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# Analysis of the Proposed Law on Civilian Expert Participation in International Missions and Operations

# Impresum

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Djure Jaksica, 6

11000 Belgrade

Phone and Fax: +381 11 328 7226; 328 7334

Email: office@bezbednost.org

Web: www.bezbednost.org

## ***Author:***

**Gordan Bosanac**

Centre for Peace Studies

## ***Proofreading:***

**Alisa Koljensic Radic**

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# Analysis of the Proposed Law on Civilian Expert Participation in International Missions and Operations

## Introduction

In 2005 the Republic of Croatia (RoC) symbolically seconded a representative of the Ministry of Foreign and European Affairs to the international peace operation in Afghanistan. This meant that, for the first time, a civilian representative of the RoC participated in the activities of a peace mission, not taking into account the deployment of police officers who have been actively participating in peace missions and operations ever since 2000. Although the deployment of civilian experts slowly increased during during the last few years, it still remained negligible without taking into account the deployment of police officers. With the RoC accession to the European Union in 2013, through the harmonisation of national documents with EU strategic documents the awareness within the competent institutions was raised regarding the need for civilian experts. At the same time, the RoC began drafting international development co-operation policies that further encouraged better regulation of legal expert deployment. This direction of public policy development led to a decision to draft the Law on the Participation of Civilian Experts in International Missions and Operations (hereinafter: the Law) which would comprehensively regulate the secondment of civilian experts to peace missions and operations. The fact that this area has not been soundly regulated was another factor that contributed to infrequent deployment of civilian experts. The adoption of the Law, if it happens, would surely improve the system of civilian expert secondment.

This analysis will address the proposed Law on the participation of civilian experts in international peace missions and operations, the draft of which was presented to the public by the Ministry of Foreign and European Affairs

(hereinafter: the Ministry) in May 2014<sup>1</sup>. At the beginning of the analysis we will present the political process of developing the Draft Law and its scope. We will then analyse the current legislative and operational situation in the RoC relating to deployment of civilian experts. In the following paragraph we will present the analysis of the legislative proposal as such. Finally, we have formulated a number of recommendations for the improvement of the legislative framework.

## The process of proposing the draft *Law on the Participation of Civilian Experts in International Missions and Operations*

On 13 June 2014 the Ministry announced a public debate on the proposed Law<sup>2</sup> in accordance with the Code on consulting the interested public as part of procedure for the adoption of new laws and other regulations<sup>3</sup>. However, in the first round the Ministry opened the consultations only concerning the assessment of the relevant regulation's impact. Within these consultations the Ministry organised a round table with the participation of representatives of

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1 The Ministry of Foreign and European Affairs, <http://www.mvep.hr/hr/ministarstvo/savjetovanje-sa-zainteresiranom-javnoscju/otvorena-savjetovanja/otvorena-javna-rasprava-o-nacrtu-prijedloga-zakona/>

2 Ibid.

3 Official Gazette 11/09



civil society<sup>4</sup>. The civil society failed to show much interest in the public debate. This was to be expected, considering that only a small number of Croatian CSOs deal with this issue. It is a matter of concern that the private business sector has not expressed interest in the issue either, failing to offer its viewpoint of the proposed draft Law. This poor expression of interest suggests that the awareness of the Law is still lacking in the non-governmental sector and that investing resources to inform all the participants about the issue should be taken under consideration<sup>5</sup>. The consultations with regard to the proposed Articles of the Law opened in September 2014 and ended within the same month. The Ministry did not publish the results of the consultations; rather, the draft Law disappeared from public domain and was never forwarded to the RoC Government. The Ministry never publicly explained the reasons for interrupting the procedure for the adoption of this Law.

### Overview of the present status

Currently there is no statutory regulation that would satisfy all the challenges presented by the secondment of civilian experts into international peace missions. Thus far, civilian experts were seconded into peace missions primarily pursuant to the individual decisions made by line Ministries which, whenever necessary, passed *ad hoc* regulations to have their status regulated as much as it was possible. Thus, for example, the Ministry of Justice adopted an Ordinance<sup>6</sup> in 2014 to regulate the rights and obligations of civilian officers seconded to work in international organisations and/or peace missions abroad. The most developed segment of the secondment of civilian experts is the one within the Ministry of Interior (Moi) which has traditionally, for years now, seconded police officers to international missions and operations. Police officers were seconded to peace missions based on the *Law on the Participation of the Members of the Republic of Croatia Armed Forces, Police, Civil Defence Forces and Civil Servants and Public Employees in Peace Operations and Other Activities Abroad*, or based on the *Ordinance on the Secondment of Police Officers to Peace*

*Operations and Other Activities Abroad*<sup>7</sup>. The conditions, the manner in which they are selected, the preparation and secondment of police members of Moi abroad, and their rights and obligations are regulated by the *Ordinance on Police Liaison Officers*<sup>8</sup>. The new *Law on Defence*<sup>9</sup> was adopted in 2015. It regulates the secondment of military units into international peace missions and operations, and with its adoption the provisions of the *Law on the Participation of the Members of the Republic of Croatia Armed Forces, Police, Civil Defence Forces and Civil servants and Public Employees in Peace Operations and Other Activities Abroad* relating to the deployment of the members of military have ceased to apply. This means that the scope of this Law was narrowed to include only the deployment of civilians, members of police, etc. Likewise, considering that a large segment was excluded from the scope of this Law, there clearly arose the need for a new legislative framework to govern the secondment of civilian experts.

The absence of effective legislative regulation to guarantee the rights as well as obligations of civilian experts is one of the barriers for larger inclusion of civilian experts in the activities of peace missions. At the strategic level, the RoC decided to invest in capacity building for the deployment of civilian experts. This is revealed primarily in the Ministry's strategic documents, both for the period 2015-2017 and the period 2016-2018, in which the priorities explicitly include the *participation of civilian experts and secondment of diplomats to international missions and operations (UN, NATO, EU, OSCE and other international organisations)*<sup>10,11</sup>. Further, the need to strengthen the civil component in peace missions and operations was also underlined in the *Strategy for the Participation of the Republic of Croatia in International Missions and Operations*<sup>12</sup> which the Government of the RoC adopted in May 2014. Namely, the strategic premises for drawing up a specific law to regulate the deployment of civilian experts were developed in 2014. This is precisely the reason why in June 2014 the Ministry publicly disclosed the proposal of the *Law on the Participation of Civilian Experts in International*

4 Ministry of Foreign and European Affairs, <http://www.mvep.hr/hr/ministarstvo/savjetovanje-sa-zainteresiranom-javnoscju/otvorena-savjetovanja/otvorena-javna-rasprava-o-nacrtu-prijedloga-zakona/>

5 An article on public debate was published on the portal obris.org with the title 'The Law to regulate the activities of civilians in peace missions', 1 July 2014. <http://obris.org/hrvatska/zakonom-o-djelovanju-civila-u-inozemnim-misijama-i-operacijama/>

6 Ordinance on the secondment of judicial officers and public servants into international organisations and peace missions abroad, Official Gazette 89/09 i 08/14, available at <http://www.propisi.hr/print.php?id=9470>

7 Official Gazette 92/10

8 Official Gazette 107/12

9 Official Gazette 73/13, 75/15

10 Strategic Plan of the Ministry for Foreign and European Affairs for the period 2015 - 2017, <http://www.mvep.hr/files/file/dokument/140612-strateski-plan-ministarstva-vanjskih-i-europskih-poslova-2015-2017.pdf>

11 Strategic Plan of the Ministry for Foreign and European Affairs for the period 2016. - 2018, <http://www.mvep.hr/files/file/dokument/150717-strateski-plan-mvep-2016-2018.pdf>

12 Ministry of Foreign and European Affairs, 2014., <http://www.mvep.hr/files/file/2014/140516-Strategija.pdf>



*Missions and Operations*<sup>13</sup>. One of the arguments in favour of introduction of this Law was the awareness of *obviously disproportionate military and civilian participation of the Republic of Croatia in international missions and operations, with the military component being largely prevalent*<sup>14</sup>. Also, the explanatory note of the Law recognised the current international trends in the preventive and civilian action in respect of post-conflict stabilisation, which require more extensive deployment of local civilian experts. In 2012, the Ministry established the *Centre of Excellence – Advisory Committee for Transitional Processes*<sup>15</sup> with the task to promote cooperation by providing technical assistance. The assistance is mainly intended for the countries in the region, but also for those beyond (countries covered by the European Neighbourhood Policy). The Centre is primarily active in the area of education and counselling on European integration through the establishment, support and coordination of a network of experts dealing in European affairs. Furthermore, the Centre recognises the importance and promotes strengthening of the national administrative capacity necessary for the EU membership<sup>16</sup>. Through the Centre, civilian experts are *de facto* deployed to work mostly in the countries of the region; the experience of the Centre may therefore serve as a foundation for building a broader system for deployment of civilian experts.

## Challenges to be solved by the Law and the proposed solutions

There are a number of challenges that ought to be solved by the referenced Law. The Law regulates the participation of the Republic of Croatia's civilian experts in international missions and operations, the procedure for their selection, their rights and obligations, keeping of the register of civilian experts for the participation in international missions and operations, preparing/training of civilian experts for work in the field, etc. By its 24 Articles, this Law regulates these areas with more or less success.

One of the principal challenges of the Law is its need to regulate the RoC secondment of civilian experts abroad.

13 Ministry of Foreign and European Affairs, draft bill on the participation of civilian experts in peace missions and operations, June 2014, <http://www.mvep.hr/files/file/2014/140909-5-prijedlog-nacrta-zakona-o-sudjelovanju-civilnih-strucnjaka-u-mmio-javna-rasprava.pdf>

14 Ibid.

15 Ministry of Foreign and European Affairs, <http://www.mvep.hr/hr/posebni-projekti/centar-izvrsnosti/>

16 Ibid.

Its very title clearly shows that the legislator decided on a constricted legislative regulation, meaning that this Law regulates the deployment of civilian experts to peace missions and operations only. This means that the RoC will deploy civilian experts primarily within international missions and operations, which is in conformity with the strategic documents. In reality, however, different bilateral agreements between the RoC and individual countries often give rise to a mutual need for the engagement of civilian experts whose deployment will not be regulated by this Law.

### **Definition of civilian experts (Art. 3)**

The beginning of the Law offers a definition of 'civilian experts' according to which they are *persons who participate in international missions and operations in accordance with the provisions of this Law*. The Law implies that civilian experts may include civil servants and public employees, persons employed in public services, as well as judicial officers, but it also provides that civilian experts may include 'other persons'. This definition reveals a considerable vagueness of the term 'civilian experts', considering that the definition does not delineate between the armed forces and civilian experts. Namely, a member of the armed forces can also be a 'civil servant', i.e. a person employed in a public service (army) and as such may fall under the definition of civilian expert. Moreover, this definition of civilian experts clearly shows that the priority is given to persons employed in government institutions or public services, while persons from the civil sector, business sector, or academia are not explicitly mentioned. This unnecessarily constricts the pool of potential civilian experts. In the discussions with the Ministry<sup>17</sup> it was explained that the primary idea was to regulate the civilian experts coming from the pool of civil servants and public employees, persons employed in public services, and judicial officers, so as to facilitate the regulation of legal issues with regard to the civilian experts' return to work. Namely, the present Law did not manage to solve the problem of guaranteeing the return to the same job position in the private sector and this still remains an open challenge. In addition, the ensuing Articles will clearly show that civilian experts can only come from the ranks of Croatian nationals. This requirement further constricts the pool of experts.

### **Procedure for making the decision on the participation of civilian experts in international missions and operations (Art. 5)**

The current Law provides that the decision on the participation of civilian experts is to be made by the RoC Government, upon a proposal of the Minister in charge of for-

17 Meeting with representatives of the Ministry of Foreign and European Affairs in the course of public consultations on the proposal of the Law, on 30 June 2014 in Zagreb





eign affairs in conjunction with other competent bodies. This shows that the Ministry is the main coordinator for the deployment of civilian experts. This is consistent with the previous efforts of the Ministry to establish better coordination of activities relating generally to international development cooperation (and the costs incurred by the secondment of civilian experts will need to be recorded for the same budget line), and to assume the role of the main coordinator so as to ensure coherency of international development policies. Once the Government takes the decision on the secondment of civilian experts to an international mission, said decision is consigned to the competent line Ministry or the head of the central government authority. This also ensures greater operativity in the secondment of civilian experts. There surely remains the open issue of which public authority is responsible for the possible secondment of civilian experts from the private business sector or from the civil society. This Article also clearly shows that the legislators have failed to effectively integrate the possibility of secondment of civilian experts outside the government sector pool as it is not clear which government body is responsible for the secondment of civilian experts from the private business sector or from civil society organisations.

### ***Selection and secondment of civilian experts to international missions and operations (Art. 6 -11)***

The Law provides that civilian experts are always selected through public calls announced by competent bodies. This is a good approach which increases transparency of the civilian expert selection process as such, simultaneously reducing the number of opportunities for bid-rigging. However, suitable options should be provided for the situations involving the urgent need for civilian experts, those when there will be no time to follow the public call procedures. At this point, again, it should be noted that this Law does not regulate the deployment of civilian experts outside the international peace missions and operations, and that as a result a large section of civilian expert deployment (e.g. deployment based on bilateral agreements between two countries) will not be legislatively regulated.

This part of the Law provides minimum criteria, namely general and specific requirements to be met by a civilian expert. Thus, they are provided as a general requirement - Requirements for employment in public sector, specifically: suitable level of education; suitable expertise and work experience, except for interns; medical capability for the performance of tasks inherent to the work post at which a person is employed, and Croatian nationality. Specific requirements are to be defined for each individual public call, in accordance with the actual need for civilian experts. It is a good intention of the legislators to have the requirements divided into general and specific ones, for the latter would much more precisely define the needs for, and

the tasks expected to be performed by, civilian experts. Specific requirements are to be defined by the specialised competent (government) authority, which will have better insight into the actual needs out in the field. Nonetheless, the requirements defined in this way clearly show that the legislators narrowed down the civilian experts only to those who are Croatian nationals. Namely, they are not open to the deployment of civilian experts of non-Croatian nationality. This reduces the range of possibilities for the RoC to be involved with its civilian capacity.

### ***The scope of rights of civilian experts***

Articles 8 and 9 of the Law regulate the part concerning the rights acquired by civilian experts. It is thus provided that, in cooperation with the EU or another international organisation implementing the international mission or operation, the competent body shall ensure that travel and other required documents, accreditation for participation in international mission or operation, financial and technical capacity, insurance policy against accidents and health insurance are duly provided, as well as organise pre-secondment training for participation in individual international missions or operations. Also, expert support within the processes of preparing for and taking part in the international mission or operation is offered by the competent body to civilian experts as well as their families, whenever appropriate. The text of the Law does not elaborate on the scope and meaning of expert support, but this can always be further elaborated in an ordinance.

Remuneration of civilian experts is provided through contracts on participation in international missions or operations concluded with the competent body (for a one-year period), and the amount of remuneration will be established in the Regulation of the Government of the Republic of Croatia which will define the bonuses and other financial rights of civilian experts. In this case, again, the legislators regulate the payment of remuneration only to public employees, whilst for those outside the government sector Article 20 proposes that the competent body conclude a contract with the employer with whom the civilian expert is currently employed so as to define mutual rights and obligations between such employer and the competent body. It is not clear whether the Regulation of the Government will define the amount of this remuneration.

It should be noted that it is expected that the 'competent body' will have to ensure that all the above rights could actually be acquired. This means that every competent body which will deploy civilian experts (including Ministries, government offices and agencies, judicial institutions, etc.) must ensure it has a specific person (if not a department) seeing to it that administrative-legal-psychological support is provided to civilian experts. It may be more ra-



tional to have these tasks concentrated in a single institution which will be able to handle the administrative work resulting from the secondment of civilian experts. It is, of course, necessary to identify the tasks that would remain within the purview of the competent body, and those that would still need to be centralised in a single body (in the Ministry, to start with).

Particular attention should be drawn to the provision of healthcare. The current Law guarantees both healthcare and insurance policy. Nonetheless, this area probably needs to be defined more clearly to include healthcare after the termination of deployment as well. The reduced number of service years required for retirement due to participation in missions is not mentioned anywhere in the text of the Law. Considering that rules on the reduction of service years applying to the members of the armed forces stipulate that 12 months spent in a peace mission count as 18 months of service, it is to be expected that a civilian expert's work would be equally valued since his work environment is the same as that of a member of the armed forces (where a peace mission or operation is concerned). Considering that in the case of military officers this issue is solved in a separate Regulation<sup>18</sup>, it is to be expected that civilian experts will be treated the same even though the pertaining rights are not mentioned anywhere in the law.

Article 10 of the Law provides that civilian experts participate in international missions and operations only with their own consent. This is an important provision for avoiding people engaging as civilian experts under duress.

Article 11 regulates the civilian experts' rights arising from employment. It adds on Article 13 of the Law which states that the manner and scope of civilian experts' participation in international missions or operations are laid down by the EU or the international organisation implementing the international mission or operation, and that civilian experts assigned to international missions or operations are operatively subordinated to the EU or the international organisation implementing the international mission or operation concerned. Finally, during their participation in international missions and operations, according to the instruction provided by government bodies and unless it is contrary to the activities and goals of the international mission or operation, civilian experts may perform additional tasks of interest for the Republic of Croatia, including development and humanitarian activities. This regu-

lation clearly shows that a large part of the labour rights regulation has shifted to peace missions in which civilian experts will be deployed.

An important provision under Article 11 provides that, after returning from an international mission or operation, a civilian expert shall retain the work post within the competent body, which is of the same category or similar complexity as the tasks he performed at the work post to which he had been assigned prior to his leaving for the international mission or operation. This ensures his return to his job position. However, the Law does not provide that a civilian expert's participation in international peace mission can help him get a promotion upon returning to his work post. An incentive of this kind, together with appropriate financial compensation, would certainly serve as a motivating factor for people to apply for work in peace missions.

It was a challenge for the legislators to have this area regulated concerning the business, or private, sector and the civil society organisations, namely to ensure a job for a civilian expert upon his return from a peace mission. It is clear that the Government cannot guarantee a job in the private sector and that, at the same time, it does not want to assume the risk of possible dismissal of a civilian experts upon their return. The idea of deploying civilian experts from the private or civil society sector as a kind of 'exit' for the dismissal of employees should undoubtedly be avoided. On the other hand, one can hardly expect the private sector and civil society organisations to be able, in longer term, to guarantee the jobs to civilian experts (in case of deployment lasting several months or years). An attempt was made in Article 20 to have this regulated in such a manner that, when a civilian expert from the private or civil society sector who is employed with a legal entity or natural person is seconded to an international mission or operation, the competent body concludes a contract with his employer to define mutual rights and obligations between said employer and the competent body. This means that direct negotiations would be conducted with individual legal entities about the deployment of civilian experts.

### **Training (Art. 12)**

Civilian expert training is mandatory for each civilian expert. The Law provides that the training is to be conducted (and training programmes designed and implemented) by the competent body seconding civilian experts to the international mission or operation, in cooperation with other government bodies of the Republic of Croatia, EU institutions and international organisations. Once again, the training obligation is relegated to the 'competent body', imposing an additional burden on all the competent bodies seconding civilian experts. The Law does not provide for a centralised basic training that could later be

<sup>18</sup> Regulation on identification of duties for active military officers at which the years of service are counted as increased number of years and the manner of calculating that service, last ammendment available in the Official Gazette 75/15, [http://narodne-novine.nn.hr/clanci/sluzbeni/2015\\_07\\_75\\_1431.html](http://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_75_1431.html)



upgraded with a specialised training. A system set up in this way may result in poor-quality training, considering that a competent body will not be able to provide the basic training, only the specialised one.

### **Register of civilian experts (Art. 14 and 15)**

For the first time the setting up of a civilian expert register is provided by law. Namely, the Law provides for the creation of a central register within the Ministry, as well as separate registers within the 'competent bodies'. The Law does not regulate the details of the appearance of the register. Rather, it instructs that the keeping of the register and its contents should be specified in the Regulation of the RoC Government. A positive thing is that the civilian expert register is centralised, as this will facilitate the monitoring of civilian expert deployment. However, according to the present draft of the Law, only those experts who had 'undergone the pre-secondment training' are to be entered in the register. This means that the register will not serve as a pool for the selection of civilian experts, as is common practice; rather, it will represent a record of civilian experts who had passed pre-training. Please note that selection method, as presently proposed, requires a public call for the selection of each individual civilian expert. This means that the register will not be used to select the experts, but that the experts could probably be notified about the public calls through the register. The Law additionally stipulates that the competent body may enter into the register only data concerning the persons who have consented to it in writing, for a period of two years. If a civilian expert is not seconded to an international mission or operation within a period of two years from the day of being entered in the register, his data shall be deleted from the central register. Likewise, a civilian expert will be obliged to notify the competent body in writing about any changes in the facts or data relevant for his entry in the register. This provision may lead to the situation where the data in the register become obsolete, and it remains to be seen how diligent the civilian experts will be in notifying the competent body about the changes that have occurred. Also, the Law did not identify the persons within the competent body who will be in charge of managing and maintaining the register.

### **Cooperation between the civilian experts and the Armed Forces of the Republic of Croatia in international missions and operations (Art. 17 and 18)**

Articles 17 and 18 very generally regulate the co-operation/relationship between the civilian experts and members of the RoC Armed Forces in the field. Depending on the situation within the area of action and in accordance with the mandate of the international mission or operation, civilian experts may coordinate their activities with the members of the Armed Forces of the Republic of Cro-

atia and other authorised representatives of the Republic of Croatia, within the scope of their activities. Moreover, the Armed Forces of the Republic of Croatia deployed in an international mission or operation may, depending on the situation within the area of action and in accordance with the mandate of the international mission or operation in which they are engaged, provide logistic and/or other assistance to the civilian experts of the Republic of Croatia, particularly in emergency situations in which the safety of civilian experts is threatened, and in the implementation of development and humanitarian projects of interest for the Republic of Croatia in the area of the international mission or operation. This means that room has been left for cooperation between the civilian experts and members of the armed forces, which is important for better coordination in the field.

### **Financing (Art. 21)**

The legislators decided that the costs relating to civilian experts (their training, equipment, and participation in international missions and operations) are to be covered from the RoC budget in such a manner that the competent bodies shall provide financial funds in sections of their budgets within the State Budget of the Republic of Croatia, specifically designated for this purpose. The funds are thus to be allocated to the competent bodies. However, in order to ensure that the costs are recorded, a specific budget section has been proposed. It will facilitate overseeing the planning and spending of the funds intended for civilian experts. This approach also requires good planning of individual bodies regarding the deployment of civilian experts so as to timely set aside the funds for such deployment.

## **Recommendations for the improvement of the Draft Law**

The proposed Draft Law represents a big step forward towards better regulation of the secondment of foreign experts to peace missions and operations. In this context one should definitely welcome the efforts of the Ministry to have this area legislatively regulated, thus facilitating the procedure for deployment of civilian experts. To ensure the highest possible quality of the text of the Law, we offer a number of additional recommendations which could help improve the civilian experts' deployment process.

- 1) The Ministry must re-initiate the process of drafting of the referenced Law, that is, revitalise the process that was abruptly discontinued. The pending creation of the new government offers the opportunity to have the new Law adopted in the first two quarters of the new government's term of office.





- 2) Considering that the decision to have the civilian experts' deployment legislatively regulated has already been made, it would be a pity to limit the legislative regulation only to the deployment of civilian experts in international peace missions and operations. As we have seen here, the RoC also negotiates different aspects of bilateral cooperation through which domestic experts are deployed (e.g. through the above mentioned Centre for Excellence within the Ministry) and this is an opportunity to have this part of the activities regulated as well.
- 3) It is necessary to include the deployment of civilian experts from the private business sector and from CSOs under the same conditions. Currently, the Law provides for this possibility only as an exception, thus constricting the pool of deployable experts.
- 4) We propose that the government body competent for the regulation of secondment of civilian experts from the CSOs be the RoC Government's Office for Associations and, for deployment from the private sector, the Ministry in charge of economic policies.
- 5) The deployment of persons from the private sector requires guaranteeing the labour rights to persons who are leaving their regular jobs in the private sector to work in a peace mission or operation. One of the possible models for putting this in place is for the competent government body to conclude a contract with the business entity/CSO and that the costs of salaries and compensations in peace missions be paid through the civilian expert's parent CSO. In this way there would be no interruption of employment in the parent organisation and the continuity of the civilian expert's job after returning from international deployment would be ensured.
- 6) The Law did not regulate the possibility of reduced number of service years required for the retirement of civilian experts. Considering that members of the Armed Forces participating in peace missions and operations are entitled to a reduced number of service years required for retirement, it is to be expected that that the same right would be granted to civilian experts, as they will be operating under equally risky conditions.
- 7) Article 9(3), which provides that the Regulation of the Government of the Republic of Croatia will define the over-salary bonuses and other financial rights of civilian experts, must include the text that will ensure that this Regulation will also regulate the compensation of the civilian experts coming from outside the public sector.
- 8) To achieve the most effective coordination of civilian expert deployment, it is necessary to establish a department for civilian expert deployment within the Ministry which would maintain close cooperation with other government bodies, but which would also keep a centralised database, ensure basic training and oversee the financing of all civilian experts. This department may operate with the Centre of Excellence. This will ensure that, in longer term, this department spins off into an independent agency that would deal with this issue.
- 9) The fact that civilian experts are primarily recruited by way of public calls is commendable. However, under specific circumstances, when the need for civilian experts must be met without delay, it is necessary that the Law provide for a possibility to have the civilian experts selected from the existing register of civilian experts maintained by the Ministry. Presently, entry in the register of civilian experts requires that a person undergo pre-training. Since this requirement may considerably restrict the number of experts available in the database, it is proposed that this requirement be eliminated and that the civilian experts be subjected to the relevant training once they are selected for the job.
- 10) As regards the requirements to be met by civilian experts to be deployed, they are regulated very broadly. The specific requirements are defined by the competent body in accordance with the needs of the job. We believe that there is no need to limit the civilian experts to the nationals of the RoC, considering that foreign nationals could work for the RoC as well. This limitation further narrows down the possible choice of civilian experts, without a proper reason.
- 11) As regards the range of rights acquired by civilian experts, greater focus should be placed on health insurance, primarily for the event of health problems arising during deployment, and continuing after the mission is terminated. The current draft mentions the provision of insurance policy, but it would be better if minimum terms of such policy were also defined by law (e.g., in the event of permanent disability incurred during the civilian expert's deployment in the field, etc.).
- 12) The training of civilian experts has been relegated to the competent body seconding civilian experts to



the peace mission. It is necessary to consider the basic and specialised training models. The basic training could be implemented by a co-ordinating centre within the Ministry (or a specialised institution that would be established for this purpose; the RoC has acquired experience in training police officers for secondment to peace missions by training them in its UNDP-certified centre in Valbandon<sup>19</sup>. Although this initiative was unfortunately extinguished, it may be restored for the purposes of this Law). Specialised training would be implemented in co-operation with the competent body which will receive the central coordinating body's support in the implementation of the training. As it is, it may turn out that training is neither suitable nor certified. Also, the possibility of cooperation with the civil society should be examined with regard to training, as the RoC has educational organisations with experience in this field.

## Conclusion

The Draft Law on Participation of Civilian Experts in International Missions and Operations, which was presented to the public by the Ministry, represents a valuable step forward towards a stronger commitment of the RoC to include civilian experts engaged in peace missions and operations in a more intense and systematic manner. Sadly, the fact that the Draft Law has completely disappeared

from the public eye after the first round of public debate suggests that this policy has been abandoned (hopefully, only temporarily). The reasons for failure to adopt this Law are unfortunately unknown to the public, as the Ministry never proffered any official statement about it. However, this period of time - when the adoption of the Law has either been abandoned or delayed - should be used to thoroughly analyse the Draft Law and develop recommendations for its improvement. And that is exactly what was intended by this analysis. It is obvious that the Draft Law offers good foundations for building a better-quality civilian expert deployment system, but it is also clear that it should be improved, primarily with regard to civilian experts from the non-governmental sector. The Law should clarify and provide greater detail as to the civilian experts' rights and obligations, particularly with regard to health insurance and labour rights upon their return from a mission. It is also necessary to create a clearer institutional picture with regard to the implementation of the Law; it is thus proposed that, at the initial stage of implementation, this picture be more centralised in the Ministry. Accordingly, it is necessary to deal with the training of civilian experts in a sounder manner, without forgetting the resources which the RoC has already partly developed in this segment. All this will be primarily depend on the political decision of the RoC to either strengthen its civilian capacity or opt for other foreign policy priorities. To begin with, it is important to return the Law to the legislative/drafting procedure and continue wider consultations with the interested public.

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<sup>19</sup> Mol, An international call for peace missions has took place in Croatia, 2 October 2014, <http://www.mup.hr/195056.aspx>



## ABOUT AUTHOR

**Mr Gordan Bosanac** is the Chief Analyst and coordinator of Human Security programme at the Centre for Peace Studies in Zagreb, Croatia. After graduating at Faculty of Physics - University of Zagreb he also completed non-formal Peace Studies program organized by Centre for Peace Studies. In 2004 he obtained degree MA in Human Rights, graduating at University College of London, School of Public Policy. Mr Bosanac's areas of expertise include: public policies and advocacy, human rights policies, human security, development cooperation, combating discrimination and hate crimes, LGBT rights and the development of civil society. From 2014 he is also president of Management Board of Croatian Platform for International Citizen Solidarity (CROSOL). In addition to his work at the Centre for Peace Studies, Mr Bosanac teaches Human Security at Peace Studies in Zagreb.



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## ABOUT PROJECT

Norwegian Institute of International Affairs (NUPI) and Belgrade Centre for Security Policy (BCSP) is conducting three-year project with the aim to support capacity development of the Western Balkans states to roster, train and deploy civilian capacities to peace operations. This three-year project is funded by the by the Royal Norwegian Ministry of Foreign Affairs and implemented by regional partners from Croatia, Albania, Montenegro, Macedonia and Bosnia and Herzegovina.

