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DOCTORAL (PhD) THESIS BOOKLET

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Contemporary Security
Framework for Critical
Infrastructure Protection –
the Case Study
Implementation in Bosnia
and Herzegovina

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**DOCTORAL SCHOOL ON SAFETY
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1. Summary

Candidate countries as well as member states of the European Union should develop a coherent security framework in the area of critical infrastructure protection, with a defined deadline for the implementation of the latest directive on the security of critical entities set for 2025. The dissertation explores the current state of public policies, regulatory frameworks, institutional capabilities and directions for improving the protection of critical infrastructure, aiming to establish a modern framework for critical infrastructure security in Bosnia and Herzegovina.

The first chapter provides an overview of the characteristics, terminological and regulatory definitions of vital infrastructures, highlighting their undeniable importance as determining factors for national and regional security. The criteria for the protection of critical infrastructure are presented in the second chapter, along with a review of their development over the past twenty years. In addition to examining the key pillars of national strategies and measures for the resilience of critical entities, the context of critical infrastructure protection is also portrayed through its close connection with cybersecurity and data protection. The third chapter outlines the functioning of the national security system from the perspective of critical infrastructure protection. The adoption of strategies and laws in the field of critical infrastructure falls under the jurisdiction of legislative power, while the role of the executive power is crucial and indispensable for the implementation of adopted regulations. The fourth chapter of the dissertation demonstrates that the normative solutions in the area of critical infrastructure security, which have been adopted or proposed in Bosnia and Herzegovina so far, generally align with the guidelines of the European Union and that critical infrastructure security is a significant milestone in the country's efforts toward European integration.

The dissertation presents a model that combines the European Union's methodology with national criteria in Bosnia and Herzegovina, which can be used to research this field in other countries as well. A country's membership and/or position in supranational political organisations has been identified as a central determinant of its strategic national approach to critical infrastructure security. To apply the results in practice, we proposed a model for critical infrastructure security which would normatively and institutionally align with the European

Union's standards, while also considering the multi-ethnic characteristics, real needs and capabilities of the security system in Bosnia and Herzegovina.

2. Summary in Hungarian language - Magyar nyelvű összefoglaló

A tagjelölt államoknak, valamint az Európai Unió tagállamainak koherens biztonsági keretet kell kidolgozniuk a kritikus infrastruktúra védelme terén, a kritikus szubjektumok biztonsága terén a legújabb irányelv végrehajtásának meghatározott határideje pedig 2025. év. A disszertációban tanulmányozásra került a jelenlegi helyzet a közpolitikák, a normatív szervezés, az intézmények lehetőségei és a kritikus infrastruktúra védelmének fejlesztési irányai terén, annak érdekében, hogy a kritikus infrastruktúra biztonságának korszerű kereteit megteremtjük Bosznia-Hercegovinában.

Az első fejezetben áttekintésre került a létfontosságú infrastruktúrák jellemzői, terminológiai és normatív definíciói, valamint ezek vitathatatlan fontossága a nemzet- és regionális biztonság meghatározó tényezőjeként. A kritikus infrastruktúra-védelmi kritériumok húszéves fejlődésük áttekintésével a második fejezetben kerülnek bemutatásra. A kritikus entitások rezilienciáját szolgáló nemzeti stratégiák és intézkedések kulcsfontosságú pillérei mellett a kritikus infrastruktúra védelmének kontextusa is bemutatásra kerül a kiberbiztonsággal és adatvédelemmel való szoros kapcsolat szempontjából. A harmadik fejezetben a nemzetbiztonsági rendszer működésének módját mutatjuk be a kritikus infrastruktúra-védelem szempontjából. A kritikus infrastruktúrák területén a stratégiák és törvények elfogadása a jogalkotó hatóság feladata, míg a végrehajtó hatóság szerepe kulcsfontosságú és nélkülözhetetlen az elfogadott szabályozások végrehajtásában. A disszertáció negyedik fejezetében bemutatásra kerül, hogy a kritikus infrastruktúrák biztonságának területén a Bosznia-Hercegovinában eddig elfogadott vagy javasolt normatív megoldások általában követik az Európai Unió irányelveit, és a kritikus infrastruktúra biztonsága. Az infrastruktúra fontos mérföldkő az ország erőfeszítései során az európai integráció felé.

A disszertáció egy olyan modellt mutat be, amely ötvözi az Európai Unió módszertanát és a nemzeti kritériumokat Bosznia-Hercegovinában, és amely szerint más országokban is végezhető kutatás az említett területen. Egy ország tagságát és/vagy pozícióját a nemzetek feletti politikai szervezetekben a kritikus infrastruktúra biztonságával kapcsolatos stratégiai

nemzeti megközelítés központi meghatározójaként azonosították. Az eredmények gyakorlati felhasználására a kritikus infrastruktúra biztonságának modelljét ajánlották fel, amely normatívan és intézményileg harmonizálna az Európai Unió vívmányaival, a többnemzetiségű sajátosságokkal, a bosznia-hercegovinai biztonsági rendszer valós igényei és lehetőségei.

3. Antecedents of the Research

Since the beginning of the 21st century, the European Union has been working on harmonising policy in the field of security of vital infrastructures, with the aim of comprehensive protection of the European community.

In the southeast of the European continent lies the Western Balkans, a geopolitical entity comprising several countries that are not members of the European Union. The countries of the Western Balkans have close and unbreakable economic, production, energy, security and other relations with the European Union. The Republic of Serbia, Bosnia and Herzegovina, Montenegro, Republic of North Macedonia and Albania are countries that directly border at least one European Union member state. Furthermore, all the mentioned countries have clearly expressed their intentions to join the European community.

After the Stabilisation and Association Agreement entered into force and the European Commission responded positively to Bosnia and Herzegovina's application for accession to the European Union, a series of activities has been initiated to fulfill obligations and address challenges on the European path. One of those challenges is the establishment of a modern and efficient state framework for the security of critical infrastructure. Bosnia and Herzegovina does not have a unified strategy or law regulating the area of critical infrastructure at the state level, but the initiated activities at the normative level indicate an alignment with European guidelines in the field of critical infrastructure security and the resilience of critical entities. As for the action and institutional measures, critical infrastructure in Bosnia and Herzegovina has not been officially identified or designated yet. Consequently, the infrastructure of importance for the European community has neither been established nor protected within the borders of this country.

The security of critical infrastructure is a priority task for the security and defense system of every state and supranational communities. Therefore, the central problem addressed in this thesis is: *How to establish an effective security framework in Bosnia and Herzegovina that will enable reaching the necessary level of security and resilience of the infrastructures whose functioning is of vital national and european importance?*

The formulated problem needs to be approached by seeking answers to these questions:

- What are the determinations of the security policy of Bosnia and Herzegovina?
- What are the normative and legal foundations for the security of critical infrastructure in Bosnia and Herzegovina?
- What are the institutional capacities for the security of critical infrastructure in Bosnia and Herzegovina?

The subject of this research refers to the analysis of all factors that determine the construction of a modern framework for the security of critical infrastructure in Bosnia and Herzegovina. We explored the current situation in the area of critical infrastructure security in Bosnia and Herzegovina, the determination of public policy actors in the area of security, the operation of the national security system and the fulfillment of existing international/European standards during the implementation of national legislation that regulates the management of critical infrastructure. *The more specific research subject is aimed at investigating the normative framework, institutional and organisational capacities in the security system of Bosnia and Herzegovina, from the aspect of security of critical infrastructure.*

The scientific and social justification of the research arises from the objectives to be achieved, which are reflected in expanding and deepening knowledge on all issues related to improving national and European security in the field of critical infrastructure. The expected results and scientific contribution stem from the security, political, economic and social importance of the topic, which is becoming increasingly relevant and important, but scientifically unexplored.

The timing of the research was concluded on January 1, 2024, and any subsequent changes and statistical data are not included in the dissertation.

Disciplinary determination of the research subject: The research subject is primarily located in the field of security studies. However, this research encompasses other areas of other social and humanistic studies and scientific disciplines such as legal, political, military, criminal investigations and criminology, as well as technical and information sciences, giving this investigation a multidisciplinary character.

4. Objectives

The scientific objective of the research is:

- scientific description and classification of critical infrastructure as a determinant of the national and European security;
- scientific analysis of the security system and security policy of Bosnia and Herzegovina, from the aspect of critical infrastructure security.

The practical objective of this research is to, based on theoretical knowledge and empirical results:

- provide a more comprehensive and objective overview of the existing normative and institutional characteristics of modern security systems with a special emphasis on the protection of critical infrastructure in a country,
- propose public policies in the field of security and practical solutions for establishing a modern security model for the protection of critical infrastructure, and
- propose directions for improving the legal and institutional framework for the security of critical infrastructure in Bosnia and Herzegovina, taking into account both European standards and the real needs and possibilities.

5. Research Methods and Challenges

The formulated problem and research subject, along with the set objectives and assumed hypothetical framework, indicate the need for a multi-method approach and complementary analysis of available and newly created data sources. Therefore, the following methods are used in the study:

- content analysis, including historical and dogmatic-legal methods,
- comparative method, and
- research method.

The *content analysis* method is used to study domestic and foreign literature with the aim of scientific description of critical infrastructure, security policy and framework for its protection. *The historical method* employed to gain the necessary background of the researched

problem, that is, to discover how and when the concept of critical infrastructure was created. The historical approach explains the evolution of policies and mechanisms for the protection of critical infrastructure. *The dogmatic-legal method*, i.e. the method of interpreting legal norms, is necessary for the interpretation of positive legal regulations governing the area of critical infrastructure security.

The comparative method enables a comparative analysis of the existing state in the normative, organisational and functional aspects of critical infrastructure security in the national security systems of specific countries, i.e., Bosnia and Herzegovina, developed countries and neighboring countries.

The test method is used for the purpose of the implementation of empirical research, employing semi-structured interviews (in-depth interviews). The data were collecting from responsible persons, executives, employees of one of the facilities of vital importance. Primarily, those sre employees of the government and private sector.

In-depth interviews were based on the following questions:

- Q1: When did the activities in the area of critical infrastructure security start to be implemented in Bosnia and Herzegovina?
- Q2: Are the valid legal acts in the field of critical infrastructure in Bosnia and Herzegovina harmonized with the legal acquis of the European Union?
- Q3: Given the complex state regulation, which levels of government are responsible for the security of critical infrastructure in Bosnia and Herzegovina?
- Q4: What is the current situation in the area of critical infrastructure security in the entities and Brčko District of Bosnia and Herzegovina?
- Q5: Can the existing capacities of the security system of Bosnia and Herzegovina be the supporting pillars in the area of critical infrastructure security?
- Q6: Can you propose a model for organizing and implementing activities in the field of critical infrastructure in Bosnia and Herzegovina?

The results of the analysis are based on the answers of 9 respondents who were selected based on their relevance to the expertise, jobs, and tasks they perform on a professional or semi-

professional basis in the field of critical infrastructure security and security policy. These include high-ranking officials of the Ministry of Security of Bosnia and Herzegovina, the Ministry of Interior of Republika Srpska, the CERT of Republika Srpska, the Government of the Federation of Bosnia and Herzegovina, the Government of Brčko District, of the private security sector, and of the scientific community.

In the study, data are analysed from various sources, and experience records will be systematically created from existing data sources, such as:

- scientific and professional papers by domestic and foreign authors directly dealing with security policy in the field of critical infrastructure,
- scientific and professional research projects in the country and abroad,
- positive legal regulations at the national, regional and international level,
- institutional sources such as statistical reports from local, state, regional, non-governmental and other relevant institutions, and
- international documents such as conventions, protocols, international agreements, directives, action plans and other acts.

Through these methods, we intend to arrive at facts that will form the basis for drawing conclusions, confirming or rejecting the proposed hypothetical framework.

6. New Scientific Results

The main and central scientific contribution of the dissertation lies in the results obtained from the analysis of security policy and the national security system from the perspective and in the function of protecting critical infrastructure in democratically organised states. Using Bosnia and Herzegovina as an example, through the lens of a new research matrix, the issue of critical infrastructure security is delineated on one side by the ambitions of political authorities aimed at the country's membership in the European Union. On other side, constitutional, territorial and ethnic variables and constraints are established, as well as normative solutions and the institutional capacities of the security system in Bosnia and Herzegovina.

The membership and/or position of a country in supranational political organisations has been identified as a new issue in the field of critical infrastructure security, i.e. as a central determinant of a strategic national approach to critical infrastructure protection. This result is based on the analysis of strategic, parliamentary and legislative initiatives and solutions that mandate alignment with one of the prevailing models within the European Union. Additionally, it draws from official reports of the relevant EU bodies which are presented in the dissertation.

Conventional security entities, such as the ministries of security and internal affairs, have been identified as central actors within the executive power and the main pillars of direct critical infrastructure protection. Furthermore, the research findings on the roles of specialised parliamentary bodies, cyber security agencies, private security companies, local communities, municipal police, public services, legal entities and citizens in the context of critical infrastructure security highlighted their importance and opened the door for new research topics. These topics focus on the actions and authorities of civil society, the non-state sector and supplemental security entities in the function of protecting critical infrastructure.

Guided by the general goal of creating a safer and more resilient region, the findings of the dissertation can form the basis for a strategy aimed at developing a tailored, effective and regionally acceptable framework for critical infrastructure security in Bosnia and Herzegovina, taking into account the country's constitutional and multiethnic characteristics.

7. Possibility to utilize the Results

Based on the conclusions, it is first necessary to regulate the area of critical infrastructure in the country normatively, and then proceed with the institutionalisation of prescribed solutions. The framework for the security of critical infrastructure should begin with the adoption of three additional laws in this area and amendments to the existing law of Republika Srpska. One of the laws would regulate the situation at the level of the institutions of Bosnia and Herzegovina, without explicit territorial competence, while the other two would be territorially and effectively directed towards the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina. These laws should define critical sectors,

responsible entities, responsible individuals, as well as the coordination and cooperation process that will be aligned with the guidelines from Directive 2022/2557

Based on the results obtained through research and the development of the dissertation, the following steps and a model for critical infrastructure security in Bosnia and Herzegovina are proposed.

First, it is necessary to adopt the following legal acts:

- Law on Critical Infrastructure Security in the institutions of Bosnia and Herzegovina;
- Law on Critical Infrastructure Security in the Federation of Bosnia and Herzegovina;
- Law on Critical Infrastructure Security in the Brčko District of Bosnia and Herzegovina;
- Amendments to the Law on Critical Infrastructure Security in the Republic of Srpska.

In each of these laws, it is necessary to define critical entities at the institutional level to which the law applies, inter-entity critical entities and critical entities of European importance. Then propose the sectors from which critical entities, inter-entity and European critical entities will be determined, regulate the management of critical infrastructure, mandate risk analysis, responsible security entities, security coordinators, single points of contact and the coordination body for intrastate and international exchange of information on critical entities, handling protected data, security checks for persons coming into contact with data on critical infrastructure, supervision of law enforcement and penalty provisions.

The definition of critical infrastructure and essential services can be directly adopted from Directive 2022/2557, Article 2. Below, we propose possible definitions in the proposed legislative acts for Bosnia and Herzegovina.

- The unified list of sectors from which critical entities will be designated at all levels in Bosnia and Herzegovina should align with the list of sectors used to determine key entities in the context of information security. The proposed list of sectors is as follows:

- Energy,
 - Transport,
 - Digital Infrastructure,
 - Public Administration,
 - Banking and Finance,
 - Health,
 - Food and Drinking Water,
 - Communal Infrastructure, Wastewater, Chemicals and Hazardous Materials,
 - Educational and Research Institutions,
 - Cultural and Natural Heritage.
- Critical entities at the level of Bosnia and Herzegovina’s institutions can be defined as public or private entities with associated critical infrastructure within the territory of Bosnia and Herzegovina which provide one or more key services to at least one public entity at the level of Bosnia and Herzegovina’s institutions.
 - Critical entities in the Republic of Srpska can be defined as public or private entities with associated critical infrastructure within the territory of the Republic of Srpska which provide one or more key services to at least one authority of the Republic.
 - Critical entities in the Federation of Bosnia and Herzegovina can be defined as public or private entities with associated critical infrastructure within the territory of the Federation of Bosnia and Herzegovina which provide one or more key services to at least one authority of the Federation.
 - Critical entities in the Brčko District can be defined as public or private entities with associated critical infrastructure within the territory of the Brčko District which provide one or more key services to at least one authority of the Brčko District.

The definition and protection of inter-entity critical infrastructures should follow the example of defining European critical infrastructures in such a way that they are infrastructures whose disruption in operation may have an impact in one of the entities, Brčko District and/or institutions of Bosnia and Herzegovina. Inter-entity critical infrastructures should be designated

from the list of critical infrastructures at the appropriate level of institutions/entities, with the obligation of all levels of authority to agree on a uniform methodology for risk analysis and identification of inter-entity critical infrastructures. Critical entities of European importance should also be appointed from among the list of critical infrastructures in Republika Srpska, Federation of Bosnia and Herzegovina, Brčko District and at the level of institutions of Bosnia and Herzegovina, following the corresponding provisions of Directive 2022/2557.

Inter-entity critical entities can be defined as public or private entities with associated critical infrastructure within the territory of one of the entities or the Brčko District of Bosnia and Herzegovina which provide one or more key services whose interruption or disruption in delivery could lead to negative effects in the territory of another entity, the Brčko District of Bosnia and Herzegovina, the institutions of Bosnia and Herzegovina or any of the entities in the case of critical infrastructure located within the territory of the Brčko District of Bosnia and Herzegovina.

Critical entities of European significance are those entities that are designated as key subjects within the entities, the Brčko District or at the level of Bosnia and Herzegovina's institutions which provide one or more key services to at least six other countries.

Due to the characteristics of the territorial organisation of Bosnia and Herzegovina, it can be expected that the minimum number of critical infrastructures will not be of inter-entity significance, and that there will be a certain number of overlaps between inter-entity and European critical infrastructures.

Normative measures should be accompanied by institutionalisation measures in such a way that single points of contact for the exchange of information on critical infrastructures are established in the Ministry of Interior of Republika Srpska, the Police Administration of the Federation of Bosnia and Herzegovina, the Police of Brčko District and the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina (for the level of institutions of Bosnia and Herzegovina). The coordination body for the exchange of information on critical infrastructure in Bosnia and Herzegovina can be formed in the Ministry of Security of Bosnia and Herzegovina. Each of the aforementioned bodies will have the role of both intrastate and international points of contact for the exchange of information on critical infrastructure.

The proposed model is aligned with the constitutional and political characteristics of Bosnia and Herzegovina, the organisation and capacities of the security system at the state level and its subsystems in the entities and district, as well as with the legal acquis of the European Union.

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9. Publications

9.1. Scientific Publications Related to the Thesis Points

Sikimic M. (2021): Consequences of threatening critical infrastructure on national security: a factor for building legal and institutional capacities. In conference proceedings: *Critical infrastructure protection: state obligations and private security sector opportunities*, pp. 96-112. ISBN 978-99976-914-3-9

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