

Maria Neykova

Assoc. Prof. Dr. Faculty of Law, Burgas Free University.

Is Bulgaria's legislation up to the mark to the contemporary security environment

Summary

Legislation is among the major factors in building up the security system. Primary and secondary legislation in the area of security create the national security system, regulate its objectives, the powers of its competent authorities, the coordination and interaction between them. Most accepts assume that Republic of Bulgaria's security system does not function with adequate efficiency.

Keywords: security, security aspects, legislation, national security, doctrinal documents

Legislation is among the major factors in building up the security system. Primary and secondary legislation in the area of security create the national security system, regulate its objectives, the powers of its competent authorities, the coordination and interaction between them. Most accepts assume that Republic of Bulgaria's security system does not function with adequate efficiency.

The legislation relevant to the national security system is an extremely important element, especially in a democratic society. Presently, a number of documents regulating the interactions in the area of national security are enacted with a view to building up legislatively Bulgaria's security system. Analyzing the current issues in the area of legislation relevant to the security system, we reach the point of identification of problematic aspects in the system's functioning and evolution.

We are facing new, heretofore unknown risks associated with cybercrime, cyberterrorism, radicalization, issues in the Ukraine, the refugee crisis, Russia-EU relations, etc. Lest we forget, cybersecurity affects all security aspects. It is absolutely essential to take urgent steps to update the legislation and improve the mechanisms for interaction among institutions in the security sector, elaborate coordinated policies, and adopt a strategic conceptual framework in order to tackle the risks and threats to national security.

The system's doctrinal fundamentals are the element, which has to define security as a dynamic term and put all other elements into interaction. Depending on the legal systems and case law, the individual countries have varying doctrinal documents, such as strategies, concepts, white papers, presidential reports, etc. Several doctrinal documents encompassing the security sector or individual elements thereof have been adopted in the course of Republic of Bulgaria's recent history. A National Security Concept was adopted in 1998, while the National Security Strategy was adopted in 2011, as well the strategic documents in the area of national defense – the Military Doctrine and the White Paper on Defense and the Armed Forces. The impression is that the significance of the doctrinal documents regulating the national security system is not sufficiently known to and recognized by politicians in Bulgaria. This is most often expressed through their belated adoption, lack of updates in documents already adopted, or the making of governance decisions, which often contradict or disavow the already approved strategic documents. What is observed in result from the above are inconsistency and inefficiency in the decisions made and policies implemented in the area of national security, chronic underfinancing and inefficient spending. There is a glaring lack of subordination and coordination in the actions of competent government authorities and the absence of ability to exercise control over the entire security sector.

The first strategic document in the area of security was the National Security Concept, as adopted in 1998. It defined the term of “national security” and outlined the principles, values, and objectives of the “national security” policy. Based

on the Concept, the building up and reform of the entire security sector was set into motion. The concept provided the direction of development for Bulgaria, the guarantee for its national security, and the country's focus on European values and upcoming membership in NATO.

Considering the dynamic nature of international relations and the extremely changed security environment, the National Security Concept had to be modified and supplemented or replaced by another strategic document but this never actually took place.

The National Security Strategy of Republic of Bulgaria was adopted in 2011, constituting a very in-depth review of the strategic security environment and providing action guidelines to ensure the required level of security in the country. Another fundamental document providing the development directions for the Bulgarian armed forces and the entire defense system was the White Paper on Defense, as adopted in October 2010 by the National Assembly, which is a guarantee for sustainability in the armed forces' development. The latter's time span was until 2014, nevertheless, no new plan was adopted, which would be adequate to the changed security environment and define the new development directions for the armed forces. A National Defense Strategy was adopted, as well as investment projects for the armed forces' development. The National Defense Strategy assessed the military-strategic environment, defined the country's defense objectives, and outlined the pathways for achieving said objectives. It revealed the activities associated with the maintenance, building-up, development, and use of the country's defense capabilities, meaning that all activities in the building-up of the armed forces, including any modernization plans, had to be in line with that strategy. This was not carried out in actual fact.

To conclude

A new vision for Republic of Bulgaria's role and position is required in line with the changing international situation, which in turn necessitates application of a broader framework for assessment and tackling of risks and threats. The search for efficient and innovative ways and adoption of new legislation to set out the objectives and priorities of Republic of Bulgaria's national security. The 2011 Strategy provides a good assessment of the risks and threats to security but as at 2017 it is obsolete. Change is urgently required to present a clear vision for Bulgaria's development on a national and global scale going forward. To achieve that objective, the strategy must provide unequivocal orientation of national policies in the context of our alliance commitments in NATO and EU. It is crucial to formulate Bulgaria's key interests and thence – the mechanisms for their realization. It is also necessary to create legislation, which would clarify the essence of terms like "security", "security system", etc.

Neglect for the doctrinal documents in the area of national security is not in line with a democratic country's legal norms and creates premises for abuse. All government bodies involved in the creation of a security policy must be familiarized in-depth with those document and sustainable practices must be put into place for the preparation and timely update of such documents, which in turn requires a new type of organizational and governmental culture.

References:

National Security Strategy of Republic of Bulgaria, 2011.

Doctrinal Fundamentals of the National Security System, 2015.

Republic of Bulgaria's Constitution, 1991.

National Security System Governance and Functioning Act, 2015.

Crisis Management Act, 2005.

National Security Concept of Republic of Bulgaria, 1998.

National Defense Strategy of Republic of Bulgaria, 2011.

Plan for the Organizational Buildup and Modernization of the Armed Forces up to 2015, SG (State Gazette) issue 26, dated 28.03.2007.