

**FORUMI**  
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**SIGURI**

# **Kosovo**

# **Security**

# **Force**

**between current challenges  
and vision for the future**

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## Research Methodology

This is the fourth in series of researches of the Security Forum, which was established by the Forum for Civic Initiatives (FIQ) and Kosovar Centre for Security Studies (KCSS).

The Forum for Civic Initiatives intends to serve as a platform for discussion among civil society organisations and security institutions in the country. It aims at encouraging communication and policy studies in the area of security by providing concrete recommendations for its improvement. The Security Forum publishes analysis and assessment reports on the security situation in Kosovo and concerning functioning of relevant institutions. It makes those analysis and reports complete by organising roundtable discussion and public debates with a purpose of enhancing their effects on improving security in the country.

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Contents of these publications shall by no means represent positions of donors or of other partners.

The methodology used for researches within the Security Forum is mainly based on qualitative researches implying a modern method used by social sciences, including but not limited to: direct interviews with main actors involved in the security sector; analysing current legislation within the security sector in Kosovo; by consulting study reports published by various domestic and international organisations; through views collected from organisation, participation and active observation of researchers of the Security Forum in conferences, debates, focus groups, as well as through other methods.

The Security Forum is also grateful to the Advisory Group for its inputs in drafting of this report.

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**Contents**

**RESEARCH METHODOLOGY ..... 2**

**EXECUTIVE SUMMARY ..... 4**

**MAIN FINDINGS:..... 5**

**INTRODUCTION..... 6**

**I. LEGAL CONSIDERATION..... 7**

1.1. Assesment of current legislation on the KSF, as well as of the needs to supplment and amend it ..... 8

**II. THE KSF INSTITUTIONAL CAPACITIES ..... 9**

2.1. Recruitment process in the KSF ..... 9

**III. GOOD GOVERNANCE IN THE KSF ..... 12**

3.1. Respect for human rights, gender and ethnic representation in the KSF ..... 12

3.2. Overall financial and general transparency and building of the KSF image ..... 13

3.3. Parliamentary and democratic oversight of the KSF ..... 14

**IV. FUTURE OF THE KSF ..... 15**

**RECOMMENDATIONS: ..... 17**

**BIBLIOGRAPHY ..... 18**

## Executive Summary

This research has identified challenges, achievements and weaknesses as far as consolidation of the Kosovo Security Force is concerned. There has been found a limited consolidation of the KSF in relation to its three year development period. In these years, the KSF has managed to recruit active members and most of the training has been done in conformity with plans. It is concerning, the non-transparent recruitment process of a part of its members putting in question recruitment of suitable individuals to this structure. To date, the KSF did not manage to start training and activate its reserve component.

There is legal basis for functioning of the KSF, however, a part of the laws have neither been drafted, nor adopted yet. One could notice a tendency of good governance in parallel with consolidation of the institution. However, there are weaknesses in this aspect. Overall transparency of the KSF including its financial transparency is limited; women representation at strategic levels is far from what was envisaged, as well as civilian and democratic oversight is at its earlier stage of development.

There is seen an apparent and overwhelming role of the international presence in the development of the KSF. This role might hinder efforts to empower its local ownership and furthermore it causes a reliance of national officials/members on the international assistance.

Difficulties in consolidation of the KSF do not exclude a vision for transforming it into a Kosovo Military. These efforts require a new process of the Security Sector Review in Kosovo with comprehensive involvement of both governmental and non-governmental actors.

## Main findings:

- Recruitment and selection process in the KSF has not been quite transparent and there is no indicator in place which would indicate quality of candidates selected by the KSF.
- The Parliamentary Committee on Internal Affairs, Security and the KSF Oversight has not been very active in overseeing the KSF, as well as in implementation of the legislation on the KSF.
- There are delays in terms of staff recruitment for the active and reserve components of the KSF, and there have been noted irregularities during recruitment process, as candidates from a certain region have been selected.
- There are legal shortcomings in the current legislation on the KSF, as Law on Humanitarian Demining, Law on Deployment Outside of the Country, Law on International Cooperation, Law on Early Retirement of KSF Members have not been adopted yet.
- There have been noted shortcomings in terms of general transparency and financial transparency, as well as significant shortcomings in budget management and spending.
- Of concern is also the fact of low gender and ethnic representation within the KSF, especially a very low percentage of Serb community members in the KSF remains a challenging task.
- KFOR still plays crucial role in the establishment of the KSF, and it has an impact in slowing down development of domestic capacities within the KSF. Despite KFOR is reducing its troops in Kosovo, there is no transfer of competencies to the KSF in parallel with this.

## Introduction

After declaration of the independence of Kosovo, security structures in the country started to change. The Comprehensive Status Settlement Plan of Ahtisaari, which defined final status for Kosovo, inter alia, had foresee also dissolution of some security mechanisms, reformation of a part of those institutions, as well as creation of new security institutions. Given that Constitution of the Republic of Kosovo, which was adopted on 15 June 2008, has incorporated significant parts from the Ahtisaari Plan, changes set forth by this document under the chapter on the security sector, left few areas under the responsibility of the international presence. To this end, the international presence led by NATO (KFOR) still remains the only institution in charge of provision of services of defense character, including ensuring territorial integrity as well as additional tasks concerning establishment of the Kosovo Security Force. Moreover, the Constitution has clearly open the way to the new state of Kosovo to have an increased power in the area of rule of law, security, justice, emergency preparedness, border control, etc., it even left room for development of transfer of responsibilities from international institutions to local institutions in proportion with capacity-building of authorised local security institutions.

Under current legislation, the Kosovo Security Force was established as a civilian multiethnic force lightly armed, which is tasked with tasks which are neither typical for police, nor for other law enforcement institutions, including mainly response in cases of natural disasters or those caused by human factor, demining and search and rescue operations.<sup>1</sup> Establishment of the KSF itself was done by taking into account democratic principles foreseen for security institutions, such as: serving to citizens, respect for human rights, civilian control, democratic oversight, transparency, accountability, etc.. Therefore, any further development and advancement of the role of this force remains hostage to not only successful fulfilment of the KSF mission, but also to fulfilment of the said democratic principles and criteria which are interrelated.

The research aims at analysing the KSF progress in the first years of its development, as well as at assessment of challenges faced by this force in reaching its full operational capacities. The first part shall assess legal basis for functioning of the KSF, which will be followed by recruitment, equipments, as well as development of principles of good governance in paralell with its consolidation. There will also attention be paid to the KSF vision for the future. Given that Ahtisaari Plan itself opens a way that in 5 years following establishment of this force, its role and mission may be reviewed.

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<sup>1</sup> The Assembly of Kosovo, Law on the Establishment of the Kosovo Security Force, Article 1.

## I. Legal Consideration

The Comprehensive Plan for the Kosovo Status Settlement of Marti Ahtisaari (further in the text: the Ahtisaari Plan), and later (based on this very document) also the Constitution of the Republic of Kosovo has envisaged establishment of the Kosovo Security Force (the KSF). The Ahtisaari Plan and the Constitution do explicitly foresee that the KSF shall be established and become operational under a limited mission, by leaving room that after a 5 years period its role, mission and its needs for expansion of capacities of this force might be reviewed.<sup>2</sup> In the meantime, the Constitution, although based on this document, makes only a general mention of the KSF as a national security force of the Republic of Kosovo serving to the security of Kosovo citizens, and it also may deploy its members abroad in full accordance with its international responsibilities. The Constitutions also guarantees embracement of democratic principles within this force, such as: protection of citizens, civilian control, professional character, multiethnicity and diversity<sup>3</sup>.

Although in a way the Constitution “managed” to avoid definition of the limited role and mission of the KSF, again the Law on the KSF has regulated its mandate in a detailed manner. According to the Law, the KSF is established as a civilian, multiethnic and light armed force, wich is tasked with duties not typical for a police, nor for other law enforcement organisations, including response in cases of natural dissasters, demining and search and rescue operations and other matters. According to the Law, the KSF is a professional force with initially limited capacities with a total of 2.500 active members and 800 reserve members.<sup>4</sup>

As regards to oversight and control over the KSF, the Assembly of the Republic of Kosovo, the President, the Prime Minister and the Minister of the MKSF constitute the chain of civillian oversight of the KSF, as determined by the Constitution and the law.<sup>5</sup> Government of Kosovo shall also exert a transparent, democratic and civilian control over the Kosovo Security Force and shall be accountable for that to the Assembly of the Republic of Kosovo. Thus, the MKSF has the overall control and administration over the KSF, including all powers lying with the Commander of the Kosovo Security Force. This Ministry is an integrated one, implying that staff composition are 60% civilian staff and 40% staff in uniform.<sup>6</sup>

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<sup>2</sup> The Comprehensive Plan for the Kosovo Status Settlement of the Special Envoy of the Secretary General of the United Nations, Marti Ahtisaari, 2007, Article 5

<sup>3</sup> Ibid

<sup>4</sup> Ibid, Article,

<sup>5</sup> Law on the Kosovo Security Force, Assembly of Kosovo, 15 June 2008, Article 3.1

<sup>6</sup> Law on the Ministry of the Kosovo Security Force, Assembly of Kosovo, , 15 June 2008, Article 3.2

## 1.1. Assessment of current legislation on the KSF, as well as of the needs to supplement and amend it

It worth mentioning that current legal infrastructure regulating related fields with the KSF has not been yet fully completed and as a consequence it is anticipated that it will be enriched with issuing of other laws, and also with amending the existing ones for purposes of creation of possibilities in conformity with future circumstances. For the time being, in the ongoing process of their adoption are the following, such as Law on Humanitarian Demining, Law on Early Retirement within the KSF, dhe Law on the Status of Force Agreement (SOFA), although it is still unknown the dynamics of their drafting and above all whether they will be adopted within 2011.<sup>7</sup> Furthermore, in the meantime, adoption of the Law on the Military Aviation (which is not yet on the agenda) would enable the KSF to operationalise the component (squad) of helicopters hereby enhancing efficiency of its activities during missions in cases of humanitarian catastrophies, and they could be used jointly with the Kosovo Police, and it will also create possibilities for preparation of human capacities in the field of aviation.<sup>8</sup> For purposes of completion of the legal infrastructure, adoption of the law on international cooperation of the KSF is also important, through which interstate cooperation in the area of security would be improved, as well as exchange of experiences in military field would be possible between the KSF and different states, which would assist and make it easier for it to beggin the integration process in “Partnership for Peace” at later stages. The MKSF has signed the Agreement for Deployment Outside of the Country, but that is not sufficient. The Assembly of Kosovo should adopt the Law on the KSF Deployment Outside of the Country, where procedures that lead to deployment outside of the country are clearly specified, for example, in case of an accident of its members during a mission or also about other issues. In many cases, areas that are not regulated by law have been covered by issuance of administrative acts and rules of procedures by the MKSF, including areas such as: promotion procedure; reaching of international agreements; deployment of the KSF to peacekeeping missions outside of the country; usage of signs and symbols; etc.<sup>9</sup> Also, provision of information and cooperation with public and media outlets is regulated with an administrative instruction, that is the MKSF public relations office reviews requests for interviews, pronouncements, etc., while the final decision for this is taken by the Minister of the MKSF or a legal representative.<sup>10</sup>

And finally, when it comes to reviewing of the current legislation, it is worth mentioning that the KSF is facing hold ups by the legislative power of the country in terms of making new laws, their changing or amending, especially in the field of civillian emergencies. Law on protection from natural dissasters and other dissasters still continues to be the one adopted during the UNMIK period, when the KSF was not even existing. Another fact worth mentioning is also the need to

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<sup>7</sup> Assembly of Kosovo, Legislative Strategy 2011

<sup>8</sup> The Security Forum, Report on Integrated Border Management in Kosovo, Prishtina, April 2011

<sup>9</sup> <http://www.mksf-ks.org/repository/docs/fletepalosja-Shqip.pdf>

<sup>10</sup> Administrative Instruction No. 05/2009 on Provision of information and communication with media outlets about the Ministry of Kosovo Security Force and Kosovo Security Force members, April 2009, Article 4



amend the Constitution and the Law on the KSF, for purposes of further advancement of the KSF role. It is also worth mentioning that currently a committee has been established, which aims at starting the procedure for amending the Constitution. Therefore, this might be a convenient opportunity to open a debate concerning amendments to the part that regulates the KSF mission and mandate.<sup>11</sup>

## **II. The KSF institutional capacities**

All institutional efforts to make the KSF functional have so far been oriented towards building operational capacities with the purpose of exerting responsibilities within the existing mission as a lightly armed civilian force, specialised in emergency response matters. Therefore, this force has to a certain extent managed to fulfill necessary initial operational capacities in accordance with NATO-set standards as an overseer of this process, in the meantime, they are working to reach full capacities for the purpose of further operationalisation of it. Currently, this force is at the final stage of completion of the number of its members and of equipping them with necessary equipments in order for them to exercise their daily activities.

The KSF has, so far, reached its professional capabilities in the area of demining, search and rescue, and elimination of dangerous substances. Professional skills gained by the KSF have already been proven especially during the humanitarian intervention in 2010, during floods in Albania, but also during removal of explosive remains from the war in Kosovo.

### **2.1. Recruitment process in the KSF**

At the beginning, recruitment process was quite rumoured about due to the shortcomings one could notice. In particular, inclusion of the former KPC members was quite challenging for the KSF, as it was known from the beginning that not all members of the KPC could be part of the new Kosovo force. This was due to a limited number foreseen for the KSF, which in fact was less than in the former KPC, and because that this force (KSF) aimed at creating its own identity, which also legally was separated from that of the KPC. Therefore, selection process for these members to the KSF did not manage to close without sparking dissatisfaction with a part of former KPC members left outside of this process. Moreover, selection of the KSF management staff itself, starting from its commander and superior officers, caused delays at least for a year, as a consequence of interferences and political pressure, which later caused delays in recruitment of other members of the KSF.

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<sup>11</sup> For more information about the future of the KSF, see the last part of the publication.

According to objectives set forth also under the applicable legislation, the KSF has to complete a number of 2.500 active members and 800 of reserve members, however the recruitment phase was a relatively slow process.<sup>12</sup> So far, around 2.300 active members have been recruited, while the reserve component part of it, despite reports that the first generation has been selected, still has not started training and as such it is considered as unconsolidated. Selection process is still ongoing, while the responsibility for supporting and monitoring the process of establishment of the KSF was assumed by the KFOR from the beginning. KFOR has, together with the KSF management structures, drafted all policies and curricula for training of the new members of the Kosovo Security Force.

However, the report outlines as a matter of quality of recruited individuals, and whether the criteria set forth for recruitment of the most capable persons to the institutions have been taken into account. In fact, researchers' observation during these two-three years of the KSF consolidation raises doubts concerning the possibility of recruitment of persons with lack of educational, professional or physical preparation, who could have been recruited based on subjective preferences. There were doubts that even in the process of recruitment of the KSF members there were pressures of political character, also other influences related to nepotism and creation of clans.<sup>13</sup> Some reports found that there were tendencies that the selection commission in certain cases has not taken into account candidates' performances and test results, but it had acted in a preferential manner based on the region where the candidates came from. Furthermore, one of the former international officials had even raised the concern over concentration of a large number of candidates coming from the same region, while there was only a symbolic number of recruits from many other regions.<sup>14</sup> This finding is more emphasised by the fact that recruitment process for the KSF members has been totally untransparent, while recruitment cycle was functional only in the line KSF - KFOR and under a limited supervision from some officials of the International Civilian Office. Recruitment of members who do not fulfil the criteria has harmed consolidation of this institution from the beginning of its development, and would challenge its efficiency at later stages.

Trainings organised by the KSF and KFOR include basic training for KSF officers and non-commissioned officers at the KSF Doctrine and Training Centre in Ferizaj.<sup>15</sup> Its academic component is fulfilled by the civilian – private universities due to the lack of a separate university or faculty for KSF needs. Given the budgetary limitations make it impossible for establishment of at least a university at this stage, lack of a research and analysis institute within the KSF constitutes one of the shortcomings as far as academic advancement of its members and of the institution in general is concerned.

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<sup>12</sup> Interview with General Ramadan Qehaja, Director of the Kosovar Centre for Security Studies, Prishtina, 02-06-2011

<sup>13</sup> Kosovo Security Transition, A critical study into establishment of Kosovo Security Force Ade Clewlow, OSLO 2010

<sup>14</sup> Ibid:

<sup>15</sup> Interview with an analyst on security matters (anonymous) 27-05-2011

When it comes to the role of the international presence, it should be pointed out that KFOR still remains strongly engaged in training of the KSF and there is not noticed an institutional willingness for the locals to get mainly these competences. In other words, NATO, and KFOR respectively has a key role in building and making the KSF operational.<sup>16</sup> Very big role of the international community in establishing and developing of the KSF is putting difficulties in efforts for development of a local ownership in the security sector. This may have an impact on the development of capacities of the local security institutions, and may make them rely on international assistance. An indicator to these sensitive relations was also a temporary suspension of the relations with the KSF by KFOR in 2010, which happened due to the KSF armed parade, an action that took place without KFOR's permission. This shows that KFOR still has full responsibility for all KSF actions, and role of local ownership in decision-making activities in the KSF is very limited.

MKSF and KSF are exercising their activity based on the means allocated by the Kosovo Budget and on various donors. The Kosovo Security Force has faced many challenges in construction of work space and equipments in order for it to exercise the activities, such as: demining, search - rescue, fire-extinguishing equipments, etc.<sup>17</sup> The Kosovo Security Force is mainly supported by the NATO Trust Fund, which was established for the resettlement of the KPC members and it supports lots of projects for construction of KSF facilities, on various programmes and training.

So far with assistance from donations of mainly NATO member states, as well as with funds of the budget of the Republic of Kosovo, a lot has been invested in construction of new facilities, and on repairing the existing ones. There has also been purchased additional equipment on demining, search – rescue and fire extinguishing. Last year KSF members have been equipped with light weapons, which shall be controlled and stored by the Kosovo Security Force the KSF has also been equipped with military machinery mainly from Germany and Denmark. There wasn't any standardisation of equipments donated to the KSF or those that were bought by the KSF. There are mainly many types of brands and equipments which makes it impossible for their maintainance.<sup>18</sup> Mistakes have been made in signing of contracts for purchase of equipments thereby not foreseeing their maintainance. In general, the KSF does not have a plan on how to manage assets possessed by the KSF, there isn't also an accurate list of the KSF assets including those inherited by the KPC.<sup>19</sup>

When it comes to budget management and setting priorities on its usage, one can notice shortcomings in this aspect. In 2009, Government of Kosovo allocated 21 million Euros to the KSF, but only 62% of this budget was used and the KSF has requested an increase for an additional

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<sup>16</sup> Establishment, operationalisation and democratic functioning of the Kosovo Security Force - KCSS, June-2008 [www.qkss.org/web/images/content/PDF/Establishment, operationalisation and democratic functioning of the Kosovo Security Force/policy document.pdf](http://www.qkss.org/web/images/content/PDF/Establishment, operationalisation and democratic functioning of the Kosovo Security Force/policy document.pdf)

<sup>17</sup> MKSF Brochure, Set-up, challenges and successes, Prishtina 2010

<sup>18</sup> Interview with an analyst on security matters (anonymous), Prishtina, 27-05-2011

<sup>19</sup> Auditor General's Report on the MKSF - 2010

10 million Euros for 2010. Parliamentary Committee on the KSF was established in the autumn of 2009, but have not performed significantly since. Despite activities and responsibilities ahead of it, lack of budget spending indicates that the KSF does not have sufficient capacities in budget and project planning and management. For 2010, the MKSF and KSF budget had increased, but there is also increase in foreign donations for various KSF projects. Despite the lack of spending of a significant part of the budget, the MKSF has submitted a request for a budget increase for an additional 10 million Euros, therefore, along requests to increase number of activities and projects, the MKSF should consider also recruiting proper professional staff dealing with planning of activities and ways of spending its budget.

### **III. Good governance in the KSF**

Few aspects of good governance that the KSF shall develop in parallel to its consolidation are elaborated below. It is crucial to analyse the progress achieved in creation of practices of good governance by this institution including: respect for human rights; gender and ethnic representation; cooperation with other security institutions; transparency and democratic oversight.

#### **3.1. Respect for human rights, gender and ethnic representation in the KSF**

One of the basic principles upon which was built the security sector in Kosovo is respect for human rights and freedoms. According to officials, the MKSF and the KSF have established the Human Rights Protection Department and the KSF Inspectorate, which are responsible for protection of human rights in the KSF. These mechanisms are tasked to create equal opportunities for all members regardless of their ethnic, religious, national background. The Inspectorate assists Kosovo citizens and civil servants by investigating complaints in cases involving the KSF members.<sup>20</sup> Though, no serious violation of human rights have been recorded in the initial phase of building of the KSF. Few cases might have been addressed at the department level, however accurate number of them is unknown. Concerning the Ombudsperson Office, there have been recorded a case filed by a KSF member regarding human rights violation in 2009.<sup>21</sup>

Another aspect in the sphere of respecting of human rights is also gender and ethnic representation in the KSF. As regards to gender representation, the KSF compared to the Kosovo Police still lags behind objectives foreseen under the gender representation, although such a comparison is not an

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<sup>20</sup> Ibid:

<sup>21</sup> KCSS Report – Assessment of the Role of Independent State Institutions in Security Sector Reform in Kosovo <http://qkss.org/new/index.php?section=news&cmd=details&newsid=128&teaserId=22>

accurate indicator due to the fact that the Police has been established 12 years ago.<sup>22</sup> Currently out of 2.366, which is the general reported number of both staff in uniform and civilian staff, so far there are only 146 women, which in total is around 5.7 %. However, in terms of evaluation as a key indicator criterion is also placement of women in senior decision-making positions and it is concerning that there is only a very small number of women in leadership promotion and managerial positions in the KSF.<sup>23</sup> In other words, it is worth to emphasize that KSF has suffered slow downs in decision-making, in creation of equal opportunities especially when it comes to promoting women in managerial positions. When it comes to ethnic representation in the KSF, it is worth mentioning that this is quite a challenging point. Although, equal access to the KSF is guaranteed both with the Constitution and the law also for non-majority communities, engagement of Serb community in particular so far has been quite difficult. This happened despite the fact that both KSF and MKSF made efforts on continuous basis to encourage community members to become part of the security forces. As regards to non-Serb minority communities, their representation to the KSF is around 5.6% of the total staff hired in this force.<sup>24</sup> However, 7% as planned to be from Serb community members, so far only 0.5% have joined to this force.<sup>25</sup> An increased interest is seen by this community to joining of this force, however, the challenge remains with huge influence by the official Belgrade and radical circles within the community, which openly put pressure on local Serbs not to join this force.

### **3.2. Overall financial and general transparency and building of the KSF image**

Transparency is an important element to measure good governance in the KSF. Within the KSF there has been established a Public and Media Relations Office. Although there is some time that this office operates, the transparency was not at the proper level. In concrete terms, recruitment process was not so transparent despite its monitoring by the KFOR and ICO. In relation to other data and especially those concerning equipments, internal control and other information, this office has hesitated to be more transparent and in some cases the deadline of 15 days has not been respected, as set forth by the Law on Access to Official Documents.

Despite lack of transparency in the KSF, there have been conducted large awareness campaigns during recruitment period and as such they have been covered by national media on regular basis. However, the recruitment awareness campaign does not necessarily mean improvement of the image of this new institution, because public opinion in Kosovo is not very much informed about the progress in the KSF. This may be confirmed by the latest measurement of confidence in the public opinion when trust has suffered a big decline to 55%, compared to the one last year, which

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<sup>22</sup> Number of female officers in the Kosovo Police is 1225 members or 14.74 %, whereas number of non-Albanian members in the Kosovo police is 937 members or 13.54 %.

<sup>23</sup> Interview with an analyst on security matters, Prishtina, 18-05-2011

<sup>24</sup> Based on statistical data of the Ministry of Kosovo Security Force

<sup>25</sup> Ibid:

was at 75%.<sup>26</sup> In general, the KSF does not have a clear communication platform towards public opinion.

There are no specific provisions in the KSF legislation which would regulate its transparency in the field of finances and public procurement, therefore all financial activities and activities of the public procurement should be in accordance with the Law on Public Finances Management and the Law on Public Procurement.

The Law on Public Finances Management has clearly regulated procedures concerning budget reporting, as well as timelines for that reporting, and it guarantees transparency and access to all budget lines.

The research has spotted some shortcomings in terms of administrative capacities within departments of budget and procurement, with some concerning results. In particular, the research has singled out shortcomings in human resources related to budget and procurement planning, as well as related to internal audit and control mechanisms. Therefore, their work performance is far from the desired level. Budget planning and procurement planning mechanisms are at their early stages of development, as well as their work and activities so far have not been carried out in an efficient manner.

Compared to 2009 period of time, the MKSF had an increased budget for the later period, whereas currently for 2011, an amount of 35 million Euros has been allocated to the KSF from the Kosovo Budget, apart from other incomes and donations. It is more than necessary that along with increased activities and budget, the MKSF should increase its capacities in terms of internal auditing, budget and procurement planning, because the existing capacities are not at the desired level.

### **3.3. Parliamentary and democratic oversight of the KSF**

Institutions which under the Constitution have the mandate to external oversight and control of the KSF are the following: Assembly of Kosovo, President of Kosovo, Independent State Institutions, Civil Society and Media.

Parliamentary Committee on Internal Affairs, Security and Oversight of the KSF has the mandate to allocate and monitor the budget dedicated to the MKSF, and also to give its consent on all contracts or projects that exceed the value of one million Euros, but such a thing has not happened. In general, parliamentary oversight of the security sector in Kosovo is at its early stage of

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<sup>26</sup> Saferworld, Report: Public perceptions about security in Kosovo – time for action, Prishtina 2011

development. The Oversight Committee on the KSF is facing many challenges during conduct of its activities as guaranteed by law. There is lack of human and professional capacities, whose obligation is to exert parliamentary control on the KSF, oversight of the MKSF progress as well as to supervise implementation of the legislation that regulates the work of the MKSF, and such a thing has not happened so far.

To begin with the Assembly of Kosovo, this year until May, apart from one visit of the relevant parliamentary committee delegation to the KSF, there has not been seen an active cooperation of this force with the Assembly of Kosovo. Since its establishment, the oversight parliamentary committees on the KSF have never discussed KSF budgetary matters so far, such as tenders that exceed one million Euros, etc., although they are obliged to do so under the law.<sup>27</sup> The similar assessment applies also to independent institutions. Recommendations given by the Auditor General on the KSF in 2009, have not been taken into account by the MKSF officials, there has not even been drafted any action plan for fulfilment of these recommendations, as well as no plan to fix financial audit reporting in the MKSF.

There was a lack of appropriate level of cooperation on drafting of plans and strategies within the KSF. Except a NATO advisory team and MKSF officials, almost never been invited to participate representatives of the civil society in these proceedings.<sup>28</sup> Cooperation of the KSF with civil society organisations and citizens would improve the image and citizens' trust on the KSF, as well as would have increased transparency within this institution. Also, the role of civil society organisations may serve as an alternative experience for continuation of development of the KSF professional capacities, as well as would further enhance the principle of democratic oversight of the security institutions.

#### **IV. Future of the KSF**

This publication, in addition to assessing the progress of the KSF development, aims at addressing briefly transformation aspect of this institution in the near future in conformity with other conditions and circumstances. This is because the Ahtisaari Plan allows for the review of mandate of this structure after a five years period (until 2013). Also, requests of a part of the political elite for reviewing of the KSF mandate require a position of civil society towards this matter.

It is more than true that the KSF during its development has come across weaknesses in some segments, and some of the above-mentioned findings are concerning. However, these weaknesses do not exclude the necessity of the review of its “political” mandate. This is due to the fact that KSF was design based on another political context, balancing “constellation of forces in the region”

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<sup>27</sup> DCAF and KCSS Paper - Parliamentary and Oversight Criteria on Progress

<sup>28</sup> Interview with Hajrush Kurtaj, Office Director on Military-Civilian Relations in MKSF, Prishtina, 18-05-2011

and with the purpose not to “irritate” few neighbouring countries. The KSF designers have been very careful that its mandate and structure not to be of a completely military character, however, some military aspects have been simply ‘camouflated’ not to cause reactions from various international actors. Moreover, also Serbia’s tendencies to treat as a military threat a structure of 2.500 members, as such are unsubstantiated.<sup>29</sup>

In fact, political position of Kosovo is a different one compared to the one of 2006-2008, thus the need for transformation of the KSF into the Kosovo Military/Army should be considered onwards, especially future amendments to the Constitution should consider this aspect. This change in the ‘political’ mandate of the KSF shall not necessarily reflect an immediate change in the current mandate and duties. However, this would imply moving to another stage of development. Furthermore, its transformation into a Kosovo Military/Army would consequently reduce huge international influence in place for the time being and as such local ownership on security processes in the country would be strengthened. In addition these changes would come into practice at the time when KFOR presence in the country would be at minimum, and as a result of this it requires almost full transfer of responsibilities to the Kosovo police and military.

Current mandate significantly hinders Kosovo efforts for Euro-Atlantic integrations and this can be seen in particular in lack of admission into NATO Programme called “Partnership for Peace”. Although integration process into NATO is mainly a responsibility of foreign affairs, the mere fact that there are no defense policies, and countries may not refer to the current structures as a military, and it makes negotiations for initiation of the membership into this organisation difficult. In this context, opportunities for cooperation with other countries and especially it would open the possibilities for participation into peacekeeping missions outside of the country. Future military structures might contribute with specialised units, especially with demining and civil protection units. This is because both components have been developed not only in the KSF, but also in the former KPC structure.

Despite the progress achieved so far, for the remaining time the KSF should accelerate its activities in reaching full operational capacities which are foreseen also under the Ahtisaari Plan, and under the Law on the KSF, and work should be done in parallel in preparations for the phase of changing the KSF mission and mandate, based on assessment of the international military presence in Kosovo, as set forth in the Constitution of Kosovo, anticipated as of 2013.

Transformation of the KSF into a Military shall be done based on the new process of security sector review in Kosovo involving governmental actors, civil society, media, representatives of academia, as well as a limited international assistance. The structure and investments to date be it in staff, in materials or other investments, would serve as basis and continuation for the future military structure.

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<sup>29</sup> National Security Strategy of Serbia at: <http://merln.ndu.edu/whitepapers/SerbiaNationalSecurityEnglish2009.pdf>



## Recommendations:

- Ministry of the Kosovo Security Force (MKSF) has to ensure that recruitment of members is done on merit basis and based on educational and physical preparation background of recruits and not based on subjective preferences;
- By the end of 2011, Ministry of the KSF has to complete recruitment of its active component (2.500 members), whereas by mid-2012 has to complete also training of its reserve component (800 members);
- A scientific institute should be established within the KSF, which would conduct scientific research for needs of the institution;
- Very big role of the international presence in making the KSF functional makes it difficult for the efforts intended to have local ownership over development processes in the security sector. The international presences should gradually start with transfer of the remaining responsibilities to local institutions;
- Transparency in the KSF is at a low level. The Ministry has to make efforts to allow access to official information according to the law on access to official documents;
- Parliamentary Committee on Internal Affairs, Security and Oversight of the KSF has to start with reviewing of all KSF contracts whose value exceeds 1 million Euros;
- Along with making the KSF operational, a procedure to transform this institution into a military should begin. This should be done based on a new security sector review in the country, which shall be in conformity with new circumstances and conditions in the country.

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Forum for Civic Initiatives (FIQ) is a nongovernmental organization focused on rule of law that works to increase citizen participation in decision-making processes, to develop a Balkan region where peace and justice reigns.



Kosovar Center for Security Studies has been established with the aim of studying, researching, organizing conferences and seminars in the field of security in the Republic of Kosovo. Considering the lack of non-governmental institutions covering this domain, KCSS is the strong voice towards studies on the security field.

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