NATIONAL SECURITY IN BULGARIA – IS IT REALLY A SYSTEM?

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Abstract: As result of the analysis of the structure and consistency of the national security and cybersecurity in the national legislation the authors reach the conclusion that the national security in Bulgaria is government function and has system character in line with the complex system theory. The national security system together with the cybersecurity system have fully functionality of the complex system because beside structure, interaction and relations, the system feedbacks, as periodic reports and document review procedures that reshapes the links and relations. The processes of: control as a cycle, security risk management and capability planning are reflected in the national legislation and are prescriptive, as well.

Key words: NATIONAL SECURITY, CYBER SECURITY, COMPLEX SYSTEM, NATIONAL LEGISLATION, GOVERNMENT INSTITUTION RESPONSIBILITY

1. Introduction

Every one complex system is organized group or combination of interrelated, interdependent and functional relative objects, processes and occurrence or part of them, constructing complex joint completeness [20]. The system nature of the national security is proved by existence of the main characteristics of the complex systems: links and relations between their the structure elements; inseparable unity with the environment in which the system expresses its totality; could be explained as an element of the senior complex system, while their elements could be subsystems, the behavior is aimed to reach a predefined aim; are in the existence period to change the organization, structure etc.; the separate system elements support some aspects of their behavior while the functioning at whole is result of all the connections in the system. The social systems are organized through the legally adoption of their status, performance and relations. This requires the analysis of the legislation to be conducted in order to recover the features of such a system. And the question is: How the Bulgarian legislation defines the framework of the national security?

2. National security legal framework

The constitution states that ‘The Ministry Council is responsible for providing the national security…’ ¹, that means that this function is a government responsibility.

An updated National Security Strategy of the Republic of Bulgaria [1] reflects the view, that:

- The legal framework for the national security system has been completed with the entry into force of the Law on Classified Information Protection [11], the Law on State Agency for National Security [8], the Law on Defense and the Armed Forces [16], The Law on Ministry of the Interior [15], the Law on Disaster Protection [12], the Law on the Management and Functioning of the National Security Protection System [17], the Law on State Intelligence Agency [9], the Law on the National Guard Service [10] and the Law on Military Intelligence [7].

- Uniform legal definitions of concepts related to national security have been adopted: National security is a dynamic state of society and the state, while protecting the territorial integrity, sovereignty and constitutionally established order of the country, when the democratic functioning of the institutions and fundamental rights and freedoms are guaranteed, as a result of which the nation maintains and enhances its well-being and develops, as well as when the country successfully defends its national interests and realizes its national priorities.

- The relations between the political leadership of the state and the professional structures of the system are regulated by law, as well as the interaction of the security services at the operational and information levels.

- A mechanism for conflict prevention and crisis management when they arise is in place. The Law on the Management and Functioning of the National Security Protection System [17] regulates the interaction with the security systems of NATO and EU allies.

The national security protection system is managed by the President, the National Assembly and the Council of Ministers and consists of state bodies and structures that carry out diplomatic, defense, intelligence, counterintelligence, investigation, law enforcement and security activities. In the performance of their functions, they shall cooperate with other state bodies and organizations, with bodies of local authorities, with legal entities and citizens, with similar institutions in other countries and with international organizations.

This legal framework creates the overall framework of the national security system (see Figure 1), together with the links and interactions.

The Legislative documents of lower rank state that:

- There are 23 standing committees¹ set up at the National Assembly. Many of them are related and accordingly deal with issues concerning individual aspects of national security. Committees’ proposals are reported in the Plenary, where the Parliament Members (in accordance with the procedure) are empowered to decide on the relevant issue.

- The National Security Advisory Council is an advisory body on national security issues and is chaired by the President of the Republic of Bulgaria⁵. It is a collective body that can discuss national security issues and draft opinions and proposals. It is not a governing body in the system.

- The Council of Ministers defines and implements the domestic and foreign policy of the Republic of Bulgaria; adopts strategies, programs, plans etc.⁵ The Security Council and the Cybersecurity Council are consultative and coordinating bodies to the Council of Ministers on national security and cybersecurity issues.

- In exercising their powers in preparing the economy and the population for defense, as well as in crisis management, regional governors and mayors of municipalities are assisted by security councils⁵.

The analysis of the presented facts determines the structure of the national security system as it is shown on Figure 1. The national security system has a structure with network and hierarchical sections, with certain functions and connections. Its core elements have features clearly defined in a large number of regulations.

The establishment of the national security policy is the responsibility of the National Assembly, the Council of Ministers

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¹ Art. 105 (2) of Bulgarian constitution [18].
² Art. 2 of Law on the Management and Functioning of the National Security Protection System [17]
³ Art. 17(2) of Regulations on the Organization and Activities of the National Assembly [19]
⁴ See the Law on The National Security Advisory Council [14]
⁵ Art 6 and art.13(3) of the Procedural Regulations of the Council of Ministers and its administration [21]
⁶ Art. 43(1) of the Law on Defense and the Armed Forces [16]
and the President. The relations in the highest echelon outlines the idea of democracy and mutual control in policy-making at the state level. This defines the network area in the system of Fig. 1. The National Security Advisory Council, individual committees in the National Assembly and the Security Council of the Council of Ministers play a key role in the interaction between the institutions in the security area.

![Diagram](Image)

**Figure 1 Organizational structure of the national security system**

The hierarchical structure of the system includes the bodies of the executive authority, which are in principle in such relations [23]. For the particular case - with regard to the performance of functions in the interest of national security - the structure does not change.

The management functions of the system elements include:

- **The National Assembly** in the field of national security adopts laws, strategies, doctrines and other documents within its competence. This way the legal framework of security activities is shaped, i.e. determining the internal factors of the national security environment. It assesses the state of national security and the fulfillment of obligations by state institutions. Provides recommendations to public authorities, local authorities and citizens and their organizations.

- **The President** is the superior Commander-in-Chief of the Armed Forces and chairs the National Security Advisory Council. Its role is to reach broad public agreement on national security issues. It issues decrees in the cases envisaged by the Constitution, confirms or returns documents for review at the National Assembly. The President is a corrective of the products of the National Assembly. It can also issue addresses and messages to inform the nation of activities, actions, alert to potential challenges and risks, and appeal for an active position on specific issues.

- **The Council of Ministers** reports on the implementation of the National Security Strategy through an annual report to the National Assembly. The preparation of this report is carried out by the administration of the executive authority in cooperation with the Bulgarian Academy of Sciences, universities and non-governmental experts. As a governing body, it issues ordinances, decisions and orders, submits drafts of normative documents, reports and analyzes to the National Assembly. Documents issued at this level specify and direct activities at the lower hierarchical levels of the national security system. The regulation that the Council of Ministers "oversees the national security system" puts it at the top of the hierarchical structure, but (unlike the President and Parliament) with well-developed bodies and procedures for planning, coordinating, disposing Ministers, Heads of Departments and Regional Governors are responsible for the national security in their area of competence. For this obligations they create the necessary functional and structural organization. They issue regulations, ordinances, instructions, and orders for managing the activities of the executive bodies in their line of control.

The effectiveness of the system depends on mutual trust and cooperation between public institutions, the private sector, non-governmental organizations and citizens, as well as with partner countries for the exchange of information and joint action.

In the published Annual reports on the national security of the Republic of Bulgaria in 2016 [4], 2017 [5] and 2018 [6], the authors made an assessment of the risks, dangers and threats to the Bulgarian national security, in particular for the following sectors: financial and economic security; external security environment; social security; energy security; security in relationships manpower; internal situation; activities of foreign special services; defense status; cybersecurity; national security protection system. National security policies in the areas described above are presented.

It is obviously the conclusion that the Bulgarian national security protection is built as a system. While the first report explains the established framework of the system, each subsequent one introduces, by analysis, follow-up steps to optimize that system to reach the goals more fully by further targeting the individual elements and links between them.

As national security covers different areas of social and economic life (protection of fundamental rights and freedoms of citizens; of state borders; territorial integrity and independence of the country; guarantee of internal, military security; constitutional order; democratic functioning of state and civil institutions, economic, energy, financial, social and environmental security) the functions in favor of national security are managed and performed in a coherent manner by those responsible for that institutions and organizations. The functions themselves may be grouped differently (for example, in the national security model based on the three pillars - internal, external and civil security) in order to optimize their distribution and improve governance. In the organizational structure of the national security system, the division of functions by area is carried out in the transition from the Council of Ministers to the separate ministries and agencies. The integration of information from individual security areas and individual regions is carried out with its simultaneous submission to the President, the National Assembly and The Council of Ministers.

### 3. National cybersecurity legal framework

Systemic structures and relationships at a national scale are created as a subsystem of the national security system. A single definition of cybersecurity has been adopted. The scope of activities is defined within the scope of the term. The Cybersecurity Act [13] defines the framework of this system, including management bodies, executive bodies, environment, and interaction procedures (see Figure 2). It also defines the roles of the involved bodies:

- **Council of Ministers** - manages the cybersecurity system, adopts by decision the National Cybersecurity Strategy and the National Network and Information Security Strategy;
- **Cybersecurity Council** - analyzes trends and proposes the development of necessary capabilities, proposes a cybersecurity strategy and national cyber crisis management plan, provides information and liaises with relevant competent authorities, monitors sectoral policies in the field;
- **The National Coordinator** is also the Secretary of the Cybersecurity Council;
- **The National Cybersecurity Coordination and Organizational Network** is being set up to coordinate the cybersecurity activities of the institutions involved;
- **Mol (Ministry of Interior)** - pursues the state policy in the field of combating cybercrime. For this purpose, it carries out investigation activities, cyber prevention and protection, reaction, and law enforcement in computer crimes. It establishes a

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[7] According to art. 7 (1) of the cybersecurity act [13].
[8] According to art. 3 (1) of the cybersecurity act [13].

Cybersecurity is a state of the society and the state where, through the implementation of a set of measures and actions, cyberspace is protected against threats to its independent networks and information infrastructure or which may disrupt their normal work.

[9] According to art. 3 (2) of the Cybersecurity act [13].

Cybersecurity includes network and information security, Countering cybercrime and cyber defence.
The national security system, together with the cybersecurity system, have the full functionality of complex systems, since (in addition to structure, interactions and relationships), system feedbacks are also clearly defined as periodic reports and document review procedures organizing connections and interaction. The cyclical processes of management, security risk management, planning of capabilities are also reflected in the regulatory framework and have prescriptive nature.

3. The hierarchical structure of systems includes management units on an institutional and regional basis and executive bodies with clearly defined management and information relationships, which present the structure-function-relationship links.

4. National security activities are in most cases functionally joint and require the integration of the efforts of several agencies and organizations. However, there is currently an active departmental approach in the areas of capability planning, resource provision that is unacceptable when it comes to national security.

5. We use every day the composition as ‘national security system’ and ‘cybersecurity system’ without taking into account the complex theory and the principles of the complex systems. Fortunately, this is a case in the context.

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3. Conclusions

The following conclusions can be drawn from the analysis of the composition and structure of the national security and the cybersecurity at national level:

1. National security in Bulgaria is a function of the state, society and citizens and is systematic in the sense of complex systems theory.


