

Assessment of Private Security Companies in Kosovo

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RESEARCH

for

Private Security Companies in Kosovo

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Content

List of Abbreviations.....	4
Preface.....	6
Executive Summary.....	7
I. Introduction.....	9
II. Privatisation of security in a new security environment.....	10
The overview of the current private security industry in Kosovo.....	10
The legal dimension of private security in Kosovo.....	14
Regulation of the private security market	16
Market demand after the dissolution of Kosovo Protection Corps.....	17
The performance of private security companies in Kosovo.....	18
Organisation, Selection and vetting.....	19
Possession of weapons.....	20
The use of force.....	21
Training and equipments.....	22
Mainstreaming of human rights into operations.....	23
III. Cooperation and communication with public security institutions.....	24
Cooperation with Kosovo Police.....	24
Civil emergency	25
Oversight, scrutiny and accountability.....	26
The Ministry of Internal Affairs	26
The Assembly of Kosovo	27
IV. General perceptions on private security companies – survey results.....	28
V. Conclusions and Recommendations	31
VI. Bibliography.....	32

List of Abbreviations

CCTV	Closed-Circuit Television
CCMR	Center for Civil-Military Relation in Belgrade
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDR	Disarmament, Demobilization and Reintegration
EU	European Union
ICO	International Civil Office in Kosovo
INSTRAW	International Research and Training Institute for the Advancement of Women
JNA	Yugoslav National Army
KCPSED	Kosovo Centre for Public Security, Education and Development
KCSS	Kosovar Centre for Security Studies
KEK	Kosovo Electric Corporation
KFOR	NATO Forces in Kosovo
KLA	Kosovo Liberation Armies (UÇK)
KOSSAC	Kosovo Small Arms Control Initiative (UNDP)
KPC	Kosovo Protection Force
KSF	Kosovo Security Forces
MoIA	Ministry of Internal Affairs
MoU	Memorandum of Understanding
NATO	North Atlantic Treaty Organization
ODHIR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PCS	Private Security Company

PPS	Probabilities Proportional to Size
RSS	The Recruitment, Screening and Selection
SOP	Standard Operational Procedures
SRSG	Special Representative of Secretary General
SSPIU	UNMIK Weapons Authorization Section and Security Providers Inspection Unit
TAC	Threat Assessment Committee
UN	United Nations
UNDP	United Nations Development Program
UNMIK	United Nations Mission in Kosovo
VIP	Very Important Person
WAC	Weapon Authorization Card

PREFACE

Recently in most of the developing countries and even in Western Balkans Private Security Companies (PSC) numbers are increasing. This growing trend is present even in the Republic of Kosovo. Generally, PSCs lead the privatization of the security sector. Based on the research, more than 4.000 private security guards are present in Kosovo and their status is not regulated properly under the law.

For this purpose, Kosovar Centre for Security Studies based on its professional and expert capacities implemented this project and drafted this paper for this very important sphere of our society. Except for some superficial and insufficient attempts from some for dealing with this issue, KCSS is among the first to conduct a comprehensive research on this issue.

Furthermore this research makes up the inputs from up to 1200 respondents and professional opinions from the responsible officials, individuals and focus groups (PSCs). Undoubtedly this research will have a particular importance in highlighting the need of passing the Law on Private Security Companies.

The paper would have not be finished without the support of partners and donors. On behalf of KCSS I would like to thank Balkan Trust for Democracy, a project of German Marshall Fund and Netherlands Ministry of Foreign Affairs for the financial support given for this project.

Director of KCSS,

Ramadan QEHAJA,

EXECUTIVE SUMMARY AND KEY FINDINGS

The prevalence of the neo-liberal agenda continues to be a crucial factor driving the growth of PSC. The ideology of the market and the notion that privatisation is the most efficient means of delivering services has influenced the way governments operate. It is assumed that privatisation of certain segments of security is a cost-effective approach. In the aftermath of Kosovo conflict, the inadequate disarmament, presence of arms as well as protracted period for the formation of policing structures created a fertile ground for the existence of private security structures. Following the dissolution of Kosovo Liberation Army, some of the former combatants were required to enter the labour market and private security companies in part matched their working potential. Barriers to entry for private security operators were relatively low: all the necessary tools, including relatively inexpensive labour units were readily available on the open market. The combination of global systemic and structural factors and local responses to them has created both the demand for private military companies and the supply of labour and capital investment to meet that demand.

As was the case with other former communist countries, Kosovo's post-conflict state institutions and market were weak and unregulated. A large number of private security companies emerged between 2000 and 2008. Control and oversight infrastructure was slow and at times weak in addressing the potential threats, fair competition and legal operations in the industry. This assessment paper draws on both qualitative and quantitative data in presenting a more comprehensive and structured conceptualisation of private security industry in Kosovo. The research was initiated in November 2008 and includes: i) survey of 1202 households, ii) six focus group discussions, iii) more than sixty interviews with Key Informants (governments officials, members of the parliament, security experts, private security operators, community leaders), iv) analysis of official data on private security operators and v) review of both local and international academic and policy research paper related to private security. It is worthwhile noting that while conducting a research KCSS faced with difficulties to contact few PSCs due to their negligence and refusal to contribute in this research.

Key findings

- Some of the key findings of the assessment paper are:
- Lack of sufficient oversight, control and regulation of the private security companies
- Ineffective background check and vetting procedures for the members of PSCs

- The number of private companies and members is larger than the official statistics
- Private Security Companies are split and lack coherence in organisation
- Unfair competition and barriers for entry into the market
- Insufficient cooperation and exchange of information by private security companies and public security providers
- Serious breach of human rights within private security companies, employment law not respected and a good part of both activities and personnel are not reported to the official apparatus
- Negligible (1-3%) representation of women
- Very low, almost inexistent oversight by the Assembly of Kosovo
- The industry lacks designated regulatory and control mechanisms

Attitude and perceptions over private security companies

- Some 73% of survey respondents assed that PSC have a positive role in the overall security in Kosovo
- Majority of Kosovans satisfied with the performance of PSCs
- Nearly half (46%) of the respondents believe, however, that PSC are not adequately staffed and do not meet the criteria to be involved in security affairs
- Kosovans remain apart when it comes to permitting PSC to carry arms; 46 % of respondents said they should be permitted, 39 % were against and the rest refused or had no answer
- 57% believe PSC contribute to the lowering of crime rates in Kosovo
- 31 % said they have experienced or seen cases of misconduct and breach of human rights by PSCs.

Despite a growing perception of overpopulation with private security companies in Kosovo, the number is proportionally lower than in the rest of Europe. However, state institutions face daunting challenges in regulating the industry and lack vision when it comes to policy initiatives. The law on private security has been in limbo for a long time while the existing legal infrastructure does not meet the demands of democratic governance and

accountability. Recent initiatives to accelerate the drafting and eventual adoption of the Law on Private Security are promising but fall short of addressing existing and future challenges.

1. Introduction

1.1 Background

Few could have imagined such an ever increasing private security sector in Kosovo. Few years back even the demand for structured private security was fairly unthinkable. The range of services offered nowadays by PSCs starts from the classical physical protection of private and public properties, close protection of VIP's, safeguarding 'properties of strategic importance' and security for sports and music events. It is believed that this expanding industry contributes towards a safer environment in Kosovo. The presence of PSCs on the ground directly and indirectly assists law enforcement authorities in preserving safety and security. Importantly, the security vacuum that persists as policing mechanisms mature can be covered by private security companies.

From the security perspective new risks and threats are directed against human security and private property is always present. These risks would not be avoided without the contribution of the citizens and other actors.. The law enforcement authorities face a number of bottlenecks and simply cannot absorb the burden of offering presence and security for each property and individual. Efforts of the government institutions, civil society and media in general to monitor and assess the work and operations of PSC were rare and negligible. Some argue that importance of private security industry was often underestimated.¹ The community at large and opinion makers still consider security as the exclusive monopoly of the government or international forces present in Kosovo. This is in part due to inability to adjust to the paradigmatic changes in the outside world.

This research assesses the performance and current state of private security in Kosovo. Other private security structures as private military companies, private detectives are not developed in Kosovo nor has any Kosovan company of this sort taken part in any operation abroad. More precisely this research excludes the assessment of private military companies and private detectives since they are not present on the ground and are not regulated by law.

Chapter I briefly assesses the general dimension of privatization of security within the context of new security environment and a general overview of the current PSCs in

¹ Interview with Emrush Xhemajli, Member of Parliament, Committee on Internal Affairs and Security, Kosovo Assembly, 16.01.2009

Kosovo.. An analysis of the legal dimension and obstacles for approving the law on private security follows. By the time of concluding this paper, the industry continues to operate under United Nations Mission in Kosovo (UNMIK) Regulation 2000/33. In the second part, the paper assesses the environment where the PSC operate including market regulation, market demands, the labour market and employment context and an analysis of forms of micro-management including trainings, organisation, equipments, possession of weapons and use of force. The third chapter includes the processed data of the survey with 1202 respondents on issues related to private security in Kosovo. Conclusions and recommendations are offered in the final part.

1.2 Methodology

The research for this assessment paper on private security companies in Kosovo was undertaken during a three-month period from November 2008 to February 2009. The team used a wide variety of sources in order to gather the data required for a comprehensive study, both to ensure a high level of accuracy and allow for detailed analysis of the situation. The research relies on both quantitative and qualitative data. The sources include:

- A Kosovo-wide survey conducted in Albanian and Serbian. The survey was carried out in January 2009 and was answered by 1202 respondents across Kosovo covering all main ethnic, social and demographical groups.
- Six focus group discussions – two in Prishtina, one in Mitrovica , one in Ferizaj, one in Gracanica, one in Prizren and one in Gjilane.
- Over **60** 'Key informant' interviews with private security companies, government officials, assembly members, security experts and community leaders.
- Analysis of data of the Ministry of Internal Affairs and Kosovo Police
- A review of national and international academic and research papers related to private security companies

II. PRIVATISATION OF SECURITY IN A NEW SECURITY ENVIRONMENT

2.1 *The overview of the current private security in Kosovo*

The PSCs in Kosovo operate since almost a decade, much later than in other parts of former Yugoslavia. A long period of strained relations with Milosevic regime and the difficult political situation hardened social developments in general. The end of Kosovo in 1999 saw the introduction of market economy and pluralist democracy as well as contemporary practices on human security. Private security initiatives were taking shape rapidly as nascent police structures were struggling to secure law and order. Most of the PSC' were established by ex-combatants of the Kosovo Liberation Army, former military officers of Yugoslav National Army (JNA) and individuals with a security background.

Rapid emergence of private security initiatives could in part be explained by a symbiotic drive to adapt to the new conditions but in field which matches their labour potentials (security) and the pursuit of financial gain. Similar developments were experienced with ex-combatants in other conflict areas in former Yugoslavia. However, one cannot exclude the fact that many such initiatives also came from shrewd entrepreneurs who transmitted the know-how from Western Europe. There were usually two types of private security initiatives a) physical protection of property (guards and electronic equipments) and close protection – individual security. Barriers to entry for private security operators were initially relatively low: all the necessary tools, including relatively inexpensive labour units were readily available on the open market. The combination of global systemic and structural factors and local responses to them has created both the demand for private security companies and the supply of labour and capital investment to meet that demand.

The private security in Kosovo is growing day by day. The accuracy of plausibility of facts and findings from any research initiative is limited in time due to the dynamic developments and potential informalities in the sector. In January 2009, official data show that there were 48 local and international PSCs in Kosovo, of which 44 are Kosovo-based and 4 others are international.² More than half of PSC are based in Prishtina, a significant presence of PSCs is registered in the region of Prizren, Gjilan and Ferizaj.³ Nearly all PSCs are owned by Kosovo Albanians with the exceptions of one which is based in northern Kosovo and is

² SSPIU, (Security Services Provider's Investigation Unit) Kosovo Police Unit for PSCs inspection, December, 2008. However it is estimated that 10 companies are not operating although they got licenses. They might not fit into the open competition.

³ Official data, Kosovo Police Unit for PSCs inspection.

owned by a Kosovo Serb.⁴ Of all companies, only one of them (international) has the licence to carry weapons.⁵

Although the official data present a different figure, there is a shared perception that some companies are neither registered nor do possess any licence to exercise their activities. On the other hand, it remains unclear how publicly owned companies do cover their security needs. There are cases when security services remain unregistered and others public companies which have established their own internal security structures but have registered them accordingly.⁶ Additionally, some of the PSCs, mainly those in northern Kosovo, operate outside the current legal framework. Reportedly, they are registered and licensed from the Serbian Government authority.⁷

These shortcomings prevent an orderly development of the private security industry in Kosovo and do not contribute to the creation of multiethnic initiatives where applicable.⁸ However, companies employing workers belonging to a different ethnic community is not unprecedented. At least two international companies and a local company employed private security guards from the Serbian community. One international company operating all over the Kosovo was very exact in data by arguing the percentage of 10% Serbs employed.⁹ Recently, a local PSC based in Ferizaj employed up to 6 security guards from the Serbian community by securing the private residences in the touristic site of Brezovica, in the southern part of Kosovo.

According to official data there are 3750 registered private security guards. However, even the responsible persons do not deny the fact that this number is larger. On the basis of information received from PSC, official data, and also calculating possible practices (to be elaborated in the following parts) our estimate is that there may be 4000 – 4.500 individuals employed by PSCs. Getting the precise number of those employed is almost impossible for a number of reasons.

Firstly, some of the employees may not be declared in an attempt to avoid legal and financial responsibilities as outlined in the Employment Law. This comes as a result of the absence of appropriate scrutiny and control mechanism and social irresponsibility from the part of PSCs. Secondly, some of the individuals are employed only for short-term services and is dependent on the volatility and demand in the market. In local jargon this is known as ‘tender-driven employment’. To simplify, they are hired for a short service and then laid off. Lastly, the operation of many unregistered PSC in general, but particularly in northern Kosovo emboldens our previous assumptions.

PSC in Kosovo lack a cohesive and effective association structure. They are aligned to one of the two existing PSC Associations: a) The Association of Private Security in Kosovo (APSK) or to ‘AKIS’ Association, and some are non-aligned to any of those. But, what keeps PSCs so far apart? APSK gathers six private security companies, while AKIS has approximately sixteen.

⁴ PSC with the name “Soko”

⁵ Henderson

⁶ The research found the case of Post and Telecom of Kosovo

⁷ *Kosovo Internal Security Sector Review*, Issue: Private Security Companies, P.112, 2006

⁸ Ibid,

⁹ Interview with Grant Cambridge, Country Manager at “Henderson”

Voting and chairmanship mechanisms are determined by the aggregate number of security guards employed, which in theory might give the biggest PSC more rules-setting powers. These practices are in principle different in AKIS where the pattern of representation is *each company has a single vote*, namely a more balanced representation of interests.¹⁰ However, this only captures only part of the essence. Additionally, the current structuring of the cooperation mechanisms may lead to tendencies to lock the system and create barriers for entry into the market.

The two biggest PSC in Kosovo seem to have around 60% of the market and employ more than 50 percent of security workers in the industry.¹¹ Although the team was unable to get exact data on the levels of incomes per worker in PSCs, anecdotal evidence points to a range of 100-350 Euro per month.¹² PSC have different payment methods and scales. Reportedly, PSC offers to their clients stand at 0.78 – 2.10 Euro *per* hour.¹³ The range of services is wide, starting from physical security, protection of VIP's, securing of important events, securing of businesses etc.

From the security perspective, PSCs in Kosovo does contribute for a safer environment in Kosovo. Currently the number of the Kosovo Police officers is more than 8.000 therefore the proportion between the number of police and private security guards is approximately 2:1.¹⁴ Practice showed that the number of private security guards tends to approach the number of the public police officers and in the Western European are even more.¹⁵ Even in Kosovo and other countries in the region the day to day increase of private security industry leads towards the equal proportion of members (1:1). The market demands necessarily increase the number of private security guards and unload the financial burden of the public security institutions.

It is worthwhile mentioning that some small companies or private properties still uses the old fashion of the physical security such as hiring an “old man”¹⁶ or other in order to be present and apparently to “scary” robberies and plunders. This manner occurs due to the mentality of not trusting “strangers” to protect their properties. This situation is more certain in close protection services in which some VIP usually prefer to engage a member of their family or friend rather than hiring bodyguards from the private security company.

There are no authorized private detectives in Kosovo. Despite some reports that such plans are part of the Ministry of Internal Affairs legislative strategy,¹⁷ the existing legislation does not permit the operation of such subjects. Law on Private Detectives should be drafted and approved which should take into account the situation in the ground. Kosovo should adopt the practice of other countries when it comes to private detectives – permission with close oversight and strict procedures. Detectives offer private investigations to contracting/concerned parties.

¹⁰ Association “Akis”. During the interviews we had with the PSCs members of “Akis” they explained us their convenience to be part of the body since small or large companies have equal right to vote

¹¹ Interview with Agron Jusufi, Director of WDG and Head of the Association of Private Security in Kosovo. The two largest PSCs in Kosovo are WDG and Balkan International Security.

¹² It differs from the company

¹³ These data we got based on the discussions with focus groups.

¹⁴ Interview with Nuredin Ibishi, security expert, 07.01.2009

¹⁵ Ibid,

¹⁶ Interview with Agim Musliu, South East Europe Security, 12.01.2009

¹⁷ Apparently not in the near future

These services are secret and very sensitive.¹⁸ Several countries in the region have already introduced such practices though the reports indicate possible abuses.¹⁹ In this way a particular attention should be given to the future establishment of private detectives.

2.2 The Legal dimension of the PSCs in Kosovo

The privatization of the Security Sector is considered to be a new phenomenon in the post communist societies. As it is well known, in the previous system the security sector was totally the monopoly of the state institutions. Therefore also the legal regulation of this system assumed that only state institutions were allowed to offer safety services, excluding the involvement of the civil organizations in this activity.²⁰ Furthermore state enterprises were obliged to establish its security structures for protecting the assets and employees working for the company.²¹

As regarding the Western Balkan states and especially former Yugoslav countries, legal regulation of the systems has been challenged by further difficulties which have crippled the security sector. These include the problems of organized crime, ex-war combatants, military and well-structured paramilitary actors who could legitimize their activities under the cover of providing “security services” to their clients.²²

As noted in the introduction, immediately in the post war period the privatization of the security sector has been rising quickly involving different parts of society. There was a legal vacuum in Kosovo in the immediate post-conflict period, meaning that the Private Security Sector was unregulated and as a result uncontrolled and unmonitored. Therefore by 2000 the UNMIK Administration took measures, and released the first act regulating this sector in Kosovo.

The UNMIK Regulation 2000/33 on “Licensing of Security Services Providers in Kosovo and the Regulations of Their Employees” is a two page act, which has regulated Private Security Sector until the present time. As a very short Regulation, it was more dedicated to control the involvement of any pre-military structure in these companies rather than regulating the proper functioning of this sector. It regulated the license requirements and licensing process of PSCs and their employees in order to conduct the activities. It sets forth that every domestic and foreign business providing security services in Kosovo has to be licensed by the UNMIK Department.²³

¹⁸ Interview with Nuredin Ibishi, security expert, 07.01.2009

¹⁹ Ibid. However this report could not prove with any exact data except the opinion of the expert.

²⁰ Qehaja Ramadan, Director of KCSS, This was foreseen by the Law on Civil Self-Defence

²¹ Ibid,

²² The prominent case in the region is Serbia. See “*Private Security Companies in Serbia – A friend or foe?*”, P.49 – CCMR, Belgrade, 2007

²³ UNMIK *Regulation 2000/33 on Licensing of the Security Services Providers in Kosovo and regulation of their employees*, Section 1.

The Section 2 of UNMIK Regulation regulates the process of licensing of PSCs, the background check (vetting) of every individuals involved in PSCs and considered most importantly - the prohibition on the possession of weapons by domestic PSCs as well as for the regional companies such as those from former Yugoslav countries and neighbourhood. Only international staff members may be permitted to carry weapons.²⁴ The fact that only international staff may be permitted to possess weapons has been seen as a protection measure to prevent the armament of the population in Kosovo and to discourage the establishment of organized paramilitary groups that could destabilize the security situation in Kosovo and beyond. But on the other hand, it gave the advantage to the international PSCs as the only type of company to possess weapons, having the capacity of providing very important services such providing security services for banks and cash transport.²⁵

As for armed bodyguards, there are no rules foreseen in this regulation, and only the “UNMIK Regulation 2001/7 on the “Authorization of Weapons in Kosovo” which foresees that a person assessed as vulnerable by the Threat Assessment Committee (TAC) can be issued a Weapon Authorization Card (WAC) to him/her as well as to his/her bodyguard, if TAC recommended it to WAC.²⁶ To simplify, the UNMIK Regulations 2000/33 and 2001/7 do not regulate core aspects of PSCs functioning. As result of this, it is evaluated as an immediate need to re-regulate this domain within the scope of new legislation which would improve the position of the PSCs. In addition, such a regulation should regulate the aspects of employees, relations between PSCs and their clients etc.

By the beginning of 2007, MoIA created a working group for drafting the “Draft Law on Private Security” headed by MoIA representative, part of which were also representatives from Kosovo Assembly - Committee on Security, OSCE representative and also representatives from PSC Associations.

It had been suggested that this Law should be in accordance with the EU Member states legislation, and this working group has been focused on the Slovenian model as an EU member country as well as a former Yugoslav state which may most closely approximate the situation in the field in Kosovo. This draft law has regulated the private security sector services in general; those not part of state institutions. It intended to regulate the licensing process of PSCs; the eligibility for getting license; conditions of exercising their activities, professional qualifications, structuring of PSCs; authorization, use of force, personal equipment and weapon possession; cooperation with police, identification card issuance; minimal conditions of offering security; inspection supervision; investigation and evidence related to alleged violations by PSCs, as well as timeframes for preservation of data; and finally penalty provisions.²⁷

This draft was widely accepted by PSCs therefore considered as significant base for regulating this sector. It was a shared perception that some possible gaps might be filled by regulating in details some dimensions with the secondary legislation.²⁸ Also this draft law was appreciated

²⁴ Ibid, Section 2

²⁵ This was rather considered as monopoly

²⁶ UNMIK Regulation 2001/7 on the Authorization of Weapon Possession in Kosovo, Section 2,

²⁷ See Draft Law on Private Security in Kosovo

²⁸ The draft law foresaw secondary legislation for key parts such us use of force, penalty provisions etc

due to the fact that it foresaw other providers of private security sector services, such as private individual guards and others that are not part of law enforcement institutions.

The draft law was been subject to significant changes starting with the title. To simplify, “Draft Law on Private Security” has been modified into “Draft Law on Private Security Companies” and it has been followed by modifications in the general provisions by narrowing the target group to regulate only PSCs and excluding other security providers outside the scope of the companies.²⁹ These basic modifications as well as disagreements for the weapon possession led towards turning back the Draft to the Sponsor of law (MoIA) for redrafting.³⁰

The law has to be drafted and approved by the Parliament as soon as possible. It is of particular importance to regulate this issue by the rule of law and further postponements are not justifiable. The law has to be followed by secondary legislation in certain cases such as: use of force, possession of weapons, standard code of conduct in the market and rights of employees

2.3 Regulation of the private security market

Policy-making and implementation bodies should ensure that legal loopholes that could unintentionally create incentives for fuelling ‘elusive risks’ or crime which foster demand for private security services are properly filled and sanctioned where applicable. In theory, there is a moral hazard when it comes to the mission of private security companies. While in principle they aim at providing security, it is fairly irrational to aim for lower crime rates. Therefore, the policy framework has to clearly address this issue with extreme care. On the other hand, the regulator and monitoring authorities have to make sure that individuals do not free-ride the services offered by private security companies and profit from positive externalities that the presence of PSC creates. Arguably, this can become a controversial issue– PSC in theory may intentionally tolerate and facilitate burglaries of businesses owned by free-riders.

While the current legal infrastructure defines to an extend do/donts which are mainly related to the security dimension, the policies lack the economic dimension. As with other economic transactions, private security needs a consumer and a seller. Presumably, the *invisible hand* in the private sector industry faces a number of shortcomings. From the need to ensure fair competition, to bilateral economic exchange, contracts, fiscal evasion and corporate social responsibility all require the intervention of the *invisible foot* – the implementation bodies.

A growing private security market requires fair treatment of all agents, fair competition, access to information and where applicable facilitating them in consistently improving their services to

²⁹ *Draft Law on Private Security Companies*

³⁰ Interview with Emrush Xhemajli, Member of Parliament of Kosovo, Committee on Internal Affairs and Security, 16.01.2009; Considering that even the name of law was modified as well as general provisions the draft law is supposed to be send back to the sponsor

the consumers. As a number of those interviewed highlight, the Government must seriously tackle corruption in the industry especially due to the sensitivity of the matter. Private security companies reported a number of administrative obstacles they face when it comes to registering and licensing of their workers, something that may stimulate fiscal evasion. Reportedly, almost all private security companies fail to implement the requirements of the Law on Employment. With few exceptions, companies do not obey any basic corporate social responsibility principles. Discussions with key informants revealed that PSC members are often unregistered, are not offered contracts and lack basic knowledge on scales of payment.

A number of companies are attempting to win their share of the market by, at times, offering prices below the need level for satisfying factors or production. The cost of services has gone seriously low in part due to the oversupply of labour and scarce opportunities. Security experts and other key informants highlighted the incompatibilities that exist between the Procurement Law and Employment Law – according to the former companies with the lowest financial offers are the likely winners, which in itself push companies to compete under conditions which fall well below those stipulated by the Employment Law and social responsibility principles embedded within the Constitution of the Republic of Kosovo.

2.4 Market demand after the dissolution of Kosovo Protection Force (KPC)

The KPC was created in 1999 by the International Community. It was officially established on 21 January 2000 as a legal entity falling within the Reserved Powers of the SRSG. Its origins lie in the “Undertaking on Demilitarization and Demobilization of the Kosovo Liberation Army”³¹ signed between the leadership of the Kosovo Liberation Army (KLA) and the Commander of the NATO Force in Kosovo (KFOR). A large proportion of KPC personnel were drawn from the ranks of the former KLA³², who, as part of the agreement, undertook to hand over their weapons. Modelled on the French *Sécurité Civile*, the KPC was designed to protect the population of Kosovo against natural or man-made disasters and to assist in rebuilding Kosovo. According to Ahtisaari Kosovo Status Settlement Package, Kosovo Protection Corps (KPC) will be disbanded to open the way for the creation of the Kosovo Security Force.

As the process for the creation of the new force progress, planning estimates and official reports indicate that out of 2883 active KPC members, up to 1800 of them might need assistance to find alternative civilian livelihoods. The North Atlantic Treaty Alliance (NATO) has tasked the United Nations Development Programme (UNDP) to run the resettlement programme of former KPC members. The KPC Resettlement Programme³³, designed for

³¹ In 1999, it is estimated that there were some 22,000 KLA/UCK members.

³² The current number of KPC members who are former KLA members is estimated at 70 %.

³³ *Resettlement* is a more appropriate term to be used in Kosovo, see UNDP Resettlement Programme

those members of the KPC who require support in transitioning to post-KPC livelihoods, is the result of their work. Whilst the KPC had a civilian emergency role, it was organized on military lines in its rank structure, organization and uniform. It should be noted that, while the KPC was never intended by its international administration to serve beyond its mandate as a civil emergency force, it was regarded by the majority population as representing the legacy of the KLA. This results in public approval ratings for the KPC that exceed almost every other institution in Kosovo.

The Recruitment, Screening and Selection (RSS) process to join Kosovo Security Force will determine those individuals who will not be required in the new force either by virtue of not meeting the enlistment criteria, not meeting the needs of the service or failing to meet the necessary standards during training. Together with those who voluntarily decide not to join the new force, these individuals will be eligible to register into the KPC Resettlement Programme. While NATO and UNDP have announced a sound resettlement process, it remains to be seen how the former KPC members will be integrated into the labour market. Understandably, the process of re-integrating individuals with a long army-spirited background might be relatively complicated. A number of Private Security Companies reported to have approached previous KPC management to offer them the job placement in the industry but that they have been vehemently refused.³⁴ As is the case with former ex-KLA members, a number of them are likely to seek employing their skills into the private security industry. The existing plans have not foreseen supporting any collective venture to accommodate former KPC members.

3. The performance of private security companies in Kosovo

The private Security industry in Kosovo is considered one of the most significant developments in the post-conflict period. Although perceived as purely business services, their contribution towards a safer environment is unavoidable and deserves a particular respect.³⁵ Indeed private security actors can make a valuable contribution to the provision and efforts of security within a state.³⁶ Furthermore, the expanding industry of private security shapes the state monopoly over the security sector as a result of tremendous demands in the markets for the protection of properties.

From the security point of view, the presence and ongoing growth of PSCs in Kosovo contributed to joint efforts ensuring a safer environment in the country. With PSCs performing the static tasks of safeguarding private and public properties, this relieves the public police from

³⁴ Interview with Abedin Hasani, Director of Besa Security, 09.01.2009

³⁵ See quantitative findings. On the question of PSCs contribution for the decreasing the level of crime majority of them was positive. Also there is a common attitude that PSCs presence contribute in a safer environment

³⁶ Richards Anna and Smith Henry, *Addressing the role of private security companies within security sector reform programmes*, Journal of Security Sector Management, 2007

costly and burdensome tasks.³⁷ The number of public police is not supposed to be increased as a result of the growing number of private security guards. Recently, the Kosovo Police Unit for safeguarding the public institutions was disbanded and they have been tasked to follow a basic training course at the Kosovo Centre for Public Security in order to be part of other regular police units.³⁸ The argument for disbandment of this unit is very simple – there is not a single reason to continue these guarding services due to the possibilities of employing private security. However, this does not exclude the imminent role of the police in sensitive parts of tasking designed only for law enforcement mechanism.

3.1 Organisation, selection and vetting

Most of the PSCs in Kosovo have prior experience in public security institutions. Those who had expertise with military or security structures were more able to explain the “chain of command” within the organization. The main PSCs have a detailed organisational chart. The current international company showed a logical chain of functioning compatible with any contemporary private security service.³⁹ Even other local companies emphasized they have a clear hierarchical structure. According to the research, the chain of management depends on the general number of employees of the PSC as well as the number of security guards present in the ground. Typically, they use a pattern of “points” to structure their operations– varying according to such variables as from the distance of these points on the ground and the particular point’s importance. For example, a supervisor may be tasked with managing one important point, or several less important points in close proximity. This supervisor then reports directly to the director or head of the PSC. There often is a custodian officer, especially during night shifts.

One may be worried about the professionalism in the management level. Except for those with military or other security background, there is a concern that individuals with an insufficient security background will be engaged. However, this does not exclude the experience most of them gained during the time they served at different PSCs. Most obviously, management might be directed by the individuals hired based on trustworthiness but not on their experience. This could occur as a result of possible improper selection especially for the senior positions. The current legal infrastructure did not foresee the need for relevant qualifications for the owner as well as for the senior officers of PSCs. Based on the draft laws, the new legal infrastructure may impose the relevant qualification for senior positions. However, the selection process should be necessarily subject to strict scrutiny.

PSCs have to report to the police when they employ new security guard. They get response as soon as the police does his/her backgrounds check (vetting). This includes the possible criminal record whether he/she have not finished the process of re-socialization after suffering sentence,

³⁷ Interview with Agim Musliu, South East Europe Security, 12.01.2009

³⁸ This unit made up between 500 and 600 officers

³⁹ Henderson

is a potential for corruption activities etc. For the purpose of this paper, vetting is a process by which individuals are screened for access to rights and duties for practically all positions in government and businesses.⁴⁰ Even in the private security sector vetting is unavoidable.

3.2 Possession of weapons

The issue of possession of weapons is very controversial, sensitive and complicated. It varies from country to country however in Kosovo currently only one international company holds fire-arms.⁴¹ Current legislation excluded the right of local companies to apply for small weapons despite huge demands for this. This consolidated the monopoly of international companies since it was almost impossible for local companies to offer and get tenders for some services; in particular, cash transport for the commercial banks purposes. To simplify, local companies were automatically excluded from offering protection services especially for international banks.

The new law will definitely break this monopoly and allow even local PSCs to apply for weapons permits and authorization. This research found huge discrepancy between the demands of PSCs and the drafters of law on the cases of possession weapons. The upcoming legislation will apparently expressively foresee the possession of weapons only for two purposes: cash transport for the bank purposes and private bodyguards.⁴² The restriction over the possession of weapons correlates with the necessity to avoid further consequences or misuse of weapons. One may not forget security guards handling and using dog. Despite the fact that even these guards should be trained, a dog could be use as weapon and could successfully defeat a possible risk or attack against the property or individual under the responsibility of PSC. However dog can be a more risky responsibility and should be given a particular attention same as the police does.

In the other side, PSCs are quite satisfied with the upcoming new law⁴³ and allowance of possession weapons but the restrictions only for two purposes is considered to be unacceptable by a majority of them.⁴⁴ The argument rests on the so called properties of 'strategic importance' such as Lake Embankment, KEK and other important properties. They cite the scenario of a possible "sabotage" or attack occurring where they are unable to effectively combat the threat without weapons. However, there is the possibility of combining the private and public security for the protection of these important points⁴⁵ but not convincing the owners of PSCs. Some PSCs have gone so far as to suggest that "even security patrols should carry weapons as well

⁴⁰ DCAF, *Vetting and Security Sector*, 2006

⁴¹ Henderson

⁴² Based on the discussions with relevant stakeholders.

⁴³ In particular, first reading.

⁴⁴ During the focus group debates, the majority of PSC directors or owners urged for not restricting only for these two purposes.

⁴⁵ Interview with Emrush Xhemajli, Member of Parliament of Kosovo, Committee on Internal Affairs and Security, 16.01.2009

as the security guards staying inside the banks". They always base their arguments by referring the neighbourhood and other regional countries.⁴⁶

Considering the possible consequences and misuse, a particular attention has to be given to this issue while drafting the law. There should be restrictions over the manner of handling weapons and no space should be allowed for the legal interpretation. These restrictions shall be reviewed in the future and allowed for more purposes should there are no major violations or misuses in upcoming 3 – 5 years. Vetting procedure for the holders of weapons is necessary and strict oversight has to be guaranteed. Also weapons carried for these purposes should be taken away while they fulfil the daily task and bring back immediately at the storage.

3.3 The use of force

The protection of property or individuals can present risky situations therefore requiring effective reactions from the private security guards. Security guards may face direct attack against the property or individual under their protection, robberies and even armed attack. Under these circumstances, how a PSC should react in order to ensure protection in these cases may be uncertain. The current regulation and upcoming law foresees the use of force should there be no other way to stop unauthorized individuals. This includes the use of physical force such as the baton or hand-cuffs in order to counter any direct attack.

Applying the principle of proportionality is indispensable in order to avoid possible violation of human rights through the use of force. The Law cannot describe in detail how to comply with this principle, however the secondary legislation is likely to be more precise. To put it simply, the use of force shall be used in certain cases and when necessary only to the extent required avoiding possible risk. To simplify, the use of force shall be exercised to the extent required for achieving legitimate security with the least harmful consequences. In the cases of armed attack when protecting VIP or transfer of cash the use of weapons by private security guards shall take place only to protect the perimeter of their responsibility and they cannot undertake counter attack since its gets outside of the scope of proportionality. The police have to be informed as soon as possible over the use of force.

Private security guards are allowed to use force when holding the attacker and later on when transferring to police authorities. However the new legislation does not expressly limit the detention period by the private security guards, giving PSCs too much authority relative to police.⁴⁷ Research found difficulties to get data on the violations and offences committed by the PSCs. These data are considered to lack transparency from the relevant authorities. It was an exception of disseminating the information about the case of the major violation by a PSC.

⁴⁶ They usually referred to the case of Bulgaria, Albania and Macedonia

⁴⁷ Interview with Agim Musliu, South East Europe Security, 12.01.2009. This statement is linked to the possible drafting of timing in new law over the holding of attackers. ...

Recently, a manager of one PSC exercised a disproportionate use of force by causing serious injury to an individual.⁴⁸ The PSC was shut down immediately by the public authorities.

3.4 Equipment and Training

Most of the PSCs in Kosovo are giving more importance to equipment and technology. The use of technology facilitates protection of properties, is cheaper and avoids the unnecessary static presence of security guards. All PSCs in Kosovo possess radio connections for the purposes of internal communication between patrols in the ground and company residence. Placement of alarms and detectors is considered worthwhile and almost 100% successful. PSCs are facing an increased demand for placing alarms and other technological equipment for the protection of properties rather than static presence of security guards. Also the placement of cameras is high demand from the private sector. However the coverage by the efficient CCTV cameras is not present to a satisfactory level in Kosovo.⁴⁹

The main deterrent is due to the high cost of this technology therefore it is placed only in certain areas. Even monitoring through the cameras requires professional individuals trained only for these purposes. The new legislation foresees specific training on this. During this research some of the PSCs owners mentioned that some places such as banks engaged its own employees for monitoring the cameras. Furthermore, during contract bids, some companies requested a less than recommended number of cameras and other additional equipment in order to avoid the costs on security.⁵⁰ Indeed this shapes the guarantee on the protection of the property.

Based on the current legislation, PSCs are obliged to organize at least basic training for the private security guards. The largest PSC in Kosovo has established training centers by investing in this matter.⁵¹ Other smaller PSCs use the capacities and training centers of the larger ones whereas one part engages trainers only for these purposes. Also there is no clear data over the fulfilment of liabilities for organizing these trainings. This raises the possible suspicion over the qualitative trainings and lack of oversight. There is a shared perception of renewing trainings and most probably organizing specific trainings depending on the tasks.

Particular attention shall be given to the training on handling and using weapons and dogs. From the professional perspective, training for use of weapons has to be in the same track with the police training. Before trainings, the individuals should be subject to vetting procedures set by the relevant institution. The security clearance is a precondition for the right to be trained and later on to handle weapons. A minimum 3 month intensive training period is recommended in

⁴⁸ The PSC with the name “Vetmbrojtja” has been shut down by the end of 2007. Official data, Kosovo Police Unit for PSCs inspection.

⁴⁹ The PSCs selling equipments noted that there are demands for other types of camera and very few for CCTV. Most of them are placed at banks and other important buildings.

⁵⁰ Interview with Bahri Arifi, Director of “Delta Security”, 18.01.2009

⁵¹ In particular, WDG and Balkan Security

this matter.⁵² However, the question may arise about what is an adequate training centre for this purpose. The only specialized training centre including all the facilities such as polygons and other is Kosovo Centre for Public Security, Education and Development (KCPSED).

There is a fear that this institution might be overloaded and not able to meet the requirements for training PSCs. The argument rests on the centers expanding role of trainings even for other security mechanisms. Currently, KCPSED is organizing fire-arms trainings for the Correctional Service, Customs and Kosovo Security Force. In addition, this Centre provides trainings for the emergency preparedness services. In this way, the possible alternative would be welcomed because it will avoid the inevitable bureaucracy and delays for the fire-arms trainings. Similar, trainings for the dog-handler should be done in KCPSED in accordance with the police curricula

3.5 Mainstreaming of human rights into private security companies operations

This research gave a particular attention on the issues of human rights of PSCs. It is dedicated for the rights of employee and gender balance. With some exceptions the violation of the rights of employees at PSCs is frequent. Starting from the time of employment, paradoxically most of the PSCs apply the payment for the uniforms by employees. Furthermore, some of the employees have to buy uniforms⁵³ and probably within a short period dismissed and with no right to ask for the reimbursement for the uniform. The issue of the payment of uniforms by the employees is violation of human rights. Employment Law clearly states that the employer is responsible for providing acceptable work conditions for the employees among other things. This should be necessarily reviewed and if possible regulated with the secondary legislation.

In addition some employees are being hired on unpaid temporary bases (up to three months) and dismissed without justification. Some of these employees asked for payment for the months they worked but they were unsuccessful in most cases.⁵⁴ This situation exploits the current level of poverty and unemployment at the society. In addition, some of the companies apply highly strict "discipline. One of former security guard went to such an extent considering this state of discipline which is according to him commensurate to the French *Légion étrangère*.⁵⁵ Indeed, security companies and institutions require a certain level of discipline however it should not violate the rights of employees. And even more, this should be regulated and employees should be aware of this which is not the case with some PSCs in Kosovo. In case of violation of these regulations, the penalties should be applied in a structural way and has not to be directed immediately in the amount of the salary. Even the penalty provisions should be regulated and handed in to the relevant public authority. This issue should not be considered exclusively belonging to PSCs since the rights of employees and human rights are of general concern.

⁵² Also Agim Musliu noted.

⁵³ We have been told directly by some PSCs directors

⁵⁴ Based on the discussions with some former PSCs employees

⁵⁵ The interview with one of the former employees at some PSCs

As the trend towards privatization of security increases and regulation of PMSCs develops, incorporating gender could greatly improve operational effectiveness throughout the sector and positively shape its future development.⁵⁶ Regarding the gender representation in Kosovo, very few women are employed at PSCs. Those are mainly engaged at the administration, monitoring centers and very few in the patrols. Only one company claimed representation of up to 5% of women,⁵⁷ other less and most of them don't have women's employed at all. In the places of physical check of individuals such as sport matches or concerts the current legislation requires necessarily a respective gender security guard. In this way, some women are invited in these events. Obviously the issue of gender balance at the security mechanisms is a general concern and should be given particular attention. The engagement of females in the static guarding in important points, close protection and even more handling weapons is likely to be considered difficult to achieved. This does not exclude the ability of female to conduct even these tasks but there is a fear that they will not be able to respond in a physically-adquate manner to likely attacks. Some of the customers were even categorically against the engagement of women in PSCs.⁵⁸

4. COOPERATION AND COMMUNICATION WITH PUBLIC SECURITY MECHANISMS

The private security sector should not be perceived only as a purely commercial sector. Its role is to offer physical protection for properties as well as close protection for individuals. However, these services also fit within the mandate and mission of the public security mechanisms for public order, human security and public safety. Part of this research focused on the issues of cooperation and communication between PSCs and public security institutions in Kosovo. For this purpose, the brief assessment on this regard targeted two security mechanisms: police and civil emergency.

4.1 Cooperation with the Kosovo Police

Cooperation between Kosovo Police and PSCs is likely to be considered as crucial. In principle, it is difficult to ignore the current cooperation between private and public security mechanisms since there are arguments for a willingness and communication in the ground. Indeed PSCs have to report to the police for any violation or attack against properties since they are obliged to do based on the current legislation. Nevertheless there is no mechanism yet which could

⁵⁶Schulz Sabrina and Christina Yeung, *Private Military and Security Companies and Gender*, DCAF, OSCE/ODHIR, UN INSTRAW 2008

⁵⁷ Henderson,

⁵⁸ Interview with Grant Cambridge, "Henderson", 13.01.2009

legally bind the cooperation. The new law may regulate cooperation but apparently not to an adequate level. The best way would be for the Kosovo Police to sign MoU with PSCs.⁵⁹

This MoU would specifically foresee the aspects of cooperation and communication; in particular the exchange of information is of particular importance for the law enforcement mechanism.⁶⁰ From a professional perspective, presence on the ground of private security guards could enable them to observe and report suspicious movements of individuals, helping to prevent crimes.⁶¹ Based on the current number of PSCs, the presence of 1.200 – 1.400 security guards per shift makes up a significant number and they simply could fill the gaps in the ground.⁶²

From the PSCs' perspective, their attitude in this regard is confused and it is difficult to get a common position. Some of them perceive the cooperation only from the moral dimension rather than professional and legal. Some companies maintain that private security guards are allowed to cooperate with the police at any case but they are not obliged.⁶³ Indeed the cooperation increases effectively the performance of both – private and public security mechanisms. On the contrary, these two security actors should not perceive each other as competitors. The practice in other countries showed this to be an especially problematic area.⁶⁴ This may especially occur if the police or other public security members are not barred from working in PSCs. New laws on two other public security institutions strictly prohibit the engagement in the other sectors while they work in these institutions.⁶⁵ Similarly, the new Law on PSCs shall prohibit the engagement of PSCs in other security mechanisms. A rigorous inspection has to be exercised in order to ensure that an individual is not working simultaneously for a private and public security mechanism.

4.2. Cooperation with the Civil Emergency

Cooperation with civil emergency is highly important. Especially in a cases of fire occurrence in part where the security guards are present, PSCs should establish a direct communication line with Fire Brigades to avoid further damages or fatalities. This communication should be done directly and not through the police. Any attempt to communicate and ask for intervention from the emergency services through the police may cause ineffectiveness therefore they should call 112 directly.⁶⁶ It was a smart proposal over the intervention of the PSC patrol in case of

⁵⁹ Interview with Colonel Rifat Marmullaku, Head of the Department of Crimes, Kosovo Police, 17.01.2009

⁶⁰ Ibid,

⁶¹ Ibid,

⁶² Ibid,

⁶³ Interview with Abedin Hasani, Director of Besa Security, 09.01.2009

⁶⁴ Born Hans, Caparini Marina and Cole Eden, *Regulating Private Security in Europe; Status and Prospects*, 2007, DCAF Geneva

⁶⁵ See *Law on the Service in Kosovo Security Force and Law on Police*,

⁶⁶ The Emergency Number

emergency to exceed the speed and if possible to use the orange light as a signal.⁶⁷ However the possible allowance of orange light should be subject to the strict oversight and investigation of abuses. In addition, a particular importance rests in the communication between PSCs and medical emergency services.

5. OVERSIGHT AND SCRUTINY OF THE PSCs

The democratic oversight of the security mechanisms necessarily requires effective and strong scrutinizing bodies. Due to the increased importance and spread of private security actors it becomes more and more important that democratic institutions assure a minimum standard of oversight and control.⁶⁸ In this regard, even the Constitution expressively foresees the importance of the democratic oversight of the security sector. The broader dimension of the scrutiny rests on transparency and accountability. PSCs in Kosovo should be fully transparent and accountable for the services they provide. Security is very sensitive issue and requires the involvement of different actors therefore excludes the exclusiveness over the services. Furthermore, close scrutiny over the fulfilment of obligations such as: trainings, personnel, violation of human rights, possible criminal activities should be likely considered as inevitable.

5.1 Oversight from the Ministry of Internal Affairs (MoIA)

MoIA has the main prerogatives of over sighting security mechanisms since it does already for the police and civil emergency. At the time of this writing, MoIA has a Division for the Private Security which has a limited oversight authority. The UNMIK Weapons Authorization Section and Security Providers Inspection Unit (SSPIU) conducted inspections and issued licenses but seized to exist whereas these competences were transferred to the Kosovo Police. Police received reports, renewed licenses and inspected for possible violations of conditions by the PSCs. The inspections are conducted by the Inspection Unit at the Department of Administration. However the question arises whether the Kosovo Police will continue to scrutinize PSCs? The two versions of the Law on PSCs foresaw the authority of MoIA to oversee PSCs. There are some indications that the MoIA will be the final authority to inspect the activities of PSCs and even more will release licenses through a body. There are some attempts to establish a Department of Public Security within MoIA and private security body is planned to function within the scope of the department.⁶⁹ However the police will keep data and contribute in the oversight activities.

⁶⁷ Interview with Bahri Arifi, Director of “Delta Security”, 18.01.2009. He emphasized some examples in the region of using the orange light.

⁶⁸ DCAF, *Parliamentary oversight of the security sector, principles, mechanisms and practices*, P.72

⁶⁹ Based on some contacts we had with MoIA officials we found the ongoing efforts to establish this department as soon as possible

Specialized inspectors will oversee the possible statutory violations and changes of Standard Operational Procedures (SOP). One may fear for the professionalism of this inspective body. In the other side, there was a proposal to establish a specialized inspection unit within the Police Inspectorate which is considerably prepared to exercise scrutiny.⁷⁰

5.2 Parliamentary oversight of PSCs

The parliamentary oversight of PSCs is very important. However close scrutiny of PSCs is often considered complicated and some of the countries simply avoided the parliamentary oversight of the PSC therefore they exclude it from the scope. In Kosovo, the Committee responsible for PSC oversight is Committee on Internal Affairs and Security. Except its oversight role of other security institutions, this committee should exercise control and ask for accountability for the activities of PSCs. There were some attempts from one part of Committee members to be part of drafting the law and hear the voices of PSCs. Indeed this is considered as first step towards scrutinizing private security sector.

Direct oversight by the Committee of PSCs is literally considered impossible. The Committee on Internal Affairs and Security cannot bypass MoIA for exercising control over this sector. Committee will exercise indirect control.⁷¹ Should any unlawful activity occur, violation of human rights or improper functioning of this sector, the Committee looks to the Ministry for explanation and responsibility.⁷² The current legal infrastructure⁷³ does not foresee the parliamentary oversight whereas the law is being drafted and a specific part should address this issue. It is worthwhile mentioning that by the time of conducting research the PSCs managers and owners pointed the importance of parliamentary committee and its role in the process of drafting law.

In any case of human rights abuse by the security guards or holders of license the role of Kosovo Ombudsman is imminent. Nevertheless minor offences do not have to be part of the parliamentary oversight considering the inspective authority of the Ministry. The committee should ask for the accountability in case of major violations and offences, suspicious funding of private security services, etc.

⁷⁰ Interview with Heinz Schnaider, Chief of Public Safety Development Section, OSCE. Mr. Schnaider was engaged from the OSCE in the first working group to draft Law on Private Security, 14.01.2009

⁷¹ Interview with Emrush Xhemajli, Member of Parliament of Kosovo, Committee on Internal Affairs and Security, 16.01.2009

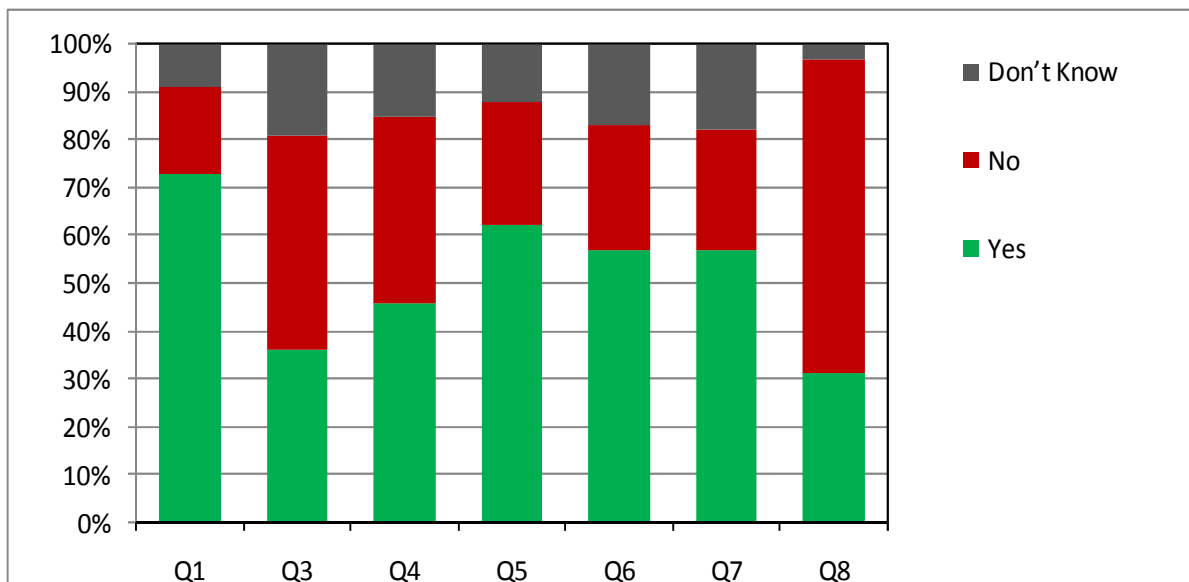
⁷² Ibid,

⁷³ UNMIK Regulation

GENERAL PERCEPTIONS ON PRIVATE SECURITY COMPANIES IN KOSOVO – SURVEY RESULTS

In this part of analysis, the general findings of the 1202 – respondent survey are explained, giving a spectre of general perceptions on role of private security companies in the overall security situation, their performance, the cadres and level of professionalism, possession of weapons, use of force, possibility of channelling former KPC officers into the private security industry and ethical stands of the operators. The research team and designated sub-groups had ad hoc face-to-face survey with interviewing performed at respondents' home. Data were collected on representative sample for population of Kosovo citizens aged 18 and over. A sample size of 1202 respondents was produced to match the target population size of 2.1 Million. The sample type was stratified on the basis of 3-stage probability sample with sampling stages:

- Polling station territory – approximate size of 200 HH (PPS with probabilities proportional to size)
- Households by random technique starting from the given addresses (SRSWoR)
- Household members with same probability (SRSWoR) – Kish scheme

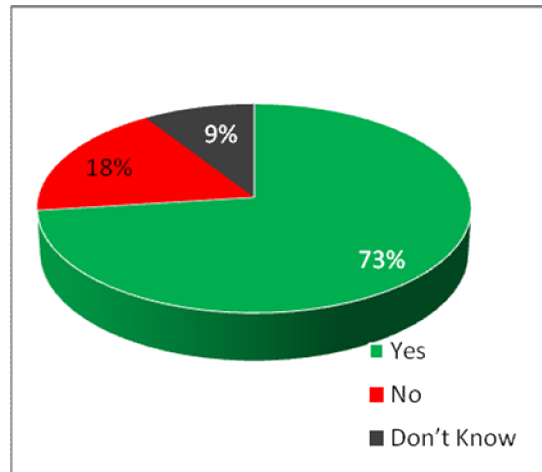


Stratification was done according to a) Type of settlement – urban/rural and b) Six geo-economical regions. Post stratification was then performed regarding: gender, age, type of settlement, geo economical region. Fieldwork control was done in 12% of totally interviewed in all strata proportionally to sample size, and logic and consistency control of collected data is performed in 100%. The data were collected from 12 December to 13 January.

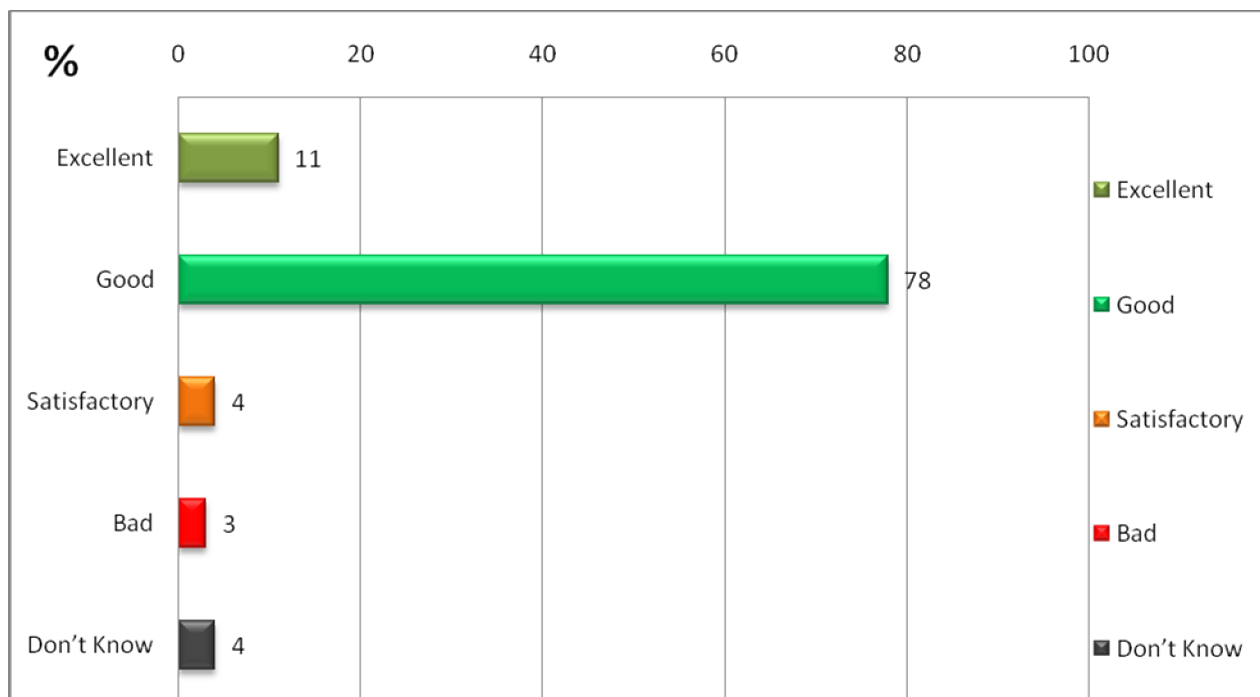
Table 1: *General overview of the results of the survey modelled on eight key questions related to private security companies in Kosovo.*

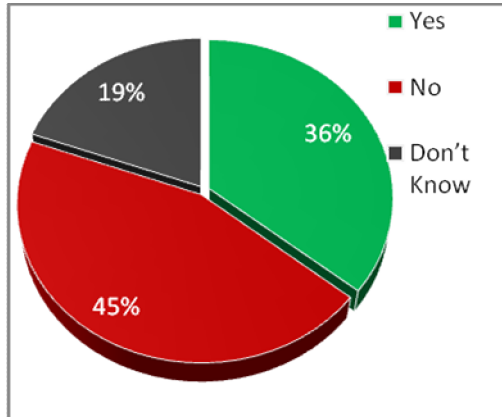
The role of Private Security Companies in the overall security environment in Kosovo:

the survey results indicate that most Kosovans, generally, consider that the role of PSC as positive in the overall security situation in Kosovo. When asked to assess the impact of PSC on the security sector in Kosovo, 73 % responded with yes compared with just 18 % that had a negative opinion and 8 % that refused/don't know to answer the question. This general perception holds among both women and man, majority or non-majority communities, while other social and geographical variables produce only negligible differences with the overall perception.



When asked to **assess the overall performance of private security companies**, majority of respondents said they were happy, (11 % excellent, 78% good, 4 satisfactory) and only 3% said their performance was bad and the rest of 4 % that refused/don't know to answer the question.

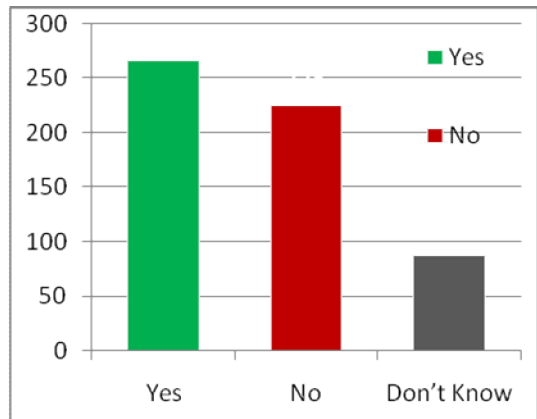




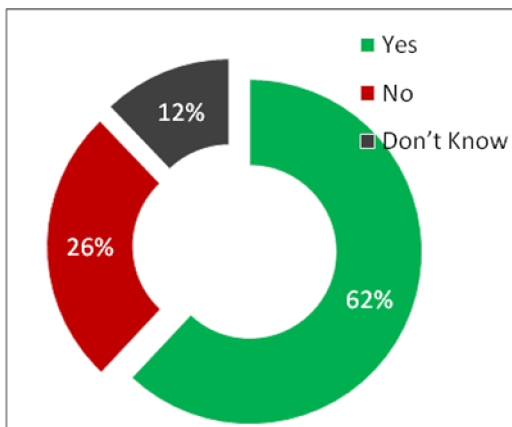
Whilst many respondents voiced a positive picture about the performance of private security companies, they were less positive about **private security company's adequacy staff and fulfilled criteria** to be involved in important issues as is security. Nearly half of respondents (45%) said private security operators did not sufficiently meet the demands for handling security-related affairs. A positive reaction on the question came from 35% of the respondents while some 19% refused to answer or said they did not know about it.

Nearly half of the respondents (46%) believe that private security companies **should be permitted by the law to carry weapons when on duty**, while significant share of answers (39%) were against any legal authorization of weapons for the private security operators. Some 15% of those that answered the survey were undecided/ did not know on the matter.

When split into social, ethnic or demographic categories, the answers yield relatively similar results. While the percentage of men that say yes to the possibility of private security companies carrying weapons while on duty, a lower figure 41 % of women would agree with that. A higher percentage of women (18 %) said they did not know when compared to only 11 % of men.



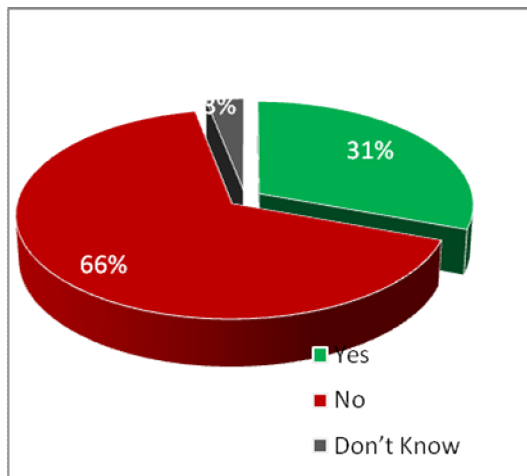
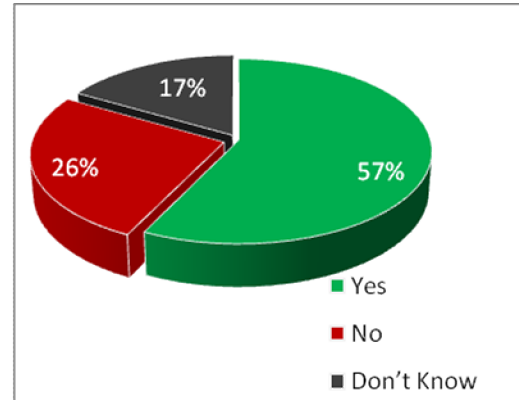
The geographical split brings more interesting answers – a considerable percentage of respondents in the area of Mitrovica (71%) believed private security operators should be equipped with weapons as opposed to only 37 % of responds in the area of Prishtina with a similar view.



When asked to say whether the Law on Private Security Companies **should permit the use of force in exceptional cases** when the institution/individual subject to operators' protection is being attacked, 62 % said they agree when compared to only 26% that provided a negative answer. A considerable number of respondents (12%) said they were undetermined or did not know. Social, ethnic or geographical variables impact is

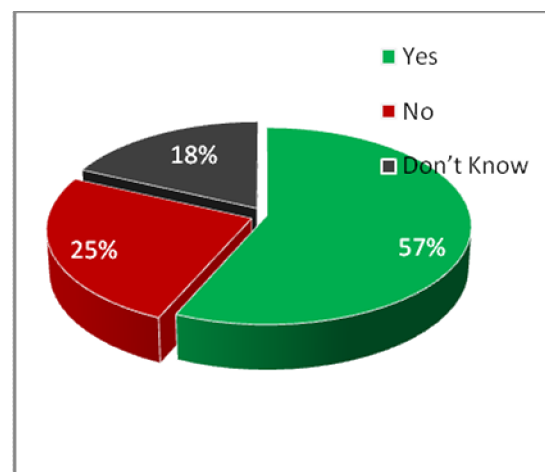
negligible when it comes to this matter.

In general, respondents demonstrated a positive view of **private security company's contribution to the lowering of crime rate in Kosovo** with 57% asserting that their presence prevents criminal incidents. Only 26% were of the opposite opinion. In this category, results are similar across the various ethnic communities and other demographic groupings in Kosovo.



Asked if they have ever **experienced any case of misconduct or breach or human rights by private security operators in Kosovo**, the majority of respondents (66%) said no. Of particular concern was the significant percentage of those that said yes they have experienced or seen such cases (31%). Only a minority of 3% said refused or did not know.

The research team was also interested to know the opinion of Kosovans on the question of whether **private security industry could absorb the former Kosovo Protection Members that did not manage to become part of the newly-established Kosovo Security Force**. Some 57% voiced their support to the idea and considered it a good mechanism for reintegrating them into the labour market. The rest said the opposed such a possibility (25%) or refused/ did not know the answer.



CONCLUSIONS AND RECOMMENDATIONS

This assessment paper underlines a number of areas in which the private security industry needs further improvement, regulation and oversight. While the perceptions on private security companies seem stable, as indicated in this paper, the assembly, the government, private security companies as well as civil society and media should be consistently involved in addressing the highlighted challenges. The sector faces a insufficient legal infrastructure and a number of ambiguities in definition, scope and means. The sensitivity of links behind the operation of PSCs and a number of recent negative tendencies require society's immediate intervention. Certainly, one can trace professionalism, dedication and commitment in certain segments of the sector, but the assessment reveals that the government's intervention is required to both improve the setting where these companies operate as well as impose legally binding regulations.

It is of utmost importance that the findings of this assessment paper enter the policy-making lists of priorities for Kosovo. That is, to both contribute to a safer environment in Kosovo as well as ensure a well-structured private security market in Kosovo. Yet, however, the reaction must be swift, comprehensive and in close consultation with interested parties. The PSCs that will be subject to such policy-making initiatives should gradually start to transform into credible structures by ensuring tough selection criteria, implement business ethics and corporate social responsibility principles, become more transparent and accountable for their actions and engage into intra-PCS dialogue to elaborate the prospect of further improvements.

PSCs, on the other hand, should take advantage of the positive attitude towards their presence on the ground. Indeed, as our survey results show high levels of acceptance and reputation can serve as a valuable social capital for companies to maintain a professional approach and extend the quality of their services to the people. Yet, however, PSC need extensive internal reforms and concrete plans to offer efficient but also socially acceptable services. Shortcomings noticed in complying with employment law can be overcome by honest agreements between PSCs as well as an increased scrutiny by law enforcement agencies.

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- Interview with Agim Musliu, security expert, 12.01.2009
- Interview with Agron Isufi, Director of WDG and head of the Association of Private Security in Kosovo
- Interview with Bahri Arifi, Director of “Delta Security”, 18.01.2009
- Interview with Colonel Rifat Marmullaku, Head of the Department of Crimes, Kosovo Police, 17.01.2009
- Interview with Emrush Xhemajli, Member of Parliament of Kosovo, Committee on Internal Affairs and Security, 16.01.2009
- Interview with Grant Cambridge, Country Manager at “Henderson”
- Interview with Heinz Schnaider, Chief of Public Safety Development Section, OSCE, 14.01.2009
- Interview with Nuredin Ibishi, security expert, 07.01.2009
- Interview with Naim Azemi, Director of Bodyguards, 12.01.2009
- Interview with Lt. Col. Zylfije Krasniqi, Kosovo Police
- Interview with Fadil Syla, Director of Skyfterat, Ferizaj, 12.01.2009