

Foreign Voices



No. 2
April 2006

How to Conduct Security Sector Reform in Kosovo in Order to Increase Internal and Regional Security Challenges and Opportunities

The author of the Foreign Voices' second issue, Lulzim Peci from the Kosovar Institute for Policy Research and Development, was a speaker at the Development and Peace Foundation's Potsdam Spring Dialogues 2006 entitled "The Balkans at a Crossroads – Prospects for a Lasting Peace" held on 16-18 March 2006. During the Dialogues, several participants - among them Former Foreign Minister of Serbia and Montenegro Goran Svilanovic – pointed at the importance of security sector reforms in the countries of the region. In the following, Mr Peci presents his view on how the process of reforming the security sector in Kosovo should be shaped, and which specific preconditions have to be taken into account to make this process as successful and peaceful as possible.

Lulzim Peci

Executive Director
Kosovar Institute for Policy Research and Development,
Prishtina

"Monitoring is not a sufficient capacity building instrument"



Since June 1999 Kosovo is administered in accordance with the provisions of United Nations Security Council Resolution 1244 (UNSCR 1244), under the authority of Chapter VII of the UN Charter, with the objective to pacify a threat to international peace and security. Due to this character of the international presence in Kosovo, the UN has not been greatly involved in the process of genuine state-building. Short-term stability and security were given priority over democratic state-building. As a consequence, almost seven years after the establishment of UN administration in Kosovo,

there is a serious local institutional capacity gap and duality in governance, with responsibilities split between local and international authorities.

However, during this period, responsibilities in many areas were gradually transferred to local authorities, with security and justice being exceptions to this trend until 2005. Internal security sector reform, negotiations for Kosovo's status and transfer of competencies in the field of security and justice all have started in the second part of 2005. Specifically, in July 2005 the Internal Security Sector Review (ISSR) process was launched by the Special Representative of the UN-Secretary General (SRSG) Søren Jessen-Petersen whereas negotiations about Kosovo's final status commenced in September 2005. In December 2005, the gradual transfer of competencies in these two fields began through the establishment of the Ministry of Interior Affairs and the Ministry of Justice of Kosovo.

The final shape of the current security sector reform in Kosovo can be finalized only when the status talks are completed and the settlement is recognized by the international community. Therefore, it is expected that several steps of the ISSR process may have to be reviewed during the status negotiations. In case the talks lead to the independence of Kosovo, which most of international analysts expect, the ISSR might evolve into a full fledged security sector reform.

The interrelation of the ISSR with the status talks makes the process very dynamic and reversible. On the one hand, this might be seen as an opportunity to feed the status talks with the security dimension, which is one of the key issues of the future settlement of Kosovo. On the other hand, this interrelation can appear as a threat for the ISSR process and the quality of expected outputs because of the pressure already exercised by the Contact Group and the Office of the UN Special Envoy for Kosovo's Status Talks, Former Finnish President Mr. Martti Ahtisaari, to adjust timing of ISSR with the status talks.

Current Institutional Setup

Security Providers

Kosovo's security sector is heavily dominated by international actors as a direct result of the 1999 conflict settlement. The UNSCR 1244 specifies the entire public security apparatus, including the judiciary, police services, prison system and emergency services as "reserved functions" of the United Nations Interim Administration Mission in Kosovo (UNMIK).

The most important security provider, the Kosovo Force (KFOR), a contingent of military forces from NATO and non-NATO countries, was established in 1999 to secure Kosovo in the immediate aftermath of the international military intervention in Former Yugoslavia. KFOR's mandate and objectives are set out in UNSCR 1244, Section 9 and Annex 1, which empowers it with responsibilities for: deterring hostilities and enforcing the ceasefire, demilitarizing the Kosovo Liberation Army (KLA), establishing a secure environment for refugee returns, ensuring public safety, supervising de-mining, supporting the international civil presence, conducting border monitoring, and ensuring freedom of movement. Hence, KFOR has a mixed external defense and internal security role. It provides a deterrent to any offensive longings in Serbia, secures parts of the border (although this is being transitioned to the police), provides stationary and mobile protection to minority communities, and finally acts as a potential back-up to UNMIK Police and Kosovo Police Service in the eventuality that military assistance to the civil power is required during large man-made or natural disturbances.

The second international security provider is the Civilian Police (CIVPOL), which also was established under the provisions of UNSCR 1244. It required the creation of an international civilian police service in Kosovo under UN administration, to be gradually replaced by local units under the guidance of the Kosovo Police Service (KPS) over time. The UNMIK police responsibilities are: routine policing and criminal investigation via its civilian police (CIVPOL) units; high-risk policing in situations such as crowd control during violent demonstrations and civil unrest, for which it employs special police units; and ensuring compliance with immigration laws and border regulations (the responsibility of its border police).

The most important local security provider is the Kosovo Police Service. However, CIVPOL and KPS can be considered as being of the same structure; both of them are led by an international police commissioner. But there has been a real and significant transfer of powers from UNMIK police to KPS in recent years, which is changing the shape of the security architecture in Kosovo. The UNMIK police presence has substantially decreased in parallel with a growth of KPS. KPS now has operational control of some 80% of police activities in Kosovo. Although many key positions remain in the hands of internationals, this makes the policing architecture almost entirely local.

The other security provider is the Kosovo Protection Corps (KPC/TMK). The KPC is a civil emergency organization with military structure and military ranks, established following an 'undertaking' signed in 1999 by the KLA commander-in-chief and the Commander of KFOR as a means to demilitarize and transform the KLA. The legal foundation for establishing KPC is UNMIK Regulation 1999/8, which states that the KPC is "a civilian emergency service agency, the tasks of which shall be to: provide disaster response services; perform search and rescue; provide a capacity for humanitarian assistance in isolated areas; assist in de-mining; contribute to rebuilding infrastructure and communities."

However, while the international community continues to regard the KPC as a civil emergency organization as its current mandate dictates, the KPC's self-perception, and that of Kosovar Albanians at large, is that of an army-in-waiting. In spite of a growing number of Kosovo Serbs involved in the KPC, most of them tend to regard it with deep mistrust. The solution to this problem of opposing perceptions can only be found by putting the future of KPC at the centre of the security sector reform in Kosovo.

Aside from the aforementioned organizations a number of non-mandatory and illegal intelligence services operate in Kosovo. Firstly, Serbia's Ministry of Internal Affairs (MUP) and intelligence operatives are carrying out activities throughout the territory of Kosovo, though this is in clear and direct violation of the Kumanovo Military Technical Agreement. This involvement of Belgrade is a demonstration of Serbia's political campaign to maintain 'parallel structures' in Kosovo, as much as to gather intelligence. In addition, two major Kosovar political parties, namely the Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK) have acquired intelligence capabilities, and their "shadowy intelligence services" are a public secret. Namely, the Institute for Strategic Research of Public Opinion (IHSOP) is affiliated with the LDK, whereas the Kosovo Information Service (SHIK) is affiliated closely with the PDK. The IHSOP originates from the former Ministry of Defence (part of Kosovo's Government in exile), the SHIK has emerged from the KLA, having as its head a member of the cabinet of the Provisional Government established by Mr. Hashim Thaqi in 1999.

Operations and existence of non-mandatory Kosovar "shadowy security services" and political and intelligence subversion exercised by Serbia through their illegal and parallel structures may easily bring Kosovo to the brink of failure.

Key Oversight Actors

Civil control of security and the justice sector until recently was exercised entirely by UNMIK's Pillar I (Police and Justice) which continues to act as a quasi "Supra Ministry of Justice and Interior". In December 2005, the Ministry of Interior Affairs and the Ministry of Justice were established within the Kosovo Government. They are expected to gradually engage in exercising oversight responsibilities.

However, the UNMIK will not transfer full competencies to the newly created ministries until the end of the year, and an international police commissioner will continue to carry out the command over the KPS. In addition, the commissioner will remain responsible to the SRSG and not to the Minister of Interior Affairs. The Minister of the Interior and two deputy ministers are elected by the Kosovo Assembly, one of them being from the Kosovo Serb community. The appointment of a Kosovo Serb as a deputy minister is a further step towards building trust by all communities in the emerging democratic oversight of security institutions in Kosovo. In line with gradual transfer of competencies from UNMIK to Kosovar institutions, in November 2005 the Parliamentary Committee on Security was established.

Hence, in the near and medium future the internal affairs will remain under the control of the international community. Moreover, the European Union has indicated that the priority of the future ESDP Mission in Kosovo will be justice and police, hereby indicating further involvement of the international community in these fields. There is no doubt that there is a need for further capacity building of local institutions. However, the ESDP mission in Kosovo should not focus only on monitoring but rather on coaching and joint task exercising in policing. Monitoring as such is not a sufficient capacity building instrument.

Internal Security Sector Review (ISSR) Process

Due to the unresolved status of the Kosovo the security sector reform is currently limited to its internal component. The ISSR framework is prepared by the Security Sector Development Advisory Team of the British Government. The framework envisions an eight stages process: Conducting Strategic Environment Review, Determining Security Threats, Developing Internal Security Policy Framework, Developing Individual Institutions/Agency Policy Framework, Conducting Gap Analyses, Establishing Development Strategies, Determining Costs and Confirming Affordability and Implement Security Sector Development Strategies.

The ISSR process has a policy research and consultative component with the communities in Kosovo. It aims to ensure a democratic security sector reform through an inclusive consultative process that will provide the ground for trust and confidence building between ethnicities in Kosovo and its neighbors and the international community. The consultative process is supposed to build a basis for a "social contract" between citizens and the security policies and architecture so that the latter will protect all people and will be trusted by them, which has an utmost importance in the post-conflict environment of Kosovo.

The outputs of the policy research and consultative process are approved by the ISSR Steering Committee, which is composed by the Head of UNMIK SRSG Petersen, the President, the Prime-Minister, the President of Parliament, the Minister of Finance, the Commander of KFOR, the Head of the OSCE Mission, the Head of UNMIK's Pillar on Economic Development, leaders of opposition, representatives of Serbian and other minorities political parties, as well as a representative of the Serbian Orthodox Church in Kosovo. The composition of the Steering Committee is devised in a way to ensure

representation of key stakeholders and interests in building Kosovo's security sector, which is a unique case.

The ISSR is not focused only on security institutions and traditional threats but it rather has a holistic approach. Strategic Environment Review and Security Threats Assessment explore a wide range of issues such as political security, social security, economic security, ethnic security, environmental security as well as security institutions.

The initial findings are showing that Kosovo faces a number of potential security threats. Firstly, political extremism and terrorist organizations linked to it are immediate security threats directly related to the ongoing final status talks and their aftermath. Secondly, parallel security structures and political subversion exercised by Serbia coupled with ethnic non-integration are a serious threat for Kosovo's aspiration to become a stable state entity.

As far as long term security threats are concerned, unemployment, economic underdevelopment and organized crime are top priorities. However, current findings reveal that Kosovo is not a source of international terrorism, religious fundamentalism or the proliferation of weapons of mass destruction.

Conclusion

The expectations of the ISSR process will be fully met if its outputs and the new security architecture of Kosovo will address concerns of its citizens and ethnic communities as well as if the same are embraced by them. In this case Kosovo could create capacity to become a net security provider that will increase regional and international security.

In this respect, current and future capacity gaps in the security architecture of Kosovo have to be seriously addressed by the ongoing security sector review and reform. This particularly applies as the presence of international community will be phasing out in the years to come.

However, the achievement of those expectations will depend on the outcome of the status talks, Kosovo's efforts to build a stable state with a strong rule of law implementation capacity, policies of Belgrade towards Kosovo and the Kosovo Serbian Community as well as the effectiveness of future international missions in making Kosovo self sustainable.

Imprint

The **Development and Peace Foundation** is a cross-party, non-profit-making organisation which was founded in 1986 on the initiative of Willy Brandt. More information is available under: www.sef-bonn.org

Development and Peace Foundation
(Stiftung Entwicklung und Frieden - SEF)
Gotenstraße 152
D-53175 Bonn

Phone: +49 (228) 95925-0
Fax: +49 (228) 95925-99
Email: sef@sef-bonn.org

Bonn, April 2006

ISSN: 1862-3913