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Serbia and Civilian CSDP Missions

Untapped Potential and Breaking the Deadlock

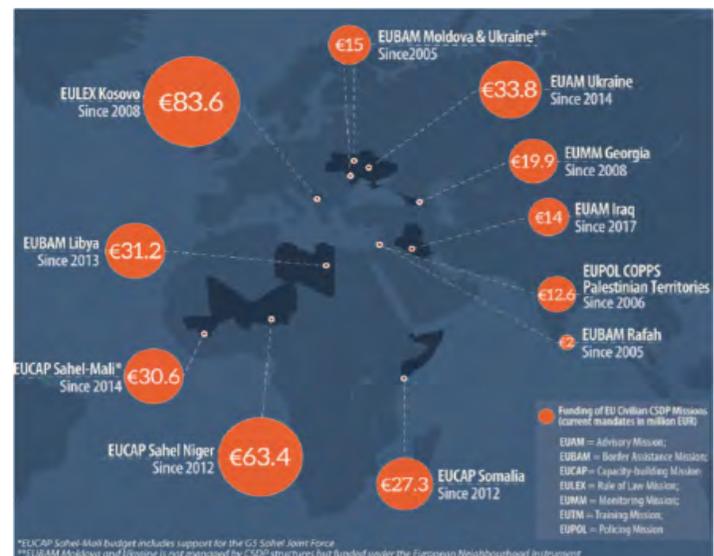
The role of civilian personnel in peacekeeping and peacebuilding missions is becoming increasingly important, with the European Union being one of the leading figures in the field. Namely, in its [Global Strategy for foreign and security policy](#) from 2016 and within its promotion as a global actor, the EU expressed its determination in taking further steps towards the development of civilian missions, referring to them as a trademark of the Common Security and Defence Policy (CSDP). In fact, EU's civilian missions are **twice as common** when compared to those of military character. Despite their growing importance, Serbia, as a candidate country, is yet to take part in civilian CSDP missions and therefore must work on strengthening its capacities together with developing its institutional framework, to constructively engage with the Union on this matter.

Bearing such context in mind, the aim of the Insight is to examine the prospects for closer cooperation between third countries and the EU when it comes to civilian CSDP missions, while shining a spotlight on the untapped potential within Serbia's accession negotiations and Chapter 31. At the same time, this Insight provides a critical review of the existing legislative framework in Serbia and in this regard, analyses the latest initiative on drafting a law that should regulate the given topic in the future. Finally, this Insight lays out further recommendations for the improvement of the Draft Law on the participation of civilians in peacekeeping missions and argues Serbia finally needs to break the deadlock and take part in the EU civilian missions.

Importance of civilian missions within CSDP and benefits of the involvement of third countries

One of the key features of civilian CSDP missions is the involvement of third countries – that is, non-EU member state countries – through which the EU can compensate for its own shortcomings in terms of human resources, expand the scope of the missions and strengthen the cooperation with its partners. Civilian CSDP Compact, which was established based on the [conclusion](#) of the Council of the EU from 2018, represents a key strategic document of the Union aimed at further strengthening the civilian dimension of CSDP. The document especially emphasizes the need for promoting the contribution of third countries in these missions on a “from case to case” basis, while highlighting the need for further development of the cooperation between them and the EU. Furthermore, the ability of the Union to launch a new mission of up to 200 personnel within 30 days after a Council conclusion, in any field of activity and at any time, is set out as one of the key priorities. Therefore, by activating and strengthening their capacities in line with this Compact, third countries could, at the same time, contribute to the EU's intention in taking a greater responsibility regarding security issues and in strengthening its strategic autonomy.

Activities of civilian missions consist of supporting stabilization, security sector reform, border control, as well as establishing and nurturing the rule of law.¹ As a result, states participating in these missions would enjoy several benefits which include a greater international legitimacy and reputation for both the state and its civilian personnel, exchange of experience and knowledge, as well as strengthening partnerships with EU's Member States and third countries. As peacekeeping missions operate in a post-conflict environment, for their success, both the EU and the UN **emphasize** the importance of the participation of countries with relevant experience in peacebuilding or democratic transition. In line with this, some of the key areas of civilian CSDP missions where third countries (such as Serbia) could make a significant contribution include security sector reform or monitoring of election processes.



Map of EU missions under the CSDP civilian mechanism and their funding (2018). Source: *The Civilian CSDP Compact*

¹ With the emergence of new threats to global and regional security, but also accompanying with the evolution of the missions themselves, the scope of civilian missions has increased. So today civilian missions are gaining in importance and in addition to traditional tasks, they have a goal and combating corruption, organized crime, combating illegal migration, which is observed through the activities of missions such as EULEX Kosovo and EUCAP Sahel in Mali.

Unlike military operations, civilian CSDP missions are mostly **financed** from the common budget of the Union, and not from the budget of the participating countries, which might be important for the participation of third countries with limited financial capacities. However, although funding is mostly transnational, in cases where operational costs are not covered by the CSDP budget, Member States or participating third countries bear costs only for their seconded staff. These national contributions include expenditures for salaries, travel expenses, insurance, and they vary from mission to mission, but even in such cases the EU usually covers their per diems. When compared to the costs reserved for military operations, financially is far less costly bearing the expenses of several civilian experts, who can be more effective than one platoon or company. Therefore, regulating the financial obligations of a state towards its seconded personnel is of crucial importance in order for them to enjoy their rights and guarantees within the mission.

Assessing the current situation – Why is Serbia not taking part in the EU civilian missions?

Untapped potential within Chapter 31

Participation in EU civilian missions is an area in which Serbia showed its interest before the start of accession negotiations in 2014, and even before obtaining candidate status in 2013. Actually, Serbia set the framework for the cooperation with the EU in this domain in 2011, by signing the *Agreement on security procedures for exchanging and protecting classified information* and the *Agreement on establishing a framework for Serbia's participation in EU crisis management operations*. After the opening of negotiations, cooperation in this area became a part of the official obligations for Serbia, regulated within Chapter 31, that covers foreign, security and defence policy. This laid the foundation for inclusion of Serbia in the processes aimed at creating sustainable peace in post-conflict societies under the mandate of the Union. However, despite a promising start and Serbia's engagement in EU military operations, it has yet to take part in civilian missions.

With a lack of cooperation in this field, Serbia missed out on the opportunity to achieve a closer civil and security cooperation with the EU. This is especially important in a situation where Chapter 31 remains one of the most politically sensitive for Serbia. That sensitivity is reflected in Serbia's unwillingness to progressively comply with EU Common Foreign and Security Policy (CFSP), despite its legal obligation to do so. Furthermore, it is especially problematic that the EU itself in the context of Chapter 31, most often (and almost exclusively) emphasizes Serbia's obligation to gradually harmonize with the CFSP, thereby essentially putting the possibility (and necessity) of including Serbia in civilian missions aside. Since the lack of cooperation on foreign policy issues is evolving in a crisis of trust between the two, Serbia has an additional interest in joining the EU civilian missions, an untapped potential through which both sides could strengthen their relationship.

On its part, the EU supports Serbia's engagement in peacekeeping missions under its auspices as a sign of commitment not only to the accession process, but also to the values of the Union and its dedication to building peace around the world. Active participation in civilian missions, in addition to ongoing involve-

ment of the Serbian Armed Forces (SAF) in EU military operations (like the one in Somalia), which has been **welcomed** many times by the Union itself, would have the potential to become an example of much needed good practice, and thus provide a new dynamic within Chapter 31. This may be of particular importance considering the EU's new enlargement methodology, which aims at enabling closer sectoral cooperation between the Union and candidate countries in those areas where the latter marks significant progress.

Legal framework as a stumbling block

The fact that there has been no record of engagement of seconded Serbian personnel in one of EU civilian missions indicates that there is a certain inconsistency of Serbia's legal framework with that of the EU. Issue of participation in civilian CSDP missions has long been neglected by the decision makers in Serbia. Hence, today, there is a need for legal adjustments. This is in line with the **report** of the European Commission for Serbia from 2020, which outlines the need of completing the legal and administrative framework to enable participation of Serbian civilian staff in CSDP missions, which is repeated in the latest **report** from 2021. 2021.

In that context, the main problem lies within a narrow scope of the existing Law on Engagement of the Serbian Armed Forces and other defence forces in multinational operations outside the borders of Republic of Serbia (**Law o MNO**), which regulates this issue. Namely, according to the Law on MNO, "the SAF and other defence forces' personnel only, having completed training in the country or abroad; trained for specific tasks and in possession of relevant training certificates for participation in multinational operations, may be deployed in multinational operations." Here, the problem lies in the fact that civilians are only partly and indirectly regulated within the category of "other defence forces", which by the definition of this Law refers only to employees in the state administration. In addition to this, the definition of MNO implies a very strong security component, while the scope for civilian engagement is left narrowly defined, and there is no comprehensive regulation of their rights and obligations. Thus, as there has been a lack of appropriate legislative regulation that explicitly deals with the participation of civilian experts in peacekeeping missions, the unfinished legal framework continues to represent the main obstacle when it comes to their secondment in practice.

The first issue with such legal solution of civilian participation is that civilian experts in peacekeeping missions do not necessarily represent defence forces. In fact, modern peacekeeping missions often deal with tasks in the context of post-conflict stabilization and renewal, therefore civilian experts could perform many of these duties better than military or police forces. Furthermore, the current legal solution applies only to experts employed in public administration, while it leaves aside experts from the rest of the public sector and civil society, hence it inevitably narrows the capacities Serbia could offer to its European partners. Undoubtedly, the inclusion of civilian experts from various institutional backgrounds, such as ministries and other state bodies, is of a high importance. However, the civil society sector, including health, education and other public sectors, indisputably employ numerous experts who should be encompassed in the composition of civilian missions. Apart from additional expertise, their engagement would also include their contribution

and participation in the EU accession process. If [compared](#) to legislative frameworks in some of the EU Member State countries (e.g. Croatia, Slovenia), it is noticeable that their normative solutions include experts outside of the state administration. Moreover, a very narrow interpretation of the profile of people who could participate in peacekeeping missions is visible in the fact that, in addition to the existing narrow definition, Serbia has so far sent only police officers as “other defence forces”, and not civil servants from the public administration.

Finally, another problematic aspect of the Law on MNO is that the scope of tasks and competencies of delegated staff are incompletely regulated when it comes to civilian experts, while there is also a need for more detailed regulation of their rights, obligations and guarantees. On one hand, civilian personnel can perform tasks of “peacekeeping, maintaining and building operations; participation in humanitarian operations and assistance in crisis situations.” This scope is limited, especially if [compared](#) to the Croatian normative practice, which extends activities in this area to stabilization and post-conflict reconstruction, building of democratic institutions, as well as building of crisis response capabilities. On the other hand, apart from procedures for selecting, sending and recalling experts in civilian missions, there is no detailed regulation on their employment status during and after returning from the mission, as well as on the preparation for participating in one of the missions. The fact that the Law on MNO only marginally addresses these issues, indicates it does not essentially deal with civilian missions; hence this topic should be a subject of a special law that would regulate the participation of civilian experts in peacekeeping missions.

Advantages and disadvantages of the Draft Law on the participation of civilians in peacekeeping missions

It seems that the above discussed problem has finally been recognized at the institutional level as the Government of Serbia has [initiated](#) the drafting of the Law on the participation of civilians in peacekeeping missions, and that there is finally a political will to regulate the issue in an appropriate manner. In fact, this initiative represents an opportunity for Serbia to finally address its need for normative, organizational and institutional adjustments of the existing system to enable the participation of its civil structures in peacekeeping missions. Action plan for the development of civilian contributions of Serbia to UN, EU and OSCE peacekeeping missions has been adopted in 2018, and in September 2021, the [Draft](#) Law on the participation of civilians in peacekeeping missions outside the borders of Serbia was presented to the public, which for the first time explicitly regulates and introduces this issue into Serbian public order. However, although it is encouraging that its [rationale](#) recognizes the need for changing the existing restrictive legal framework and states its intention to provide an inclusive normative approach, certain terms in the Draft remain to be closer defined, so that this important aspect of Serbia’s inclusion in civilian missions is adequately regulated.

Although the Draft Law provides a broader picture of personnel who can participate in civilian missions and goes into more detail regarding their rights and obligations, it does, however, contain certain ambiguities. Namely, in addition to the state officials, the Draft Law also defines persons employed in the bodies of the

autonomous provinces and local self-government units as civilian experts, as well as “other persons who possess professional qualifications, knowledge and skills, i.e. competencies relevant to the mission”, but it does not provide any further explanation of who exactly the term “other persons” refers to, and whether it includes experts from the rest of the public sector and civil society. Having in mind the previous restrictive definition of “other defence forces” in the Law on MNO, an adequate definition in the Draft Law is of a particular importance. Furthermore, post-conflict reconstruction, democratization and building of democratic institutions, certainly indispensable activities of civilian missions, are left out within the scope of tasks and competences of delegated staff. The Draft Law remains rather vague when it comes to the method of selecting expert for these missions. Namely, it envisages the formation of the Commission of the Ministry for Foreign Affairs (Commission MFA), which is to carry out the process of selection and referral of civilian personnel. However, there is no normative definition of its competencies and composition, which is left to the Minister of foreign affairs to decide upon. In addition, the Draft Law does not provide any details on how the call for contributions will be conducted and does not mention neither internal nor public procedures, in accordance with [European practice](#).

Way forward - How can Serbia improve its participation?

After years of stagnation, Serbia finally has a chance to improve its security cooperation with the Union, hence making use of all its resources and potentials and taking part in civilian CSDP missions. Serbia already possesses a vast [number](#) of trained public servants for engagement in civilian missions, and the new Civilian CSDP Compact should ensure that both representatives of state institutions as well as experts outside them could give their equal contributions for missions. This would allow for bridging the Government’s need for human resources with the available expertise from the rest of the public sector (such as health, education, and other) and the civil society sector, and ensuring their mutual communication and cooperation, which would ultimately result in Serbia’s wider range of competent experts who can participate in EU’s civilian missions. Considering the [contribution](#) of the Serbian military medical personnel in the previous multinational EU operations, it is clear that the involvement of civilian doctors and / or creation of mixed medical teams would be more than welcome. Over time, through the involvement of qualified personnel in these missions, Serbia could specialize in certain segments and tasks and potentially find its niche in which it could have one of the leading roles in the future.

At the same time, Serbia’s participation in civilian CSDP missions represents yet another way of gradual integration of Serbia into EU’s security policies and structures before obtaining the membership status, and an opportunity for closer cooperation within Chapter 31. Given that membership is not in sight in the near future, any gradual integration opens a window of opportunity for Serbia to prove itself worthy of trust, both in times of peace and in times of crisis. Therefore, this would be a good exercise for Serbia on its European path. Ultimately, participation in civilian missions and capacity building in line with this, in a broader sense, is a useful way of achieving foreign policy goals that gives Serbia a certain “soft power” to act in a wider context.

Since an inadequate legal framework has been identified as the main obstacle for sending civilian experts to civilian CSDP missions, there is a need for its adjustment. Ongoing work on the law that will deal with this issue supports the thesis that political will in Serbia does exist, but in order to make sure this process would not be indefinite, drafting of the law must be formulated as one of the key priorities. The public debate that was organised for the Draft Law is a step in a good direction, since it was available to experts from public, civil and academic society. Now, it is necessary that such contributions be taken into account and included in an adequate manner in the final legislative solution itself. Apart from laying the ground for closer cooperation between Serbia and the EU, such a comprehensive law could then serve as an example of good normative practice to neighbouring countries in the Western Balkan region, which have yet to adopt their counterparts.

The Draft Law needs to be further developed in segments where there are still certain ambiguities. This refers to the potentially exclusive definition of “other persons”; hence the term needs to be more precisely elaborated so that it unequivocally includes experts outside the public administration. Moreover, it is important to define the competencies of the Commission MFA, but also the way in which civilian experts are selected for the position, especially when it comes to the public calls for contributions, that should serve for the selection of civilians outside the state administration. Addressing these aspects through changes

and amendments to the Draft Law is especially important in order to pave the way for a transparent selection of interested experts from the civil society sector, in addition to those from the state administration, and more importantly, to provide a quality solution that will finally enable Serbia to break the deadlock and take part in civilian CSDP missions.

Finally, participation in EU’s civilian missions can be viewed through a wider, regional perspective, and in that context encourage closer cooperation in the Western Balkan region. Since European integration appears as the primary strategic goal of these six, alignment with the CFSP / CSDP makes up for their complementary interests. In line with this, the potential launching of a joint training platform for training of civilian experts in existing regional centres can contribute to above mentioned, and at the same time provide for mutual transfer of knowledge and expertise. These states have themselves gone through post-conflict stabilization and systemic changes, and they have also had experience in cooperating with Union’s missions in the region.² Creating a broad base with such expertise could lead to the region’s specialization in tasks in those CSDP missions of a similar context. Regional cooperation would certainly contribute to closer cooperation of the region and the EU, while also strengthening ties in the Western Balkans themselves and could potentially pave the way for creating a future regional security community.

² EUPM in Bosnia and Herzegovina, EUPOL Proxima in North Macedonia, EULEX Kosovo* (also the largest civilian CSDP mission).



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