the legal mechanisms for engagement of the capacities of the Serbian Armed Forces and other defence forces in multinational operations, it is important to pay attention to two points – the extension and termination of engagement. The National Assembly also decides on the extension of engagement and withdrawal of the Serbian Armed Forces personnel, on the basis of the prepared Annual Engagement Plan, while the period of continuous engagement within multinational operations is limited to a year, except “in case of health impediment to return to the country, technical reasons or at the request of force commander in multinational operation until the completion of an activity”.¹⁵ All costs of the preparation, participation and return of the Serbian Armed Forces personnel and other defence forces from multinational operations are financed from the budget of the Republic of Serbia.

By comparing and synthesizing powers entrusted by law to the most important political institutions and mechanisms through which these powers are operationalized, it can be concluded that the central place in the legal framework regulating engagement of the Serbian Armed Forces and other defence forces in multinational operations belongs to the National Assembly.¹⁶ This may be a consequence of the legislator’s wish to provide these activities, among other things, with a great dose of legitimacy, bearing in mind that parliament in a democratic system, as a rule, represents the holder of civic sovereignty (which is subject to criticism in the so-called representative democracy). Moreover, it can be successfully argued that the mentioned law contains practical and logical legal solutions - more abstract norms, for example, provide its flexibility, while the valid division of powers between the most important political institutions, in both regular and extraordinary cases, ensures purposefulness of decision-making. However, the legal solutions considered so far and the presented conclusions resonate with the legal framework for engagement of the Serbian Armed Forces and other defence forces in multinational operations only in general terms. For a systematic critical judgement, a more detailed analysis of the legal position of the engaged capacities is necessary - a set of their established rights and obligations.

¹⁴ Namely, the Government, as the holder of executive power, is, as a rule, much faster in making decisions and their operationalization.

¹⁵ Article 22, Paragraph 1 of the “Law on engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the Republic of Serbia borders”, *Official Gazette of the RS*, no. 88 of October 28, 2009, 36 of May 10, 2018, Belgrade, 2018.

¹⁶ We should not forget the fact that the National Assembly decides on the annual budget in the form of law, from which, as mentioned, funds are allocated for costs related to engagement in multinational operations.

The rights and obligations of the Serbian Armed Forces personnel and other defence forces in multinational operations

The Law on engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the Republic of Serbia borders, prescribing a wide range of rights and obligations, defines the legal position of the Serbian Armed Forces personnel and other defence forces during participation in multinational operations.

First of all, only those members who have completed training in the country or abroad, with the appropriate specialty (for example, sniper specialist, explosive ordnance disposal specialist, doctor with completed specialist courses in tactical medicine, etc.), i.e. certificate of competence to participate in multinational operations, can be engaged in multinational operations. However, the Law does not specify the content of this training, nor what is meant by competence to participate in multinational operations, which could be regulated in the future, at least in general, in order to provide some standardization of this professional development. On the other hand, the Law prohibits deployment of soldiers performing military service (voluntary military service under arms) or civil service. The reason is the need to engage the most representative professional members – the most competent and professional individuals who should not only perform specific activities at the highest level, but also to represent the Serbian Armed Forces and the Republic of Serbia in the best light in activities of this kind, which are often tactically complex with international and military-diplomatic attribution and challenges, as a rule. Accordingly, this legal provision can be evaluated as positive. However, having in mind that the great importance of these activities requires very careful selection of personnel, perhaps the condition for previous professional development should be further specified in the future, and require the highest marks from candidates. This could reduce the number of eligible candidates, but bearing in mind the size of the Serbian contingents deployed to multinational operations outside the country so far and the size of the Serbian Armed Forces professional personnel and other defence forces, making such rigorous selection should not represent a difficult circumstance, on the contrary. More rigorous selection is even more important when selecting commanding staff of a future contingent, capable of returning all its people, above all, “safe and sound” because contingents of different nations participate in these activities and regardless of understanding, cooperation, collegiality – everyone primarily takes care of their people. All members of the Serbian Armed Forces and other defence forces who are deployed to a specific multinational operation retain their home status, which includes uninterrupted wearing of official insignia of the home service and state, home service (tactical, dress) uniforms/overalls, etc. This is the consequence and obligation for deployed contingents to perform service all the time “in accordance with the regulations defining service in the Serbian Armed Forces, and members of other defence forces in accordance with the regulations of

their profession and specialty which they have been trained for”.¹⁷ Article 5 of the Law also defines the obligation to obey the Constitution, laws, decisions of competent bodies, principles of international law on the rules of engagement, as well as rules related to specific mission/operation which they are engaged in.

Regarding the range of rights during engagement in multinational operations, it is important to mention that all members have the right to diplomatic and legal protection. Special rights include the right to compulsory personal insurance (in case of illness, injury or other serious bodily injuries, disability, death), compensation for risk at work, allowances for geographical and climatic conditions, salary, salary increase, length of service, etc.¹⁸ Furthermore, the Law recognizes the importance of preparatory activities, in terms of professional training and development for engagement in multinational operations abroad, so all members during the time spent abroad are entitled to reimbursement of travel expenses.

In addition to general obligations of conduct and service, personnel engaged in multinational operations is obliged to protect and promote the reputation of the Republic of Serbia (as well as the Serbian Armed Forces), conscientiously perform all assigned activities, bear the cost in case of arbitrary termination of engagement (the same Law forbids to arbitrarily terminate engagement). Personnel is prohibited from performing all other lucrative activities abroad during engagement, except those related to logistic support of joint forces (Article 29, Paragraph 1), interference in internal affairs of country of reception out of the mission’s mandate, and any other conduct out of the mandate of specific mission. All engaged members are subject to disciplinary, misdemeanour and criminal liability during their engagement, in accordance with the law and ratified international treaties (Article 27, Paragraph 5).

Synthesizing the mentioned decisions on the rights and obligations of the Serbian Armed Forces personnel and other defence forces during their engagement in multinational operations outside the territory of the Republic of Serbia, it can be concluded that the legislator’s wish has been to protect the interests of the Republic of Serbia and the Serbian Armed Forces by defining conditions that the interested candidates should meet and the obligations that they should respect during engagement. This is completely justified and expected because both the state and the Armed Forces, as the state institution, have a common interest in positive international promotion. At the same time, all the necessary funds for engagement are financed from the state budget, so the state is interested in “protecting its own investment”, sanctioning against every type of behavior that may impose tangible and/or intangible damage. By establishing a number of rights that informed individuals exercise during their engagement, the

¹⁷Article 33, Paragraph 1 of the “Law on engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the Republic of Serbia borders”, *Official Gazette of the RS*, no. 88 of October 28, 2009, 36 of May 10, 2018, Belgrade, 2018.

¹⁸ Salary must be at least in the amount they would have earned if they had served in the Serbian Armed Forces, or have been employed in the country.

Law creates members' interest in this type of mission and undoubtedly indicates that participation in multinational operations is a privilege for the best, which is not limited to the personality of an engaged individual, but includes their families, as well. In other words, the Law on engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the Republic of Serbia borders promotes application and participation in multinational operations, which in practice directly and indirectly carries out the multiple significance of these provisions.¹⁹

The importance of engagement of the Serbian Armed Forces personnel in the EU multinational operations

Although cooperation and political dialogue between the Republic of Serbia and the European Union were formalized by signing the Stabilisation and Association Agreement in April 2008, in order to understand strategic foreign policy goals of Serbia today, especially its commitment to regional and international cooperation and thus international engagement of the Serbian Armed Forces and other defence forces, it is necessary to remind ourselves of the most important historical facts.

The Serbian Armed Forces continues the tradition of participating in peacekeeping operations, which began with deploying the YNA contingent to the United Nations Emergency Force in Sinai in 1956.²⁰ However, extremely aggressive propaganda directed against the Republic of Serbia and its defence forces during wars in the former Yugoslavia during the 1990s, and then in the anti-terrorist operation in Kosmet and the NATO aggression on the FRY in the late 1990s, resulted, inter alia, in degradation of reputation of the state as the subject of international law, then the state leadership, defence forces, the military and police ones, and Serbs as people. This also had a negative effect on participation in the United Nations multinational operations. After the October 5 changes, many important subjects of international community agreed that the Republic of Serbia had a place in the civilized world again, whose establishment and improvement it has participated in since gaining its independence at the end of the 19th century. The October 5 events also marked the beginning of the promotion of the idea of the European integration of democratic Serbia, whose institutionalization continues today. Therefore, military engagement in multinational operations has continued only since 2002, primarily within the UN missions in East Timor and Burundi.

¹⁹ This attitude of the legislator is not always the rule, which can be seen in comparative law, for example, in the legislation of Germany, Japan, etc. On this: Patrick Mello, "National restrictions in multinational military operations: A conceptual framework", *Contemporary Security Policy*, Vol. 40, No. 1/2019, pp. 38-55.

²⁰ Internet: http://www.vs.rs/sr_lat/clanak/992B42F8C68C11E5A7C800163E135070/zavrsene-mirovne-operacije, 9/2/2020.

The European Union military engagement has its legal basis in the provisions of the 1992 Maastricht Treaty.²¹ That is when the EU missions and their competencies were mentioned for the first time.²² The adoption of the EU strategic document - the 2003 European Security Strategy, which defined the main challenges and tasks within the Common Security and Defence Policy of the Union, has also been extremely important.²³ One of the central issues regarding the EU military capacities is its relationship with the NATO, among other things because the two entities share the greatest number of members.²⁴ The security cooperation of the two entities is based on the principle that Euro-Atlantic security is indivisible. Over the decades, relations in this field have had their ups and downs, and since the beginning of the current US president's term of office they have become additionally burdened with harsh rhetoric in which the US president is the loudest, putting the US interests in the first place, that is, the French president defending the idea of the European Armed Forces.

The mentioned events show that the tradition of international engagement of military personnel from Serbia is decades old, older than the European Union, but also that over time it has been burdened by complex political events in the region, which can be stated today, as well. On the other hand, the defence policy of the European Union is burdened by internal and external factors, whose consequences are also felt in the partnership relations between the EU and the Republic of Serbia.

The Serbian Armed Forces capacities are currently active in four EU military operations – within Operation Atalanta of the EU Naval Forces (EUNAFOR) in Somalia, from April 6, 2012, in the EU Training Mission (EUTM Somalia) in Somalia, from April 25, 2012, in the EU Training Mission in Mali (EUTM Mali), from December 15, 2014 and in the EU Training Mission in the Central African Republic (EUTM RCA), from December 15, 2016.²⁵ The Agreement on Security Cooperation between Serbia and the EU, signed in Brussels in December 2013, which confirmed the understanding and defined the framework of cooperation with the European Defence Agency is important for the development of partnership relations in the field of defence industry, as well as for strengthening security (and therefore military) cooperation. The Agreement is particularly important because it represents the basis for improving capacities of military technical institutes, interoperability of the Serbian military capacities, etc.

²¹ Mihajlo Vučić, *Osnove evropske integracije*, Fakultet za diplomatiju i bezbednost, Beograd, 2019, p. 144.

²² The European Union Force (EUFOR) is temporary military force, organized as quick reaction force, subordinated to the EU Military Staff. The operations of this force should have the mandate by the UN Security Council, except in the case of genocide and humanitarian catastrophe, when the engagement of this force requires the unanimity of the EU members. Ibid, p. 145.

²³ Ibid, p. 164.

²⁴ In this paper, the European Union is not considered as an international organization or a union of states, but as a sui generis institution. For the purpose of more precise expression, it is marked as an entity.

²⁵ Internet: http://www.vs.rs/sr_lat/clanak/07A0D2B8CFFC11E5A7C800163E135070/aktuelne-mirovne-operacije, 9/2/2020.

The importance for the improvement of partnership relations between the EU and the Republic of Serbia

The Republic of Serbia shares the European principles and values, which is emphasized in the first article of the 2006 Constitution, and the principle of improving relations with the EU occupies an important place in the National Security Strategy. The harmonization of the state policy with the EU policies is an expected process that should be mostly conducted before joining the EU.

By engaging and properly fulfilling all obligations in the European Union multinational operations, the Republic of Serbia declares itself as a reliable partner that shares the values of the European Union and accepts the principles of the Common Security and Defence Policy of the EU. Improving partnership relations also means strengthening general trust between these parties. The significance of this engagement is reflected in the restoration of the Serbian damaged reputation as a state, i.e. the Serbian Armed Forces as an institution and its personnel. It is particularly interesting to note that the Serbian contingents often include veterans from the armed conflicts in Kosmet and the NATO aggression, who now have an opportunity to share their experiences with colleagues from partner countries. This has been evident in the practice of tactical medicine so far, owing to the experience and professionalism of military doctors from Serbia.

It should be emphasized that Peacekeeping Operations Centre today is a full member of the European Association of Peacekeeping Training Centres, as well as the International Association of Peacekeeping Training Centres, and that the quality and representation of the Serbian Armed Forces engagement in multinational operations outside the borders of the state territory, including, of course, the EU operations, largely depends on the work quality of this Centre.²⁶ At the same time, engagement of the Serbian Armed Forces contingents in multinational operations is important for improving the work of the Centre. These correlations also help to develop a positive partnership relation not only between the mentioned institutions, but also cooperation in other fields and various instances between the EU and Serbia.

The importance for the training of professional personnel

As it has already been pointed out, only professional members who have previously acquired the necessary qualifications to participate in multinational operations, can be deployed to multinational operations. This includes individual and group training of members whose engagement is being prepared, which means that by training in the country and abroad, members raise the level of operational

²⁶ The unit is subordinated to the Joint Operational Command of the Serbian Armed Forces General Staff and is intended for training, selection, equipping, preparation and deployment of individuals and units from the Ministry of Defence and the Serbian Armed Forces to multinational operations outside the borders of the Republic of Serbia.

capacities. By deployment to multinational operations, the Serbian Armed Forces personnel and other defence forces gain various knowledge, skills and exchange experiences with colleagues from partner contingents.

The experiences from direct field engagement significantly increase operational capacities of members, making them very valuable human resources upon return to their home country, service and unit. Namely, they can transfer knowledge and experiences to colleagues, i.e. implement them in the existing training plans and programmes, e.g. through a lessons learned system, which is “a set of functionally related elements for the collection, analysis, implementation, archiving and distribution of lessons learned to change and improve the existing ways of working and functioning of military organization”.²⁷ At the same time, the relationship between the engagement complexity and acquired experiences is positively proportional – the more complex engagement is, the greater experience is. Therefore, newly acquired experiences and knowledge are implemented in the execution of regular activities, contributing to the development of military thought and operational art.²⁸ In other words, these experiences and knowledge have both practical and theoretical contribution, and within the theoretical one it is important to point out the importance in the scientific field because multinational operations are the subject of many defence sciences, among which operational art occupies a significant place.²⁹

The particularly interesting provision of the Law on the Serbian Armed Forces, which obliges the Serbian Armed Forces professional members to stay in the Serbian Armed Forces at least for three times longer period than the time spent in multinational operation that they have been deployed to is of particular importance for training.³⁰ The importance of this norm is exceptional, because, above all, it prevents highly trained, experienced members from leaving the service in a certain period, because the implementation of their knowledge, skills and experience in training plans and programmes is very important for further development and is one of the ways that the state and the military return previously invested resources in the process of training and supporting these members. Although positive, this legal provision could be greatly improved in the future, so that it would be much more expedient in practice. First of all, having in mind maximal duration of engagement in multinational operations, the ban on leaving the service in the Serbian Armed Forces could be extended. In order not to leave the ban to be “a dead letter on paper” and to really ensure implementation and sharing of lessons learned, it would be good to constitute a mandatory mechanism through which engaged individuals from

²⁷ Rade Slavković, Jadranko Jukić i Zoran Nikolić, “Multinacionalne operacije – iskustva koja imaju cenu”, *Vojno delo*, Vol. 68, No. 3/2016, pp. 172-184.

²⁸ Operational art is a science that deals with the theory and practice of planning, preparing and executing operations.

²⁹ Rade Slavković, Jadranko Jukić i Zoran Nikolić, “Multinacionalne operacije – iskustva koja imaju cenu”, gen. quote, p. 175.

³⁰ Article 80, Paragraph 4 of “the Law on the Serbian Armed Forces”, Official Gazette of the RS, no. 116/2007, 88/2009, 101/2010 - other law, 10/2015, 88/2015 - CC Decision, 36/2018 and 94/2019, Belgrade, 2019.

contingent, especially the commanding part, would be able to teach some theoretical and practical classes, both in home unit and in joint theoretical and practical training with other organizational units. Such a solution would prevent at least two very possible occurrences in hierarchically organized systems such as the military - obstruction of these activities by vain returnees from multinational operations to be additionally professionally engaged upon return to their home unit. In addition, the obligation to survey and interview returnees from multinational operations can be very useful because the collected data would have multiple scientific significance. Having in mind that these would be additional obligations, it would be expedient to define the possibility of extraordinary promotion of those members who would stand out in these activities, or give preference in applying for jobs at research institutes of the Ministry of Defence.

The importance for public informing

The engagement of the Serbian Armed Forces personnel and other defence forces in multinational operations is a very current topic in internal debates, especially when it comes to military contingents. Interest in such important activities is desirable because there should be a purposeful, professional and public debate about them, but in certain situations it can lead to negative consequences, such as untrue or incomplete informing or damage to the reputation of the Serbian Armed Forces and the Republic of Serbia. Namely, opinions that are not based on objective arguments and accurate information, which individuals and groups can use to pursue malicious interests, can often be heard and read in the public. The accumulation of such widespread ignorance makes the public much more suitable for the demagogic spread of the fear psychosis, that is, "it creates a political environment that is more responsive to extremist simplifications – encouraged by interest lobbies".³¹ Thus, for example, inadequate equations of engagement in the EU multinational operations with engagement in the NATO can be noticed, although the Republic of Serbia, in accordance with the policy of military neutrality, is not a member of this alliance. Furthermore, there are inappropriate statements that the Serbian Armed Forces members do not serve the interests of Serbia and its citizens by such engagement, and destroy innocent lives and property in foreign countries ... Therefore, similar to potential scientific contribution, the collected "empiricism" of deployed members can be used for proper promotion of the Serbian Armed Forces and the Republic of Serbia and true public informing at national level. Voluntary members, good at public appearance, after returning from multinational operations can be referred to informative programmes of mass media, so that their positive experiences and accurate information about engagement have both informative and promotional character, preventing or reducing the mentioned harmful consequences. In this way, not only a very important aspect of national security policy is explained to citizens, but military profession is also being properly promoted.

³¹ Zbignjev Bžežinski, *Amerika – Kina i sudbina sveta*, Albatros plus, Beograd, 2013, p. 59.

The importance for improving the material status of personnel

As it can be concluded from the range of rights defined by the Law on engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the Republic of Serbia borders, salaries of personnel during preparation abroad and engagement in a specific operation/mission are greatly increased. Details regarding income are defined by the Regulation on the bases and criteria for salary increase and other income of the Serbian Armed Forces professional member during deployment abroad ("The Official Gazette of the RS", No. 84/2019), in which, according to Article 2 "a professional member of the Serbian Armed Forces while working abroad, in accordance with law", is vested with the right to salary increase and other income. Article 3 of the same Regulation prescribes the manner for calculating salary increase and other income. The total monthly salary of the Serbian Armed Forces members during their engagement in multinational operations is approximately five times greater than regular monthly salary. In other words, a member engaged in multinational operation earns approximately for a month like for five months of work at a regular working place in the Serbian Armed Forces.³² The psychological significance of these stimuli is manifold. Firstly, it certainly has a positive effect on the motivation of members not only to apply for participation in multinational operations, but also their overall psycho-physical commitment during engagement. Moreover, an engaged member, separated from his family, can be sure that he will be able to greatly help his closest ones from abroad, which certainly has a positive effect on his morale and focus, feelings of peace and security.

Conclusion

The analysis of legal documents in this paper has shown that positive legal provisions confirm and further elaborate the strategic commitment of the Republic of Serbia for regional and international cooperation. In accordance with this, the most important laws promote engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the state territory, protecting the interests of the Serbian Armed Forces and the Republic of Serbia, as well as the interests of engaged members. In the legal definition of the concept of multinational operations, the legislator has opted for an abstract and practical solution, thus facilitating the operationalization of all issues related to international engagement of the Serbian Armed Forces and other defence forces. These legal provisions favour the position of the National Assembly, which is, inter alia, in compliance with the principle of democratic and civil control of the armed forces. Legal norms are optimally abstract, flexible and practical. Nevertheless,

³² Miloš Miljković, Aleksandar Savić i Goran Divac, "Ekonomsko-pravna analiza visine zarade pripadnika Vojske Srbije pre i u toku trajanja multinacionalne operacije", Vojno delo, Vol. 69, No. 2/2017, pp. 272-279.

the paper emphasizes possible improvement of the current legislation in the future. In this regard, perhaps the most important thing would be to improve norms aimed at retaining engaged members in the state service upon return from multinational operations and mandatory implementation of their acquired knowledge, skills and experience in national training plans and programmes.

The research has shown that the importance of engaging the Serbian Armed Forces personnel and other defence forces in multinational operations outside the state territory is multiple, and it can be positively evaluated. The essential importance of these activities is strengthening trust and development of partnership relations between the Republic of Serbia and the European Union, along with building the reputation of Serbia and the Serbian Armed Forces both nationally and internationally, as well as improving operational capacities of the Serbian Armed Forces personnel and their organizational units.

Accordingly, engagement in multinational operations outside the state territory can be comprehensively evaluated as positive assigned activities of the Serbian Armed Forces and other defence forces, and they should be continued and improved in the future, in compliance with the accepted strategic commitments of the Republic of Serbia.

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Мултинационалне операције Европске уније – правни оквир и значај ангажовања припадника Војске Србије

Овај рад се фокусира на ангажовање Војске Србије и других снага одбране ван националне територије, а посебно на активности које се планирају и спроводе у оквиру мултинационалних операција (МНОП) Европске уније (ЕУ). Примарни циљ овог истраживања има два аспекта – прво, да анализира и упореди позитивну законску регулативу и садржаје најзначајнијих стратешких докумената, који регулишу ангажовање ових капацитета у мултинационалним операцијама, у складу са појмом МНОП и критичког суда о правном оквиру који уређује ову област, а друго, систематски објаснити значај учешћа капацитета Војске Србије у оваквим војним активностима Европске уније.

Кључне речи: *мултинационалне операције, мировне операције, војска, Европска унија, Војска Србије, Република Србија*