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JURISDICTION OF THE REPRESENTATIVES OF THE SECURITY SYSTEM OF THE REPUBLIC OF SERBIA ABROAD

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Abstract: Since the appearance of the states, it became necessity for mutual communication in order to satisfy a variety of their interests. They established certain rules of behavior in communication between states over the centuries, which have gradually become part of customary international law. Later on these rules were transformed into legal norms of international law and made the scientific discipline of diplomatic and consular law. On the other hand, each state defines the organization and jurisdiction of the bodies dealing with the foreign policy by its own national legislation, of course, in accordance with the accepted international legal obligations. Strengthening interdependence, especially in the contemporary politics of globalized world and gradually abandoning state centric approach to security, has caused the growing need for sending the representatives of the security system abroad. Earlier, all the issues in the field of security and defense were traditionally under the jurisdiction of the Office of Military-diplomatic Representatives. Serbia, like other states, is increasingly sending police attachés and representatives of the Security Information Agency in the diplomatic and consular mission abroad. The aim of this paper is to analyze the legal regulation and practice of jurisdiction of the representatives of the security system in diplomatic and consular missions. Although, at first glance, it seems simple to determine jurisdiction of specialized representatives, this is not the case because beside our regulations and state structure, it depends on the legislation and organization of the receiving state.

Keywords: Ministry of Foreign Affairs, Diplomatic and Consular Mission, Defense Attaché, Police Attaché, Representative of Security Information Agency.

INTRODUCTION

The globalization process in the field of international relations led to unimagined interdependence and thus fully justified the platitude that “the world has become a global village”. This resulted in an accelerating of chain of events on the international scene. At the same time, the concept of nation-state, that has been established since the Peace of Westphalia suffered a significant changes. Specifically, the power and sovereignty of nation states has become increasingly questionable, and suffering great challenges that are caused by activities of transnational subjects of international relations, such as international government organizations, private multinational companies and others. On the other hand, there are subjects of international relations, which operate in the fields that are known as non-governmental

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organizations, but also the phenomena of today that organized crime is connecting both the outside national framework and the regional level. Thus, it can be said that in the sphere of organized crime occurred kind of globalization that increase interdependence and cooperation among them in order to gain illegal profit. To these illegal actions, we must add the monster of the modern era, international terrorism, which has become a global threat for almost all world societies after September, 11 2001. The irrationality in the choice of targets of terrorist attacks and the national territory in which it is performing, necessarily points to the cooperation of state authorities in charge of prevention of functioning of terrorist organizations. The great migration processes, which we have witnessed in recent years, only further complicate the engagement of specialized state authorities and point to a higher level of international cooperation.

Because of these key factors, the nation states are forced to act jointly more frequently in order to eliminate common security challenges, risks and threats. In addition to the functioning at the multilateral level, or within the international organizations such as Interpol, the International Organization for Migration and others, there is a clear tendency for increasing international cooperation on the plan of bilateral cooperation of representatives who have responsibilities in the field of security and defense. In terms of jurisdiction in the functioning of diplomatic and consular missions accredited to international organizations, there are no major problems, since the operations are implemented according to The Founding Treaty of the international organizations, but in the case of bilateral cooperation could be problematic. Little attention is paid to this issue in the domestic literature, which can cause problems within the diplomatic and consular mission, but also in the relations with the receiving states.

JURISDICTION OF AUTHORITIES OF THE REPUBLIC OF SERBIA IN THE FIELD OF FOREIGN POLICY AND SECURITY

The Constitution of The Republic of Serbia defines, among other things, the jurisdiction of the Republic in organization and providing the sovereignty, territorial integrity, security and its international position and relations with the other subjects of international politics. Accordingly, the Constitution regulates the issues related to safety and the principal jurisdiction of government bodies dealing with the issues of foreign policy, security and defense². The Constitution specifies that the foreign policy of the Republic of Serbia shall be based on commonly accepted principles and rules of international law and ratified international agreements are directly applied as an integral part of the national legal order, with the obligation that they are in accordance with the Constitution³. The government, as the holder of executive authority, has powers relating to the establishment and implementation of the overall state policy, which has different aspects, from the foreign, through the security and defense policy, to economic, cultural, educational policy etc. It is engaged in the supervision and control of implementation of relevant policies and, if necessary, it can be directly involved in the work of certain ministries. Its operation, of course, should be carried out in accordance with positive legislative. If this is not possible, the government has the authority to propose new legislative acts and other general or individual legal documents to The National Assembly, as a legislative body⁴.

2 Ustav Republike Srbije, Službeni glasnik Republike Srbije, br. 98/2006, članovi 97, 99, 112, 123, 139 i 194.

3 Ustav Republike Srbije, Službeni glasnik Republike Srbije, br. 98/2006, član 16.

4 Zakon o Vladi, Službeni glasnik Republike Srbije, br. 55/2005, 71/2005 - ispr., 101/2007, 65/2008, 16/2011, 68/2012-Odluka US, 72/2012, 7/2014-Odluka US i 44/2014, članovi 1-8 i Zakon o ministarstvima

The Ministry of Foreign Affairs is responsible for the overall implementation of national foreign policy, defined by the Government. The Law on Ministries specifies that all ministries have a right to implement international cooperation in their domain and to be engaged in the negotiation, signing and implementation of international agreements within their jurisdiction. The above mentioned provisions were adopted for a more efficient response of the State to accelerating flow of events at the international level and the need for inclusion of various ministries in the process of international cooperation. However, in order to centralize and monitor the growing number of international activities of state institutions, the Ministry of Foreign Affairs has retained jurisdiction of the central authority for the implementation of overall foreign policy and international cooperation. This should be realized by timely reporting on planned and implemented activities of relevant state bodies. At the same time, all communication of other state bodies with international subjects and own diplomatic and consular missions is implemented through the Ministry of Foreign Affairs, in accordance with the international agreements and / or diplomatic practice⁵.

The Ministries of Defense and Internal Affairs have defined responsibilities within the Law on Ministries, which are specified in concrete within The Law on Defense⁶ and The Law on Police⁷. At the national level there are no big problems in this context, and almost all possible jurisdictional problems can be solved at the government level. The same goes for the Security Information Agency, as an independent government agency that derives its jurisdiction from the Law on Security Information Agency⁸. It should be emphasized that the Law provides for that the Agency may take over a part of activities in domain of the Ministry of Interior. The possible conflict of jurisdiction should be decided by the Government of Republic of Serbia⁹. All possible problems in the particular jurisdiction and directing the activities of the elements of security system, since 2007, are resolved by the National Security Council, most often by the Bureau for Coordination of Security Services.¹⁰

The process of globalization, emerged as a result of the end of the Cold War world division, the victory of the neo-liberal concept of society and rapid technological development of all forms of communications, has led to an increase in interdependence of unprecedented proportions and creation of the phenomenon of "global village". At the same time, the developing trend of strengthening migration, which was initiated not only by socially positive ideas of progress, but also led to the strengthening of connections among organized crime and terrorist groups, as well as corruption, which take increasingly transnational character. Thus, simultaneously with the process of economic, cultural and political globalization, the security aspect of globalization was also developed. That ultimately led to the fact that nation-states were not able to independently guarantee the security of its citizens. Therefore, it became unquestionable that the nation states are forced to work together to counter the common security challenges, risks and threats.¹¹

Although Ministry of Defense has the longest tradition and the established practice of engaging its own representatives within the diplomatic and consular missions abroad, the

Republike Srbije, Službeni glasnik Republike Srbije, br. 44/2014, 14/215, 54/2015 i 96/2015, članovi 1-28.

5 Zakon o spoljnim poslovima Republike Srbije, Službeni glasnik Republike Srbije, br. 116/2007, 126/2007 i 41/2009, članovi 1-5.

6 Zakon o odbrani Republike Srbije, Službeni glasnik Republike Srbije, br. 116/2007, 88/2009 i 104/2009.

7 Zakon o policiji, Službeni glasnik Republike Srbije, br. 6/2016,

8 Zakon o bezbednosno-informativnoj agenciji, Službeni glasnik Republike Srbije, br. 42/2002, 111/2009, 65/2014 – odluka US i 66/2014.

9 Zakon o bezbednosno-informativnoj agenciji, Službeni glasnik Republike Srbije, br. 42/2002, 111/2009, 65/2014 – odluka US i 66/2014, član 16.

10 Zakon o osnovama uređenja službi bezbednosti Republike Srbije, Službeni glasnik Republike Srbije, br. 116/2007.

11 Cooper Robert: *Slom država, poredak i kaos u 21. stoleću*, Profil, Zagreb, 2009, pp. 16-99.

other subjects of the security system of the Republic of Serbia do it more and more often. It is necessary to put efforts to specialized authorities in direct communication with foreign counterparts to engage in combating common security challenges, risks and threats such as transnational organized crime, corruption, terrorism, drug trafficking and human trafficking, proliferation of weapons of mass destruction, etc. The legal basis for the engagement of representatives of the Security System within the diplomatic and consular missions of the Republic of Serbia abroad are given in the Law on Foreign Affairs, which provides the possibility of giving diplomatic status to persons who do not work in the Ministry of Foreign Affairs, but are appointed on specific duties within the diplomatic and consular missions, but only while on this position. There are the same regulations in The Law on Ministries¹², The Law on Police¹³, The Law on Defense¹⁴, which predict international cooperation on a permanent basis.

The organizational structure of diplomatic and consular missions of the Republic of Serbia abroad does not differ from the diplomatic missions of other states because they are products of a similar diplomatic practice and customary law. Their work is usually based on more or less identical international agreements. Fundamental organization of diplomatic and consular missions is based on the principles of organization and function of the modern diplomatic service and is divided in accordance with the so-called labor sectors. The diplomatic and consular mission of the Republic of Serbia usually includes the following organizational elements:

- **The Head of the Diplomatic Mission**, which is the coordinator and issues orders to all sectors of the mission and is responsible for the overall organization and functioning of the mission to the Receiving State and to the Sending State;
- **The Political Sector**, whose core competence is to cooperate with the Government of the Receiving State, which is most commonly implemented through the ministry in charge of foreign affairs.¹⁵ At the same time, the cooperation involves a certain level of communication with the political opposition. Of course, it's very sensitive and it implies a sense of behavior, which is reflected in the established diplomatic practice in the Receiving State. This sector also cooperates with the Parliament and other independent bodies and organizations in the Receiving State;
- **The Economic Sector** monitors the macro economic and financial indicators and communicates with the Sector for Economic Cooperation between the ministries in charge of foreign affairs, economy, foreign trade, chambers of commerce and other economic associations and institutions in the Receiving State;
- **The Consular Sector** is responsible for protecting the interests of its own citizens and legal entities in the Receiving State, wherein usually communicates with the ministries in charge of foreign policy, internal affairs and the prosecution;
- **The Press, Culture and Information** deals with media monitoring in the Receiving State, cultural events and processes in the Receiving State, giving information to the public of the Receiving State about the events in the country itself and the development of cultural cooperation;
- **The Military Attaché**, or put in modern vocabulary **defense attaché**, refers not only to the representative of Ministry of Defense but also to both police attachés and representatives

12 Zakon o ministarstvima Republike Srbije, Službeni glasnik Republike Srbije, br. 44/2014, 14/215, 54/2015 i 96/2015, članovi 11, 12, 13, 19 i 20.

13 Zakon o policiji, Službeni glasnik Republike Srbije, br. 6/2016, članovi 7, stav 11, 19, 19a i 19b.

14 Zakon o odbrani Republike Srbije, Službeni glasnik Republike Srbije, br. 116/2007, 88/2009 i 104/2009, član 14, stavovi 10-12, 20 i 23.

15 Under these are most often implies so-called high politics, officially notification the government of the Receiving State on a particular issue or event, the attitudes of our government, the transfer of the answer to the initiative or its starting, delivery protests, seeking information or opinions, etc.

of the Security Information Agency¹⁶. It is clear that defense attaché primarily communicates with the ministry in charge of defense, police attaché with the ministry in charge of internal affairs, and a representative of the Security Information Agency with their counterparts in the Receiving State;

- **The Administrative and Technical Service**, which performs all tasks without which the work of diplomatic and consular missions is unthinkable, includes administrative and technical affairs, finance, communications, functions secretaries, drivers, etc.¹⁷

The number of persons within the sectors of diplomatic and consular missions depends on the financial capabilities, the level of cooperation, the size and significance of the receiving state in the international arena etc.

INTERNATIONAL LAW AND REPRESENTATIVE OF SYSTEM SECURITY ABROAD

The development of modern international law is moving in the direction of gradually codification of more and more fields of international relations. Areas of diplomatic, consular and contractual law are previously codified, that indicate their great importance in international relations, because by definition, codification of international law is a set of regional legal provisions, collected and arranged by subject, so as to enable the regulation of general interest in the international community¹⁸. After a long history of development diplomatic relations through by customary international law, it's opted the Vienna Convention on Diplomatic Relations in 1961, which is an expression of the modern codification of diplomatic law.

The Vienna Convention on Diplomatic Relations, among other things, defines generally accepted functions of diplomatic representatives, which consist in particular:

- (a) "Representing the sending State in the receiving State;
- (b) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
- (c) Negotiating with the Government of the receiving State;
- (d) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
- (e) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations."¹⁹

As already stated, the military-diplomatic representatives are the first who positioned their place among all subjects of the security system in the world of diplomatic practice. Therefore,

¹⁶ In the past decades in the diplomatic practice of the Republic of Serbia other specialized bodies that are sending in the composition of the diplomatic and consular missions abroad appear as well. Considering that the military attaché in the composition of our diplomatic missions since the independence of the Principality of Serbia, after the Berlin Congress in 1878, it is no surprise they are adopted in our diplomatic theory and practice. They are still the most numerous members of our diplomatic missions abroad who are not from the Ministry of Foreign Affairs, so one can agree that the reasons for this classification are justified to some extent.

¹⁷ To see more: Petrović Slavoljub Đera: *Diplomatski praktikum – drugo dopunjeno i prošireno izdanje*, DTA Trejd, Beograd, 2004, pp. 65-91 and 215-220.

¹⁸ The Statute of the International Court of Justice, in article 38, paragraph 6, defines the legal customs as „evidence of a general practice accepted as law“. Long before The Vienna Convention, in Serbia was published on that issues the views of Geršić Gligorije in 1898: *Diplomatsko i konzularno pravo*, Službeni list SRJ, Beograd, 1995, pp. 130-270, and between two wars also Kisovec Mirko: *Diplomatski predstavnici*, Beograd, 1939, pp. 119-140.

¹⁹ Bečka konvencija o diplomatskim odnosima, Službeni list SFRJ - Međunarodni ugovori, br. 2/64, član 3.

we will analyze their functions and position within the diplomatic and consular missions, and then point out the specifics of the functions and responsibilities of other representatives and their mutual relationship. As a confirmation of that stance, we can emphasize the fact that the functioning of the Defence Attaché and Military Representative Offices of the military missions is legally regulated, most notably in the Rulebook on Defence Attaché²⁰ and the Rulebook on the Military Representative Offices²¹.

Military diplomacy must be analyzed in a historical context and as a part of overall diplomacy of countrite state. In ancient times until the end of the Middle Ages, military diplomacy was an integral part of overall diplomacy, and often even the most significant one. That era established practice of engaging high level of military leaders as a peacetime diplomatic agents of monarch²². Clearly, those were just certain institutes that today knows the diplomatic law, not diplomatic service in the full sense of the word. The institutionalization of military diplomacy appeared in the early nineteenth century, and most of the authors believes that Napoleon Bonaparte is the creator of military diplomacy. He appointed captain De Lagrange to position of the second secretary in the diplomatic mission in Vienna in 1806, with the strictly military tasks. The positive experience of engaging officers in diplomatic missions contributed that France soon afterwards sent official military representatives to Austria and Prussia, and other European powers did the same, based on the principle of reciprocity. Soon after, the military diplomacy is institutionalized as a relatively specific segment of diplomacy. Over time, increases importance of military diplomacy, especially through the period between the two world wars and during the Cold War, until the fall of the Berlin Wall²³.

End of the Cold War marks the beginning of intensification of the process of globalization, which is the period of creating the conditions for evolution from military to defense diplomacy. Defence diplomacy, therefore, is a broader concept than military diplomacy, which primarily means the modern speaking military-military cooperation and includes the implementation of the overall state defense policy on the international level.²⁴

Starting from the function of diplomacy one can define functions of defense diplomacy by using the analogies which are adapted to the specificities of the defense diplomacy. Most authors dealing with this issue have achieved a high level of agreement in the classification of defense diplomacy functions:

- (a) Representing the Defense System of Sending State in the Defense System of Receiving State;
- (b) Protecting the interests of the Defense System of Sending State and its members in the Receiving State, within the limits permitted by the international law;
- (c) Negotiating with the representatives of the Defense System of the Receiving State;
- (d) Ascertaining by all lawful means conditions and developments in the Defense System of the Receiving State, and reporting thereon to the Defense System of the Sending State; and
- (e) Promoting confidence building, friendly relations and cooperation between the Defense and Security System of Sending State and the Receiving State, and developing their economic and scientific relations²⁵.

20 Pravilnik o izaslanstvima odbrane, Službeni vojni list Republike Srbije, br. 25/2009.

21 Pravilnik o vojnim predstavništvima, Službeni vojni list Republike Srbije, br. 13/2010.

22 See more about this in: Zečević Milan: *Vojna diplomatija*, Vojnoizdavački i novinski centar, Beograd, 1990, pp. 11-29; Karagaća Milan: *Odbrambena diplomatija*, Antologija tekstova IX Škola reforme sektora bezbednosti, ISAC Fond, Beograd, 2007, pp. 85-120.

23 Karagaća Milan: *Odbrambena diplomatija*, Antologija tekstova Škole reforme sektora bezbednosti, ISAC Fond, Beograd, 2007, p. 195.

24 Blagojević Veljko: *Funkcije odbrambene diplomatije u međunarodnom pravu*, Godišnjak Fakulteta bezbednosti 2015, Beograd, 2016, p. 28.

25 For a broader analysis compare: Ogorec Mirko: *Vojno-diplomatska praksa*, Golden marketing, Zagreb, 2005, pp. 46-52; Zečević Milan: *Vojna diplomatija*, Vojnoizdavački i novinski centar, Beograd, 1990, pp.

Using the same methodological procedure allows us to define functions of the police attaché in accordance with the responsibilities of the Law on Police of the Republic of Serbia, the Consular Section of the Ministry of Foreign Affairs and of equivalent state authorities of the Receiving State where the police attachés are accredited, as well as representatives of the Security-Information Agency.

Some authors who dealt with the functions of the Defence Attachés also added the function of principal advisor to the chief of diplomatic and consular missions on defence and security issues²⁶. This clearly shows the significance of the role of the Defence Attachés within the diplomatic and consular missions. Previously mentioned function is implemented periodically usually within the collegium of the chief of diplomatic and consular mission, but also upon demand or when it is necessary. It depends on the particular political and security situation in the Receiving State and the region in which the service performs, and can be implemented both by the request of chief of diplomatic and consular missions or Defence Attaché's self initiative. Some of the reasons for the initiative can be a natural disaster or other crisis situations in the host country or the home country, which are often the subject of interest of the diplomatic service.

The advisory function of the Defence Attaché should not be considered together with the aforementioned functions of defense diplomacy by international law. The reason for this lies in the fact that the internal organization and operation of diplomatic and consular missions are under the jurisdiction of the national legislative of the Sending States. Additionally, each state may regulate the jurisdiction of its own diplomatic and consular missions, in accordance with its own needs and interests, but they have to be in accordance with the provisions of the Vienna Convention on Diplomatic Relations and the established diplomatic practice.²⁷

Significantly, the function of police attachés and representatives of the Security-Information Agency should not be brought into connection with the responsibilities and tasks of consular services. The Republic of Serbia is obliged to accept and implement in practice operation of consular missions defined by international law. Since Serbia accepted the Convention on Consular Relations, consular missions jurisdiction has priority compared to jurisdiction of police attaches, in accordance with the constitutional provision that ratified international agreements applies directly as an integral part of the national legal order²⁸. The same applies to the obligations of diplomatic and consular missions when it comes to responsibilities with regard to international legal assistance.

SPECIFICS OF JURISDICTION OF REPRESENTATIVES OF THE SECURITY SYSTEM OF REPUBLIC OF SERBIA ABROAD

127-141; Gocevski Trajan: *Osnovi na sistemot na nacionalna odbrana*, Filozofski fakultet, Skopje, 2005, p. 408; Vasić Dušan: *Preventivna diplomatija – teorijski koncept, normativni okviri i političke kontroverze*, Službeni glasnik, Beograd, 2010, p. 87.

26 Compare: Ogorec Mirko: *Vojno-diplomatska praksa*, Golden marketing, Zagreb, 2005, p. 52 i Vasić Dušan: *Preventivna diplomatija- teorijski koncept, normativni okvir i političke kontroverze*, Službeni glasnik, Beograd, 2010, p. 87.

27 Blagojević Veljko: *Funkcije odbrambene diplomatije u međunarodnom pravu*, Godišnjak Fakulteta bezbednosti 2015, Beograd, 2016, p. 28.

28 Ustav Republike Srbije, Službeni glasnik Republike Srbije, br. 98/2006, član 16.

If the diplomatic and consular mission has a representative of the Security Information Agency and / or police attaché, Defense Attaché has no obligation to be adviser to the head of mission on security and police cooperation issues²⁹ since these are matters within the jurisdiction of those institutions. This is not just about respect of the national legislation, but also on the legal system of the Receiving State. Namely, the question of how the government will treat the communication of the Defense Attaché with, for example, members of the Border Police when there is a police attaché accredited to The Ministry of Interior for cooperation in all areas within the jurisdiction of the Police. It is similar to the other issues of cooperation, and the head of a diplomatic mission plays a key role in defining jurisdiction among representatives of security system abroad.

The answer to this and other similar questions related to jurisdiction of the representatives of the security sector within the diplomatic and consular missions are necessarily considered in accordance with the provisions of the diplomatic and consular law, national legislation of the Republic of Serbia and the law system of Receiving State. Diplomatic and consular law and practice define the framework for accreditation of the representatives of our state authorities with the appropriate government authorities of the Receiving State. This provides the conditions for the start of cooperation in the areas for which both institutions are authorized in accordance with national legislation.

The problem may occur when the institutions mentioned do not have the same competencies. For example, the Republic of Slovenia kept the Sector for Emergency Management under the jurisdiction of the Ministry of Defense, as achievements of the good practices of the former Yugoslavia, while most of the Republics of the former state that sector transferred into the structures of the Ministry of Internal Affairs. That dilemma is easily manageable in the legal point of view, because in the accreditation process the Slovenian side stated that it accepted the Defense Attaché as the authorized person for cooperation with the partner institution in the Republic of Serbia. However, the question is why Defense Attaché would do that when these issues are within the jurisdiction of the relevant ministry that deals with internal affairs according to Serbian national legislation.

The solution for this dilemma, which proved to be a very real one during the severe flooding that occurred in Serbia in 2014, is to be sought in diplomatic practice and customary law. Specifically, it is recommended that in such cases requires the consent of the competent authorities of the Sending State, in this case the Ministry of Interior and Ministry of Defense, in order to obtain prior approval for the decision of the Head of Mission in a way that the problem of jurisdiction could be solved. Of course, correspondence needs to go through the Ministry of Foreign Affairs of The Republic of Serbia in accordance with The Law on Foreign Affairs³⁰.

An experienced head of mission will provide informal consent for their proposal from the relevant institutions of the Receiving State. The compromise solution for such a case in practice could be to organize a meeting between the competent authority of the Receiving State in charge of emergency situations and our defense and the police attaché. During the meeting, referring to concrete activity, should be also arranged the manner of communication of the police attaché with the sector responsible for emergency management of the Ministry of Defense of The Republic of Slovenia. One of the possible solutions, if the authority of the Receiving State does not accept the police attaché as a person for direct communication can

29 On jurisdictions of police attaches see: Kekić Dalibor i Subašić Dane: *Policijaska diplomatija, Međunarodni problemi*, 1-2/2009, Beograd.

30 For more on the responsibilities of defense diplomacy in emergency situations see Veljko Blagojević: *Jurisdiction of Defence Diplomacy in Crisis Situations*, in Proceedings: Security and Crisis Management - Theory and Practise, Regional Association for Security and Crisis Management, Belgrade, 2016, pp. 47-55.

be arranged by e-mail communication, as a compromise solution in order to avoid a double accreditation and ensuring continuity of cooperation.

Now days, representatives of the security services abroad are involved in plenty of issues that have not traditionally been the object of interest of specialized services. The era of globalization in security field increased this kind of engagement. It goes about, for example, environmental security or countering pandemics, as well as cyber-crime or mass migratory movements. This, relatively, new security challenges, risks and threats could be problematic in terms of jurisdiction.

However, it is considered that the real problem most likely occurred in diplomatic and consular mission regarding the jurisdiction, could be cooperation in combating international terrorism, organized crime and corruption. These issues are under the mutual jurisdiction of the Security-Information Agency, Ministry of Interior and Ministry of Defense. These security threats are observed and evaluated by Defense Attaché, and the other diplomatic representatives of the security sector, with intention to be in a position to implement segments of activities within their jurisdiction, related to international cooperation. The responsibilities and the capabilities of the Receiving State should especially be taken into account, because it is a sensitive issue related to national security. The methodology is similar to the previously described case. In these cases, one can ask for the stance of the National Security Council, under whose authority is the Bureau for Coordination of the Security Services responsible for guidance of specialized services. The establishment of high quality and professional relationship of representatives abroad with their colleagues from the Receiving State is of great importance. The establishing of necessary level of confidence could greatly help to resolve the problem of jurisdiction and create the conditions for overcoming any difficulties.

In addition, it is also necessary to emphasize the principle of reciprocity in diplomatic relations. It may be applied through the issues defining the principle rules regarding the communication of the representatives of security system of the Sending State with the institutions of the Receiving State. It is about the need to take into account respecting the balance between both legal systems. In other words, it's important to bear in mind the equality of respect of the law system of the Republic of Serbia and the Receiving State.

CONCLUSION

In the Serbian / Yugoslav diplomatic practice the Military and later Defense Attaché was for a long time the only representative of the security system within the diplomatic and consular missions. As a result of the long duration of the institute of military attaché, today we have a fully legal set of organization of representation of The Defense System of the Republic of Serbia abroad. In such circumstances it was not possible to come to the conflict of jurisdiction, and there was no need to initiate such a question, because the military attaché was in charge of all issues related to defense and security, and he was the adviser to the chief of diplomatic and consular missions of the above issues. However, the appearance of police attachés and representatives of the Security-Information Agency appointed on the permanent base within diplomatic and consular missions of the Republic of Serbia abroad, the situation changed radically in two ways. The Head of diplomatic and consular mission could be in doubt about which one of representatives to assign the jurisdiction of the implementation of the specific task. On the other hand, as we have seen, there may be a problem with different state organization and legal regulation in the Receiving State. This issue requests to act carefully before making a concrete decision on jurisdiction of the representatives of the Security System of the Republic of Serbia abroad. Key determinants that influence the decision on

jurisdiction are the legal basis and established diplomatic practice, especially the practice in the Receiving State. It should be noted that in international relations there is a formal legal equality, but there is a difference between the so-called great powers and their position in international politics compared to the so-called medium and small states. After all, it is natural that small countries have more interest in cooperation with the great powers, which was reflected in the diplomatic practice of those states.

Jurisdiction of the representatives of security system within the diplomatic and consular missions of Serbia abroad have been defined in the context of national law, which is in compliance with the provisions of international law, more specifically diplomatic and consular law. The adoption of legal acts to regulate the matter of jurisdiction of representatives of security system abroad seems irrational because the potential problems that may arise are relatively rare in practice. Nevertheless, it is from great importance to identify them and propose specific modalities for their resolution in accordance with diplomatic theory and practice. This conclusion is not surprising if we know the fact that before the codification of diplomatic law, most of the diplomatic activities were regulated by customary law, as an obligation to act in accordance with the established international practice.

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