

LAW

ON ENGAGEMENT OF THE SERBIAN ARMED FORCES AND OTHER DEFENCE FORCES IN MULTINATIONAL OPERATIONS OUTSIDE THE REPUBLIC OF SERBIA BORDERS

I MAIN PROVISIONS

Article 1

This Law stipulates engagement and preparation of the Serbian Armed Forces (SAF) and other defence forces for participation in multinational operations outside the Republic of Serbia borders, as well as rights and responsibilities of competent authorities and participants in operations, coverage of the deployment related costs and other issues pertaining to fulfilment of missions and tasks related to security and peace in the world and delivery of humanitarian assistance to other countries in crisis situations.

All matters not directly regulated by this law shall be stipulated by regulations on defence, civil protection and the SAF, as well as international agreements pertaining to security, defence and military co-operation, and regulations on competences and work of other defence forces.

Article 2

Multinational operations outside the Republic of Serbia borders (hereinafter: multinational operations), in the sense of this Law, shall include missions and tasks pertaining to keeping national, regional and global security and peace in the world, as follows:

- 1) peace keeping, maintaining and building operations in the world;
- 2) conflict prevention and establishing peace operations;
- 3) joint defence operations in line with defence rules and regulations;
- 4) assistance operations in removal of consequences inflicted by international terrorism and terrorist attacks of greater scale;
- 5) participation in humanitarian operations in case of natural, technical and technological and environmental disasters of greater scale and provision of assistance in crisis situations.

Other defence forces, in the sense of this Law, shall include persons employed in the Ministry of Defence (MOD), Ministry of Interior (MOI) and other state administration bodies;

civil protection personnel and persons that can be engaged in providing assistance within multinational operations, i.e. humanitarian assistance to jeopardised countries in crisis situations, as well as other resources of the Republic of Serbia.

Humanitarian operations shall comprise engagement of the SAF personnel and other defence forces in removal and alleviation of consequences of natural disasters, technical and technological accidents, as well as other disasters that, by their scope and intensity, jeopardise health and lives of people, material goods and the environment, and which cannot be removed through engagement of the state bodies of the country in which the event occurred.

Article 3

Deployment of the SAF and other defence forces in multinational operations shall be based on the following principles:

- 1) participation of the SAF and other defence forces in a specific operation shall be in accordance with the Constitution of the Republic of Serbia and the international law;
- 2) participation of the SAF personnel and other defence forces shall be in accordance with the national security and defence interests of the Republic of Serbia;
- 3) activities of the SAF and other defence forces pertaining to participation in multinational operations shall be objectively presented to the public;
- 4) adequate legal protection of the personnel engaged in multinational operations shall be provided along with compliance with contractual responsibilities with regard to the security risks assessment.

Article 4

The assumed responsibilities of the Republic of Serbia from international agreements in security, defence and military co-operation shall be met in line with the respective agreements and the implementation by-laws.

Fulfilment of responsibilities from Paragraph 1 of this Article shall be ensured by the Government and the MOD in accordance with defence regulations, i.e. competent bodies in line with authorities originating from signed international agreements.

Article 5

The SAF personnel may be engaged in multinational operations and participate in activities from Article 2, Paragraph 1 of this Law, and shall be obliged to act in accordance with

the Serbian Constitution, law, decisions taken by competent bodies, principles of the international law on the use of force and rules of engagement adopted for a concrete multinational operation.

Other defence forces personnel, when necessary, may be engaged in multinational operations from Article 2, Paragraph 1 of this Law, and shall be obliged to act in accordance with the law, decisions taken by competent state bodies and principles and rules of the international humanitarian law.

Article 6

Status of the SAF personnel engaged in multinational operations from Article 2, Paragraph 1 of this Law, shall be stipulated pursuant to this Law and regulations pertaining to service in the SAF.

Status of other defence forces personnel in multinational operations from Article 2, Paragraph 1 of this Law, shall be stipulated pursuant to this Law, regulations on civil protection and civil servants.

II PREPARATION AND DEPLOYMENT IN MULTINATIONAL OPERATIONS AND WITHDRAWAL FROM MULTINATIONAL OPERATIONS

Article 7

Engagement of the SAF and other defence forces in multinational operations shall be decided upon the Engagement of SAF and other Defence Forces in Multinational Operations Annual Plan (hereinafter: Annual Engagement Plan), determining their missions and tasks.

The Annual Engagement Plan shall be based on the following:

- 1) defined security and defence needs and interests in accordance with the National Security Strategy of the Republic of Serbia, Defence Strategy of the Republic of Serbia, and the Strategic Defence Review of the Republic of Serbia;
- 2) the Republic of Serbia's responsibilities arising from international agreements in areas of security, defence, military co-operation and civil protection;
- 3) available material, financial and human resources of the defence system.

The Annual Engagement Plan contains: name of the planned missions, i.e. multinational operations; their mandate; list of missions, i.e. multinational operations the fulfilment of which is

in line with the status assessment; the objective to be achieved by the engagement of the SAF and other defence forces in multinational operations envisaged for the current year; available forces and material and financial resources to be allocated for participation in multinational operations, as well as other prerequisites of importance for approving deployment in multinational operations.

The Annual Engagement Plan shall be prepared by:

- 1) MOD – for the SAF and MOD personnel;
- 2) MOD in co-operation with the competent ministries – for other state administration bodies employees, civil protection personnel and persons that may be engaged in delivering assistance within multinational operations;
- 3) MOI – for MOI personnel.

The Annual Engagement Plan shall be proposed to the Government by the Defence and Interior Ministers.

Article 8

The Serbian Parliament shall discuss and adopt the Annual Engagement Plan for the envisaged multinational operations in the current year.

The Defence Minister and the Minister of Interior shall present parts of the Annual Engagement Plan from their scope of work to the Serbian Parliament.

The Parliament shall take a decision on participation of the SAF personnel in multinational operations, extension of their engagement and withdrawal from multinational operations on the basis of the adopted Annual Engagement Plan.

The Parliament may, as an exception from provisions of Paragraph 3 of this Article, and in line with the Republic of Serbia's interests, approve engagement and deployment of the SAF personnel in operations from Article 2, Paragraph 1, Items 2), 3) and 5) of this Law, not envisaged in the Annual Engagement Plan, provided security or humanitarian situation in the world has considerably deteriorated.

Article 9

The President of the Republic, following the Parliament's decision, and in line with the law, shall decide on deployment of the SAF personnel in multinational operations, at the Defence Minister's proposal.

Decision from Paragraph 1 of this Article, in accordance with the Law, shall be carried out by the MOD and the SAF.

Article 10

The Government shall, on the basis of the adopted Annual Engagement Plan and in line with the Law, decide on participation and deployment of the MOI members, civil protection personnel and the state administration employees in multinational operations, extension of their engagement, and withdrawal from multinational operations, at the proposal of the Minister in charge.

Decision from Paragraph 1 of this Article, in accordance with the Law, shall be carried out by competent ministries.

Exceptionally, the Government may approve participation of other defence forces in humanitarian operations that have not been envisaged by the Annual Engagement Plan, in case of urgent removal of large scale consequences of natural, technical and technological and environmental disasters, as well as delivery of assistance to civilian bodies in crisis situations.

Article 11

The Serbian President's decision from Article 9 of this Law shall be executed by the Defence Minister in accordance with the Law and regulations on defence and the SAF.

The Government's decision from Article 10 of this Law shall be executed by ministers in charge, in accordance with the Law and regulations on competences and work of other defence forces.

Article 12

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.

Article 13

Conscripts shall not be deployed in multinational operations in accordance with the regulations on military conscription or civilian service.

In case of declaration of war or the state of emergency, the SAF personnel shall not be deployed in multinational operations until the state of war or the state of emergency has ceased to be in force, except for the multinational operations from Article 2, Paragraph 1, Item 3) of this Law.

Active reserve personnel may be deployed in multinational operations from Article 2, Paragraph 1 of this Article, and their rights and responsibilities pertaining to the participation in multinational operations shall be agreed upon by a separate contract.

Article 14

Pre-deployment plan for multinational operations shall be drafted and implemented by:

- 1) the Defence Minister – for the SAF personnel;
- 2) the Minister of Interior – for police personnel;
- 3) the minister in charge – for the state administration employees.

Selection criteria and the method of selection of the SAF, MOI, civil protection and state administration personnel, prepared and trained for participation in multinational operations, as well as the method of training certification, shall be stipulated by the minister in charge from Paragraph 1 of this Article, in line with requirements arising from the multinational operation.

Article 15

Pursuant to this Law, a selected person from the civil defence, MOI or a civil servant shall be entitled to a paid leave for the period of time spent on pre-deployment training in the country and abroad, for participation in multinational operations.

A SAF member and the person from Paragraph 1 of this Article shall be entitled to reimbursement of costs in accordance with regulations on travel and other costs subsistence, for the duration of preparations and training for participation in a multinational operation.

Preparation and training for participation in multinational operations for the SAF personnel shall be conducted in line with regulations on defence and the SAF.

Article 16

Provided that the mandate of the mission is disturbed during the period of time envisaged for realization of a multinational operation, or a serious threat to security and defence interests of the Republic of Serbia occurs, or lives of the SAF personnel and other defence forces members are jeopardised, or there are some unacceptable risks and threats to their security, and the Serbian Parliament is unable to convene, the Defence Minister, following a joint assessment with

competent ministers, shall propose the President of the Republic pass a decision on immediate withdrawal of a part or all SAF personnel, or other defence forces prior to completion of activities they have been engaged in.

The decision from Paragraph 1 of this Article shall be immediately communicated to the Speaker and the Prime Minister.

Article 17

At the end of the fiscal year, the Government shall adopt the Report on Engagement of the SAF and Other Defence Forces in Multinational Operations Annual Plan Implementation and submit it to the Serbian Parliament.

This Report from Paragraph 1 of this Article shall be prepared by:

- 1) Ministry of Defence – for the SAF personnel and the MOD employees;
- 2) Ministry of Defence in co-operation with competent ministries – for other state administration employees, civil protection personnel and persons that may be engaged in delivering assistance within multinational operations;
- 3) Ministry of Interior – for the Ministry of Interior employees.

The Report from Paragraph 1 of this Article shall contain: data on types of multinational operations the SAF and other defence forces personnel participated in; structure review of the engaged defence forces; a list of spent resources and costs for pre-deployment and deployment, i.e. withdrawal from these operations; the operation zone analysis, i.e. activities and results achieved in a concrete operation and other data of importance for the fulfilment of security and defence interests of the Republic of Serbia.

The Report from Paragraph 1 of this Article shall be submitted to the Government by the Minister of Defence and the Minister of Interior.

The Government shall evaluate the results achieved in order to undertake adequate activities pertaining to the engagement of human and material resources in multinational operations, when reading the Report from Paragraph 1 of this Article.

The Government shall submit the Report from Paragraph 6 of this Article to the Serbian Parliament at its first session.

Article 18

Competent ministries and other state bodies shall be responsible, within their respective competences, for delivering expert and technical assistance necessary for realization of the approved multinational operations.

III SPECIAL RIGHTS AND RESPONSIBILITIES OF PARTICIPANTS IN MULTINATIONAL OPERATIONS

Article 19

In co-operation with competent bodies, the Ministry of Defence and the SAF shall be responsible for organisation and co-ordination of all activities pertaining to preparation of the SAF and other defence forces personnel to be deployed abroad, aiming at realization of approved multinational operations.

Following the adoption of the Annual Engagement Plan, the Ministry of Defence shall immediately inform competent bodies, state administration organizations and local self-government bodies on their respective areas of responsibility.

Article 20

Selection of the SAF personnel and other defence forces for training and participation in multinational operations shall be conducted in accordance with this Law and regulations on defence and the SAF, as well as in line with regulations pertaining to the competence and work of other defence forces.

Manning for multinational operations requiring a joint engagement of the SAF and the MOI personnel for delivering assistance in crisis situations shall be conducted in line with the agreement signed by the Defence Minister and the Minister of Interior.

Article 21

The Defence Minister, ministers in charge or authorised persons shall sign technical agreements stipulating engagement terms and conditions for the SAF and other defence forces personnel in multinational operations, aiming at fulfilment of responsibilities arising from an international agreement, on the basis of which a concrete multinational operation is carried out.

Control of the command system and execution of military tasks in the course of multinational operations shall be exercised by competent SAF officers in accordance with regulations on service in the SAF and in line with rules of command and control established by an international organization implementing the multinational operation.

Rules of engagement shall be passed by the Defence Minister for every individual multinational operation the SAF members are taking part in.

Article 22

The SAF and other defence forces personnel shall not spend more than one year in continuum in a multinational operation, except in cases of being prevented from returning due to health reasons, technical reasons or when requested by the commander of forces in the multinational operation to remain until the completion of the commenced activity.

The authorized body shall inform the MOD of the reasons from Paragraph 1 of this Article.

Article 23

Competent senior officers shall decide on rights and duties of the SAF personnel engaged in multinational operations in accordance with this Law and regulations on service in the SAF.

Rights and duties of other defence forces personnel engaged in humanitarian and other operations shall be decided by the state administration officials, i.e. legal entities they are employed with in accordance with this Law and labour related regulations.

Article 24

In the course of multinational operations, the SAF and other defence forces personnel shall be entitled to a salary, wages and another incomes in the country, which shall not be lower than the amount they would earn if they served in the SAF or through employment in the country, as well as to other special rights in accordance with regulations stipulating service in the SAF or labour relations and pension and invalid insurance.

In addition to the rights from Paragraph 1 of this Article, in the course of participation in multinational operations, the SAF personnel and other defence forces shall be entitled to the pay increase and other incomes on the basis of regulations stipulated by the Government, and in accordance with this Law and signed international agreements or legal documents pertaining to their implementation.

Article 25

The SAF and other defence forces personnel engaged in multinational operations shall be entitled to:

- 1) pay increase;
- 2) increased years of service;

- 3) reimbursement of the service risk costs and bonuses for specific geographic and climate conditions;
- 4) payment of travel costs home and back, once every six months spent in the multinational operation;
- 5) personal insurance from diseases, wounding, severe injuries, disability or death, provided by the competent ministry during participation in multinational operation;
- 6) travel costs and free vacation in the rest and recreation facilities upon the return from a multinational operation.

More detailed conditions and the method of fulfilling rights of the SAF personnel in multinational operations shall be prescribed by the Defence Minister.

Article 26

During training, education and exercises abroad aimed at preparation for participation in multinational operations, the SAF and other defence forces shall be entitled to compensation of costs in accordance with regulations on reimbursement of costs for travelling abroad.

Article 27

The SAF and other defence forces personnel deployed to multinational operations shall be obliged to:

- 1) protect and promote reputation of the Republic of Serbia through participation in a multinational operation;
- 2) carry out assigned duties and tasks in a conscientious and responsible manner, complying with the management and command system;
- 3) comply with the international law regulations on the use of force and the humanitarian law rules, giving their contribution to security, peace and prevention of a crisis situation;
- 4) bear costs in case of their voluntary termination of engagement in a peacekeeping or humanitarian operation in accordance with general regulations on reimbursement of damage;
- 5) undergo disciplinary, misdemeanour and criminal responsibility in accordance with the law and signed international agreements.

Persons shall be responsible for all material resources used in peacekeeping and humanitarian operations in accordance with regulations on responsibility for damages inflicted in the course of the service.

Participants in multinational operations, related to the use of material resources assigned to them, shall be obliged in the same way as the budgetary users and users of resources owned by the Republic of Serbia.

Article 28

The SAF and other defence forces personnel in a multinational operation shall be entitled to:

- 1) diplomatic and legal assistance and protection;
- 2) mandatory personal insurance in accordance with the degree of risk in the course of a multinational operation;
- 3) frozen employment status until the return from a multinational operation;
- 4) reimbursement of damages in case of a disease, injury, wound, disability or death in the course of a multinational operation.

Article 29

During the participation in a multinational operation the SAF and other defence forces personnel shall not be allowed to conduct the following:

- 1) any commercial and other services abroad, except for the ones pertaining to logistic support to joint forces;
- 2) any interference in internal affairs of the host country outside the mission mandate;
- 3) voluntary withdrawal or termination of mission without approval from competent authorities;
- 4) any other activity outside the mission mandate.

Article 30

Rights, duties and responsibilities of the SAF personnel, civil protection personnel and personnel employed in the state administration bodies prepared and trained for participation in multinational operations shall be regulated by an agreement with the competent ministry.

Prior to deployment in a multinational operation, the MOD shall sign an agreement with a Serbian Armed Forces member on his/her engagement in line with this Law.

Persons from Paragraph 1 of this Article shall be obliged to accept participation in a multinational operation following the summons from an authorised body, no later than three years from the day of completion of training, i.e. receiving the certificate, except for operations from Article 2, Paragraph 1, Item 3) of this Law.

Article 31

Following the completion or withdrawal from a multinational operation, the SAF and other defence forces members shall be obliged to report to the competent body they are employed with in order to regulate their status and employment rights.

Article 32

Time the SAF and other defence forces members spend in multinational operations shall be considered to be service in the SAF, i.e. employment.

Article 33

In the course of participation in a multinational operation, the SAF members shall carry out their service in line with regulations pertaining to the service in the SAF, and representatives of other defence forces in accordance with regulations dealing with their profession and special skills they are trained in.

Persons from Paragraph 1 of this Article shall execute their tasks independently or within a partner country contingent, in accordance with a signed international agreement for a concrete operation.

Article 34

Time the SAF and other defence forces members spend in a multinational operation shall be calculated as increased years of service period, so that every 12 months effectively spent in the multinational operation shall be counted as 18 months.

Time the SAF and other defence forces members spend in a multinational operation of the effective duration shorter than 12 months shall be added to the increased years of service period proportional to the increase from Paragraph 1 of this Article.

Article 35

In case of an injury, wound, disease, disability or death during participation in multinational operations from Article 2, Paragraph 1 of this Law, the SAF and other defence forces members shall be entitled to the reimbursement and other rights in line with the Law, signed international agreements and regulations on the reimbursement recognized by an

international organization or institution under the auspices of which a multinational operation is carried out.

In case of death of a SAF and other defence forces member in a multinational operation, his/her family members shall be entitled to reimbursement of the funeral costs.

Costs from Paragraphs 1 and 2 of this Article shall be paid from resources allocated within the Annual Engagement Plan and the Republic of Serbia budget.

Article 36

Personnel of other defence forces participating in a multinational operation shall be entitled to mandatory insurance in case of a disease, wound, injury, disability or death in line with regulations on insurance or a signed international agreement.

An authorised ministry shall sign an agreement on insurance from a risk of disease, injury, wounds, and death in the course of participation in a multinational operation with a person from Paragraph 1 of this Article before he/she shall be deployed in a multinational operation.

The method of insurance rights fulfilment of the SAF and other defence forces members deployed in a multinational operation shall be stipulated by the Government.

IV METHOD OF FINANCING COSTS OF ENGAGEMENT IN MULTINATIONAL OPERATIONS

Article 37

Pre-deployment, participation and return related costs of the SAF and other defence forces personnel from multinational operations, as well as other legal entities' responsibilities pertaining to delivery of material assistance in terms of realisation of humanitarian operations shall be covered from the Republic of Serbia budget.

The Government shall, within the Republic of Serbia budget, earmark resources for implementation of the Annual Engagement Plan, i.e. activities in multinational operations.

Except from the provision of Paragraph 2 of this Article, resources for financing multinational operations from Article 8, Paragraph 4 of this Law, shall be additionally provided by the Government in line with regulations on the budgetary system.

Article 38

Costs from Article 37, Paragraph 1 of this Law shall comprise the following:

- 1) selection of the SAF and other defence forces members for missions, training, preparations, medical check-ups, tests, transportation, inspection and other costs in accordance with defence standards based on the type of resources and activities;
- 2) acquisition of technical and other equipment;
- 3) deployment of the SAF and other defence forces personnel in multinational operations;
- 4) salaries and reimbursements in line with current regulations;
- 5) travel costs, departure and return to the country, for every six months spent in a multinational operation;
- 6) repair and maintenance of equipment;
- 7) insurance costs for all participants and equipment used in multinational operations;
- 8) medical support and transport of participants from multinational operations who cannot be treated in operational zone medical units;
- 9) costs of medical treatments abroad and in the country, as well as reimbursement costs;
- 10) total costs of acquisition of obituaries, organisation of funeral for a person who lost his/her life in a multinational operation, preparation of official documents and social care for the family members;
- 11) reimbursement to third persons for the damage done in the course of a multinational operation;
- 12) rest and recreation facilities related costs;
- 13) potential legal aid related costs;
- 14) other specific costs.

Article 39

Resources from Articles 37 and 38 of this Law for the SAF members shall be provided through the Ministry of Defence.

Resources from Articles 37 and 38 of this Law for other defence forces members shall be earmarked in the budget of a state administration competent body, i.e. legal entities, the participation of which shall be stipulated by the Annual Engagement Plan.

Except from the provision of Paragraphs 1 and 2 of this Article, resources for operations envisaged in Article 8, Paragraph 4 of this Law shall be provided from the budgetary reserves of the Republic of Serbia for the current year.

Article 40

Movables used by participants in multinational operations are provided in accordance with the regulations stipulating disposal with budgetary users' resources.

Conditions and method of acquisition, disposal and usage of movables from Paragraph 1 of this Article and their return to the country shall be stipulated by the Government.

V INTERMEDIARY AND FINAL PROVISIONS

Article 41

All initiated procedures pertaining to the deployment of the SAF and other defence forces members in multinational operations until this Law comes into effect, shall be completed in line with the provisions stemming from this Law.

Requests for fulfilment of rights and responsibilities of participants deployed in multinational operations until this Law comes into effect, and that have not been approved by a competent body, shall be processed in line with former regulations, or, if more favourable for them, in accordance with the provisions stemming from this Law.

Article 42

Regulations stipulating implementation of this Law shall be passed within six months from the day this Law comes into effect.

Regulations passed for the implementation of the Law on Participation of Professional Serbia and Montenegro Armed Forces Personnel, Civil Protection Personnel and Persons Employed in Administration Bodies of the Council of Ministers in Peacekeeping Operations and other Activities Abroad (Official Gazette of Serbia and Montenegro, number 61/04) shall remain in force until the adoption of regulations stipulating implementation of this Law, except for the provisions contrary to this Law.

Article 43

The Law on Participation of Professional Serbia and Montenegro Armed Forces Personnel, Civil Protection Personnel and Persons Employed in Administration Bodies of the

Council of Ministers in Peacekeeping Operations and other Activities Abroad (Official Gazette of Serbia and Montenegro, number 61/04) shall cease to be valid on the day this Law comes into effect.

The wording “in accordance with the Parliament decision” (Article 12, Paragraph 2, item 12) of the Law on Defence (Official Gazette of the Republic of Serbia, number 116/07) shall be erased and Item 9, Paragraph 2 of Article 9 shall cease to be valid on the day this Law comes into effect.

Article 44

This Law shall come into effect on the eighth day from the date of publishing in the “Official Gazette of the Republic of Serbia”.