



Kosovo First

Analysis of the draft of the Defense Strategy of the Republic of Serbia

Executive Summary

The new strategic documents of the Republic of Serbia are being considered and adopted in an especially dynamic period of global security and policy trends. At the same time, the Republic of Serbia is facing many unusually high internal challenges, from the requirement to reform its judiciary to the need to normalize its relations with Kosovo. Both internal and external circumstances are objectively complicating the adoption of well-articulated strategic and security documents of a relatively small country in a relatively uncertain processes of European integration and negotiations with Pristina, in which it is actually dealing with the international community. The two reports – the analysis of the Draft National Security Strategy and of the Draft Defense Strategy – under a common title *Kosovo First*, also share the structure – they open with the analysis of the political and detailed normative context, followed by the qualitative analysis of the new drafts, their comparative analysis with the current legal framework, and ending with conclusions and recommendations.

The main political characteristic of the period in which the Draft National Security Strategy is being analyzed is the uncertain outcome of the current form of negotiations with official Pristina under the auspices of the EU and with support from the United States. Since September 2018, when the Center for Euro-Atlantic Studies published its analysis of the new Draft National Security Strategy, till December 2018 when we published the analysis of the Draft Defense Strategy, the relations between Belgrade and Pristina have become significantly aggravated, initially by the announcement of the transformation of Kosovo Security Force in an accelerated procedure – which has reasonably upset official Belgrade – and then became additionally exacerbated by Pristina's unacceptable decision to introduce a customs fee of one hundred percent on all goods from Serbia and Bosnia-Herzegovina. The move came just a few days after Interpol rejected Kosovo's bid for membership, in which Serbia's legitimate diplomatic offensive contributed to such decision by the organization. Tensions in the north of Kosovo caused by the controversial style of arrests and attempted arrests of certain Serbs by Kosovo's police forces, and tendentiously ambiguous statements made by Serbian officials on the procedure of entry of different formations of Kosovo's and international security structures into the northern part of Kosovo, with an inaccurate interpretation of the role and the mandate of KFOR, have all caused additional instability, loss of trust and general stifling of the dialogue in its current form.

CEAS welcomes the diplomatic and general restraint that the Republic of Serbia has shown so far in this exceptionally complex circumstances.

CEAS also welcomes efforts by the Republic of Serbia to improve accommodation and general living standards for the members of the security system and of the armed forces, which have recently been intensified.

CEAS generally understands the permanent process of considering the most feasible options for complementing the security and defense system.

CEAS welcomes recent changes in the Army of Serbia and considers them to be very useful for Serbia's efforts to come to a peaceful compromise in a multidimensional solution to its relations with Pristina and to continue contributing to regional peace and stability.

CEAS generally welcomes budgetary plans for the fiscal year 2019, envisioning an increase of 23 billion dinars in the Army's budget and of some ten billion dinars in the police's budget in comparison to last year, but also considers that the Republic of Serbia, from both short-term and the strategic aspect, needs to be aware of the global trends in potential procurement of more expensive, modern systems.

CEAS would like to remind that, for example, in 2017 the U.S. Congress adopted the Countering America's Adversaries through Sanctions Act (CAATSA). Section 231 of this law is titled *Imposing of Sanctions with Respect to Persons Engaging in Transactions with the Intelligence or Defense Sectors of the Government of the Russian Federation*. Part of this Section says that "the President shall impose 5 or more of the sanctions described in section 235 with respect to a person the President determines knowingly, on or after such date of enactment, engages in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation".

CEAS has already warned of this circumstance in its analysis of the new Draft National Security Strategy from September 2018. From then till December 2018, there were a couple of ambiguous statements by representatives of the Serbian administration on the purchase of weaponry, including those made in Russia, and there are indications that the purchase would be made through Belarus. Most speculations were mentioning helicopters MI35 and Armor missile system which, according to information obtained by CEAS, have built-in elements of high technology and would therefore fall under the category of transactions sanctioned by the CAATSA.

If Serbia wants to win the United States' support in finding the mutually acceptable, compromise multidimensional solution for the relations between Belgrade and Pristina, it would be wise to try to cancel the aforementioned procurement, or at least attempt to procure it from a third party. If the payments have already been made, CEAS considers that, if sanctions are to be introduced, it would be good if they would target individuals responsible for the collision, and not the whole system, or the Republic of Serbia, in order not to jeopardize its expectations of United States' support to the process of formalizing the relations with Pristina.

CEAS considers that the new Draft Defense Strategy, just like the Draft National Security Strategy, was written in the first place in order to satisfy the form in meeting the expectations

articulated in the process of negotiating chapters for the accession to the European Union. Chronological discrepancies and the questionable quality of both documents, a series of inconsistencies, inconclusive statements and contradictions to the current legal framework seems to indicate just that. This is probably the reason why, although presented to the public in the spring of 2018, the drafts of the two strategies have not entered the parliamentary procedure at the time when this report is being compiled, in December 2018, and there is no indication when this would happen.

In the hierarchy of legal acts, The Defense Strategy of the Republic of Serbia takes priority over laws that regulate the defense system. It should also be based on the Constitution and the Strategy of National Security of the Republic of Serbia, which is hierarchically above the Defense Strategy. However, in May 2018 the National Parliament adopted a set of laws in the defense domain at a time when the Draft Defense Strategy and the Draft National Security Strategy were in the process of public debate. It is therefore unclear how is the new Strategy supposed to “guide the development of legislative, doctrinaire and organizational solutions for the defense system, for its planning and funding”, because it will be adopted only after the laws regulating this domain have already been passed. Also, the Defense Strategy is being debated and will probably be adopted simultaneously, instead of after the adoption of the new National Security Strategy.

The general impression of the Draft Defense Strategy is that it too, just like the Draft National Security Strategy, is completely Kosovo-centric and therefore Russo-centric since it fails to describe or even acknowledge the present-day perceptions of the West towards the current regime in Moscow. CEAS considers that this circumstance is in the function of Belgrade’s expectations related to the role of Moscow in supporting the finding of a compromise solution for Kosovo. This is visible already from the incomplete description of the global and regional security environment, as well as in the definition of the “threats to the national interests” and in everything else contained in its text.

CEAS considers that the Draft Defense Strategy’s main oversight is the failure to subordinate the defense system to the democratic civil control and the public scrutiny, which would need to be corrected in the revised draft that would enter the parliamentary procedure.

CEAS also considers that the lack of coordination, both in terms of legal framework and in terms of content, between the concepts of civil defense, total defense and critical infrastructure, is also among the major oversights of the Draft Defense Strategy and this too needs to be harmonized in the revised version that will be sent to the Parliament.

As an organization primarily interested in developments in the Euro-Atlantic world, NATO, relations between the EU and NATO and Serbia and NATO, CEAS considers that the Draft National Security Strategy and the Draft Defense Strategy contain important oversights considering the areas mentioned in this document. From the Republic of Serbia’s geographical position, over proclaiming European integration as a national interest, to the circumstance that all the countries of the region are either in the process of Euro-Atlantic integration or strengthening relations with it, all these facts demand that the drafts, irrelevant to the circumstances of the

dialogue with Pristina, mention the war in Ukraine – an important security and political circumstance that was omitted from the texts – as well as speak more explicitly about the mutual perception of the EU and NATO as key partners, their common position towards the current regime in Moscow and also the strengthening and the expansion of areas of cooperation between the EU and NATO. Same is true of the recent admission of Montenegro to NATO, which is a factor that is contributing significantly to the regional security.

CEAS considers that the drafts needed to mention more specifically the circumstances such as the size and depth of Serbia's cooperation with NATO in line with the Individual Partnership Action Plan and in other frameworks, as well as the plans for the future.

CEAS finds it very indicative that it is only in 2018 that the strategic documents drafts introduce the phrase “consequences of war” (which other than the NATO bombing), and they do so in the chapter on *Challenges, Risks and Threats to Security of Importance for the Defense* of the Draft Defense Strategy, but not the Draft National Security Strategy where it would methodologically belong.

CEAS would especially like to stress that the new drafts of the strategies were made public in April 2018, that the public debate lasted till May 15, 2018, and that on May 18, 2018 the Serbian Parliament decided to form a Commission for the Investigation of the Consequences of NATO's Bombing in 1999 for the Health of the Citizens and for the Environment. The first preliminary report of the Commission is not expected before the year 2020, therefore it remains unclear how can these consequences already be included in the Draft Defense Strategy.

The new Draft Defense Strategy introduces the plan for total defense, but fails to present even the basic framework of what this would entail, nor how is it supposed to function. CEAS considers that the term of total defense needs to be introduced with a little more detail in the version that would be sent to the parliamentary procedure. CEAS considers that for a country like Serbia, studying thoroughly the model used by the Scandinavian and the Baltic countries, those that are NATO member states as well as those that are neutral, to define total defense, answers to hybrid threats, and the response to emergencies, as well as the means for complementing the forces, would be very useful.

CEAS considers that, for all the aforementioned reasons, firstly there is an urgent need to formalize the normalization of relations between Belgrade and Pristina, which are the last major unresolved factor inherited from the Milosevic regime and the wars of the 1990s. In line with the new, hopefully multidimensional agreement which would not leave Serbia as a total loser, it is necessary to initiate the procedure of changing the existing Constitution and of the adoption of a new one. In these changes, the basic assumptions in the system of security and defense need to be standardized in a better way. In line with the new circumstances, and with the continuation, or quitting the EU integration process, before all, it is necessary to adopt a sincere and comprehensive foreign policy strategy that should not be reduced to the eventual continuation of EU integration, as it is now. Only then should a new security and defense framework documents be adopted. They need to be essentially and legally in line with Serbia's chosen foreign policy direction on one hand, and with the geopolitical and geostrategic environment on the other, and

also contain clear provisions on the separation of powers, rule of law, human rights and the democratic control over the security system. The new strategic documents need to define in a more precise way the level and the size of cooperation between the EU and NATO, Serbia and the EU, and Serbia and NATO, as well as future trends in the cooperation of the EU and of Serbia with NATO, if Serbia decides to remain on the track of European integration.

In the area of defense, before formalizing relations with the provisional institutions of Kosovo, constitutional changes and a new, essential foreign policy orientation which will largely determine the models of cooperation and integration in the area of security and defense, Serbia should not be investing a significant portion of its budget in the procurement of weaponry and combat equipment, but rather in improving the standard of living of the members of the security and defense system.

In short, **FIRST OF ALL**, Serbia should resolve the issues related to **KOSOVO** in order to get out of the impasse where the issue of **KOSOVO FIRST** is obstructing democratic processes and the consolidation of the state, and enter a new situation where **DEMOCRATIC SERBIA FIRST** would be a feasible option.

Belgrade, December 2018