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Montenegrin Civilian Capacities for Peace Operations: Will Without Means?

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Summary

This paper provides an overview of the current state of affairs when it comes to Montenegro's capacities and institutional set-up for civilian peace operations¹. Montenegro is at the very start of developing its policy in the area of civilian participation in the peace support missions (CivCap). It currently participates in several peace support missions, under UN, NATO and EU auspices, almost exclusively with armed troops. The police is starting to deploy its officers to missions, the civil protection units have not yet been formed and representatives of other institutions have so far not participated in missions. With NATO membership as a key goal, Montenegro has started to conduct activities aimed at establishing CIVCAP, as one of the required steps in the integration process. The process has not yet been institutionalised, but there seems to be a will in the administration that CIVCAP should be developed. The process is quite challenging for a small state with limited capacities and strong donor support for initial steps is crucial for its success. At the end of the paper, recommendations for concrete steps to take in order to develop the CivCap system are given.

¹ The term civilian capacities, as understood here, includes civilians and other non-military personnel that participate in peace-building and state building missions, including the police and civilians in military missions.

Introduction

Montenegro's experience in peace support missions goes a long way back to the nineteenth century, when over eighty Montenegrin soldiers were sent to Crete in order to maintain peace between Greeks and Turks. Montenegro's participation in peace support missions around the world continued in the twentieth century, as part of the Yugoslav army. After regaining independence in 2006, Montenegro started participating in several peace support missions, almost exclusively by army and, to a considerably smaller extent, the police administration.

Montenegro lacks experience and capacities when it comes to participating in modern peace support operations. While there is a political will to engage and contribute, it has so far been almost exclusively concentrated on military capacities, with little attention given to civilian capacities.

According to UN data on peacekeeping troop and police contributors, Montenegro has experienced moderate growth in its contributions since regaining independence in 2006. Although not so significant in the ranking of troop and police contributing countries to UN peacekeeping (100th out of the 122), Montenegro is still ahead of some of its neighbours such as Albania and Macedonia.

Development of civilian and non-military capacities for contributing to peace operations is an obligation that stems from the criteria for aspiring to NATO membership. However, it is also the future of peacekeeping and a way of contributing that can bring significant opportunities and benefits for Montenegro. All the other states in the region are already on more advanced level in preparation for this kind of contributing, while Montenegro is still in the inception phase.

Legal framework

The Constitution of Montenegro stipulates that military troops and capabilities can be part of international forces². The Law on participation of military troops and members of civil defence, police and public administration employees in peacekeeping missions and other activities abroad was adopted in 2008 and has not been changed or amended since³. It allows representatives of civil protection, police and civil servants to participate in peace support missions and other activities abroad.

The Law does not foresee the possibility of Montenegrin nationals outside the public administration and security forces to be deployed to international missions.

The Defense and Security Council has an obligation to report to the Parliament on the usage of army in the peace support operations once a year. When it comes to the non-military units, the law prescribes that the heads of public administration bodies that have deployed their representatives to international missions are obliged to submit a report on their participation and activities abroad to the Government. Whether this is supposed to be an annual report or a final report after deployment is over is unclear.

The responsibility for preparation, training, equipping as well as monitoring, coordination of engagement in the peace support operations of the civil protection, police and employees in the state administration lies with the state administration bodies that are in charge of executing the decisions on their deployment. More detailed regulations should be arranged by individual acts, adopted by each state administration that deploys its employees to missions. Currently, apart from the Army, only the Ministry of Interior Affairs has adopted these rules, which are valid only for the police officers.

The key law that regulates the rights and obligations of public administration employees, the Law on Civil Servants and Employees, does not foresee the possibility of deployment to peace support missions or any other related mechanism.

As a part of a wider group of amendments, in December 2013, the Law on Personal Income Tax was amended so as to abolish the tax obligation regarding the fees for participation in peace support operations by the military troops and members of civil defense, police and public administration employees. The list is taken from the Law on participation in peace support operations [...] and is therefore, consistent in not mentioning persons outside the public administration that can take part in the missions abroad.

The traditional actor - Montenegrin armed forces in missions

The army is currently participating in three international missions: International Security Assistance Force (ISAF)

Afghanistan (up to 40 soldiers), United Nations Mission in Liberia (UNMIL) - (up to 2 soldiers) and European Union Naval Force (EU NAVFOR) Somalia – Operation Atalanta - up to 3 soldiers.

During 2014, Montenegrin troops will start participating in two more peace support operations abroad: European Union Training Mission in Mali (EUTM) mission and the European Union Force RCA mission in Central African Republic, each with one officer deployed. Parliament has endorsed these proposals with a consensus of all parties, due to the fact that the EU and the UN mandate the missions, and NATO is not involved.

According to the report of the Army of Montenegro, the total expenses for participating in the EU NAVFOR mission during 2013, amounted to €65,195.48. The participation in UNMIL mission has costed €78,045.00 in 2013. Costs of participation in the ISAF mission during 2013 amounted to €3,098,787.65, making it the most expensive international engagement of the Army of Montenegro⁴. Non of these funds are reimbursed to the state, as the arrangements are such that Montenegro covers the expenses of its soldiers in missions.

The emerging actor - the police peace corps

Police Administration in Montenegro is functioning under the aegis of the Ministry of Interior Affairs. Although it is three times more numerous than the Army⁵, Police Administration has much fewer representatives deployed to peace support operations. There are currently four police officers in the UNFICYP mission in Cyprus since 2009, while two police officers are engaged in ISAF mission in Afghanistan. Since 2011, Montenegrin police officers are participating in the ISAF mission in Afghanistan, as part of the Croatian Police Advisory Team. The representatives of the Ministry of Interior Affairs claim that they have no plans for extending the number of police officers in missions abroad, stating that their ambitions in this regard are limited by the actual demand from the UN.⁶

The non-existing actor - Civil protection

According to the Law on Protection and Rescue, civil protection units represent specially organized, equipped and trained forces that are a part of the general, national protection and rescue system, whose basic purpose is mass support for the implementation of the operational part of the protection and rescue measures. However, the unit for Civilian Protection de-facto does not exist in Montenegro.

² Article 129, Constitution of Montenegro, Official Gazette No.01/2007, 38/2013.

³ Official Gazette of Montenegro, No. 61/08.

⁴ "Report on the state of affairs in the Army of Montenegro in 2013", available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=161034&rType=2>, Last accessed on: 20 June 2014

⁵ There are currently 4736 police officers in the Police Administration out of 5079 systematised job positions. Data available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=126668&rType=2>, last accessed on 20 June 2014.

⁶ Interview with the representative of the Ministry of Interior Affairs, 05 March 2014.

Although it is foreseen by the Law on Law on Protection and Rescue and envisaged as a part of the rescue and protection system, efforts to establish this service have so far proven futile⁷. Ministry of Interior Affairs (its Rescue and Protection Directorate) is currently searching for models to organize it.⁸

Plans for developing the civilian capacities for peace operations

The establishment of the system for civilian participation in peace operations in Montenegro is spearheaded by the Ministry of Foreign Affairs and European Integration (MFAEI), more specifically, its Directorate General for NATO and Security Policy. This is due to the fact that the MFAEI is in charge of implementing the Stabilization and reconstruction - Inter-institutional cooperation partnership goal, from the Partnership goals within the Planning and Review Process (PARP), which is one of the Partnership for Peace mechanisms. This goal implies the development of legal and institutional framework and establishment of mechanisms for participation of civilians in peace support operations, or strengthening the civilian capacities for Montenegro's participation in the international missions.

However, this goal was not mentioned in the strategic planning documents until 2013 and the fourth Annual National Programme, which specifically outlines the intention of the Government to tackle the issue of civilian participation in the peace support operations.

The MFAEI has developed an initial, unofficial and quite broad plan of action in this area with the cooperation of the UNDP⁹, which consists of several interconnected phases. First, a roadmap for establishment of the civilian capacities system will be developed. This will contain a review of the comparative experience on structures and mechanisms for participating in civilian peace building operations and Civilian Capacities system¹⁰. One of the essential parts of the roadmap will be the identification of opportunities of the potential specialization of the Montenegrin Civilian Capacities system in some specific fields of peace support operations, i.e. finding niche areas where there are both domestic capacities and needs in the international operations. As a safeguard measure, a mechanism for monitoring the implementation of the roadmap will also be created.

To further this process it will be necessary to create an appropriate legal framework, adopt new and amend existing

legislation. The initial assessment is that the key piece of legislation, Law on Use of Army of Montenegro's Units in International Forces [...] does not need to be amended, as it is broad enough to encompass all the possible participants of the Civilian Capacities system. However, bylaws would need to be adopted in order to regulate the financing mechanisms and insurance system which should be defined and legally enforceable. Based on the defined legal framework, the intention of the Government is to create the institutional and inter institutional cooperation mechanisms.

There is still need to conceptualize the establishment and running of a roster for civilian capacities¹¹ and a recruitment mechanism. Initial assessments are that there should be a single roster that would comprise of experts from both the public (e.g. employees from health care sector, state prosecutors specialized in field of war crimes, social workers, etc.) and nongovernmental sector. For now, there is no information on the nature of the roster: its size and structure, as well as the process of recruitment, selection, training, maintenance, or its overall position in the administration (who will be in charge of running it).

Even though efforts to complete the Partnership goals within the NATO accession framework are a key motivational factor for Government's thinking about civilian capacities for peace support operations, it is recognized that establishment of a such system can be one of the anchors of future emerging donor position of the state, within the EU and UN arrangements.¹²

Although it was initially planned that Montenegro will establish the complete system that would enable civilian experts' participation in post-conflict countries during 2013, the task has proven to be more challenging than expected. The revised plan is much more realistic and modest in its aims: in 2014¹³, the MFAEI will look for good international practices and international partners to exchange experiences with, as well as to try and find foreign donor funding for expert support and implementation of the initial phases of development of civilian capacities system. On the other hand, however, the Government's 2014 official agenda does not have any activities that could be connected to this issue.¹⁴

Conclusion

At the moment, Montenegro participates in four peace support missions, under UN, NATO and EU auspices, with soldiers and a few police officers, and plans to join two more missions by the end of 2014. The army is being modernized and views peace support missions as a professional challenge and an opportunity to build up its capacities, with

7 According to the analysis of the Ministry of Interior, such unit should have 2000 men in order for it to be functional and serve its purpose. In 2009, some 400 persons have been engaged in a kind of a roster. They signed contracts with the Ministry of Interior. However, the Ministry did not fulfill its end of the bargain that related to financial compensation of these units. Therefore, these units have been disbanded.

8 Interview with the representative of the Rescue and Protection Directorate of the Ministry of Interior Affairs.

9 United Nations Development Program's Capacity Development Programme (partnership programme of Government of Montenegro and UNDP committed to strengthening capacities of Public Administration)

10 Interview with the representative of the Ministry of Foreign Affairs and European Integration, 20 March 2014

11 Interview with the representative of the Ministry of Foreign Affairs and European Integration, 20 March 2014

12 Interview with the representative of the Ministry of Foreign Affairs and European Integration, 20 March 2014

13 In the report on implementation of the 2013 Annual National Programme

14 The 2014 Agenda of the Government of Montenegro, available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rid=153740&rType=2>, last accessed on 20 June 2014.

significant funds being invested to enable its engagement. The police is just starting to deploy its officers to missions and its current level of participation is almost negligent. Civil protection units have not yet been formed and representatives of other institutions have so far not participated in missions.

Montenegro is at the very start of developing its policy in the area of civilian participation in the peace support missions. Key driving force for the Government to consider establishing CIVCAP is NATO integration, as the development of CIVCAP is one of the Partnership goals. Currently, various models and experiences from other countries are being examined while donor support is searched for to support these initial phases. The process has not yet been institutionalized, there is no official roadmap or action plan for its implementation. The responsibility for establishing CIVCAP is currently completely centralized in the Ministry of Foreign Affairs and European Integration with no participation of other state sectors.

Recommendations

1. What the Government should do as part of its foreign policy efforts

- 1.1 The Adriatic Charter association should be used more extensively by the Government to ignite and foster regional cooperation when it comes to CIVCAP — both in terms of development and exchange of lessons learned as well as developing a common approach to providing civilian aid in the future.
- 1.2 The Government should strive to secure donor assistance for supporting the initial steps in establishing the civilian capacities system, or the policy formulation stage in this area, particularly in terms of expert guidance and providing lessons learned from other countries.

2. Government's practices that need to be changed

- 2.1 The obligation of creating a roadmap (action plan) for the development of civilian capacities should be institutionalized by introducing it to the Government's 2015 annual work programme (agenda).
- 2.2 The responsibility for leading the process of developing CIVCAP should not be centralised in the MFAEI but conferred to a cross-sectoral working group, that would also include the Ministry of Justice, Ministry of Interior Affairs, Ministry of Defence, Ministry of Health, Human Resource Management Authority [etc.].
- 2.3 Annual report on participation of police officers in peace support operations should be submitted to the Parliament, in accordance with the Law on Parliamentary Oversight of the Security and Defence Sector.

3. Heads-up guidelines regarding CIVCAP concept

- 3.1 Due to the size and capacities of the Montenegrin administration, having a single CIVCAP roster appears

as the most rational solution, in order to centralize the process and cut the costs.

- 3.2 Due to the concerns over corruption, protectionism and nepotism that have accompanied the initial steps in Army's participation in peace support operations, the occurrence of these accusations in the CIVCAP system should be prevented by setting high standards of transparency and merit-based approach in decisions on recruitment and deployment.

4. Necessary legal interventions

- 4.1 The Law on deployment of the Armed Forces of Montenegro units to the international forces [...] must be amended in order to include the possibility of sending civilians (nationals) outside the public administration to peace support operations with the support of state structures.
- 4.2 The Law on deployment of the Armed Forces of Montenegro units to the international forces [...] must be amended in order to strengthen the role of the Parliament in approving deployment of civilians to missions and clarify the specifics of reporting to the Parliament during and after the completion of missions.
- 4.3 The Law on Personal Income Tax should be amended so as to abolish the tax obligation regarding the fees for participation in peace support operations by the persons outside of public administration.
- 4.4 The issue of financing the participation in the CIVCAP system, as well as the insurance system must be regulated by adoption of appropriate bylaws.

5. CIVCAP as a communication goal and tool

- 5.1 The MFAEI should be more outward to the public and the rest of the administration about the activities regarding the development of CIVCAP, the reasons and benefits of this kind of participation in peace support operations, as it is currently a little known topic in Montenegro.
- 5.2 Since a considerable part of the public is opposed to Montenegro's participation in NATO-led military missions, authorities should make use of the CIVCAP development process in the communication efforts for raising the public support for NATO membership.