# Security Sector Reform in Kosovo: From institutional transitions to the democratic consolidation

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*Abstrakt*

*This article explores the relationship between Security Sector Reform (SSR) and institutional transition in post-conflict countries, drawing on a case study of Kosovo. The study focuses on the institution-building of core security institutions and the role of international community in Sector Security Reform in Kosovo, reviewing the ways in which security, the rule of law and political context have been intertwined. The article first outlines the context of the international mission in Kosovo, in particular transformation of Kosovo Liberation Army through Demilitarization, Demobilization and Reintegration before proceeding to consider how the objectives, needs and constraints of international and local actors have influenced the reform of the security institutions and the security in general. Then, article explores the establishment of Kosovo Police Service and the reform process of this and other relevant security institution. In the first line, article will discusses concepts of SSR and overview an overall process of democratic transition with a main focus on security sector. After the presentation of a brief development of the SSR in Kosovo since the end of war with focus on the role of international community, article will be completed by the main findings and conclusions of this research*

*Keywords security sector reform • demilitarization, demobilization, reintegration • Nations • rule of law • Kosovo*

## 1. Introduction

Although the war in Kosovo in terms of time was not so long, it had caused enormous human, material and infrastructural damage. The end of war found Kosovo without essential government institutions and therefore a public security was very fragile. In such a situation, the institution-building of security

mechanisms was among the most important steps and priorities in the peace consolidation process. Security is determinant factor in the development and consolidation of democracy and the rule of law. In this sense, some scholars came to the conclusions that: „*The formation of truly national security institutions, whether army or police, is viewed in many post-conflict situations as a litmus test for the entire statebuilding endeavor (Bosnia and Herzegovina, Macedonia, Afghanistan, Iraq, partially Kosovo)."*[1]

And indeed the role of international community in Kosovo has been crucial in ensuring peace and security, but also in creation and consolidation of main institutions and legislation in the security reform through the process known as Security Sector Reform.

In the next part will be discussed a concept of Security Sector Reform and which will be presented a brief development of the SSR in Kosovo since the war end focusing in the role on international community in this matter.

## 2. Concept of Security Sector Reform

Security Sector Reform generally must be understood as a broad concept, which foresees not only reforming and creation of institutions in security sector, but also concerns a more efficiency to improve security of the country and its citizens. The central goal of the Security Sector Reform is the effective and efficient provision of public security within a framework of democratic governance and respect for human rights. Therefore the concept Security Sector reform refers in general to all undertakings to develop a more effective and efficient security sector[2]. This is linked also to the concept of good governance, which brings civilian democratic accountability to security institutions. Hence SSR has been defined as of crucial importance in post-conflict countries, because it has an impact on the stability and development as well as responsibilities of the whole range of actors implicated in the security sector, and thus ensures that the governance of the sector contributes to building sustainable peace. Responsible and accountable security forces reduce the risk of conflict, provide security for citizens and create the right environment for sustainable development. The overall objective of security sector reform is to contribute to a secure situation that is favorable to development. It is based on broad principles such as democratic control, citizen participation and transparency, good governance and public expenditure accountability.

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[1] Michael Brzoska/Andreas Heinemann-Grüder: Security Sector Reform and Post-Conflict Reconstruction under International Auspices , in: Alan Bryden/ Heiner Hänggi: (Ed.) Reform and Reconstruction of the Security Sector, Münster, LIT Verlag 2004, pg. 135

[2] Jeroen de Zeeuw: Building Peace in War-Torn Societies. From Concept to Strategy, Netherlands Institute of International Relations, August 2002, pg. 20

According to most important institutions related in the SSR, the security system includes following stakeholders and dimensions[3]:

- Core security actors: armed forces; police service; gendarmeries; paramilitary forces; presidential guards; intelligence and security services (both military and civilian); coast guards; border guards; customs authorities; and reserve or local security units (civil defense forces, national guards, militias).
- Management and oversight bodies: the executive, national security advisory bodies, legislative and legislative select committees; ministries of defense, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget officers, financial audit and planning units); and civil society organizations (civilian review boards and public complaints commissions).
- Justice and the rule of law: judiciary and justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; and customary and traditional justice systems.
- Non-statutory security forces: liberation armies, guerrilla armies, private security companies, political party militias.

Security Sector Reform is not recipe or tool which can be implemented in every case or situations in the identical manner. For instance in some cases- like in Kosovo, it is required to create institutions from scratch on, phase which could be referred as Security Sector Building. In other cases the SSR requires more and extensive transformation process. For the successful SSR it is crucial not only reform of robust security mechanism but also strengthening justice system and the rule of law.

### 3. Security Sector Reform in Kosovo

There are several aspects or dimensions of the SSR in Kosovo; the first one has to do with the dissolution or transformation of the Kosovo Liberation Army through process known as Demilitarization, Demobilization and Reintegration (as integral part of comprehensive SSR process) of the KLA members into the civil life, respectively to its successor the Kosovo Protection Corps as civilian emergency force kind of National Guard (or model of French Sécurité Civile). According to German think tank Bonn International Center for Conversion,

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[3] OECD/DAC: Handbook on Security System Reform (SSR) Supporting Security and Justice, Paris 2007, pg.22

who had conducted the research about DDR-process of KLA, despite its critical remarks they viewed this as a positive and peaceful one[4].

Kosovo Protection Corps was officially established in 21. January 2000 after the negotiations between NATO Supreme Commander Gen. Wesley Clark, KFOR Commander General Jackson and the former Kosovo Liberation Army leader Hashim Thaçi. First was set a Joint Implementation Commission, which was responsible to monitor the implementation of the agreement.[5] Around 20.000 people had in the following months applied by KPC, where International Organization for Migration was responsible for the recruitment of 3052 active and 2000 reserve member. For the training supervision and development of KPC was NATO actually KFOR responsible.

After the declaration of Kosovo's independence in 2008, in accordance with Ahtisaaris proposal the security sector has undergone further transformations. In this proposal[6], among other issues foreseen for the future regulation of state affairs, had foreseen the dissolution of the Kosovo Protection Corps and creation of new institutions within the security sector of Kosovo. A renewed demobilization and reintegration process for KPC retiree and the establishment of a lightly armed Kosovo Security Force (KSF) with 2,500 active and 800 reserve members without heavy caliber weapons, under civilian governmental and international control by KFOR (International Military Presence - IMP), and a new International Civilian Representative (ICR) was enshrined into new reality. Kosovo Security Force are to be characterized by legal and a political limitation- foreseen by Ahtisaari's proposal, the current provisions allow for the development of the new force with 2500 active and 800 reserved troops, armored vehicle and weapon equipment until 12.5 mm caliber.

Another dimension of SSR in Kosovo, was building of Kosovo Police Service, which began with the creation of Police academy on 6.September 1999 and the recruitment of initially 4.000 policemen and then successively increasing the number. The creation and development of this institution has been facilitated by UNMIK Police or CIVPOL and the OSCE- Mission in Kosovo, whose role was crucial. Police reform was developed under the SMART concept (supporting, monitoring, advising, reporting and training).

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[4] Andreas Heinemann-Grüder/ Wolf-Christian Paes: Wag the dog. The mobilization and demobilization of the Kosovo Liberation Army, Bonn International Center for Conversion, (Brief 20), Bonn 2001, pg. 19 -29.

[5] Undertaking of Demilitarisation and Transformation by the UÇK, from 21. June 1999, see in: Alexandros Yannis: Kosovo under International Administration. An ELIAMEP 2001, pg. 92-99

[6] Annex IX, Art. 6 of The Comprehensive Proposal for Kosovo Status Settlement ( Ahtisaari Proposal)

Although KPC was seen from many as; „ (…) the crown jewel of the international community's initiatives in Kosovo"[7]. But its development and success is in close relation with the functioning of the Rule of Law and the inter-ethnic relations.

Therefore; „In such an uncertain climate, any police force's ability to improve inter-group relations will be strictly limited as the political interests of the different communities remain polarized. "[8] After the independence Kosovo Police Service changes into the Kosovo Police and undertook full legal and operational competencies.

Another institution created within the Kosovo's security sector is the Kosovo Security Council, established as main advisory body without executive competencies. Actually the Council have executive powers only during states of emergency, in the case the President of Republic declares such an emergency state and also approves the mandate of Council to act. In addition, the KSC had obligation to review security-related draft laws, the interior ministry's policing strategies, and strategy of the national customs service, international treaties related to security issues and proposals for security agencies and its operations abroad. The members of the Council are the prime minister, deputy prime ministers, minister in charge of the Kosovo Security Force (KSF) and also ministers for foreign affairs, justice, interior, economy and communities and return. Comparing with the practice of the security Councils in most countries the steering board acts as supportive body with executive competencies over security issues of the country.

Another achievement in the Security Sector of Kosovo it's the completing of the legal framework. And one of the most important and fundamental one it is The Kosovo National Security Strategy which has been adopted by the government of Kosovo which is indeed the legal document upon which Council and other security institutions will operate.

Last but not least aspect of SSR in Kosovo is the justice and penal system which affects directly the rule of law, democratic transition and therefore the whole security sector.

### 4. Security Sector in the Independent Kosovo

In the independent state also a security landscape has been changed and brought new institutions in the security architecture with foreseen capacities and tasks such an establishment of the Kosovo Intelligence Agency and Kosovo Security Council. Several months after the declaration of independence, Kosovo

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[7] William G. O`Neill: Kosovo. An Unfinished Peace, Lynne Rienner Publisher, Boulder, pg. 114

[8] Gordon Peake: Policing the Peace. Police reform experience in Kosovo, Southern Serbia and Macedonia, Saferworld Report, Januar 2004, pg. 5

Assembly approved the package of security related laws according to Ahtisaari's plan, like Law on KSF, Law on Service in KSF, Law on Ministry of KFS, Law on Kosovo Intelligence Agency, Law on Kosovo Security Force, Law on Dissolution of KPC and Law on Kosovo Police etc.[9]

The mandate and the role of international community in Kosovo has guaranteed a certain stability and efficiency of SSR process, but in the other hand the presence of international actors like KFOR, EULEX, UNMIK-Police makes the security sector in Kosovo more complex than actually it appears to be.

According to the Article 2 of the Constitution of Republic of Kosovo:

"The sovereignty and territorial integrity of the Republic of Kosovo is intact, inalienable, indivisible and protected by all means provided in this Constitution and the law."

But, whose mandate or who is authority to implement this is not really defined! Also, the North of Kosovo show's total different picture from this constitutional postulate or the simple or even banal question, why no one from the Kosovo's security institutions do not have own airplane or helicopter, has not clear or appropriate answer.

Also Article 126 of the Constitution states that:

"The Kosovo Security Force shall protect the people and communities of the Republic of Kosovo based on the competencies provided by law." However, how and by which means it will or could offer protection remains to be not very clear.

As already mentioned Kosovo Police Service changed into Kosovo Police and according to new Law on Police also implemented reformed structure. New security agencies and bodies were established, like Kosovo Customs, Civil Aviation Authority, and Kosovo Security Council. It took couple of months after the Constitution of the Republic of Kosovo entered in force to establish and to consolidate all these security mechanism.

Nevertheless several doubtful robberies took place at the Kosovo Police Head- quartier in Prishtina and Peja, also scandals with Border Police in border with Serbia have influences seriously legitimacy and institutional credibility of this authorities. The survey of the public opinion also demonstrates that the satisfaction with the Kosovo Police and its performance has dropped from 86.9% in March 2005 into 70.52% in April 2012. Despite this trend and comparing with other public institutions, security sector in Kosovo is conceived from public opinion more confidently.[10]

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[9] For more information see webpage of Assembly at http://www.assembly-kosova.org/ ?cid=2,122 (acces on 18.10.2012)

[10] UNDP: Public Pulse Report no. 4, Prishtina August 2012

Security sector reform means not only creating of the security mechanisms but also reforming of the concept of security, which puts the focus to the individual that is commonly referred to as human security approach as kind of a premise not only for public safety but also for the democratization.

Therefore, corruption, organized crime, economic informality and mostly lack of rule of law pose the critical threat to security which is less likely to be fight or solve by traditional security approaches that are more protective and appropriate against major conflicts than security threats from "everyday- life".

This is acknowledged by Kosovo's National Security Strategy from year 2010 considering values, principles and goals of the security and public safety in more human manner.

It addressed a broad issues related to security ranging from public health, the environment, terrorism, illegal weapons, explosive devices and so on. Paragraph 3.2 of this Strategy states:

"Kosovo citizens are most affected by poverty, unemployment and as consequence, to the continued presence of corruption and organized crime. However, threats may be also transnational such as organized crime."[11]

Despite these developments there security institutions in Kosovo have still to consolidate and strengthen the capacities and to overcome the eventual threats, in the first place the problem of the North of Kosovo remains to be very unstable and complex one, but also lack of rule of law and good governance threatens seriously security in the country. Another concern is the declining of the institutional credibility and legitimacy among the population and mostly among Serbian community toward Kosovo's security institutions, which results in the great difficulties in the functioning and effectiveness of these institutions.

However, taken in consideration the overall socio- economical and the political situation in Kosovo and in the region, security sector has undergone affirmative reforms and has advanced in the respectable institutions and mechanism of democratization.

## 5. Conclusions

As a result of the description of the developments in the security sector and analysis of its challenges we can conclude that the role of IC in SSR in Kosovo was and remain to be very important and affirmative, nevertheless the undertaking of local ownership in this process is fundamental. This means that Kosovo's security institutions need to build capacities and competences in accordance with principles of sovereignty and territorial integrity. Also the issue of civilian oversight and democratic accountability of the security

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[11] Strategjia e Republikës se Kosovës, 2010 Prishtinë, pg.11 (Translation of quoted paragraph is from author)

institutions should be no matter of individual or political will, but crucial part of the overall security sector reform. In accordance with the objectives of Security Strategy of Kosovo it is important to enhance capacities of all security institutions and to close the gap between policy and practice respectively to implement these policies. It is important also strengthening cooperation between international and domestic security mechanism, especially intelligence agencies and in the fight against organized crime. In the regional context, cooperation of Kosovo with the neighbor countries and their stabilization has remotes the potential external intimidation and conflicts with the spill-over effects. In broad terms, security sector reform in Kosovo has the chance to be success story but only if overcome challenges, which are many and not to neglect.

Hovewer the main objective of the security institutions should be the integration in NATO structure, Interopol, Europol and other international securority mechanism.

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