KOSOVO FIRST

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Analysis of the context of the adoption process and analysis of the draft National Security Strategy of the Republic of Serbia

Report by the Center for Euro-Atlantic Studies (CEAS), Serbia
September 2018
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Analysis of the context of the adoption process and analysis of the draft National Security Strategy of the Republic of Serbia

Author:
Center for Euro-Atlantic Studies (CEAS)

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Dr. Dragoslava Popovica 15, 11000 Belgrade, Serbia

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Jelena Milic
Many people tie EU accession to a better life. Which is not true.

– Aleksandar Chepurin, Ambassador of the Russian Federation to the Republic of Serbia, December 10, 2018

We have a common goal with Serbia. That goal for Serbia is advancing on the road to EU membership. This is a strategic goal of Serbia and something the United States are strongly supporting.

– Matthew Palmer, Acting Deputy Assistant Secretary of State of the United States, September 12, 2018
If we ever achieve any agreement with Pristina, Serbia would have to get clear warranty that it would become an EU member state by 2025.

– Aleksandar Vučić, President of the Republic of Serbia, September 13, 2018

In the dialogue between Belgrade and Pristina, an exchange of territories or correction of borders is not excluded as a final piece of the puzzle.

– Johannes Hahn, EU Commissioner for European Neighborhood Policy and Enlargement Negotiations, September 14, 2018
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Executive Summary

The new strategic documents of the Republic of Serbia, Nacional Security Strategy and Defense Strategy, are being considered and adopted in a distinctively dynamic period of global security and political trends. At the same time, Serbia is facing many unusually strong internal challenges, from the necessary judiciary reform onwards. Both external and internal circumstances are objectively hindering the adoption of well-articulated strategic security and defense documents of a relatively small country in a relatively uncertain process of European integration.

A commendable development brought by the draft of the new National Security Strategy is the explicit statement that European integration is a national value, and the fact that the President of Serbia has tied an optimal result of negotiation on Kosovo to Serbia’s membership in the European Union.

Two parallel trends can be seen in Serbia’s relationship with Russia: a series of small but positive steps in the Government’s response to pressure from Moscow on one hand, and on the other, an increasingly intensive action by pro-Kremlin structures in Serbia opposing Belgrade’s policy on Kosovo.

In the analyzed period, there was an increasingly intensive, promising bilateral communication between Serbia and the United States, followed by a new, different treatment of the United States as a whole in pro-government media. Although unquestionably positive, the trend could be jeopardized if Serbia fails to notice the new round of United States’ sanctions against Russia and finalizes the announced purchase of Russian equipment with new technologies.

Nevertheless, Serbia’s intensified of internal dialogue on Kosovo and the negotiation process with official Pristina under the auspices of the European Union are the main political characteristics of the period in which the National Security Strategy is analyzed. The process of drafting the new strategic document and its content are both primarily conditioned by the acceleration of negotiations with Pristina, which objectively is an additional impediment.

The National Security Strategy was drafted and is now entering the parliamentary procedure with the sole purpose of satisfying apparent requirements articulated in the negotiations on the EU accession process.

The view that the new draft of the National Security Strategy is predominantly conditioned by negotiations on Kosovo is grounded in the fact that parts of the draft relate to the competencies of the President of Serbia as the main negotiator in the talks on Kosovo. The draft repeatedly suggests strengthening of the position of the President of the Republic in the future legal framework.
CEAS understands this trend to some extent, although it is questionable from the standpoint of the principle of separation of power and the democratic control over the security system, therefore it represents a two-edged sword given the political circumstances and the challenges that the state leadership is facing in the attempt to find a peaceful and sustainable solution for Kosovo, in the hope that it would keep Serbia on the European integration track.

The first national security strategy of President Donald Trump’s administration is called AMERICA FIRST, and it is extremely well written. CEAS considers that Serbia’s state leadership has correctly and timely noticed that the U.S. focus is shifting from the multilateralism of President Obama’s administration to the principled realism of President Trump. It entails focusing on the outcome and not on ideology and makes peace, security and progress the responsibility of strong sovereign states which respect their own citizens and cooperate to promote peace in the world. This complicates a comparative analysis with Serbia’s new draft National Security Strategy, because all of its aspects are overshadowed by the issue of Kosovo. Unless the draft undergoes significant changes, it could as well be titled KOSOVO FIRST.

These circumstances could be seen as an excuse for certain shortcomings such as: poor structure and inconsistent terminology; mismatch in the perception of geopolitical events and major threats and challenges indicated in the *Global strategy for the foreign and security policy of the European Union (Global Strategy, EUGS)*, they certainly cannot be an excuse for other deficiencies of the draft.

This applies primarily to the marginalization of the position of the judiciary in the chapter on National Security System and the Democratic Oversight of the System, raises questions about the direction of constitutional and legislative changes and creates suspicion of possible intentional restriction of already established democratic standards.

Throughout the draft Strategy the national and collective principles dominate over the civic and individual ones, and in that sense, the new draft is worse than the existing strategy. CEAS reminds that Serbian Constitution is based on civic principles.

A worrying development is the fact that in the new National Security Strategy draft, equality and non-discrimination of citizens is omitted, nor is there any mention of gender equality, explicitly listed as a key national value in the current National Security Strategy. CEAS considers that non-discrimination and equality of citizens, and gender equality, need to be unambiguously specified as national values in the new draft as well.

As an organization that closely follows developments in the Euro-Atlantic world, in NATO, as well as the relationship between the EU and NATO and between Serbia and NATO, CEAS considers that the National Security Strategy draft contains major shortcomings concerning these domains. From the geographic position of the Republic of
Serbia to citing European integration as a national interest, to the fact that all countries of the region are in the process of Euro-Atlantic integration or strengthening cooperation, all these factors demand that the draft mentions more explicitly the mutual perception of the EU and NATO as key partners, their common position and measures towards the current regime in Moscow, as well as the strengthening and widening of the areas of cooperation between the EU and NATO. The draft only lists the challenges NATO is facing in achieving the plan to allocate a certain percentage of member states’ GDP for defense, but fails to mention the realization of goals set at the last two summits, such as: enhanced forward presence on the Eastern Flank, expanding of the command structure, strengthening of operational capacities and introduction of Cyberspace as the fourth domain of war.

CEAS considers as very indicative the fact that it is only in 2018 that the expression “consequences of military actions” is used in the drafts of the strategic documents, and only in the chapter on Challenges, Risks and Threats to Security of Importance for the Defense in the draft Defense Strategy, but not in the draft of the National Security Strategy, where it belongs methodologically.

CEAS is pointing to the fact that the new drafts of the two strategies were made public in April 2018, that the public debate lasted till May 15, 2018, and that the Parliament of Serbia decided on May 18, 2018 to form a Commission to Investigate the Consequences of NATO’s Bombing of 1999 to the Public Health and to the Environment. The Commission’s first preliminary report is not expected before 2020!

All this has led CEAS to believe that most likely the new strategic documents, even if adopted with significant changes – which is highly unlikely – will have a short lifespan.

CEAS believes that first of all it is necessary to formalize the normalization of relations between Serbia and Kosovo, which remains the last major unresolved factor from the legacy of Milosevic’s regime and the wars of the nineties. In line with the new comprehensive solution, it is necessary to initiate the process of amending the existing Constitution or adopting a new one. In these changes it is necessary to better standardize the basic postulates of the security and defense system. In line with the new circumstances, with continuing or abandoning the EU integration process, first of all it is necessary to adopt a sincere and comprehensive foreign policy strategy that should no longer be reduced to the eventual continuation of EU integration, as it is now, and only then adopt the new security and defense framework documents. These documents need to be substantially and normatively coordinated with the chosen foreign policy orientation of Serbia on one hand, and with the geopolitical and geostrategic environment on the other, and contain clear provisions on the separation of power, rule of law, human rights and the democratic control over the security system.
In short, FIRST it is necessary to resolve the issues related to KOSOVO in order for Serbia to escape the current situation in which the issue of Kosovo is overshadowing all others, hence, **KOSOVO FIRST**. Such an environment is not sustainable if Serbia wants to pursue democratic consolidation of the society and the state. A new reality needs to be created where democratic **SERBIA FIRST** would be a viable option.

**Note:** At the time when this report is published (mid-September 2018), the revised drafts of the National Security Strategy and the Defense Strategy are yet to be published and the date when the final drafts are supposed to enter the parliamentary procedure remains undetermined. CEAS hopes this report will be of use to the members of the relevant parliamentary committee and MPs during the debate in the National Assembly, to the media, commentators and other relevant actors following the debate and the adoption of the strategic documents.

**Introduction – Political and Normative Context in Which New Strategic Documents of the Republic of Serbia Are Adopted**

**Note:** This chapter is structured as a chronological overview of key events and trends that defined the socio-political context in which the drafts of the National Security Strategy and the Defense Strategy were developed and in which the public debate was held, with a short normative review of other relevant documents and the procedure of their adoption.

**Comparative Chronology of the Adoption of the Framework Documents of the Republic of Serbia and of the European Union and Other Relevant Acts and Decisions**

After the dissolution of the State Union of Serbia and Montenegro in **May 2006**, Republic of Serbia began the organizational and normative regulation of the encountered security system in line with the newly developed circumstances. After a controversial referendum held in disaccord with procedures stipulated by the Constitution of the time, whose preparation and adoption process was not accompanied by a public debate nor by an adequate participation of the academic and expert community or the civil society in the process, in **November 2006** the current Constitution\(^1\) of the Republic of Serbia which treats the security and defense domain in the Preamble and in over twenty of its

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Introduction – Political and Normative Context in Which New Strategic Documents of the Republic of Serbia Are Adopted

articles. Unfortunately it did not create all the presumptions necessary for the reform of the security system. CEAS has written extensively about the need for systematic reform of the security sector in its report *The Missing Link*. We consider most of the findings of that report to still be valid today.

In December 2007, the Serbia adopted the Resolution of the National Assembly of the Republic of Serbia on the Protection of Sovereignty, Territorial Integrity and the Constitutional Order of the Republic of Serbia, declaring Serbia’s military neutrality in one sentence: the Parliament “decided to declare military neutrality of the Republic of Serbia in relation to existing military alliances until an eventual referendum is called to reach a final decision on this matter.”

On February 17, 2008, the Assembly of Kosovo unilaterally declared the independence of the autonomous province of Kosovo and Metohija from the Republic of Serbia.

The current National Security Strategy of the Republic of Serbia was adopted in October 2009. Adoption was preceded by a brief period of a relatively futile public debate. The draft decision on the adoption of the National Security Strategy and the Defense Strategy, proposed by the Government, was discussed in a joint debate at a hearing during the regular session of the National Assembly of the Republic of Serbia. After

2 Provisions of the Constitution relating to the security system are: the Preamble (Kosovo and Metohija: constitutional „obligation of all state authorities to represent and protect state interests of Serbia in Kosovo and Metohija in all internal and external political relations“); Art. 8 (Territory and Borders); Art. 16 (International Relations); Art. 16 (The Right to Freedom and Security); Art. 39 (Freedom of Movemennt); Art. 45 (Pravo na slobodu i bezbednost); Čl.39. (Sloboda kretanja); Čl.45. (Conscientious Objection); Art. 50 par. 3 (Freedom of Media); Art. 54 par. 4 (Freedom of Gathering); Art. 55 par. 3 and 4 (Freedom of Association); Art. 97 par. 1, 4, 5, 9 (Jurisdiction of the Republic of Serbia); Art. 99 (Authority of the National Assembly); Art. 105 (Decision-Making in the National Assembly); Art. 109 par. 4 (Dissolution of the National Assembly); Art. 123 (Competencies of the Government); Art. 124 (Responsibilities of the Government); Chapter 6 Art. 139 – 141 (Serbian Army); Art. 182 (The Notion, Founding and the Territory of an Autonomous Province); par. 4 ”Territory of the autonomous provinces and conditions for changing the border of the autonomous province is determined by the Law. Territory of the autonomous provinces cannot be changed without the agreement of its citizens expressed in a referendum in accordance with the Law.“; Art. 194 par. 4 and 5 (Hierarchy of Domestic and International General Legal Acts); Art. 200 (State of Emergency); Art. 201 (State of War) and Art. 202 (Derogation of Human and Minority Rights in the State of Emergency and State of War).


4 Official Gazette of RS No. 125/2007


their adoption, the strategies were published in the Official Gazette of the Republic of Serbia No. 88/09. Although the issue of national security is wider in character than the issue of defense, the whole process of drafting the National Security Strategy in official institutions was led by the Ministry of Defense. An adequate sequence of events would be to debate and adopt the National Security Strategy first, and have the Defense Strategy follow it.

*Treaty amending the Treaty on the creation of the European Union (Maastricht Treaty) and the Treaty establishing the European Economic Community (the Treaty of Rome)* – the so-called *Lisbon Treaty*⁷ of the EU entered into force on 1 December 2009, only a few months after Serbia adopted its new National Security Strategy. *The Lisbon Treaty* introduced a clause on compulsory collective solidarity which binds member states to provide assistance to another EU member state affected by a man-made, natural disaster, or a terrorist attack,⁸ which in some parts changed the concept of the EU Common Foreign and Security Policy (CFSP) of the EU, about which CEAS was intensively writing in the editions of its magazine *New Century*.⁹

The professional and wider public in Serbia rarely mentions the fact that the *Lisbon Treaty* confirms that NATO remains the basis of collective security of its members among the countries of the EU. This does not apply to non-NATO members of the Union, unless they want it.¹⁰

In *April 2013*, the Republic of Serbia adopted the *First Agreement on the Principles of Normalization of Relations Between Belgrade and Pristina*.¹¹ In April 2013, the Republic of Serbia adopted the First Agreement on the principles of normalization of relations between Belgrade and Pristina (hereinafter referred to as the Brussels Agreement),¹² which implies normalization of relations with Kosovo.

In *January 2014*, the first intergovernmental conference between Serbia and the EU was held in Brussels, marking the beginning of accession negotiations at the political level. So far, Serbia has opened 14 out of 35 negotiating chapters, but not Chapter 31.

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³ Also, according to the Lisbon Treaty, European security and defense policy becomes Common security and defense policy.

⁴ Novi Vek. Available at: https://www.ceas-serbia.org/sr/95-novi-vek/128-novi-vek


⁶ First agreement on the principles of normalization of relations between Belgrade and Pristina, April 2013. Available at: http://www.kryeministri-ks.net/repository/docs/FIRST_AGREEMENT_OF_PRINCIPLES_GOVERNING_THE_NORMALIZATION_OF_RELATIONS_APRIL_19_2013_BRUSSELS_en.pdf

⁷ Text of the Brussels Agreement, Blic, April 2013. Available at: https://www.blic.rs/vesti/tema-dana/tekst-briselskog-sporazuma/8911sr2mnn
– Common Foreign, Security and Defense Policy, for which there is still no screening report, although the process was conducted in 2014.\textsuperscript{13} \textsuperscript{14}

Chapter 31 consists of obligations to align with EU acquis, legally binding international treaties and progressive alignment with EU political developments, i.e. common foreign policy decisions, positions and actions. Such alignment implies the harmonization of foreign policy activities of the Republic of Serbia with the EU foreign policy approach, which is based on the decisions and conclusions of the Foreign Affairs Council and the Council of the EU.\textsuperscript{15} Furthermore, this also implies adapting national institutions responsible for the country’s foreign, security and defense policy, to make them functional and proactively engaged within the EU system.

Since 2014, Serbia has made significant progress in the process of cooperation with the EU by participating in missions and operations within the framework of the Common Security and Defense Policy of the European Union, and in this regard it is developing a system for participation in EU’s civilian operations. Also, it is about implementing reforms in the field of defense and crisis management (such as the migration crisis). CEAS has written about this in more detail in its report \textit{West Side Story}.\textsuperscript{16}

After years of harmonization, the Government finally adopted the Individual Partnership Action Plan (IPAP)\textsuperscript{17} with NATO in January 2015. Serbia has aligned its partnership with NATO through an action plan covering four key areas: political and security framework; defense and military issues; public diplomacy, scientific cooperation, crisis management and emergency planning; and the protection of classified data.\textsuperscript{18} The implementation of IPAP has been slow, primarily due to negotiations on formalizing the normalization of relations between Belgrade and Pristina, which has increasingly conditioned and limited other processes in the state and in the society.\textsuperscript{19}

In the negotiating group for Chapter 31 of Serbia’s accession to the EU (foreign, security and defense policy) in May 2016, a subgroup of the Ministry of Defense and the Serbian Armed Forces was established responsible for providing the legal framework

\begin{itemize}
\item \textsuperscript{13} Serbia and the EU – Chapter on Foreign Policy Awaits in the Drawer, N1, August 2018. Available at: http://rs.n1info.com/a411998/Vesti/Srbija-i-EU-poglavlje-o-spoljnoj-politici-ceka-u-dioći.html
\item \textsuperscript{14} Still No Screening Report For Chapter 31, statement by Vladimir Ateljevic, member of Serbia’s Negotiating Team in charge of Chapters 30 and 31, European Movement in Serbia, December 2017. Available at: http://arhiva.emins.org/srpski/news/article/za-poglavlje-31-jos-uvek-nema-skriing-izvestaja
\item \textsuperscript{15} Ibid
\item \textsuperscript{16} West Side Story, Center for Euro-Atlantic Studies,. June 2018. Available at: https://www.ceas-serbia.org/sr/publikacije/prica-sa-zaespadne-strane
\item \textsuperscript{17} Individual Partnership Action Plan (IPAP), December 2014. Available at: http://www.mfa.gov.rs/sr/images/ipap/ipap_srb_05122017.pdf
\item \textsuperscript{18} Ibid
\item \textsuperscript{19} Basic Instinct – For More NATO in the Western Balkans, a study by CEAS, September 2017, Pg. 57, Available at: https://www.ceas-serbia.org/images/publikacije/CEAS_Basic_Instict_WEB.pdf
\end{itemize}
and institutional capacities for the participation of Serbian civilian structures in multinational operations led by the EU. As a result of the work of this subgroup, the Serbian Government adopted a conclusion on the adoption of the Report on the necessity of establishing a legal framework and institutional capacities for the participation of Serbian civilian structures in multinational operations.\footnote{A Step Ahead - Soon Serbian Civilias in Peace Missions Under UN, EU and OSCE, November 2017. Available at: http://www.deiup.mod.gov.rs/sr/info/vesti/korak-napredusko-ri-srpski-civili-u-mirovnim-misijama-pod-okriljem-un,eu-i-oebs#.WyD2eu6FOxA}


The aforementioned provisions of the Lisbon Treaty cannot be found in the current drafts of the National Security Strategy or of the Defense Strategy of the Republic of Serbia\footnote{Ibid} because of the adoption chronology, as well as the findings of the EUGS. The very fact that in the current NSS these changes have not been introduced, and that Serbia is in the process of EU integration, is a sufficient reason to adopt the new National Security Strategy.\footnote{Ibid}

The existing National Security Strategy is not in line with the EUGS’ priorities, among others, to those relating to: the security of the Union; investing in building resilience and sustainability of states and societies on the eastern and southern borders of the European Union and developing an integrated approach to addressing conflicts and crises.

The European Council (in October 2017) issued a conclusion on the implementation of the EUGS\footnote{Ibid} in the domain of security and defense, defining the level of ambition in terms of determining the main goals that the European Union and its member states will strive to achieve, including the further improvement of the Common Security and Defense Policy. The conclusions of the Council are an interpretation of the EUGS for member states that are constrained by the proposal to strengthen cooperation in the field of security and defense at the European level. Also, significant attention is dedicated to avoid duplication of capacities with NATO and to achieve full complementarity with that organization. The level of ambition is closely related to the following strategic priorities presented to the EUGS: the response to external conflicts and crises; building partner capacities and protecting the European Union and its citizens.

\footnote{Ibid}
Serbian Government formed a working group for drafting the strategic documents in the domain of security and defense late in 2016, and the group was expected to finalize its work till the end of 2017.

The group consists of representatives of the General Secretariat of the President of the Republic, the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Security Information Agency, the Ministry of State Administration and Local Self-Government, the Ministry of Justice, the Ministry of Finance, the Ministry of Economy, the Office of the National Security and Protection of Classified Information, The Office for European Integration and the Office for Kosovo and Metohija.

In the group there were no representatives of the ministries of health, ecology and education, among others, though the situation in all three areas strongly contributes to the challenges in the current state of security of the state and its citizens.

Since the working group was formed, there was not enough information in the public about the process of drafting the documents. Drafts of the National Security Strategy\textsuperscript{25} and of the Defense Strategy\textsuperscript{26} were published on the website of the Ministry of Defense, in whose jurisdiction was the organization of a public hearing that was announced only on \textbf{April 19, 2018}.\textsuperscript{27} In the process of preparing the drafts of the National Security Strategy and the Defense Strategy, the Ministry of Defense conducted a public hearing in line with the Public Debate Program set by the Legal System and Governmental Authorities Committee of the Government of the Republic of Serbia, at the 44th Session held on \textbf{April 18, 2018}.\textsuperscript{28} In the period from April 20 to May 15, 2018, the Ministry of Defense held public hearings in Niš, Novi Sad and Belgrade, and in the same period, only a few civil society organizations (CSOs) organized debates on the matter.\textsuperscript{29}\textsuperscript{30} Comments in

the form of amendment could be sent to the Ministry of Defense only until the end of
the public hearing.

The deadline for the public hearing was obviously very short for an adequate compara-
tive, qualitative and normative analysis that should have preceded submission of amend-
ments. The CSOs in front of the National Convent for EU sent a request to extend the
deadline for the public hearing on the grounds that the deadline was too short to collect
and send all the comments on both drafts of the strategic documents, which the Ministry
of Defense rejected.

The procedure for the adoption of the proposed draft is as follows: The Ministry of
Defense conducts a public hearing in accordance with the Public Debate Program estab-
lished by the Legal System and Governmental Authorities Committee of the Gov-
ernment of the Republic of Serbia.31 After the completion of the public hearing in ac-
cordance with Part III of the Rules of Procedure of the Government,32 materials are
prepared for the session of the Government, and when the Government decides on the
draft in a session, it sends the Draft Strategy to the National Assembly. The draft is de-
livered to the relevant Defense and Internal Affairs Committee and then it is discussed in
accordance with the Rules of Procedure of the National Assembly.33 The competencies
of the National Assembly are determined by the Article 99 of the Constitution, Article 9,
paragraph 1, point 9 and specifies that the National Assembly adopts the Defense Strat-
egy. However, it does not envisage the adoption of the National Security Strategy. Yet
Article 9, paragraph 2, points 2 and 3 of the Law on Defense34 envisages the adoption of
both strategies in the Assembly, therefore this should be harmonized.

Article 16 of the Law on the Basics of the Organization of Security Services of the
Republic of Serbia35 defines the manner of carrying out parliamentary oversight of the
work of the security services, directly and through the competent committee. Thus, the
Committee oversees the harmonization of the work of the security services with the
national security strategy, the defense strategy and the security and intelligence policy
of the Republic of Serbia.

staticki_sadrzaj/javna%20rasprava/strategije/Izvestaj%20o%20sprovedenoj%20javnoj%20raspravi%20
za%20nacrtn%20SNB.pdf
61/06, 69/08, 88/09, 33/10, 69/10, 2011, 37/11, 30/13 and 76/14.
33 Rulebook of the National Assembly. Available at: http://www.parlament.gov.rs/narodna-skupstina-/vazna-
dokumenta/poslovnik-(precisceni-tekst)/ceo-poslovnik-(precisceni-tekst).1423.html
36/2018.
The new draft of the NSS states: “The National Security Strategy is the starting point for the development of other strategic and doctrinal documents, documents of public policies and normative-legal acts in all areas of social life and the functioning of state bodies and institutions in order to preserve and protect the safety of citizens, society and the state.”,\(^{36}\) so the question remains: why has a number of changes and amendments to the laws in the domain of security and defense been adopted before the new strategic documents were defined? Namely, the set of laws adopted in May 2018 includes: Law on Military Education, Law on Amendments to the Law on Defense; Law on Amendments to the Law on the Army of Serbia; Law on the Production and Trade of Weapons and Military Equipment; Law on Amendments to the Law on the Use of the Serbian Armed Forces and Other Defense Forces in Multinational Operations Outside the Borders of the Republic of Serbia; The Law on Amendments to the Law on the Security and Information Agency, as well as the Law on Amendments to the Law on Police and the Law on Border Control, adopted in March 2018.\(^{37}\)

At the beginning of January 2018 the long-awaited draft of the Law on Personal Data Protection was published. The Draft Law foresees a large number of exceptions in favor of various “competent authorities”, in relation to the rights that should be guaranteed. The Commissioner for Information of Public Importance, and the CSOs as well often emphasized that the draft appears quite inconsistent and leaves the impression of being written more in the interest of “security structures” than the citizens.\(^{38}\)

Unfortunately, although the drafts of the new strategies also concern areas of public health, education, ecology, economics etc., a very small number of CSOs and other relevant actors have been involved in the public debate. Representatives of opposition parties also did not participate in the public debate, with some pretext to talk about it in the Assembly. Given that the opposition regularly stresses that it is treated unfairly during parliamentary debates, they could have taken the opportunity that this debate presented to inform their voters and the public of their own findings. During the public debate, military and security commentators and analysts otherwise very active in the media, failed to get involved in this issue. According to information available to CEAS, only two independent analyses of the drafts were published. One was released by the Working Group of the National Convent on the European Union (WG NCEU) for Chap-


\(^{38}\) Sabic: Draft Law is more in the interest of security structures, N1, September 2018. Available at: http://rs.n1info.com/a417915/Vesti/Sabic-Nacrt-zakona-vise-u-interesu-bezbednosnih-struktura.html
ters 30 and 31, and another by the International Institute for Security – an institution founded by Orhan Dragaš.

In the *EU Enlargement Strategy* for Western Balkans, released in February 2018, states that the agreement between Belgrade and Pristina should be reached urgently, which can be interpreted as a desire to reach the solution for the problem of Kosovo by the end of this year. It is indicative that the initial draft of the EU Enlargement Strategy contained the wording “Belgrade and Pristina should come to a legally binding agreement by the end of 2019,” but in the final text the time frame was removed and instead a suxonly the “urgent” sign was put up.

By mid-April 2018, almost simultaneously with the drafting of Serbia’s new strategic documents, the European Commission published its *Annual Report on Serbia* which covers the period from October 2016 to February 2018. In the field of foreign, security and defense policy, the following key recommendations are set out: 1) Serbia needs to complete a full revision of its strategic documents in the domain of security and defense so that it fully reflects the European orientation of the Republic of Serbia in these areas, 2) Serbia should continue implementing its laws by adopting international sanctions, including the restrictive measures of the European Union, with the supervision of their implementation, 3) Serbia should work to improve the alignment of its decisions with EU declarations and decisions of the Council in the field of common foreign and security policy.

On May 18, 2018, the Serbian Assembly passed a decision to establish a Commission to Investigate the Consequences of the NATO bombing in 1999 for the health of citizens and the environment. The Commission’s first preliminary report is expected only in 2020.

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39 Ibid


41 EU Enlargement Strategy Adopted; Mogherini: Year 2025 is not a set deadline, but rather a perspective; Han: Motivate Kosovo for the dialogue, Blic, February 2018. Available at: https://www.blic.rs/vesti/politika/usvojena-strategija-prosirenja-eu-mogerini-godina-2025-nije-ciljani-rok-vec/lccztmd

42 Grubjesic: “Urgent” Means a Solution for Kosovo by Year End, N1, August 2018, Available at: http://rs.n1info.com/a415955/Vesti/Grubjesic-Hitno-znaci-resenje-za-Kosovo-do-kraja-godine.html

43 Ibid

44 Report covers the period from October 2016 to February 2018.


46 Commission to Investigate Consequences of NATO’s bombing, Blic, May 2018. Available at: https://www.blic.rs/vesti/politika/usvojeno-formira-se-komisija-koja-ce-istraziti-posledice-nato-bombradovanja/txyh13p
During the **summer of 2018**, it became clear that the Serbian Orthodox Church would present a sincere opposition to the efforts of the state leadership to achieve a solution for Kosovo that would keep Serbia on the path of EU integration. As Montenegro’s President Milo Đukanović said: “A statement by Irinej is essentially abolishing Pavelić and The (Nazi puppet) Independent State of Croatia, a statement that is a compliment to five centuries of enslavement by the Ottoman Empire. The fact that he never denied my statement was not a surprise, it only confirmed that the Serbian Orthodox Church remains on the front-line of the nationalism of Greater Serbia towards the region and towards Montenegro and remains the spearhead of what the ideologues of Greater Serbia and imperial Russia want in the Balkans.”

In **July 2018**, Minister for European Integration of Serbia, Jadranka Joksimovic stated that Lithuania is still an opponent of Serbia opening Chapter 31 in the accession negotiations with the European Union, primarily because of the relations between Belgrade and Moscow.

Adoption of new strategic documents takes place in the period when the position and the functioning of the judiciary, which plays a major role in the security strategy, is being debated intensively. In **January 2018**, Ministry of Justice published draft amendments to the Constitution in the justice department, together with the working document on the Constitutional Law on the Implementation of Constitutional Amendments. After the Association of Judges and Prosecutors at a public hearing in **March 2018** demanded the withdrawal of these amendments, the Ministry of Justice rejected their proposals and sent the text to the Venice Commission for an opinion. The working document of constitutional amendments in the field of justice, put in compliance with the recommendations of the Venice Commission, was published on the website of the Ministry of Justice in **September 2018**.

According to a regular six-month survey by the Ministry of European Integration, in **August 2018, 55 percent** of Serbian citizens supported Serbia’s membership in the EU.

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47 Dukanovic: Serbian Orthodox Church is the Spearhead of Greater Serbia and Imperial Russia in the Balkans, Sputnik, September 2018. Available at: https://rs-lat.sputniknews.com/politika/201809131117175938-milo-sp'c-pesnica/

48 Joksimovic: Chapter 31 Will Hardly Be Open Before Year-End, Blic, July 2018. Available at: https://www.blic.rs/vesti/politika/blokada-iz-ukrajine-joksimovic-otvaranje-poglavlja-31-tesko-pre-kraja-godine/g8kyb0b


50 Working text of constitutional amendments in the area of justice in line with the recommendations of the Venice Commission, Ministry of Justice. Available at: https://www.mpravde.gov.rs/sekcija/53/radne-verzije-propisa.php
– three percent more than in the second half of 2017, while at the same time the percentage of citizens opposing the membership fell to 21 percent.51

**Mid-September 2018,** Serbian President Aleksandar Vučić said: “If we ever reach any agreement with Pristina, Serbia should have clear guarantees that it will become a member state of the EU in 2025.”52

Also **mid-September 2018,** President Vučić made significant personnel changes in the Ministry of Defense and the Army of the Republic of Serbia. The Chief of General Staff of the Serbian Armed Forces, Ljubiša Diković got retired.53 CEAS was proposing Diković’s dismissal in its report West Side Story. Diković was deeply compromised by the actions of units under his command during the war in Kosovo. Highest number of crimes against Kosovo civilians was committed in the zone of his responsibility.54

**Moscow kva kva**

Official Belgrade continues to pursue the open door policy for Russian influence in Serbia. One can increasingly often hear from state officials that the reason for this is primarily the role of the Russian Federation in the negotiations over Kosovo. The impression is that Russian officials are not very enthusiastic about finally disclosed contours of what Belgrade could consider as a compromise solution for Kosovo – correction of the administrative line.

During her visit to Serbia in the summer of 2018, spokeswoman of the Ministry of Foreign Affairs of the Russian Federation, Maria Zakharova cynically responded to a question about the opinion of the Russian Federation towards the border correction, answering with another question, whether the Serbs would be satisfied with that.55 In September 2018, the Ambassador of the Russian Federation in Serbia Alexander Chepurin presented flagrantly inaccurate estimates of the benefits for the Republic of Serbia from the process of integration into the EU and the eventual membership, arguing: “Negotiations for Serbia’s entry into the EU have been going on for many years. Many

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52 Vucic told Reuters: The agreement with Pristina should also provide guarantees for Serbia’s entry into the EU, Blic, September 2018. Available at: https://www.blic.rs/vesti/politika/vucic-za-rojters-u-sporazumu-sa-pristinom-morale-bi-da-budu-i-garancije-za-ulazak/12rgmgx

53 Vucic today in the afternoon about changes in the Army. Tanjug. Available at: http://www.tanjug.rs/full-view.aspx?izb=429694


55 Zaharova on the Kosovo division: Russia will accept everything that is acceptable to the people of Serbia. Kurir, August 2018. Available at: https://www.kurir.rs/vesti/politika/3101871/zaharova-o-podeli-kosova-rusija-ce-prihvatiti-sve-sto-je-prihvatljivo-za-narod-srbije
people here associate a richer life to the EU membership. It’s not like that.”56 There are two new, parallel trends in Serbian-Russian relations: a series of small positive steps in the current government’s policy under pressure from Moscow on one hand, and on the other, an increasingly intense action of pro-Kremlin structures in Serbia that oppose official Belgrade’s policy on Kosovo.

According to the Agreement on Cooperation between the Government of the Russian Federation and the Government of the Republic of Serbia dated April 25, 2012, a Serbian-Russian Humanitarian Center was established in Nis. Since the founding of the center, Russian officials have put pressure on the Serbian authorities to give the Russian Center and its staff a diplomatic status, needed for, as they often stated, “tax reliefs and to facilitate the operation of the Center”. Despite pressure from Russian authorities, until the time when this Report is published, Serbian authorities have not granted diplomatic status to the Russian Center in Nis.

In August 2018, first of all thanks to the reporting of Radio Free Europe / Radio Liberty,57 Serbian public learned that the Association of Participants of the Armed Conflict in the former Yugoslavia, in cooperation with representatives of the Russian ultranationalist paramilitary group ENOT Korp, organized a paramilitary camp on Zlatibor mountain for children and youth.58 After the public learned about the camp and its purpose, the state reacted and the camp was closed. Milan Stamatović, mayor of Cajetina, the place where the camp was set up and the man responsible for providing them with logistics and legal paperwork, stated that the camp was closed due to the pressure on authorities by several individuals, including CEAS Director Jelena Milić.59

Through his political actions, Stamatović does not attempt to hide his ideological and operational connections with the current regime in Moscow.60 Stamatović originally founded the Movement For Healthy Serbia with, according to our knowledge, is co-founded by doctor Danica Grujičić, Stamatović’s political supporter in various attempts for their joint political engagement. Grujičić became known to the public a few years ago by spreading a false narrative about “ecological genocide”, a term that does not exist in international law, allegedly committed by NATO in Serbia during the air

56 Chepurin: Kosovo to return to the legal and state field of Serbia. Sputnik, September 2018 Available at: https://rs-lat.sputniknews.com/english/201809101117135186-kosovo-cepurin-srbija/
57 Сербский Вагнер”. Россияне недолго учили сербских детей военным играм. RFE. Avgust 2018. Доступно на: https://www.svoboda.org/a/29451274.html
58 Ibid
60 Property of Politicians. Krik, Available at: https://imovinapoliticara.krik.rs/display/disp3/profil.php?disp_id=4
campaign against the Federal Republic of Yugoslavia in 1999.\textsuperscript{61} Thanks to Danica Grujičić and the professor dr. Slobodan Čikarić,\textsuperscript{62} an oncologist and President of the Serbian Society for the Fight Against Cancer, over the last two years the topic has been extensively “debated” in pro-Government and/or pro-Kremlin media, without presenting serious scientific data. From the beginning of the Montenegrin Government’s campaign for the country’s accession to NATO, dr. Grujičić held a series of public lectures in Serbia on the topic of “disastrous consequences of the NATO aggression”, mostly held in the premises of municipal authorities or in educational institutions, and most often in coordination with pro-Kremlin informal movements or officially registered associations.

Grujičić and Čikarić have embarked on the campaign of spreading fake narrative about an alleged cancer epidemic in Serbia which is according to them a consequence of using depleted uranium during NATO’s air campaign.\textsuperscript{63} Of course, the epidemic has not been officially declared, nor did any relevant healthcare institution in Serbia give ground for such an opinion. They conceived their campaign on the basis of one information completely pulled out of context and scientifically erroneously interpreted, from the Institute of Public Health “Batut”, as well as on misinterpreted rulings in the cases of settlements for suffering health damage to foreign soldiers in other countries.\textsuperscript{64}

The main protagonist of these campaigns, dr. Danica Grujičić, a professor at the Medical Faculty in Belgrade, is a self-declared admirer of Vladimir Putin’s administration. At the same time, she was a part of the parallel anti-vaccine campaign for smallpox, a circumstance which CEAS exposed and raised the public’s awareness of this topic. Both campaigns used the same “arguments” that all relevant international institutions – like UN agencies – are discredited, or that the data presented by these institutions, or Serbian health authorities like the Institute of Public Health, should not be trusted. World Health Organization (WHO) is, for example, the “exponent of the U.S. military industry” and maybe “sends defective vaccines because Serbia refuses to recognize Kosovo.”\textsuperscript{65} Unfortunately, this was perhaps the factor that contributed to a real epidemic of smallpox


\textsuperscript{63} Dr Danica Grujicic: Citizens of Serbia must know that NATO has committed ecological genocide. Vostok. June 2017. Available at: http://www.vostok.rs/index.php?option=btg_novosti&idnovost=101854

\textsuperscript{64} Our famous epidemiologist: “These 16 items ruin every connection between NATO bombs and cancer.” Blic. May 2018. Available at: https://www.blic.rs/vesti/drustvo/nas-poznati-epidemiolog-ovih-16-stavki-ruse-svaku-povezanost-nato-bombi-i-raka/vdmhkF8

\textsuperscript{65} A panel discussion was held at the Faculty of Political Sciences in which Dr Danica Grujicic and Mirjana Bobic-Mojstilovic took part. April 2017. Available at: https://www.youtube.com/watch?time_continue=2713&v=J0dxd9wO1Jg
which spread through Serbia and took over a dozen of lives so far.\textsuperscript{66} Higher Public Prosecutor announced that pre-criminal proceedings are under way against several public figures who oppose the vaccination of children. Several people were interrogated, however, not dr. Danica Grujičić. CEAS finds exceptionally worrying the fact that besides our Center, almost no one in the civil society sector, from the government or the opposition, from the free media or other segments of society, with the exception of dr. Zoran Radovanović,\textsuperscript{67} stood up to oppose this campaign.

The current National Security Strategy, in the chapter on the \textbf{National Security Policy}, states: \textit{“Republic of Serbia pays special attention to the health of its citizens. Building and strengthening the modern health system and its connection with other institutions of society create the preconditions for preventing the occurrence and spreading of infectious diseases in humans and infections in plants and animals, as well as the effective elimination of the consequences they may cause.”}

As mentioned above, Serbian Parliament, probably under self-imposed pressure but also under that of Russia, largely contributed to by Grujičić, Ćikarić and a group of lawyers with strange motives and non-transparent sources of funding for their lawsuits against the protagonists of NATO’s air campaign for which they have wholehearted support from official Moscow, decided to form a Commission to investigate the consequences of NATO’s bombing in 1999 to the public health and the environment. Its first preliminary report is expected in 2020. However, CEAS noticed that after we exposed dr. Grujičić’s compromising stance on the vaccines, this topic suddenly became less present in the public despite the support for the lawsuits against NATO by the spokesperson of Russia’s Ministry of Foreign Affairs, Maria Zakharova who even hinted that Russia might provide some help.\textsuperscript{68} CEAS will soon release a new report titled \textit{Kosovo for Vaccines} in which this topic and its participants will we examined in more detail.

Stamatovic is currently at the head of the newly founded party Healthy Serbia, member of the newly-formed, allegedly democratic opposition bloc, the Alliance for Serbia. Some of the Alliance’s policies, and people like Mlađan Đorđević, about whom CEAS wrote in its report \textit{Eyes Wide Shut},\textsuperscript{69} are maintaining a less transparent and potentially more dangerous connection to the current regime in Moscow than the one current

\textsuperscript{66} The man died from the smallpox, the 13th victim. N1. March 2018. Available at: http://rs.n1info.com/a371860/Vesti/Muskarac-preminuo-od-posledica-morbila-13.-zrtva.html

\textsuperscript{67} Dr Radovanovic: There is no epidemic of malignant tumors. Vecernje Novosti. May 2017. Available at: http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:664950-Dr-RadovanovicNema-epidemije-malignih-tumora

\textsuperscript{68} Zaharova: Russia would consider supporting Serbia for a lawsuit against NATO. RSE, August 2018. Available at: https://www.slobodnaevropa.org/a/29428636.html

\textsuperscript{69} Ibid
Serbian Government has with Russia. Less known to the Serbian public is the fact that Đorđević is the closest associate of Dragan Đilas, the leader of the Alliance.

At the end of August 2018, by the order of the Higher Public Prosecutor’s Office in Kruševac, Ministry of the Interior officers arrested Bratislav Živković, a leader of the Chetnik movement. Živković was arrested under suspicion of having organized the participation of Serbian citizens in an armed conflict in a foreign country, which is a criminal act. Živković is also under investigation in Ukraine where the General Prosecutor’s Office is investigating the participation of six Serbian citizens in the conflicts in eastern Ukraine on the side of the pro-Russian separatists, in the regions of Donetsk and Lugansk.

In the report *Vencislav the Virgin*, CEAS wrote in more detail about these developments and other unofficial and formal pro-Kremlin structures in Serbia and about their actions in the region. There are mounting indications of their contacts and cooperation with retired, compromised senior officers of the Ministry of Defense (MoD) and Serbian Armed Forces, mainly war criminals, and their active participation in the implementation of criminal policies of the nineties. It is indicative that the same structures regularly oppose a compromise solution for Kosovo that would keep Serbia on the road of EU integration. Some of these retired officers maintain organized, close ties with the MoD and the Serbian Armed Forces. This primarily refers to the Club of Retired Generals and Admirals of Serbia.

In 2017, the compromised Trade Union of the Army Personnel and the Trade Union of the Police Force, who actively participated in anti-government protests in October, used their social media accounts to praise Ratko Mladić who is currently being tried in the Hague and Vladimir Lazarević, a convicted war criminal. More members have joined these two largest military and police unions in 2018. After President Aleksandar Vučić called for an internal dialogue on Kosovo in July 2017, the two unions issued several statements on the normalization of relations between Serbia and Kosovo in which

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71 Ibid


74 Military Union of Serbia. Available at: http://vojnisindikatsrbije.rs/

75 Police Union of Serbia. Available at: http://www.policijskisindikatsrbije.org.rs
President Aleksandar Vučić is characterized as someone who “loves sultan Murad more than king Lazar” (histrionic figures from the iconic battle for Kosovo in which Serbs were defeated by Ottoman forces that took place in 1389), which would better suit a political than a trade organization, and which openly opposes the position of the Serbian Government and the President on Kosovo.

These trade unions, however, have substantial visibility in those media that have become very close to the Alliance for Serbia, primarily daily Danas and N1 television channel. The Alliance for Serbia is also against the compromise solution for Kosovo. Particularly concerning is the fact that this internal resistance to the normalization of relations with Kosovo comes from the security system which is not under adequate democratic control.

**America First**

The analyzed period was marked by an increasingly intense bilateral communication between Serbia and the United States with very optimistic tones. This development is accompanied by a different attitude of the pro-government media toward the United States in general. Although undoubtedly positive, this trend may be compromised if the Republic of Serbia does not pay attention to the new U.S. sanctions against Russia and pursues with the announced purchase of Russian equipment with new technologies (like the Mi35s helicopter).

Earlier in September 2018, a delegation of Ohio’s National Guard has visited Serbia again under the auspices of the State Partnership Program, one of the prime mechanisms for development and improvement in the relations between official Belgrade and Washington. A new development is the fact that more emphasis is put on strengthening cooperation in the domain of emergency response, which is positive, given the fact that this area has deserved a whole chapter in the Individual Partnership Action Plan (IPAP). In a statement issued on this occasion, the Ministry of Interior is stressing that „cooperation with the Ohio National Guard and in general with the other emergency response services in United States can be further improved through a number of joint activities, in the form of exchanging experiences and knowledge.“ During the visit, Ministry of Interior officials were invited to visit the Ohio National Guard next year and participate in an emergency situation exercise.

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76 Countering America’s Adversaries Through Sanctions Act, U.S. Department of the Treasury. Available at: https://www.treasury.gov/resource-center/sanctions/Programs/Pages/caatsa.aspx

77 Vulin and Bartman: Serbia and Ohio’s cooperation is important for Serbian-American relations, VOA, September 2018. Available at: https://www.glasamerike.net/a/vulin-i-bartman-saradnja-srbije-i-ohaje-va%C5%BEna-za-srpsko-ameri%C4%8Dke-odnose/4559170.html

78 *Ibid*
Exercise – Serbia 2018 – NATO EADRCC and Ministry of Interior of the Republic of Serbia

For the first time ever, NATO Euro-Atlantic Disaster Response Coordination Center (EADRCC) and Serbian Interior Ministry are jointly organizing Serbia 2018 exercise in October 2018 aimed at improving interoperability in international disaster risk responses.79

As part of the exercise, 830 members from NATO MSs, and 24 international teams from 37 countries will visit Serbia. The teams include: urban search and rescue teams, medical teams, water rescue and recovery team, and chemical biological incident response forces. Apart from Serbia’s Sector for emergency, other units of the Serbian interior ministry as well as the Defense ministry and other state bodies that deal with protection and rescue, will also take part in the exercise, with over 900 participants. Other partakers include Balkan medical units and the Department for Civilian-Military Cooperation of the Serbian Defense Ministry, Red Cross as well as numerous international organizations: representatives of the Organization for Security and Cooperation in Europe (OSCE), EU, UN, World Health Organization, South East Europe Initiative for Disaster Risk Prevention and Preparedness, Caritas and the Red Crescent.

“The purpose is to show the coordination of all rescue teams that come to help. Around 600 rescue workers from 14 countries were in Serbia during the catastrophic floods in 2014. Their arrival was coordinated through our sector and our Ministry. This will be a simulation of such an extraordinary event, not only of floods but also of rubble and chemical accidents”, Predrag Marić, Assistant Minister of Interior and head of the Emergency Sector indicated in a statement for Sputnik in September 2018.80

Sputnik observed as “interesting” the fact that representatives of the Serbian-Russian Humanitarian Centre from Niš have not been invited”, adding in a slightly pathetic tone that “the help of Russian rescue team will be quite visible during the exercise organized by NATO” since “members of the Emergency Sector will work with the equipment that came as a gift from the Russian Federation”. One should bear in mind that the donated equipment is very low in quantity.

Analysis of the National Security Strategy draft

Methodology and content analysis of the draft of the National Security Strategy

Note: For easier reading, quotes from the Draft Strategy and current documents and laws are given in Italic font and with quotation marks because Italic font is also used for titles of some documents and reports.

CEAS main objections to the Draft National Security Strategy are:

– Poor structure of the document;
– Lack of evaluation of the existing strategy, what is achieved by the existing strategy and why it has to be changed;
– It is not clear what the key goal of the strategy is, what are the intended results and which indicators would be used to evaluate them;
– The terms used in the draft Strategy are contradictory, incompatible, and value judgments in some places is unacceptable;
– Some of the evaluations have not been adequately analyzed. For example, migration cannot be seen as a non-military threat to security. It is possible to consider illegal migrations as such, as it is related to organized crime, however the text refers to migration, illegal migration, refugee and migrant crisis and so on.

CEAS notes that throughout the draft Strategy the national and collective principles dominate over the civic and individual ones, and in that sense, the new draft is worse than the existing strategy. CEAS reminds that Serbian Constitution stipulates civic principles too.

CEAS also notes serious oversights in the draft Strategy’s section on Strategic environment. The entire segment does not mention the aggression of the Russian Federation (RF) on an U.N. member, the sovereign state of Ukraine, unquestionably the biggest security threat to the EU and the Euro-Atlantic Alliance. This entails current implications on the Republic of Serbia and the region, including sanctions against the Russian Federation imposed by the countries of the political West and beyond.

The draft claims: “General state of world security is significantly endangered by the blatant violation of United Nations Charter and generally acceptable norms of interna-

81 For example, it speaks of „ethnic and religious conflicts“ in the Middle East and North Africa, neglecting contemporary findings on the nature of these conflicts.
82 NSS, page 6
83 NSS, page 7
tional law, especially involvement in internal affairs of sovereign states, as well as the concept and practice of preemptive attacks and military interventionism”.

CEAS believes that this paragraph, even though it was probably not the intention of the author, describes well the behavior by the current leadership of the Russian Federation.

CEAS is reminding of the key decisions of NATO Warsaw Summit: “In Warsaw, NATO elevated its relationship with European Union to an advanced level. Key areas of cooperation have been identified in a joint declaration including combating hybrid and cyber threats, supporting our partners in bolstering defense and strengthening maritime security. Extended cooperation between NATO and the EU in the Mediterranean has been announced, where exchange of information and knowledge can assist in making NATO and the EU more effective in responding to the illegal migration, terrorism and other challenges. Primarily, the Allies agreed on the possible role of NATO in the central Mediterranean by complementing or supporting European Union’s Operation Sofia.”

CEAS would like to remind of the following decree from the Global Strategy for Foreign and Security Policy of the European Union: “EU will continue to invest in strong connections across the Atlantic, in the north and in the south. Solid trans-Atlantic partnership with United States and Canada, through NATO, is helping us strengthen resilience, resolve conflicts and contribute to effective global management. To its members, NATO has represented a firm foundation of Euro-Atlantic Security for almost 70 years. It remains the strongest and most efficient military alliance in the world. EU will deepen its partnership with NATO through coordinated development of defense capabilities, parallel and synchronized exercises and mutually supportive activities for strengthening capacities of our partners, combating hybrid and cyber threats and strengthening maritime security.”

None of this is adequately treated in this part of the draft, although it has direct implications for the Republic of Serbia, especially considering that the draft treats European integration as a national interest and a strategic commitment.

NATO is treated at the same level as the Collective Security Treaty Organization (CSTO), which are two organizations so different in structure comparing them becomes impossible: “Development of partnership cooperation between the Republic of Serbia and NATO, based on the policy of military neutrality and through the Partnership for Peace program, as well as the observer status in the Collective Security Treaty Organization (CSTO), contribute to the stability of the Republic of Serbia.”

The Draft Strategy does not mention a series of novelties in NATO, from fulfilling the set of goals, from the enhanced forward presence on the Eastern Flank to the new command structure and introduction of the cyber as the new domain of war. It only refers to challenges regarding the promise of member countries to secure two percent of their
budgets for defense: “Organization of the north Atlantic treaty (NATO) aims to overcome difficulties regarding the securing of adequate budget means in order to continue to adapt to changes in strategic environment and build necessary capacities for opposing contemporary challenges, risks and threats.”

For CEAS, it is important to underline that the draft Strategy does not mention Serbia’s IPAP agreement with NATO, which also covers areas that deal with security and not only defense”, a significantly higher level of cooperation compared to the ‘starting kit’ of the Partnership for Peace.

CEAS is of the opinion that the Draft Strategy should have reflected recent developments and undeniable evidence on Russian state strategy of weaponizing information, disinformation campaign, illegitimate and dangerous meddling in election and referendum processes in these countries,\(^\text{84}\) \(^\text{85}\) as well as the new set of sanctions over the attempted murder of the citizen of Great Britain.\(^\text{86}\) These circumstances define the strategic environment, regardless the support of the Russian Federation to the Serbian position in Kosovo negotiations.

Part of the draft in the chapter **Strategic Environment** which states: “For further development of the region’s democracy, stability and prosperity, it is important that the Republic of Serbia improves relations with the United States, Russian Federation, People’s Republic of China, as well as with other traditional partners and significant factors in the international community“ – is fundamentally incorrect because the improvement of relations with Russian Federation is not in line with the progress in the EU integration process due to sanctions that remain in place.

CEAS considers that part of the draft on the **Strategic Environment** related to the assessment of the situation in the Western Balkans is largely inaccurate and/or arbitrary. The document says: “Recognizing the independence of that part of the territory of Republic of Serbia by certain states from the closest surroundings, as well as by a certain number of states in the world, has adversely affected the strengthening of confidence and cooperation measures and slowed down the stabilization process in this region. “

Recognition of Kosovo’s independence by some countries in the region did not contribute to instability, but rather facilitated regional cooperation and data exchange in the fight against organized crime, smuggling of dangerous materials, weapons and humans, and the fight against terrorism. It also facilitated the response to the refugee and migrant crisis.

\(^\text{84}\) Senate Democrats. Available at: https://www-democrats senate.gov/
\(^\text{85}\) Disinfo portal. Available at: https://disinfoportal.org/
Montenegro’s accession to NATO, which is not even mentioned, contributes significantly to the stabilization of the region and reduces the illegitimate and illegal hybrid influences and other types of influences of third parties, state or non-state actors. The description of the situation is not in accordance with the Brussels Agreement on the Principles of Normalization of Relations Between Belgrade and Pristina. It is not in accordance even with the proclaimed politics of the Republic of Serbia in the Western Balkans, neither in bilateral nor in multilateral terms, because in the same segment the draft states: “Democratic processes and the European foreign policy orientation of the Republic of Serbia strengthen its international position and positively influence the creation and improvement of the policy of cooperation and strengthening of confidence measures in the region. On this basis, the security policy of the Republic of Serbia makes it a reliable partner in international relations and an important factor in the regional security cooperation.”

At NATO’s summit in Warsaw in July 2016, the heads of state and government confirmed NATO’s defense mandate and acknowledged Cyberspace as the domain of operations in which NATO must defend itself as efficiently as it does in the air, on land and in the sea. Treating Cyberspace as a domain allows NATO to better protect and implement its missions and operations. Serbia regulated the cyber security field by a law and called it “information security” (Law on Information Security). Cyber security does not exist as a term in Serbian legislation (although civil society organizations once advocated that the law should embrace this term), and therefore the Strategy should be in line with the Law. In the draft Strategy, cyber threats and cyber security are mentioned in the section of the Strategic Environment (pages 4, 6 and 10), as well as in the section of the National Security Policy (pages 20 and 28).

The assessment of the situation in Kosovo itself is very tendentious and not in line with the assessments of the relevant EU reports. Estimate made in the draft that the recognition of the independence of Kosovo by individual countries of the Region is “reflected unfavorably on the strengthening of cooperation and slows down the stabilization process in the region” – does not fit the reality of the region’s progress in the process of Euro-Atlantic integration and/or cooperation, nor the rhetoric of state officials who claim to be dedicated to regional cooperation and maintaining peace, and above all, it is not in line with the Brussels agreement.

88 Cyber Defense, NATO, July 2018. Available at: https://www.nato.int/cps/en/natohq/topics_78170.htm
90 Ibid
91 Ibid
CEAS considers that in the part of the Draft on the **Challenges, Risks and Security Threats** the document must list all the measures that the state plans to take to eliminate them.

CEAS specifically emphasizes the circumstance that the draft Defense Strategy states that “**radiological, chemical and biological contamination resulting from warfare represents a permanent security threat to the Republic of Serbia, its population, its material goods and the environment,**” while this is not specified in the draft National Security Strategy, which we believe is methodologically wrong. This should also be discussed in the chapter on the **Challenges, Risks and Threats to the Security** of the draft National Security Strategy. In addition, when we look back to the issue, it is unclear how was the assessment made that “**radiological, chemical and biological contamination resulting from warfare represents a permanent security threat to the Republic of Serbia, its population, material goods and the environment,**” bearing in mind that the Commission for Investing Consequences of NATO’s Bombing in 1999 for the Health of the Citizens of Serbia and the Environmental Impact, will not present any results before 2020. Current National Security Strategy in the section on the **Elements of National Security Policy**, subsection on **Policy in Other Areas of Social Life** suggests the following: “**Due to serious environmental degradation, ecological protection is becoming an increasingly important area of security for the Republic of Serbia. Activities in this section are directed to the elimination of consequences caused by NATO’s bombing and on the protection and preservation of natural resources that may be endangered by uncontrolled exploitation. In achieving this goal it is necessary to ensure integrated management and control of the planned use of natural resources and ensure compliance with international conventions on environmental protection and the adoption of international standards in this field.**”

CEAS sent a letter to the Ministry of Defense in the form of an amendment and insisted during the public hearing that this part should be deleted from the draft until the accuracy of this assertion is verified by relevant research, and by tried and scientifically recognized methods.

CEAS believes that the draft of the new National Security Strategy represents a step forward in relation to the existing National Security Strategy which uses the expression “**European foreign policy orientation,**” while the new draft classifies European integration and EU accession as part of the **National Interest**: “**The national interests of Republic of Serbia are: ... European integration and membership in the European Union.**” Unfortunately, it is almost the only good innovation brought by the draft.

CEAS assessed that later in the draft, unfortunately, in general there is very little discussion about the potential and the plans by the Republic of Serbia for cooperation with the EU in adopting common policies.
Furthermore, in the section on the **National Interest** the draft states: “*Basic national values are: freedom, independence, peace, security, democracy, rule of law, social justice, human and minority rights and freedoms, patriotism and a healthy environment*”. It is unclear why, compared to the list of values in the current National Security Strategy, non-discrimination and equality of citizens, including gender equality, have been left out. We can find them in the current National Security Strategy in the chapters **National interests in the Domain of Security, National Security Policy** and in the sub-chapter **Basis for Defining a National Security Policy**.

CEAS considers that non-discrimination and equality of citizens and gender equality should be explicitly stated as a national value in the new draft. Since on the Defense Ministry’s website it is impossible to see whether someone has already submitted such an amendment, we believe that the Commissioner for Protection of Equality and other competent authorities must react in case the draft fails to mention gender equality as a value in the revised version of the draft National Security Strategy.

CEAS believes that the term “rodoljublje” (love for one’s ethnic origin), introduced as a national value, is not suitable for a multi-ethnic and multi-confessional country like the Republic of Serbia because it refers to love for the people (an ethnic group) rather than for the homeland or the motherland, and considers that “patriotism” would be a better term.

Part of the draft in the section of the **National Security Policy** says: “*The development of the defense system will be based on the needs and possibilities, and it will be implemented on the basis of development plans and programs. Also, it will be necessary to create the required conditions for integral engagement of all entities of the defense system. In this sense, the concept of total defense will be elaborated and applied.*”

In the part dedicated to the diverting of armed threats and effective defense, the implementation of the concept of “total defense” is not elaborated at all. We think that the term “total defense” needs to be elaborated with a little more detail in the draft itself. CEAS recommends that the Finnish model of total defense concept is taken into account, since it is considered to be successful and efficient.92

CEAS agrees with the assessment of the drafts of the National Security and Defense strategies made by the Working Group of the National Convent on the EU for Chapters 30 and 31 (WG NCEU) in the following – the draft, in the chapter **National Security Policy**, says: “*The preservation of the Autonomous Province of Kosovo and Metohija within the Republic of Serbia is an important issue for the Republic of Serbia. Serbia is

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determined to protect her own interests through dialogue, and the interests of all Serbs and other non-Albanian population in this province.”

WG NCEU also says: “If for the Republic of Serbia the preservation of the Autonomous Province of Kosovo and Metohija is a key issue, how is it possible that it is not determined to protect the interests of the majority population in that area (Kosovo Albanians), or at least to work on building confidence among the nations (also outside the framework of the Brussels Dialogue)? The strategy does not provide an answer how the Republic of Serbia intends to maintain Autonomous Province of Kosovo and Metohija in its structure without cooperation of the majority community in that territory. Although the strategy significantly relates to the situation in the Autonomous Province of Kosovo and Metohija, the document does not mention Kosovo Albanians anywhere, as if they did not exist.”

In the text of the draft National Security Strategy, military neutrality is mentioned in the section of the National Security Policy: „In order to contribute to global, European and regional stability, Republic of Serbia cooperates with NATO through the Partnership for Peace program, enforcing military neutrality, which implies the absence of membership in military-political alliances. Its military neutrality is not an obstacle for the development of a partnering cooperation within NATO’s Partnership for Peace program in the interest of strengthening global and European, and especially regional security. Republic of Serbia does not intend to become a member of NATO or any other military-political alliance, but wants to promote mutual trust and achieve common goals with all the partners in the world.“

CEAS recalls that military neutrality introduced by the Resolution of the National Assembly of Republic of Serbia on the Protection of Sovereignty, Territorial Integrity and the Constitutional Order of Republic of Serbia was adopted in December 2007. In article 6 of this Resolution, it is stated that the National Assembly: „…..makes a decision to declare the military neutrality of Republic of Serbia in relation to the existing military alliances until a possible referendum is called upon to reach a final decision on the matter.“

CEAS highlights that the Constitution itself does not contain this definition. In addition, this decision does not have its foundation in any international or bilateral agreement.

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93 Ibid
94 Official Gazette of the Republic of Serbia” No. 125/2007
CEAS considers that this Resolution is misinterpreted in the public, from 2007 to the present, since it is a political rather than a legal act,\textsuperscript{95} which consequently questions the obligation to apply it.

National Security Strategy Draft in its Chapter \textbf{The National Security Policy} states: \textit{“In accordance with international standards, Republic of Serbia will develop a unique early warning system and will improve the capabilities and capacities of the emergency situations headquarters. For the purpose of a rapid, efficient and coordinated response of all emergency services and effective management in emergency protection and rescue, a single notification system will be created, as well as a public alert system.”}\textsuperscript{95}

CEAS considers that this section in the National Security Strategy’s draft is inadequately covered, from that there are no unified “international standards” and furthermore. Bearing in mind that the concept of “total defense” has been introduced in the draft, we believe that it was appropriate to discuss this in more detail, precisely in relation to emergency response and crisis management, and above all, bearing in mind that Serbia is a member of the EU Civil Protection Mechanism, and that the strengthening of this system is also anticipated by Individual Partnership Action Plan (IPAP).

CEAS considers that the major parts of the chapter of the National Security System are not in compliance with the applicable legislation, primarily in the sections concerning: the roles of free and independent bodies and the role and position of the President of the Republic. The draft notes the trend of relocation of the current competencies of the President of the RS in the field of security that are contrary to the Constitution,\textsuperscript{96} which opens up a space for speculations about the direction in which the changes of the normative and legal framework will move.

In the draft of the National Security Strategy itself, it says: \textit{“The views of the National Security Strategy are operationalized in strategic and doctrinal documents, public policy documents and normative-legal acts.”}\textsuperscript{95}

The role of the judiciary has not been explicitly stated in the segment of democratic control of the security system, although it is crucial in contemporary stable democratic societies. In the draft’s subsection \textbf{The principles of functioning of the national security system} it says only that: \textit{“The system of national security is under democratic control implemented by the National Assembly, the President of the Republic, the Government, other state bodies and the public, in accordance with the law.”}\textsuperscript{96}

\textsuperscript{95} According to the National Assembly’s Glossary - Resolution is “an act of the National Assembly containing a political decision. It is brought at the end of a political inquiry. By this Act, the National Assembly takes a certain position or communicates an important political decision on internal, external, financial and other political issues”. Available at: http://www.parlament.gov.rs/gradjani/pojmovnik-narodne-skupstine.1632.html

\textsuperscript{96} More on this issue in the part of the text on compliance with the normative-legal acts of the Republic of Serbia
CEAS reminds that in the current National Security Strategy in the chapter the **National Security System** states: “The system of national security in a wider sense is composed of the highest bodies of legislative, executive and judicial power: the National Assembly of the Republic of Serbia, the President of the Republic, the National Security Council, the Government, the courts and the prosecution.”

For sections of draft National Security Strategy which have not been explicitly analyzed by CEAS in this document, CEAS mostly agrees with the findings from the Comments on National Security and Defense Strategy by the Working Group for Chapters 30 and 31 of the National Convent on the EU.  

**Analysis of the compatibility of the Draft National Security Strategy with the strategic, legislative and institutional framework**

In the text of the draft National Security Strategy, the military neutrality of the Republic of Serbia is repeatedly discussed. Resolution of the National Assembly of Republic of Serbia on the Protection of Sovereignty, Territorial Integrity and the Constitutional Order of Republic of Serbia was adopted in December 2007. In article 6 of this resolution, it is stated that the National Assembly: “decides to declare the military neutrality of the Republic of Serbia in relation to the existing military alliances until the eventual calling of a referendum in which a final decision on the matter would be made.”

Again, we underline that the Constitution itself does not contain this definition. Besides, this decision is not founded in any international or bilateral agreement.

**CEAS considers that this Resolution is misinterpreted in the public, from 2007 to the present, because it is a political rather than a legal act,** which consequently puts in question the obligation of its application.

This is particularly important in the light of the EU accession process and the application of Article 42.7 of the EU Agreement which states that all EU members are obliged to “provide assistance and to participate in every possible way” in case a country member becomes a victim of armed aggression against its territory.

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97 Ibid
98 National Security Strategy, pages.3,8,11,25,26
100 According to the National Assembly’s Glossary - Resolution is “an act of the National Assembly containing a political decision. It is brought at the end of a political inquiry. By this Act, the National Assembly takes a certain position or communicates an important political decision on internal, external, financial and other political issues”. Available at: http://www.parlament.gov.rs/gradjani/pojmovnik-narodne-skupstine.1632. html
The introduction of the draft National Security Strategy states: „National Security Strategy is the starting point for the development of other strategic and doctrinal documents, documents of public policies and normative-legal acts in all areas of social life and the functioning of state bodies and institutions in order to preserve and protect the safety of its citizens, the society and the state…..Views from the National Security Strategy are operationalized in strategic and doctrinal documents, policy documents and normative-legal acts.“

CEAS is not familiar with whether the drafting used, and in which way, appropriate analytical documents such as for example “Assessment of the threat of serious and organized crime”, prepared by Ministry of Internal Affairs.

CEAS notes that the communication/compliance with existing relevant strategies has not been established in the draft National Security Strategy, e.g. with:

- The National Strategy for the Fight Against Money Laundering and Financing of Terrorism;
- The Energy Development Strategy of the Republic of Serbia until 2025 with projections until 2030;
- Strategy for the Development of Informations Security in Serbia for the period from 2017 to 2020;
- The Strategy for the Suppression of Irregularities and Fraud in the Treatment of EU Funds in the Republic of Serbia for the period 2017-2020;
- Migration Management Strategy;
- National Strategy for Combating Organized Crime; etc.

\[\text{References}\]

3. „Official Gazette of the Republic of Serbia“ No. 3/2015
4. „Official Gazette of the Republic of Serbia“ No. 101/2015
5. „Official Gazette of the Republic of Serbia“ No. 53/2017
6. „Official Gazette of the Republic of Serbia“ No. 77/2017
7. „Official Gazette of the Republic of Serbia“ No. 9/2017
8. „Official Gazette of the Republic of Serbia“ No. 98/2017
CEAS notes that it is unclear whether this draft was submitted to the Republic Secretariat for Public Policy, in accordance with the competencies of that Secretariat,\(^{111}\) (in the part of ensuring the harmonization of the proposals of strategic documents defining public policies and draft laws with adopted strategic documents defining public policies, in the process of their adoption).

CEAS estimates that the terminology in the National Security Strategy draft is not harmonized with the law in different areas, and thus the term “critical infrastructure” does not exist in the legal system, but it is used to refer to the systems of information and communication technology of special importance, specified in Article 6. Law on Information Security (including the systems used: in executing tasks of the public services; for data processing which, in accordance with the law regulating the protection of personal data, is considered to be especially sensitive when it comes to personal data; in performing activities of common interest e.g. in the area of production, transport and distribution of electricity; coal production and processing; electronic communications; use, management, protection and improvement of goods of common interest; production, trade and transport of weapons and military equipment; waste management; communal activities; etc).\(^{112}\)

CEAS notes that the National Security Strategy draft refers to “criminal activity in the form of illegal transport of migrants” often not in the context of organized crime, and not in the way it is incriminated by the Penal Code, while human trafficking is not mentioned as a threat. In the document itself, great attention is paid to terrorism, but the section on Challenges, Risks and Security Threats misses an entire segment on the connection between money laundering and terrorist financing, to which authorities are otherwise devoting significant and well deserved attention.\(^{113}\)

The draft National Security Strategy in the chapter National Security System states: “The national security system consists of management and executive part.” while subsection The management part of the national security system represent: “The governing part of the national security system consists of National Assembly, President of the Republic, Government and National Security Council,” then the roles of these partakers are stated.

CEAS points out that the descriptions of the role of the mentioned partakers deviate from their competencies as established by law.


\(^{112}\) See Chapter II Zakona o informacionoj bezbednosti („Sl. glasnik RS”, br. 6/2016 i 94/2017)

\(^{113}\) See the Law on the Prevention of Money Laundering and Financing of Terrorism (“Official Gazette of the Republic of Serbia”, No. 113/2017)
At the same time, CEAS underline that this part of the draft of the new National Security Strategy contains significant differences in relation to the current National Security Strategy, primarily concerning the competence of the President of Serbia, the Government and the National Security Council.

In the current National Security Strategy the President “…chairs the National Security Council and commands Serbian Armed Forces, in accordance with the Constitution and Law. The President of the Republic points out certain issues and problems from the domain of national security, initiates their resolution and passes acts within his jurisdiction.”

The draft of the new National Security Strategy states that the President: “chairs the National Security Council and commands the Serbian Armed Forces, in accordance with the Constitution and the Law. The President of the Republic expresses the unity of the state in the management of the national security system, chairs National Security Council, unites and directs the functioning of the national security system and commands Serbian Armed Forces in accordance with the Constitution and the law. By decree, he declares laws and passes acts within his authority in the field of security and defense.”

CEAS stresses that the key powers of the President of the Republic in the section National Security System of the draft National Security Strategy, “unifying and directing the functioning of a national security system,” are dislocated from the part on the competences of the National Security Council, as the Law on the Bases Regulating the Security Services in the Republic of Serbia foresees in Part III.

According to Art. 9 of this Law, the President of the Republic disposes of the powers of the Chairperson, and in this capacity convenes the sessions of the Council, defines with the Prime Minister the agenda of the session, presides over the sessions, etc. and represents, by the letter of the Law, the first among equals.

The next key difference in relation to the existing Strategy concerns the authorizations of the Government. The current National Security Strategy says that the Government: “….directs and coordinates the functioning of the national security system.” This part is completely excluded in the draft of the new National Security Strategy, although the Law on Government stipulates: “The Government is the bearer of the executive power in the Republic of Serbia,” and that “the Government shall determine and conduct the policy of the Republic of Serbia within the Constitution and laws and other general acts of the National Assembly.”

CEAS considers that this part should be harmonized with the Constitution and laws, first of all: the Law on the President of the Republic,\textsuperscript{114} the Law on the Basis Regulating

\textsuperscript{114}"Official Gazette of the Republic of Serbia" No. 111/2007
the Security Services of the Republic of Serbia,\textsuperscript{115} the Law on Defense,\textsuperscript{116} the Law on the Army of Serbia,\textsuperscript{117} the Law on the Military Security Agency and the Military Intelligence Agency,\textsuperscript{118} Law on Police,\textsuperscript{119} Law on Security and Information Agency,\textsuperscript{120} Law on Government\textsuperscript{121} and other current legal and secondary legislation.

Specifically, President of the Republic of Serbia, in line with Art. 112 par. 2 of the Constitution of the Republic of Serbia\textsuperscript{122} “…in accordance with the law, commands the Army and appoints, promotes and dismisses the officers of the Serbian Armed Forces.”

Venice Commission, in par. 48 of the Opinions on the Serbian Constitution\textsuperscript{123} welcomes the establishment of a parliamentary system of government “….with a relatively weak, though directly elected president,” and concludes that this choice is a good solution “... having in mind the experience with the misuse of presidential powers in other, new democratic states.”

A particularly praiseworthy solution is contained in Art. 99 of The Constitution, by which the National Assembly is authorized to „,... decide on war and peace and declare state of war and state of emergency, supervise security services“, and to „, adopt a defense strategy. “

Art. 3 of The Law on the President of the Republic does not specify further competencies of the President of the Republic, but only states that they are “determined by the Constitution.” The mentioned Law further in Part III formulates the “Responsibilities of the President of the Republic related to the National Assembly,” while Part IV contains norms on the relation “of the President of the Republic with other state authorities, based on cooperation and information sharing, and it takes place without delay when this is required for unhindered performance of the authority of the President of the Republic.“

\textsuperscript{119} “Official Gazette of the Republic of Serbia“ No. 6/2016 i 24/2018
\textsuperscript{122} „Official Gazette of the Republic of Serbia“ No. 98/2006
Part III of the Law on the Basis of the Organization of Security Services of the Republic of Serbia defines the competencies of the National Security Council and the Bureau for coordination, direction and harmonization of the security services activity.

The competencies of state authorities and the Serbian Armed Forces in the area of defense are also regulated by the Defense Law.

The authorities of the President of the Republic in the area of command and control over the Serbian Armed Forces are specified in Article 17 of The Law on the Serbian Armed Forces, as well as those of the Minister of Defense (Article 18), the Chief of Staff and the senior officers of the Serbian Armed Forces (Article 19).

Art. 34 of the Law on the Military Security Agency and the Military Intelligence Agency require these agencies to “submit reports, share information and assessments of significance for the defense to the President of the Republic, the Minister of Defense and the Chief of Staff of the Serbian Armed Forces on a regular basis, whenever necessary, and upon request. “

Part IV of the Law on Security and Information Agency (BIA) regulates the domain of control over the activity of the BIA, and specifies that “the Director of the Agency is required to submit twice a year report on the work of the Agency and on the state of security of the Republic of Serbia, to the National Assembly and to the Government of the Republic of Serbia.”

The Government establishes and maintains the policy of the Republic of Serbia, in accordance with Art. 3 of the Law on the Government.

Because of all of the above, CEAS believes that the chapter on the National Security System needs to be processed to a large extent in order to comply with the Constitution and laws.

The manner in which this chapter is processed suggests that the entire draft was written primarily for the purpose of continuing negotiations on Kosovo, in which the main negotiator is the President of the RS. CEAS notes that several places in the draft suggest the strengthening of the position of the President of the Republic in the future legal framework.

CEAS understands this trend, bearing in mind the political circumstances and the challenges that the state leadership is facing in its efforts to find a compromise solution for Kosovo. However, we believe that due to these circumstances, after the negotiations are concluded, a new constitution and new strategic documents will need to be adopted to, hopefully, reflect the democratic and European course of the Republic of Serbia, while respecting the principle of the separation of powers and of democratic control over the security system.
Conclusions and Recommendations

New strategic documents of the Republic of Serbia are being considered and adopted in a period of extremely dynamic trends in global security and politics; challenges to the effective multilateralism as the dominant method of operation for Euro-Atlantic partners; heightened debate on reforms within the EU and the need for the European defense policy to become more autonomous from the United States; and increased evidence of an asymmetrical attack by the Kremlin against democracy within the Euro-Atlantic world. These circumstances objectively weigh down on the development, and the adoption of new security and defense documents.

At the same time, Serbia is facing many unusually high internal challenges – from the need to reform the judiciary onwards – which also objectively weigh down on the adoption of well-articulated strategic security and defense documents of a relatively small country in a relatively uncertain process of European integration.

The fact that European integration of the Republic of Serbia is explicitly stated as a national value in the draft of the new National Security Strategy, and that the President of Serbia linked the optimal outcome of Kosovo negotiations with Serbia’s membership in the EU are a good development.

Two parallel trends are observed in the Serbian-Russian relations: a series of small positive steps in the current government’s policy of pressure from Moscow on one hand, and an increasingly intense action of pro-Kremlin structures in Serbia that oppose Belgrade’s policy on Kosovo on the other.

In the analyzed period, the intensified bilateral communication between Serbia and the United States, with optimistic tones, is evident. This is accompanied by a different attitude of pro-government media to the United States in general. Although unquestionably positive, this trend may be threatened if the Republic of Serbia fails to pay attention to the new U.S. sanctions against Russia, and finalizes the announced purchase of Russian equipment with new technologies.

Nevertheless, the main political characteristic of the period in which the draft of the National Security Strategy is analyzed is the intensified internal dialogue on Kosovo, as well as the very process of negotiations with official Pristina under the auspices of the EU. In June 2018, CEAS published its report called West Side Story, in which all of this is discussed in more detail. CEAS believes that the very process of developing new strategic documents, as well as their content, is largely conditioned by the acceleration of the process of negotiations with Pristina, which is an additional objectively aggravating factor. The aforementioned trends in the relations between Belgrade and Russia and the United States are seemingly conditioned first of all by the perception of key players on what constitutes an optimal outcome of the negotiations between Belgrade and Pristina.
CEAS therefore considers that drafts of the National Security Strategy and Defense Strategy are written and are entering the parliamentary procedure primarily to satisfy the form in meeting the expectations articulated in the negotiation process by chapters with the EU.

The assessment that the draft of the new National Security Strategy of the Republic of Serbia is dominantly conditioned by the negotiations on Kosovo is grounded in the fact that parts of the draft National Security Strategy that relate to the competence of the President of the Republic of Serbia, who is also the main negotiator for Kosovo. CEAS notes that several parts of the draft hint at strengthening of the position of the President of the Republic in the future legal framework.

CEAS understands this trend to some extent, although it is questionable from the perspective of the separation of powers and the democratic control of the security system and therefore represents a double-edged sword, bearing in mind the stated political considerations and challenges that the state leadership faces in the effort to find a peaceful and sustainable solution for Kosovo, in the hope that it will keep Serbia on track of European integration.

The first national security strategy of President Donald Trump’s administration is called AMERICA FIRST, and it is extremely well written. CEAS considers that Serbia’s state leadership has correctly and timely noticed that the U.S. focus is shifting from the multilateralism of President Obama’s administration to the principled realism of President Trump. This implies a focus on outcome, not on ideology, and that peace, security and progress depend on powerful sovereign states that respect their citizens at home and cooperate on maintaining peace in the world. This has made a comparative analysis with Serbia’s new draft National Security Strategy more difficult, because all areas are overshadowed by the issue of Kosovo. If no substantial changes are made, the new National Security Strategy could as well be titled KOSOVO FIRST.

Although the circumstances mentioned could be seen as an excuse for certain shortcomings, such as: poor infrastructure and inconsistency of terminology; uncoordinated perception of geopolitical events and main threats and challenges to the EU Global Strategy, they cannot be used as an excuse for major oversights contained in these drafts.

This is particularly relevant to: the marginalization of the judiciary in the chapter on the “Structure of the system of national security and democratic control over the system”, which raises questions about the direction of constitutional and normative-legal changes and creates doubt about the possible intention of reducing the established democratic standards.
Throughout the draft Strategy the national and collective principles dominate over the civic and individual ones, and in that sense, the new draft is worse than the existing strategy. CEAS reminds that Serbian Constitution stipulates civic principles too.

The assessment of the situation in Kosovo is tendentious and is not in line with the assessments of relevant EU reports. The view expressed in the draft that the recognition of Kosovo’s independence by certain countries of the region is “negatively affecting stronger measures and cooperation, and is slowing down the process of regional stabilization” does not reflect the reality of the progress of the region in the process of Euro-Atlantic integration and/or cooperation, nor does it fit the rhetoric of state officials who claim to be committed to regional cooperation and maintaining peace, and most of all to the Brussels agreement. One could even argue that by proposing this draft, distancing from the agreement is slowly beginning.

Of special concern as is the fact that the draft of the new National Security Strategy in the chapter on national interests fails to mention the equality of citizens and gender equality, which are explicitly listed as a national value in the current National Security Strategy. CEAS believes that the equality of citizens and gender equality should be explicitly stated as national values in the new draft, and that the Commissioner for the Protection of Equality, as well as other competent authorities, must react if the revised draft of the National Security Strategy fails to list equality of citizens and gender equality as national values. CEAS is also concerned that this circumstance has not been noticed, nor discussed in the public debate by many civil society organizations and activists who work in this area.

CEAS, as an organization that primarily focuses on monitoring events in the Euro-Atlantic Council, NATO, EU-NATO and Serbia-NATO relations, considers that large omissions exist in the drafts of the new strategic documents relating to these areas. From Serbia’s geographical position to the indication that European integration is a national interest, to the circumstance that all countries of the region are either in the process of Euro-Atlantic integration or strengthening cooperation, all this requires that the strategies explicitly mention the mutual perception of EU and NATO as key partners, their common position and common measures against the current regime in Moscow, and the strengthening and expansion of areas of cooperation between EU and NATO. The drafts only address the challenges NATO has to face in achieving its plans to allocate a percentage of Member States’ GDP for defense, but not meeting targets set at the last two summits, such as an enhanced forward presence on the Eastern flank, expanding of the command structure, strengthening of operational capacities, and the introduction of Cyberspace as the fourth domain of warfare.

Taking into account the level of detail in the Individual Action Plan of Partnership between Serbia and NATO (IPAP) and especially its importance in establishing a per-
manent enhanced political dialogue between Serbia and NATO, CEAS considers that the fact that it is not specifically mentioned in the drafts is unacceptable, and instead the relation and framework of Serbia’s co-operation with NATO is mentioned only within the Partnership for Peace, which is a much wider framework involving many countries that do not have the IPAP.

CEAS considers as highly indicative the fact that the phrase “consequences of the war actions” is introduced to the strategic documents only in 2018, in the chapter on Challenges, Risks and Threats to the Security of Importance for the Defense in the draft Defense Strategy, but not in the draft of the new National Security Strategy where it methodologically belongs. Taking into account the recent history and the current public debates, it is likely to be primarily related to the environmental consequences of NATO’s air intervention and its implications for the public health, but it remains unclear by which indicators are the alleged consequences estimated as risk, challenge, or threat of importance for the defense, and why for defense only. The current NSS, in its chapter Elements of the National Security Policy, subsection of the Policy in Other Areas of Social Life, states: “Due to serious environmental degradation, ecological protection is becoming an increasingly important area for the security of the Republic of Serbia. Activities in this area are directed towards the elimination of consequences caused by NATO bombing and on the protection and preservation of natural resources that may be endangered by uncontrolled exploitation. In achieving this goal it is necessary to ensure integrated management and control of the planned use of natural resources and to ensure compliance with international conventions on environmental protection and the adoption of international standards in this area.”

CEAS stresses that the new drafts of the two strategies were made public in April 2018, that the public debate lasted till May 15, 2018, and that the Parliament of Serbia decided on May 18, 2018 to form a Commission to Investigate the Consequences of NATO’s Bombing of 1999 to the Public Health and to the Environment. The Commission’s first preliminary report is not expected before year 2020!

There are speculations that the State might support lawsuits filed by individuals, which some lawyers are promoting with Russian structures support. These lawsuits against structures in NATO member states are based primarily on the non-binding conclusion of the Fifth Commission of the Italian Parliament on the Effects of the Use of Depleted Uranium and the rulings of Italian courts in favor of Italian soldiers who have been diagnosed with cancer and had been, inter alia but not exclusively, deployed to Kosovo during and after military action.

CEAS estimates that the current regime in the Kremlin had expected Serbia would get involved in filing the lawsuits, but so far this has not happened. CEAS believes that the way in which this topic is addressed in the drafts of the new strategies is that they are
kosovocentric, and that they partially reveal the tactical moves that the government uses or is yet to use in the final phase of negotiations on Kosovo, but above all, that commitment to EU membership is not unuestionable.

For these reasons, CEAS considers it very likely that the new strategic documents, even if adopted with significant changes – which is unlikely – will not have a long life span.

CEAS believes that first of all it is necessary to formalize the normalization of relations between Serbia and Kosovo, which remains the last major unresolved factor from the legacy of Milosevic’s regime and the wars of the nineties. In line with the new comprehensive solution, it is necessary to initiate the process of amending the existing Constitution or adopting a new one. In these changes it is necessary to better standardize the basic postulates of the security and defense system. In line with the new circumstances, with continuing or abandoning the EU integration process, first of all it is necessary to adopt a sincere and comprehensive foreign policy strategy that should no longer be reduced to the eventual continuation of EU integration, as it is now, and only then adopt the new security and defense framework documents. These documents need to be substantially and normatively coordinated with the chosen foreign policy orientation of Serbia on one hand, and with the geopolitical and geostrategic environment on the other, and contain clear provisions on the separation of power, rule of law, human rights and the democratic control over the security system.

In short, FIRST it is necessary to resolve the issues related to KOSOVO in order for Serbia to escape the current situation in which the issue of Kosovo is overshadowing all others, hence, KOSOVO FIRST. Such an environment is not sustainable if Serbia wants to pursue democratic consolidation of the society and the state. A new reality needs to be created where democratic SERBIA FIRST would be a viable option.

In Belgrade, September 2018
About CEAS

The Center for Euro-Atlantic Studies (CEAS) is an independent socio-liberal think-tank organization founded in 2007 in Belgrade, Serbia.

The motto which the CEAS follows in its work is “Progress, Determination, Influence”.

We stand for:

- Adoption of the principle of the precedence of individual over collective rights, without disregard for the rights which individuals can only achieve through collective action;
- Strengthening of the secular state principle and promotion of a faithless understanding of the world;
- Development and preservation of a more open, freer, more prosperous and more cooperative international order founded on smart globalization.

Our advocacy and research work is mostly focused on:

- Contemporary Serbian, Regional and Trans-Atlantic Foreign and Security Policies;
- Full Serbian membership in EU and NATO;
- Russian and other non-democratic influences on the stabilization and democratization of Western Balkans;
- Importance of connection between security sector reform and transitional justice in the post-conflict Balkans;
- Promotion of Responsibility to Protect, the international humanitarian and security doctrine;
- Overcoming of the democratic deficits of multiculturalism.

CEAS is the only member from the Region of South-Eastern Europe to have full membership in ICRtoP - the International Coalition for the Responsibility to Protect. The coalition brings together non-governmental organizations from all over the world to collectively strengthen the normative consensus for the doctrine of Responsibility to Protect (RtoP), with the aim of better understanding this principle, pushing for the strengthened capacities of the international community to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity, and to mobilize the non-governmental sector to push for action to save lives in RtoP country-specific situations.

CEAS is a member of the Coalition for RECOM – a coalition comprising more than 1,800 organizations from Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia, advocating for the founding of the Regional Commission for establishing facts about war crimes and other serious violations of human rights committed on the territory of the former Yugoslavia between 1991 and 2001.

CEAS is among the most visible think-tanks in the Balkans, with a wide media, institutional and social outreach. CEAS has been quoted in leading prominent liberal media such as The New York Times, Washington Post, Politico, etc. In December 2016, CEAS Director Jelena Milic was elected as one of the POLITICO 28 Most influential People in the annual POLITICO 28 list of people who are shaping, shaking and stirring Europe.

In mid-2018 CEAS became one of the 22 leading international organizations, and the only one from the Western Balkans, which are partners of the Atlantic Council (AC USA) on the new strategic project DisinfoPortal. AC USA is considered one of the most influential think tank organizations in the world.

CEAS programs have been so far supported by: Open Society Fund (OSF); Think Tank Fund, Budapest; National Endowment for Democracy, USA; Rockefeller Brothers Fund, USA; European Commission; Balkan Trust for Democracy – GMF, Serbia; NATO Public Diplomacy Division; Organization for Security and Co-operation in Europe (OSCE), Serbia; Royal Norwegian Embassy in Belgrade; Visegrad Fund, Slovakia; Friedrich Nauman Foundation, Serbia; Friedrich Ebert Foundation, Serbia; USA Embassy in Serbia.

For more information about CEAS, our team and activities please visit our web site www.ceas-serbia.org and more information of an overview of all pending and completed projects can be found directly at https://www.ceas-serbia.org/en/projects.
KOSOVO FIRST
Analysis of the context of the adoption process and analysis of the draft National Security Strategy of the Republic of Serbia

Center for Euro-Atlantic Studies (CEAS)
Dr. Dragoslava Popovica 15
11000 Belgrade, Serbia
Tel/fax: +381 11 323 9579
office@ceas-serbia.org | www.ceas-serbia.org | @CEASSerbia