

National Convention on the European Union
Working group for Chapters 30 and 31

COMMENTS ON DRAFT NATIONAL SECURITY AND DEFENSE STRATEGIES

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Note on comments (after the title General Assessment):

Text page(s) to which the comment refers to are given in square brackets, and the italic text in quotes is an excerpt of the most relevant part of the text (where possible). Comments of the National Convention start with a hyphen and there can be several for the same part of the text.

A general assessment of the body of the drafts of National Security Strategy and the Defence Strategy

The texts are wordy, confusing, and contradictory at times, and the style and language are neither harmonious nor adapted to the type and purpose of the umbrella strategic document.

The documents were prepared by high mid-level officers, while a worldwide practice is to include representatives of academia, faculties, institutes or independent research centers (think-tanks) in the preparation of umbrella documents or “big strategies”. Serbia has established the practice of developing strategies of much lower rank and narrower scope according to clear methodological instructions of the Government and in cooperation with domestic and foreign experts.

Due to the above it is necessary to ensure greater participation of civil society organizations, academic and professional circles and produce a text befitting its purpose and significance.

At first glance, draft National Security Strategy (NSS) is a **substantially simplified and better organized** document than that in force; however, it continues to abound with repetitions, unnecessary emphasis, and should have been better adapted in terms of language and style to its purpose to make it more coherent, clearer and more effective. Compared to the previous National Security Strategy, the structure of the text is confusing, non-transparent, without clearly separated levels of analysis, or their conditionality (there are no sub-headings in the analysis of the environment, whether it is global, regional or national). The approach that relied on the concept of a broader understanding of the notion of security has been lost, and there is no clear division by the types of security (military, environmental, economic, energy ...), while the concept of human security has disappeared completely.

The prevailing tone of the entire text is pessimistic and causes concern, and the offered answers to the security threats lack clear determination and willingness of Serbia to develop mechanisms that will protect its citizens, property and interests of the state and its defense. The text abounds with expressions, unnecessary and confusing relative terms and syntagms such as: "in this regard," "there is a possibility", "there are greater potentials", "in certain countries", "big risk", "serious threat", "greatest danger", "Serbia is convinced", "shall strive to" ...

One fundamental objection concerns the content, or chapter arrangement. The "Introduction" chapter should be followed by the “National Interests” chapter (amended to reflect this change) or, in a broader sense, a chapter that outlines the fundamental values, rallying points and interests of the society and the state in this area. Serbia has no higher-ranking strategy and this is closest to the “Grand Strategy”, so from the very beginning it should clearly define: the main aspects of the security environment at the global, regional and national level, national interests, internal and external threats to national interests (if the international environment is perceived in such a way), aspects beneficial to national interests, and finally – what is Serbia prepared to do to protect and improve national interests, with what resources and in which partnerships. This is a very clear logic of any strategic document. The chapter “Strategic Environment” should describe the current security dynamics, and in the chapter “Security Challenges, Risks and Threats”, the used criteria should be logically classified, enumerated and explained in brief. Elaboration and analysis should

not be in the strategy, but rather analysis results based on relevant data on actual and potential threats to the citizens of Serbia. **Recognizing challenges first requires knowing one's own standpoint. Therefore, the chapter on national interests should come first. It is necessary to specify what is being protected in order to identify what presents challenges, risks, or threats to those interests, and, finally, to define the approach to protecting national interests..**

It is unclear as to which criteria were used to rank and classify security challenges, risks and threats. No hierarchy was established, so later on in the text it is not possible to follow how the state intends to prevent such challenges, risks and threats.

National interests are not equally represented, their order changes throughout the text, they are awarded different levels of significance, and even adequate security responses to threats to such defined and ranked national interests are missing. The text fails to provide methodological consistency, because it is not possible to follow the connection between the analysis of the international, regional and national security context and conditions and how such an environment affects national interests, and what are state responses to threats to national interests.

According to the number of sentences dedicated to challenges related to Kosovo, the impression is that the document is mostly devoted to this issue, which resulted in less text space for other realistic national security challenges. Kosovo is treated as the main security challenge and both texts are uneven when it comes to various aspects and issues related to it.

Partnership cooperation in ensuring national interests is not emphasized enough, and there is no clear and systematic explanation on how these are achieved, protected and promoted.

Furthermore, one of the most important statements in the Draft NSS **is that the security policy is based on an “integral and multilateral approach (...) that affirms the concept of cooperative security” (aside from its mentioning in the introduction) is located on page 8; at same time, very little space is devoted to what cooperative security actually is, as understood by our country, and how Serbia will engage in that sense.**

Both texts affirm the institution of military neutrality, and define what this status does not prevent (for example the EU integrations), but fail to define better the reasons why Serbia observes it, what is its purpose and how it contributes to the security of the state. In other words, despite the inclusion of the military neutrality in texts, the concept remains the same as it is since 2007 (vague, not defined, and in essence temporary if one follows the exact wording). It seems that it is closely connected to the concept of total defence that both documents also promote.

Even though in certain parts of the strategy the European Union (EU) is affirmed as a key partner, and EU membership as Serbia's main objective, the text itself does not invoke (or does so only occasionally) cooperation with the Union, albeit existing cooperation in common policies and approaches, which should be highlighted in a very positive tone along with other instruments of cooperation that should be established (e.g. in the field of combating terrorism, cyber security, etc.). Serbia's EU membership is not clearly stated as a national interest, and European integrations and membership are referred to sporadically and unconvincingly. European integrations are a means of protecting and improving the economic, political and security interests of Serbia and this should be clearly stated.

The Council of Europe and the World Trade Organization are not mentioned at all, while the OSCE is mentioned in different contexts, but not in terms of the OSCE Human Dimension as a link between security and human rights.

It is odd to place minorities in the chapter on separatist aspirations, without a clear statement that a full consent by minority communities about these aspirations is not expected, since this document should be read by members of national minorities as well. The document belongs to both the majority people and the minorities traditionally living in these areas, but also to new minorities, such as the Chinese, which can also present a security challenge.

A particular problem of the entire text concerns long and undefined sections on the need to include the education system, enabling arbitrariness in the approach to the education system under the veil of national security. Anything new entering the curriculum must be precisely defined and then precisely elaborated by legislative and other acts related to education.

When it comes to the National Security and National Defence system, **there is an evident strengthening of the role of the president**, with dubious constitutional and legal basis.

Draft National Security Strategy

Introduction

[p. 3] *“National security of the Republic of Serbia is an objective state of protection of its national values and interests against any form of threat, as well as a subjective sense of safety of the citizens of the Republic of Serbia.”*

- It is commendable that national security is also defined to include subjective sense. However, it is unclear as to how was this attitude essentially incorporated in the text of the Strategy. There is no reference to citizen surveys, especially when it comes to security challenges, risks and threats (see the comment on this section).

[p. 3] *“Starting points are...”*

- Starting points are important, they (also) have a qualitative aspect and could be included in the section discussing national interests, especially if that section is placed right after this section.
 - The “security of all citizens of the Republic of Serbia” should be included among starting points.”

[pp. 3-4]

- Main focus was placed on definitions in general, mainly what is NSS and what it strives to achieve. In relation to the document in force, the list of initial values was expanded (“rule of law, social justice, democracy, human and minority rights and Freedoms, economic progress, cooperative Security and comprehensive international cooperation”). In the absence of a higher rank document, the NSS contains statements relevant for Serbia's foreign policy, i.e. Serbia's operations in international relations. For that reason, this draft and the final document that will be of great interest and studied by those who see Serbia as a partner and others who see Serbia as a rival on the international scene.

1. Strategic Environment

- We believe it is necessary to significantly shorten and redo the entire chapter dedicated to strategic environment.

[p. 4] - We appreciate the view that integration and cooperation are considered as a way to pre-empt security challenges, risks and threats.

[p. 4] – *“Regional and local conflicts, ethnic and religious extremism, terrorism, organized crime, proliferation of weapons of mass destruction, illegal migration, hybrid threats, cyber threats,*

limited availability of natural resources including water, food, energy and raw materials, climate change and degradation of the natural environment, endanger the stability of individual states and regions as well as global security.“

- The area of cyber security is referred to in national legislation as “information security” (Law on Information Security). Our legal standards do not recognize the term “cyber security” (although civil society organizations have advocated incorporating this term into the law), so the Strategy should be in accordance with the law. The same comment also applies to the parts of the text on pages 20 and 28, as well as parts in the Defense Strategy on pages 15 and 16.

[pp. 4-5] „*“The European Union and / or its Member States are faced with the need to address a number of complex issues, such as the threat of terrorism, asylum policy and migration management, the financial crisis and public debt crisis in Eurozone ...” [.. .] “The North Atlantic Treaty Organization (NATO) strives to overcome difficulties by allocating adequate budget resources so as to continue to adapt to changes in the strategic environment”*“

- **The issue of crisis and war in Ukraine is completely ignored in these paragraphs, and the entire chapter, even though it is quite clear that this is the most important security change on Europe's soil since the previous strategy was developed.** It has produced dramatically strained relations between Russia on one side and the EU, the US and several other states on the other; restrictive measures (sanctions) against Russia have become an extremely important topic that had an impact on us, which is why it is unclear as to why this was completely ignored in the draft. Our delicate position is well known to all sides should not be an obstacle to the perception of this crisis as a very important element of the security order in Europe; it had a key impact on defense budget issues, a number of new strategic documents, dispositions of military forces and foreign policy in Europe in the widest possible sense.

[p. 5] *“Bearing in mind climate changes, and an increasingly pronounced shortage of natural resources, it is estimated that the number of conflicts for energy, drinking water and food supplies will increase around the globe. In addition, higher risk of attacks on energy transport infrastructure will prompt the countries to significantly enhance the protection of critical energy infrastructure, including the use of military forces. The global practice of dominant use of fossil fuels, primarily petroleum, will continue, and a significant increase in demand for natural gas is expected. Non-renewable, commercial and most accessible energy sources today, such as coal, oil and gas have an unfavorable impact on the perspective of sustainable development, especially due to low probability that the share of energy from renewable sources will significantly increase in global consumption.”*

- Commitment to oil supply from unsafe zones instead of locally available renewable sources brings a range of risks. It is unclear as to what was the basis for the conclusion that it is unlikely to expect a significant increase that the share of energy from renewable sources in global consumption will significantly increase. By taking such stand on renewable energy resources the Strategy is at risks of failing to respond adequately to new challenges in terms of safe supply and remaining closed for new solutions in terms of operational readiness for energy supply from less isolated energy systems based on decentralized energy production. We underline that by signing the Renewable Energy Directive in 2012, the Republic of Serbia has committed itself to increase the share of these sources in total consumption to 27%. In terms of place of energy issues in the Strategy, it is necessary to take into account the existing commitments of the Republic of Serbia within the Energy Community, as well as future commitments under the EU accession negotiations process.

[p. 6] *The dynamics of global information technology development will further intensify cyber activities, whose security will be predominantly endangered by cyber espionage, attacks on critical infrastructure, and unauthorized access to secret data.*

- It is redundant to mention only secret data. A security threat is any access into a database, including private and vulnerable etc. Espionage certainly implies penetration into a database and its monitoring. It would be more meaningful to put threatening / disabling service

operations/availability (DDoS, ransomware etc), which does not necessarily imply access but locking / disabling a service.

[crp. 7] *„Separatist aspirations are a real threat to regional security. One problem that is especially pronounced due to its severity and complexity, as well as the negative implications on the internal stability of regional countries and their security is the unlawfully, unilaterally declared independence of the administrative territory of the Autonomous Province of Kosovo and Metohija (herewith AP KIM) by the interim institutions of self-government in Pristina. In addition, the failure to implement the first agreement on the principles governing the normalization of relations (the Brussels Agreement), delayed establishment of democratic standards in Kosovo and Metohija, violations of basic human rights of the Serb and other non-Albanian population, the usurpation and destruction of their property and cultural and historical heritage, Radical Islamism, are sources of long-term regional instability. Recognition of independence of this part of the territory of the Republic of Serbia by some countries in the immediate surrounding, as well as by a number of countries worldwide, is adversely affecting the strengthening of confidence and cooperation, and is impeding the stabilization process in this region.“*

- The text does not explain how the situation in Kosovo and Metohija affects the security and internal stability of the states in the region (which states?), as well as the extent of the threat of Radical Islamism in the territory of AP KiM. Kosovo's independence is recognized by most (not some) countries in the region, and the document **does not elaborate on how this fact adversely affects the strengthening of trust and cooperation and the stabilization process in this region.** It is necessary to explain how this affects the decline in trust and cooperation and therefore stagnation in regional stabilization, and which measures will be applied to advance these processes?

[p. 7] *„In some countries of the region there is an aspiration, as well as attempts, to attain the highest possible degree of national unification of ethnic space and to realize Great-state projects ...“*

- This sentence comes immediately after emphasizing the need to preserve the Dayton Peace Accord; in addition to that, “strengthening of national unity” is cited as one of Serbia's interests, which includes Republika Srpska. Observing from a side, there is a sense of inconsistency. A clear statement should be included that by supporting the Dayton Peace Accord Serbia is actively supporting the sovereignty and territorial integrity of Bosnia and Herzegovina and Republika Srpska as a part of it.

[p. 8] *“Due to a complex security situation in the region, the countries of South East Europe have increasingly resorted to joint efforts to counter the negative processes and phenomena that endanger their security. Activities within the framework of regional initiatives have a special significance for the strengthening of trust, cooperation and joint efforts on improving stability and security in the region. Designing common mechanisms for risk and threat prevention and crisis management creates conditions for EU accession of all countries of the region and for the realization of development potentials. No country today is able to solve the ever more complex problems of preservation and strengthening of national security, which is increasingly associated with the state of security in the near and far surrounding. Due to the changed geostrategic circumstances and the ever increasing influence of global movements on the security of individual countries, the security policy of the Republic of Serbia is based on an integral and multilateral approach to security issues, which affirms the concept of cooperative security.”*

- This section should precede the identification of challenges of regional cooperation which starts on page 6.

– it should be emphasized that the regional countries inherently turn to cooperation and joint problem solving. Although it would perhaps be too much to expect from the draft NSS, regional initiatives should be arranged into a hierarchy. They do not all carry the same weight: the Berlin process, which is prepared through meetings of the so-called “The Western Balkan Six”, the EU-Western Balkans summits, and participation of the highest representatives of the “six” at the European Council summits - which is guaranteed by the European Commission's Strategy for the Western Balkans. All these constitute a new emerging framework for the most important political (and therefore security) processes in the region.

[pp. 8-9] *“Advancement in relations with the United States, the Russian Federation, and the People's Republic of China is significant for the Republic of Serbia...” and on page [18] in section 4.1. “The continuation of cooperation with key actors in international relations and all permanent members of the UN Security Council is of strategic importance. Especially important are relations with the People's Republic of China, the Russian Federation and the United States.”*

- In Serbia's public documents these three countries are usually grouped as three major powers outside the EU and outside the Balkans / South East Europe, which have a significant impact on many aspects of the political life. In that sense, the order in which they appear is important, especially to those reading the document as that order is a subtle hint of the order of importance for Serbia. In the “Serbia's Foreign Policy Priorities 2018” (MFA, 2018) this group of countries is listed in the order of Russia, China, USA. The line-up is a matter of political choice, but in this document at least this order should be consistent, and the **recommendation to the Special Working Group is to pay attention to this issue and make a political decision on the order it deems appropriate.**

[p. 9] *“Potential new conditions imposed on the Republic of Serbia in the process of accession to the European Union related to further “normalization of relations“ with the Provisional Institutions of Self-Government in Pristina, hinder and complicate Serbia's full membership in the European Union. For that reason it is essential that the process of normalization retains status neutrality.”*

- Unequal treatment of the process of normalization of relations is prevailing throughout the text – the quotations used here indicate that the process is objectionable to the author. **The text should be consistent, and normalization should be presented as a goal and a desirable process (since the Republic of Serbia has agreed to it), and it should emphasize that the negotiation process is difficult and dictates the whole dynamics, which may hamper Serbia's EU accession process.**

[p. 9] *“The Republic of Serbia sees the United Nations as having a central role when it comes to protecting its sovereignty and territorial integrity and the status of the Autonomous Province of Kosovo and Metohija. The international presence in this province (UNMIK, KFOR, OSCE, etc.) is important for the stability in the province as well as the region. Any attempts by the Provisional*

Institutions of Self-Government, or any kind of initiative aimed at reducing that presence, and transformation of the security force of Kosovo ("Kosovo Security Force") into armed forces, contrary to United Nations Security Council Resolution 1244, are destabilizing factors."

- Although the Government of the Republic of Serbia gave consent for the arrival of the EULEX mission, this is not mentioned when listing international actors that play an important role in ensuring stability in Kosovo and Metohija.

- The UN is mentioned only when discussing breaches of the UN Charter or here in the context of Resolution 1244. It would be preferable to emphasize at the beginning on page 4 or 5 the importance of the UN as a forum for coordinating activities related to global challenges, as well as the EU, the OSCE and the African Union at the regional level. There is a similar and completely adequate phrasing related to NATO at page 25 of the draft: "Aimed at contributing to global, European and regional stability, the Republic of Serbia cooperates with NATO through the Partnership for Peace program, practicing military neutrality, which implies no accession to military and political alliances."

2. Security Challenges, Risks, and Threats

[p. 11] "Challenges, Risks, and Threats"

- It remains unclear as to why three terms are used i.e. whether there is a hierarchy of the perceived threat, whereby challenges are seen as hardly conceivable but not impossible, risks as potential sources of security threats, and threats as actual and present security threats (a linear order with qualitative difference), or threats come from risks and risks come from challenges (cascade order). In the draft Defense Strategy these are lined up by the severity of consequences, which is logical but still very vague. Ideal approach would be to observe this from two plains: **the severity of consequences and the likelihood of occurring.**

- The listing of points only adds to ambiguity: the first four points - armed aggression, separatist aspirations, unilaterally proclaimed independence of Kosovo, armed rebellion - are not defined as a challenge or as a risk or as a threat. Kosovo's unilateral proclamation of independence is explained as "threat to the interests", "threatening interests and values" but not "threatening security". Terrorism is also a "serious risk" and "large threat", and massive illegal migration was explicitly mentioned as a "security challenge". There are a total of 17 points listed, with enough room for "other" challenges, risks and threats.

- Terrorism is ranked third, even though Serbia was never a target of a terrorist attack. Mortality from malignant diseases, epidemics, natural disasters and traffic accidents are a greater risk, if not a threat to national security. According to the latest EC Progress Report, between 2006-2016 Serbia's population has fallen by nearly 500,000 inhabitants and none of the first three listed challenges, risks or threats (these are not clearly classified as to which is what) are the cause of that. Having that in mind, it is then unclear as to how the main challenges, risks and threats were identified and ranked.

- Unlike the current Strategy, this draft treats corruption as having second-grade significance, which is confusing because according to recent citizen surveys corruption is perceived as one of the biggest threats.

- Extremely negative demographic trends in the eastern and southern border areas of the Republic of Serbia as well as in the administrative line of the APKiM are not recognized as a problem of national security. The socio-economic development of these areas is crucial for long-term national security of the Republic of Serbia.

- The previous National Security Strategy cites drug addiction as a threat to national security, and we believe that this issue must be included in this draft as well.

[p. 11] *"Armed rebellion can threaten the security of the Republic of Serbia, and the greatest threats are extremist groups operating in the area of the Autonomous Province of Kosovo and*

Metohija.”

- Especially problematic is the “armed rebellion”, referred to mainly to the territory of AP Kosovo and Metohija (APKiM). Given that Article 311 of our Criminal Code deals with that criminal offense, it is not clear as to how shall this provision be applied and to whom in the AP KiM.

[p. 12] *“Organized crime is one of the most significant security threats to the Republic of Serbia, especially given the intensity of its manifestation and its transnational character. (...) economic and financial crime in the form of unauthorized production and trade in excise goods and money laundering, corruption, as well as other less represented forms.”*

- Money laundering (or concealment of sources of illegally-gained proceeds), together with tax evasion, are considered by the authors as less represented forms of organized crime and therefore not treated as self-contained security risks. However, these two economic security risks are extremely flexible and are completely independent of organized crime. Therefore, they can easily be linked to organized crime, which makes them more difficult to spot, but this should not be a reason for their inadequate treatment.

The combination of developed and available information technologies, free movement of capital and the existence of tax havens do not fall under organized crime, neither formally nor factually (even though they may be treated as such), which means that tax evasion and money laundering are not only self-contained security risks, but also the source of funding for organized crime and other security risks. It would be necessary to list financial security risks individually or separately with the elaboration of these risks.

3. National Interests

[pp. 14-15] *“The basic national values are: freedom, independence, peace, security, democracy, rule of law, social justice, human and minority rights and freedoms, **rodoljublje** (love of own people) and environmental protection.”*

- It is unclear as to why the *equality of citizens* was omitted since it is listed in the current Strategy as a value. The list of values in the draft should be amended. The word “**rodoljublje**” is unsuitable, since it points to the love of own people rather than the homeland, so the term “patriotism” would be better suited.

“Serbia's national interests are the preservation of sovereignty, independence and territorial integrity, the preservation of internal stability and security, the preservation of Serbian people and national minorities and their cultural, religious and historical identity, the preservation of peace and stability in the region and the world, European integration and membership in the European Union, economic development and overall prosperity.”

- “Preservation of internal stability and security” - **it is worrying that neither freedom nor democracy nor human rights are mentioned in the elaboration of this interest; state is protected first, then society, and then citizens (and then property);**

- “Preservation of the Serbian people and national minorities and their cultural, religious and historical identity” is a confusing phrasing because it contains strictly internal-political issues (protection of national minorities) and what is formally foreign policy (special and parallel links with Republika Srpska); It is unclear as to how this interest leads to improvements in demographic potential. It is also unclear as to how the preservation of particular identities of Serbian people and national minorities in Serbia contributes to national unity and social cohesion. Insisting on tolerance and integration is more likely to lead to that. The unsuitable term “rodoljublje” is used again.

- “European integration and membership in the European Union lead to ... the strengthening of democratic institutions ...” - **this is the only place in the list of interests where democracy is mentioned, as if the process of European integration is exclusively "competent" for that and that democracy has no place in the elaborations of interests;**

It is recommended to operationalize and rank national interests, and also add lower rank interests, with less etatistic but rather civic elaboration.

- 1) Basic interests - preservation of sovereignty, independence and territorial integrity; preservation of internal stability and security, with a necessary reference to the democratic order, respect for human rights and freedoms, rule of law etc;
- 2) Strategic interests - EU membership (with ZBOP); preservation of peace and stability in the region; preserving the role of the UN at the global level; strengthening the role of the OSCE in preventing conflicts; military neutrality, strengthening cooperation with partner countries on issues of international security and stability, economic, energy, environmental safety, mitigation of effects of the refugee crisis...
- 3) Other interests - crime reduction with emphasis on the international aspect of security, combating extremism, working to strengthen the integrity of state institutions...

4. National Security Policy

A general observation is that military neutrality is defined purely as the absence of membership in military alliances (Resolution of the NA on protection of sovereignty, territorial integrity and constitutional order of Serbia, item 6 discusses neutrality in relation to the existing military alliances, and here military-political alliances are mentioned - this should be corrected), **but there is no positive definition of what neutrality brings in terms of security (on page 8 of the Defense Strategy it is said that “RS defense policy based on military neutrality will contribute to eliminating threats of armed aggression).** What is overlooked is another condition for neutrality - the absence of (military) bases on the territory. Also, the text defines what military neutrality permits, and the military neutrality is mentioned in the very introduction as a second starting point, immediately after the preservation of sovereignty and territorial integrity.

The military neutrality itself is taken as a given state of affairs, regardless of extremely imprecise and below par definition from the 2007 Resolution which defines neutrality as time constrained (“military neutrality in relation to existing military alliances”).

[p. 16] “...to create necessary conditions for an integrated engagement of all subjects of the defense system. In that sense, a total defense concept will be elaborated and applied.”

- This is a point to elaborate on what this concept implies, because an armed threat is largely associated with military defense. The concept should be further elaborated in the Defense Strategy. It is also necessary to explain why this concept is introduced, especially if the analysis of the security environment and the challenges, risks, and threats does not lead to the conclusion that a greater danger exists.

[pp. 17-18] “*Preservation of the Autonomous Province of Kosovo and Metohija within the Republic of Serbia represents an important issue for the Republic of Serbia. Serbia is determined to protect own interests and interests of Serbs and other non-Albanian people in this province through dialogue.*”

- If preserving APKiM within its borders is a key issue for the Republic of Serbia, how is it possible that Serbia is not committed to protecting the interests of the majority population in that territory (Kosovo Albanians), or at least to working to strengthen trust among the population (outside the framework of the Brussels Dialogue)? The strategy does not offer an answer on how the Republic of Serbia intends to keep the APKiM in its composition without cooperation with the majority community in that territory. Although the strategy greatly refers to the APKiM situation, Kosovo Albanians are not mentioned in the document at all, as if they don't exist.
- The description of UNMIK's role in the document is overrated and does not correspond to the situation in the field. There is also no indication that the role of UNMIK will be strengthened in the

coming years, on the contrary, it will remain the same or even reduced. The document does not give an answer whether a reduced role of UNMIK's in APKiM represents a threat to the national security of the Republic of Serbia. It also does not provide information on how UNMIK contributes to increased security in the APKiM.

[p. 17-18]

- The European Union should be mentioned here as a factor that enables the preservation of peace in the region and beyond across Europe.

[p. 18] *“Prevention and elimination of separatist activity.”*

- In addition to direct regional development, the strengthening of democratic society and institutions, rule of law and respect for human and minority rights, as well as other measures in various areas of social life should be mentioned here.

[p. 18] *“The Republic of Serbia is committed to building a society that respects diversity by promoting ethnic and religious tolerance, understanding and respect as well as universal values. In this regard, it will enhance inter-agency cooperation and capacity, as well as cooperation with the non-governmental sector and local communities in the field of prevention and elimination of the causes of all forms of separatist activity.”*

- When it comes to national minorities, it is necessary to add “interethnic integration as a goal” that contributes to the strengthening of civil society in Serbia. Particular emphasis should be placed on the prevention of (self) segregation and the creation of common spaces of communication between the majority and the minorities (at the state and at local level, where minorities are majority population). This phrasing should also be used in other places when referring to national minorities.

- **Cooperation with civil society is individually mentioned only in the context of minorities (on page 19 there is a general statement on improving cooperation between public administration and civil society organizations (“in the area of policy creation and implementation”)) in relation to the prevention of separatist aspirations. The need for cooperation with civil society must be mentioned in all other segments of the paper, and especially regarding further development of the security community in Serbia.**

- **the term “separatist activity” inherently targets minorities as natural agents of these processes.** The strategy is, among other things, a communication document by nature and must have a positive and inclusive approach whenever possible. Placing minorities in the chapter on separatist aspirations, without a clear statement that a full consent by minority communities about these aspirations is not expected, since this document should be read by members of national minorities as well. It is necessary to delete the part of the sentence in this last paragraph “in the field of prevention and elimination of the causes of all forms of separatist activity” and replace it, as stated above, with **interethnic integration and assistance in the prevention of (self) segregation.**

[p. 19]

“The protection of human and minority rights and the freedom of citizens represents the basis for internal stability and security of the Republic of Serbia and its citizens. The Republic of Serbia is among the European countries with the highest achieved and applied level of protection of human and minority rights in the legislative sense. Accordingly, it is of utmost importance to further strengthen the institutions and the institute of application of the achieved level of protection of human and minority rights. Also, social tolerance, understanding and respect will be promoted, including a resolute opposition to all forms of discrimination.”

- Insisting on interethnic integration and prevention of self-segregation must be reintroduced, and to that end interculturality must be introduced as a key concept which implies the acceptance of cultural differences and their interaction, thus contributing to the above-mentioned goals.

“The Republic of Serbia will continue to improve the legislative and institutional frameworks for achieving freedom of expression, information pluralism, and raising the level of objectivity of media reporting.”

- Phrasing used in the section dealing with the objective of protecting the rights and freedoms of citizens point out that legal regulation with the highest standards is not enough. In this respect, it is necessary to emphasize in the said sentence that in addition to improving the legislative and institutional framework, Serbia will promote such freedoms in practice.

“... will promote the citizens’ trust in state institutions and the level of their democratic development. Work procedures will be improved in order to increase the work efficiency of courts, the public prosecutor’s office and security services. In the field of public policy creation and implementation, cooperation between public administration and civil society organizations will be improved.”

- It is commendable that cooperation with civil society is envisaged here. It is unclear as to what the “level of their democratic development” means. Also, why is the judiciary placed in the group the security services? Does this include all state bodies authorized to apply force or only specific security and intelligence services? In case of the latter, the problem that must be addressed by improving the procedure of those services is more a responsibility rather than efficiency. Given that the current constitutional amendments also aim at de-politicization of the judiciary, it would be good to point this out.

- “(...) cooperation between public administration and civil society organizations” supplemented by “at all levels of public administration (republic, as well as levels of autonomous province and local self-government).”

[p. 20] *“In the area of cyber security, the processing capacities, transmission and protection of information and information-communication systems will continue to be improved. Significant attention will be devoted to further improvement of the general security culture of all citizens in order to raise awareness of the need to increase the security of individuals and society.”*

- This text should include a sentence stating that active steps will be taken to create conditions for public-private partnership at national level and to strengthen coordination regarding cyber security with, first and foremost, EU partners.

- It is necessary to make a note in relation to the above, that the rules governing cyber security must not jeopardize the freedom of expression and association governed by the Constitution and laws.

[p. 20] *“Normalization of conditions and relations in the Autonomous Province of Kosovo and Metohija contributes significantly to the preservation of internal stability and security of the Republic of Serbia and its citizens.”*

- It should be noted that the key to the security of Serbs and non-Albanians in the APKiM area is possible solely through Kosovo Albanians who represent the absolute majority. Hence, in order to achieve the desired results regarding security, survival and prosperity of Serbs and non-Albanians in APKiM, it is necessary to strengthen relations with Kosovo Albanians. The strategy does not recognize this most important segment of the security enhancement in the APKiM area in any of its parts.

[p. 21] *“Demographic potential development is of primary importance for the Republic of Serbia and its citizens. Exhaustive systemic activities by social entities in all spheres of demographic development shall be undertaken, namely: increasing birth rate, reducing mortality and migrations (both internal and abroad) with the aim to increase the labor and fertility potential necessary for reproduction and to continue social and economic development and demographic growth of society.”*

One of the priorities will be the improvement of the social and health protection of the population,

and financial support to underdeveloped municipalities, in particular to support equal regional development, development of villages and border areas. Encouraging young and educated residents to stay to live and work in Serbia will be of particular importance.

- This passage should be completely rewritten into a decisive message on the intentions of the state to create and implement the demographic and equal regional development policy. It should be noted that raising the standard of living, as well as improvement of the rule of law and security are all necessary prerequisites for increasing birth rates and enabling young people to stay in the country.

[p. 22] *“National unity and development of cultural, religious and historical identity is of great importance for the preservation of the Serbian people and national minorities. The Republic of Serbia will continue to work on the strengthening of national unity. Measures will be taken towards strengthening the culture as a cohesive and developmental social factor, and towards protection and development of the Serbian language and Cyrillic script.”*

- The concept of national unity is not clear and should be elaborated - is Serbia a national civil state (supported by the present formulation in the Constitution) or the state of one nation. This is particularly related to the interpretations provided in the *Preservation of the Serbian people, national minorities, and their cultural, religious and historical identity* on page 14. See earlier comments on this.

- It is important to emphasize that this issue is associated with the “patriotic awareness” mentioned in the following paragraph.

[p. 22] *“Improving the position of national minorities is one of the priorities of the Republic of Serbia. Serbia guarantees all the individual and collective rights of national minorities in its territory, and it is committed to respecting the human and minority rights of Serbs in other countries through the promotion of relations with these countries and in accordance with relevant documents of international law. The Republic of Serbia will continue to take measures to promote mutual respect, understanding and cooperation among all people living on its territory, irrespective of their ethnic, cultural, linguistic or religious identity. Particular attention will be given to the development of cooperation with representatives of national minorities as well as the parent states of minorities in order to improve their position and rights. Civil society organizations will be involved in the process of creating and implementing public policies that regulate the position of national minorities with the aim to provide a realistic review of their needs.”*

- Insisting on interethnic integration and prevention of self-segregation must be reintroduced and the concept of interculturality, implemented through intercultural education, must be introduced.

- Rights-holders are members of national minorities, not minorities as such. In particular, they cannot have individual rights, as it is written here.

- The same comment mentioned earlier for the civil society - the civil society's capacity to contribute to the security domain is not exhausted by cooperation in the field of minority rights and protection. The Strategy must clearly show that civil society is seen as a social resource in the process of creating policies and their implementation, as well as a communication channel with citizens, which it is by nature.

[p. 22] *National unity and development of cultural, religious and historical identity is of great importance for the preservation of the Serbian people and national minorities. The Republic of Serbia will continue to work on the strengthening of national unity. Measures will be taken towards strengthening the culture as a cohesive and developmental social factor, and towards protection and development of the Serbian language and Cyrillic script.*

- In this passage there is a clear absence of the term citizen which is still a constitutional category. This is in contrast with a large number of legal documents from different fields, as well as the European integration process.

[p. 22] *The Republic of Serbia is committed to the advancement of contemporary creativity in all artistic fields, based on traditional artistic values and high artistic standards. Special attention will be paid to the continuation of fostering cultural, historical and religious identities, the promotion of cultural and historical heritage and the protection of cultural-historical and religious facilities of Serbian people and national minorities in Serbia and abroad.*

- The same comment as for the previous passage. It would be more appropriate to say the cultural heritage of all citizens, instead of the heritage of the Serb people and national minorities. Such wording creates a basis for further social segregation which can create new security risks.

[p. 25] *The Republic of Serbia is committed to continue to develop special relations with Republika Srpska, while respecting the territorial integrity and sovereignty of Bosnia and Herzegovina in accordance with the Dayton Agreement, and establishing better and more substantial relations with the countries in the region, while strengthening the regional approach to security.*

- Since the Dayton Peace Agreement is mentioned, and the Republic of Serbia is its guarantor, it is necessary to mention the strengthening of ties with other peoples in BiH, the process of reconciliation and facing the past, processes which are recognized among the regional and global processes, and the Republic of Serbia is a part of that. This will also emphasize the fulfillment of the political criteria, which is in this case the improvement of regional cooperation that we have to fulfill in the EU negotiation process.

[p. 25] *“(...) military neutrality, which implies non-membership in military – political alliances.”*

- In this section it is necessary to define military neutrality (**perhaps even dedicate a special section to it**).

Since military neutrality - or rather, the policy of military neutrality - has become one of the key principles guiding Serbia's international relations since 2007, it is necessary to devote it a special section in order to better explain: genesis, reasons, resources, and the status should be defined positively, unlike the existing solution (The Resolution of 2007). It is also necessary to define what constitutes a military-political alliance (common defense clause or something else ...) since such a broad interpretation can include many things. Moreover, in the National Assembly Resolution of December 2007 (which established military neutrality), as well as twice in the Defense Strategy, “existing military alliances” are mentioned, not “military-political alliances”.

[p. 25] *“The Republic of Serbia is committed to the strengthening of dialogue and comprehensive cooperation with traditional partners, developing and developed countries, with which we share a number of joint projects in the fields of economy, culture, education, science and sports. Within the framework of bilateral and multilateral cooperation with these countries, the focus will be on continuing their principled position of non-recognition of the unilaterally declared independence of the territory administratively included in the Autonomous Province of Kosovo and Metohija.”*

- It is necessary to add that, when deciding on cooperation with these countries, the Republic of Serbia will take into account the common positions and the common foreign and security policy of the EU, which Serbia is aiming to join, and in accordance with the Negotiating Framework defining the conditions under which Serbia and The EU negotiate membership, mutual relations and intentions, as well as the very course and procedures under which negotiations are conducted.

[p. 27] 4.4. Preserving peace and stability in the region and the world > Improving national security and defense through the process of European integration > *“The Republic of Serbia supports the European values and the foreign policy goals outlined in the EU core documents as well as the main guidelines of its foreign-policy operations based on these values. The main goals ... such as respect for international law and multilateralism in resolving security challenges and threats with the UN at its core, the RS recognizes as its own and is guided by them ...”*

- Supported European values are not mentioned; citing European values together with national values at the beginning of the Strategy should be considered - that is to say, to incorporate them and

to emphasize, in the way it was done already worded in one place in the Strategy: that these values are seen as own.

- Principal goals were selected from the EU Global Strategy (GSEU), and cited as own without referring to them, and include respect for international law and multilateralism, goals such as peace, security, and prosperity (which is elaborated elsewhere in the text), democracy – which includes **solidarity, pluralism, equality, non-discrimination and respect for diversity** (diversity is cited on p. 18 only in the context of ethnic and religious diversity);

- “Goals and principles” of the EU foreign policy to which Serbia seeks to adhere are thrown in without any order and regardless of any context. For example, one of the key “principles and goals” is “principled pragmatism”, which is neither a principle nor a goal, but a mode of action, and other listed principles (taken from the GSEU) include unity (European and national interests), engagement (opposite withdrawal and isolationism), responsibility (acting on deeper causes of conflicts and not just by military actions on their manifestations), partnership. The draft further envisages accountability in foreign policy operations, integrated approach to conflicts, responsible regional operations, cooperation policy with other international partners, combating terrorism, cooperation in cyber and energy security and conflict prevention. Point 3.1 of the GSEU cites most of these points but also **cites strategic communications as a special point in terms of strengthening public diplomacy and familiarizing wide public with security policies, and fostering open and investigative journalism within and outside the EU.** “Integrated approach to conflicts” is a specifically elaborated item (3.3) in the GSEU, which implies active peace building, primarily in the neighboring regions of the east and south. This also includes preventive peace, based on monitoring and prevention of causes of conflicts (human rights violations, inequalities, water shortages, climate change).

- **The GSEU recognizes the “European Security Framework” which has been completely omitted in this Draft, both conceptually and fundamentally.** In addition to recognizing integrity, sovereignty and the like, the GSEU clearly states that “the violation of international law by Russia's and the destabilization of Ukraine, apart from longstanding conflicts in the broader Black Sea region, brought into question the essence of the European security framework [...] Managing relations with Russia is a key strategic challenge”. As mentioned above, this issue was not even recognized as a part of “changes in the strategic environment”, which is a formal requirement for working on a new strategy, or at least as a conflict that has consequences for Serbia and where Serbia is only passively interested in the conflict and has its own agenda. All of this is important, especially in the light of the requirement (EC 2018, PG31) that in 2018 Serbia should “complete the revision of national security and defense strategies, with full respect for Serbia's orientation towards the EU concerning these issues”.

- it is necessary to incorporate the concept of resistance from the GSEU - that the RS will use internal reforms to foster its own resistance and that it will, through regional cooperation and coordination and cooperation with the EU and member states, encourage resilience in others.

[p. 30] Improving education, scientific and technological development > *“Educational, Scientific and Technological Development > “Encouraging “love of own people” in the education of the population will help to develop a sense of loyalty and dedication in meeting security needs of citizens and all communities in the Republic of Serbia.”*

- The unsuitable term “rodoljublje” was used again used. If the goal is to encourage the will to protect Serbia's constitutional order from internal and external threats, patriotism is a better choice. Here, just as on page 22, it could be emphasized that it is “without ideological determinants and in line with the civilized values of a developed society.”

- the importance of the concept of interculturality in education must be emphasized here as well, which creates conditions for mutual understanding and communication, as well as the integration of all sections of society, and as such is indispensable for the promotion of patriotism.

[p. 28] 4.6. *Economic development and overall prosperity*

At the beginning of this section it should be stressed that economic development and overall prosperity are directly linked to the adherence to principles of division of power, rule of law, judiciary independent of politics and zero tolerance for corruption. These are the only mechanisms that can guarantee this proclaimed goal.

[p. 30] Improving economic and energy security > “(...) *but will review the justification of the current policy towards nuclear energy and identify an alternative, in order to reduce energy dependence and reduce electricity prices.*”

- There is a Law banning the construction of nuclear power plants (1995);
- The draft Energy Sector Development Strategy by 2025 with the perspective by 2030 (from 2012) states (item 5.1.4 “Development Challenges”) that “currently there is no regulatory or administrative framework which would regulate the construction and operation of nuclear power plants. Also, there are no scientific or expert human resources that would monitor the construction and operation of these plants, and educating human resources needed for nuclear energy was terminated. [...] However, the construction of nuclear power plants should not be excluded as an option, having in mind the environmental limitations for the existing generation and future needs. Estimation is that 10-15 years from the moment of abolishing the Law that prohibits the construction of nuclear power plants, would be the minimum period to overcome all listed problems and deficiencies, until the beginning of possible operation of such plant in the Republic of Serbia.”
- Bearing this in mind, but **also possible negative connotations of the “revision” of nuclear policy, it is unclear as to why is attitude mentioned at all in the draft of this strategy.** This is primarily the issue of availability of material and human resources, and then a security policy issue. The security aspect of this issue should only follow the aspects of any such decision, rather than being introduced in the draft national security strategy as an announcement, without any previous reference to it as an economic and energy subject.

[p. 30] “*Encouraging “rodoljubljje /love of own people/” in the education of the population will help to develop a sense of loyalty and dedication in meeting security needs of citizens and all communities in the Republic of Serbia.*”

- Remove the term “rodoljubljje” and use terms that point to civic responsibility and proactivity which have already been recognized in educational policies. The educational system does not recognize the term “rodoljubljje” and it is not clear what exactly that term implies.

5. National Security System

[p. 31]

- It is commandable that due attention is paid to the structure of the national security system. The structure is now clearer - it consists of a management and executive branch, and their actors are listed. However, such division has ruled out an important part of the system, namely the courts and prosecutors' offices, as well as independent state institutions. Overall, what causes concern is that the system control role has been omitted. It must either be added to the system or specially edited in the section on the principles of functioning of the national security system (see below). Control and oversight ensure that the system actually operates in accordance with established national interests, but also within the Constitution and the law, as well as the international human rights law.

- Defining the national security system structure and principles is all the more important since it is not regulated by normative legal acts. The strategy could, however, provide for a special law to be adopted on national security system, as it was done, for example, in the National Security Strategy of the Republic of Croatia of 2017. This law would immediately operationalize the constitutional competences of the Republic of Serbia - to protect the sovereignty, territorial integrity and

independence of the country, regulate and provide security and defense, state of emergency measures. The National Security Strategy, regulated by the Law on Defense, and National Security Council, regulated by the Law on the Bases Regulating Security Services, would find their rightful place in such a law.

5.1.1. Governance structure - *“The governance structure of the national security system includes the National Assembly, the President of the Republic, the Government and the National Security Council.”*

- Comment on the order of listing, the same as in Draft Rationale.
- A part of the control should be performed by the governance structure over its executive part, and even that was left out.
- **There is an evident strengthening of the role of the president**, with dubious constitutional and legal basis. The current Strategy stipulates that the President “points to certain issues and problems from the domain of national security, initiates their solution...”, and now, according to the draft, in addition to the constitutional jurisdiction of the military commander-in-chief and the legally prescribed chair of the National Security Council, the President “unites and directs the functioning of the national security system”. It is necessary to specifically explain why this function is now assigned to the President instead of the Government, as it was done in the current Strategy. The symbolic constitutional function of the President symbolizing state unity cannot quite justify such an overdimensioned role in the national security system.
- Compared to the current Strategy, the passage on the obligations of ministers and state administration bodies, including all three security services, to report regularly to the National Assembly on the state of national security, each at its own discretion, has been clearly omitted. Some of these obligations are regulated by different laws, and it is not necessary to repeat their content verbatim, but it is important to draw attention to this manner of control and supervision over the functioning of the system.
- It should be discussed whether the National Security Council should be a part of the governance structure of the national security system, next to the National Assembly, the Government and the President of the Republic. According to applicable laws, the Council is a coordinating body that brings together representatives of the executive branch and some actors of the executive part of the national security system. (It should be noted here that there is a serious disagreement between the statutory composition of the National Security Council and the nature of national security as described in this Strategy, namely, the Strategy attaches great importance to the foreign aspects of security and the Minister of Foreign Affairs is not a member of the Council. This should be revised.)

5.2. Functioning principles of National Security System

“The national security system is under democratic control exercised by the National Assembly, the President of the Republic, the Government, other state bodies and the public, in accordance with the law.”

- What is the reason for not using the conventional term “democratic and civilian control”, supplemented with public oversight? A more elaborate description is required on who and how performs this control and oversight, including the judiciary and independent state bodies.
- It is commendable that principles were enumerated and explained.
- It is unacceptable that professionalism, impartiality and political neutrality are not on the list of the principles of functioning of the national security system.

6. Implementation of the National Security Strategy

- It is commendable that a special section on the implementation of the strategy was introduced. This is a significant shortcoming of the current Strategy, which is regulated by law in the meantime.

“The Ministry responsible for defense affairs shall prepare an action plan for implementation of the National Security Strategy, in accordance with the law. Attitudes and commitments from this strategy are operationalized by drawing up and adopting public policy documents, based on the action plan. Also, this ministry shall submit to the Government an annual report on the implementation of the Action Plan for the implementation of the Strategy. The National Security Council will also be familiar with the annual report.

The Government will continuously monitor the implementation of the National Security Strategy and, if necessary, take corrective measures to ensure the protection and achievement of national interests and goals. It will also submit an annual report on its implementation, in accordance with the law.”

- It is unclear as to why the relevant ministry submits the Report on the Implementation of the Action plan to the Government only, and not to the National Assembly which adopts the National Security Strategy. On the other hand, it is envisaged that the National Security Council will be familiar with the report. It should also be noted that the National Assembly has no representative in the National Security Council. **The Ministry should also submit the report to the National Assembly**, or at least to relevant assembly committees, namely the Defense and Internal Affairs Committee and the Security Services Control Committee.

- It is unclear to whom the Government submits the annual report on the implementation of the Strategy. The National Assembly should be the logical choice.

Rationale for Draft National Security Strategy

[p. 1] *„Significant changes in the strategic environment of the Republic of Serbia have occurred in the meantime“*

- Changes of that level of significance are generally rarely commented, only the so-called refugee “waves” are (there hasn’t been crisis in relations between Russia and the West since 2014, crisis in North Africa and Middle East is discussed in broad terms, without mentioning the Islamic State, Montenegro’s entry into NATO is not commented at all...)

- Are we discussing “strategic” or “security” environment?

[p. 2] *„European security issues are still most pronounced in the Southeast Europe.”*

- **Aren’t European security issues more pronounced in Eastern Europe?** In Ukraine, there was (and still is) in fact a war and deployment of various military forces is also most evident in Eastern Europe (NATO and Russia). The refugee crisis in *Southeastern Europe* is a different and a far less serious security threat, and there are certainly no armed conflicts.

[pp. 4-5] *„Governance structure of the national security system includes National Parliament, President of the Republic, Government, and National Security Council.”*

- The constitutional logic of the order of these institutions is 1) National Parliament, 2) Government, and 3) President of the Republic, and this order should be assigned here, with the National Security Council coming at the end.

Draft Defense Strategy

1. Security Environment

- It is unclear as to why was this segment entitled “security environment” in this draft and “strategic

environment” in the draft National Security Strategy? It is necessary to change the order of chapters, indicating interests first, then the environment, then challenges, risks, and threats, the same as in the draft National Security Strategy.

2. Challenges, Risks, and Threats

[p. 8]

- Unlike the draft National Security Strategy, here it is clarified that challenges, risks and threats are ranked by the severity of consequences they can produce, and not by the likelihood of occurring.

“Unlawfully and unilaterally proclaimed independence of the territory covering the administrative territory of the Autonomous Province of Kosovo and Metohija is contrary to the Constitution of the Republic of Serbia and the Resolution of the United Nations Security Council 1244, and is unacceptable for the Republic of Serbia. This declaration of independence has jeopardized the national and defense interests of the Republic of Serbia. Recognizing the independence of the territory, which administratively covers the Autonomous Region of Kosovo and Metohija by the neighboring countries, as well as other states, does not contribute to the strengthening of trust and security stabilization. The situation in the province and other open issues which are subject of the dialogue between Belgrade and Pristina, represent the biggest political and security challenge for the Republic of Serbia. Unilateral acts by Pristina, including attempts to gain membership in international organizations and demanding reduction and abolition of the international presence on KiM, failure to meet obligations agreed between Belgrade and Pristina, organized crime and terrorism, transformation of armed formations “Kosovo Security Force” into armed forces, as well as the deterioration of the security situation in the province, represent security threats for the Republic of Serbia.”

- Representatives of provisional institutions in the territory of the Autonomous Province of Kosovo and Metohija have unlawfully and unilaterally proclaimed independence in 2008. Most neighboring states and across the region have recognized the unlawful independence of Kosovo by the year end. The defense strategy should provide a response to real-time circumstances or assess the predicted future circumstances.

“Armed aggression against the Republic of Serbia in the coming period cannot be ruled out. Defense policy of the Republic of Serbia based on military neutrality will contribute to removal of this threat and to active engagement in building and maintaining peace and stability in the world. The continuation of the EU integration process and better cooperation between the Republic of Serbia and regional countries, as well as the most influential countries in the world, especially in the area of security and defense, contribute to curtailing the possibility of armed aggression against the Republic of Serbia.”

- It is necessary to explain how defense policy based on military neutrality contributes to the prevention of armed aggression - whether it is just prevention through the total defense concept or there is another component. By itself, military neutrality or “standard” neutrality does not offer any guarantee that no armed aggression will occur.

- As a concept, total defense is not immanent to neutral states, especially those in the process of European integration. **Such a concept is also very problematic from the standpoint of challenges and threats and it is necessary to hold a public debate on its purposefulness in given circumstances. It is necessary to clarify what this implies, what are the reasons for introducing it and how this concept will respond to the above-mentioned challenges, risks, and threats.**

3. Defense Interests

[p. 11] *“Military neutrality is a defense interest of the Republic of Serbia, which derives from its national values and interests and international status.”*

- It is necessary to state which values and which status, since military neutrality has been introduced without public debate, unusual for the key foreign policy and security strategy.

4. Defense Policy

[p. 15] *“In order to ensure stability and security and continue the political dialogue with the provisional institutions of self-government in Pristina, the Republic of Serbia will urge for the unchanged scale of presence of **KFOR as the guarantor of implementation of the Brussels agreement.**”*

- KFOR has no mandate in the implementation of the Brussels Agreement (and therefore cannot give guarantees related to it), but it operates within the framework of the Kumanovo Agreement and Resolution 1244/1999. Instead it could say “guarantor of safety on the territory of Kosovo and Metohija, and especially of the Serb and non-Albanian population.”

[p. 16] *“Improved cyber security is of special importance for the protection of security of the Republic of Serbia and its citizens. Work coordination capabilities and capacities will be improved and directed toward reaching cyber security and protection against security risks in information communication systems. In this regard, a clear and coherent policy will be formulated, a network of competent entities to combat cyber attacks and crime will be established in order to increase the resistance of information and communication systems to incidents, and cooperation between the public and private sectors in the area of cyber security will be improved.”*

- We welcome the idea of a public-private partnership, but it is unclear as to how it will be improved, because it depends on which institution is responsible for implementing this part of the strategy. In other words, it is not feasible if the Ministry of Defense is concerned, so public-private partnerships must to be established at the level of the Government. In addition, the network of competent entities has already been established within the Coordination Body for Information Security Affairs under the jurisdiction of the Government.

[p. 18] *“The decision of the National Assembly on military neutrality is carried out by not acceding to any military-political alliances and by promotion of a contentious and comprehensive policy of defense cooperation ... [...] Therefore, military neutrality of RS is not a barrier to its cooperation with other countries and military-political alliances.”*

- Again “military-political alliances” are mentioned, instead of just “military”. On page 6 only “military alliances” are mentioned.

- The concept of military neutrality was again defined by opposition. Immediately following the statement is a description of what this status is not (“not a barrier”) – **it is defined almost as a problem that must be tolerated.**

[p. 19-20] “The strengthening of patriotism” is mentioned again. It should be explained how this relates to military neutrality.

5. Strategic Defense Concept

- Explain and further elaborate the concept of total defense.

6. Defense System

6.1. Defense System Structure

- Similarly to comments on the national security system, it is necessary to introduce and develop a controlling role, in addition to the governing and executive roles, in accordance with the Constitution and laws.

6.2. Governance Structure of the Defense System

[p. 24] - *“The National Security Council is a body that considers issues of defense and mutual cooperation between the bodies in charge of defense, in order to create the conditions for a unified use and engagement of the defense forces in war and emergency. In case of a threat in a part of the territory of the Republic of Serbia, borderline, border, life and health of people and animals and material goods in that area, at the proposal by the National Security Council, and with the consent of the President of the Republic, the Government prepares police and military forces to carry out common tasks.”*

- This is not in accordance with the Law on Defense (Article 39) and the Law on State Border Protection (Article 29), which do not foresee the role of the National Security Council as a proposer of measures – it is a common proposition by the Minister of Interior and Minister of Defense, subject to consent by the President of the Republic.

- Moreover, the term “border areas” was omitted from Article 39 by the most recent amendments to the Law on Defense, and from Article 29 of the new Law on State Protection, but it remained in the draft Defense Strategy. It is necessary to harmonize this part of the draft with legal regulations.

6.4. Functioning Principles of the Defense System

- Similar to the comments regarding the principles of the national security system, it is commendable that the principles are elaborated, but there is no justification for omitting professionalism, impartiality and political neutrality.

- Democratic civilian control and public oversight over the defense system is unduly omitted.

7. Implementation of the Defense Policy

[p. 28]

“The ministry responsible for defense affairs, in cooperation with other parts of the defense system, shall prepare an action plan for implementation of the National Security Strategy, in accordance with the law. Attitudes and commitments from this strategy are operationalized by drawing up and adopting public policy documents, based on the action plan. Also, this ministry shall submit to the Government an annual report on the implementation of the Action Plan for the implementation of the Strategy. The National Security Council will also be familiar with the annual report.

The Government shall continuously monitor the implementation of the Defense Strategy and, if necessary, take corrective measures to ensure the protection and achievement of defense interests and goals. The Government shall submit an annual report on the implementation of the Defense Strategy, in accordance with the law.”

- The Ministry should submit the report to the National Assembly as well, primarily to the Defense and Internal Affairs Committee and to the Security Services Control Committee.

- Other comments made regarding the implementation of the National Security Strategy also apply.

[p. 28] *“Also, this [Defense] Ministry shall submit to the Government an annual report on the implementation of the Action Plan for the implementation of the Defense Strategy. The National Security Council will also be familiar with the annual report.”*

- The Ministry should submit the report to the National Assembly as well, primarily to the Defense and Internal Affairs Committee and to the Security Services Control Committee.

Rationale for the Defense Strategy

[p. 3] *“Established defense interests - protection of sovereignty, independence, and territorial integrity; state security protection and citizen safety protection; preservation of peace and security in the region and the world; improvement of national security and defense through the European integration process; military neutrality; cooperation and partnership with states and international organizations.”*

- In relation to the 2009 Strategy (“The vital defense interests of the Republic of Serbia are: preservation of the sovereignty, independence and territorial integrity of the Republic of Serbia and protection of its citizens and their safety; building of trust, enhancement of security and stability in the region, and cooperation and partnership with international security organizations and institutions of the democratic states.”), **“building of trust in the region” and “cooperation and partnership with the institutions of democratic states” was clearly omitted in the rationale for draft Strategy.**

[p. 5] *“Recognition of the unlawfully, unilaterally proclaimed independence of the administrative territory of the Autonomous Province of Kosovo and Metohija by the neighboring states of the Republic of Serbia as well as by countries across the region and worldwide reflects negatively on mutual trust and cooperation and is slowing down the process of security stabilization of in this region...”*

- Bearing in mind that over ten years ago most of the countries in the immediate surrounding as well as countries across the region and the world have recognized unlawfully and unilaterally declared independence of the territory covering the administrative territory of the Autonomous Province of Kosovo and Metohija, the question arises what has been done over those ten years on building mutual trust regarding the security situation and stabilization in the region - in other words, do we have more or less security in the region ten years after unilateral and unlawful declaration of independence?