



Assessment of the

Kosovo Security Council

role in the security sector

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Introduction

Kosovo Security Council (KSC) is undoubtedly one of the main pillars of security sector. The Constitution of Republic of Kosovo provides it with the key authority for policy making and advising on security issues. It is worth of noting that other countries have also foreseen Security Council in their legislation, whereby it is called “Council of National Security” or “National Security Council” while in Kosovo, in compliance with the UN Envoy, President Ahtisaari’s Comprehensive Settlement Plan on Status Resolution,¹ it is described as Kosovo Security Council.²

Having in mind numerous threats and risks, necessity for establishment of KSC is increasingly evident. One of the recent threats to Kosovo is continuous presence of parallel structures and frequent tense situation in the north of Ibër River. In addition, organized crime, economic underdevelopment, threats from natural disasters and human caused calamities present an indicator for the need to consolidate the security institutions in Kosovo.

Pursuant to the Law establishing KSC, its role shall be of advisory, debating, assessing and recommending nature with regards to security issues in Kosovo,³ except in emergency situations, when it assumes the executive role.⁴ Law in general provides for the competencies and duties of KSC. Legislation in effect identifies KSC as a very important institution. We may comfortably say that KSC is a mechanism of strategic planning and forecast for the security related issues of the country.

One of the basic and immediate tasks of KSC is drafting security strategy of Kosovo, which is currently indispensable. The strategy would foresee all aspects of identifying risks and threats to Kosovo, based on current circumstances and early warning efforts. Early drafting of the strategy would be instrumental for planning policies of security institutions in Kosovo.

Kosovar Centre for Security Council found crucially the research on this matter therefore contributing for a proper functioning of this security institution by raising the importance and necessity for the consolidation of Kosovo Security Council. Until present time very little has been done to raise the importance of this institution. For drafting this assessment we applied the following methodology: legislation, contemporary literature on this matter and the experience of the KCSS experts.

¹ Adapted in the Constitution of Republic of Kosovo

² This is probably due to the fact that Kosovo is not a nation – state but a state of its citizens, including all communities.

³ See *Law on KSC*, Article 1.1, 1.2 and 1.3

⁴ *Ibid*, Article 12, “*During a State of Emergency, the Kosovo Security Council exercises authority and responsibilities on behalf of the Government ...*”

This document will initially explain the general role of the Security Council based on some study cases in different countries. The remaining part will assess threats and risks especially in drafting the security strategy for Kosovo. A special part of the research is dedicated to facilities in coordinating the consolidation of KSC and the need for drafting the law on the classification of information. Conclusions are given at the end.

Functioning, competencies and types of security councils

The role of Security Council varies from country to country. In the outline, its importance is evident in most of the countries. In order to understand the role of KSC, it is deemed reasonable to briefly evaluate the role of Security Council in some countries and their functioning.

Initially it is worth of noting that US Security Council is a model of good functioning. It is one of the first such institutions in the world established in 1947, and is headed by the President of USA.⁵ Its role is to advise, support and assist the President of USA on issues of security, national defence and foreign policy.⁶ Nevertheless the role of US Security Council changes depending on the president in power or other circumstances. However, recently, one of the greatest contributions of US Security Council was given in drafting of the National Security Strategy in 2002, following terrorist attack of September 11, 2001, and drafting other follow-up strategies.⁷ The Strategy is drafted with contribution of US Security Council that changed the approach of USA regarding national security, based on new threats and risks. The US Council is also “the body that deals with the world”.⁸

Besides US Security Council, the important roles of Security Council in Turkey and Israel can also be mentioned. They convey frequently and discuss on national security. Security councils also function in other countries but their role and significance varies from the governing system.

In countries with presidential system, realistically Security Council is managed by the President and their role in most of the cases is very significant.⁹ In countries with parliamentary system there are two options: first, it may be headed by the president while in other cases it is headed by the prime minister or a minister. Considering new circumstances, some security countries adapted mainly the concept of “human security” expanding the advisory and recommending activity in wider dimension, not limiting only to narrow frameworks of national security.

With regards to neighbouring countries of Kosovo, it is worthwhile noting the functioning of National Security Council of Albanian and Serbia.

⁵ See http://en.wikipedia.org/wiki/United_States_National_Security_Council

⁶ See http://en.wikipedia.org/wiki/United_States_National_Security_Council

⁷ *The National Security Strategy of the United States of America*, September 2002, <http://www.state.gov/documents/organization/15538.pdf>

⁸ **Rothkopf David**, *Running the World: The Inside Story of the National Security Council and the Architects of American Power*, radio interview, see <http://www.npr.org/templates/story/story.php?storyId=4725006>

⁹ Case of USA, Russian Federation, Ukraine etc.

In Republic of Albania, the President is the head of the National Security Council. The role of the council is to discuss and advise the president who is the Commander in Chief of Armed Forces.¹⁰ Albania's National Security Council is conveyed by the President with previously set agenda and members with executive authority are the heads of security institutions and support institutions.

In the case of Serbia, the mandate of Security Council is not only to advise, discuss and assess. It has the mandate of coordinating activities of all security mechanisms in Serbia.¹¹ While reviewing the legislation in effect in Serbia, it comes out that despite the fact that the council is managed by the President, the agenda is set jointly by the President and Prime Minister of Serbia. Nevertheless the Secretariat of Security Council operates as a part of President's Office because chief of President's cabinet is the secretary of the council.¹² Composition of the members with executive authority in Serbia' Security Council is quite limited – only heads of key security sectors.

It may be easily noted that there is a difference in functioning of KSC comparing to two neighbouring countries. The law foresees that KSC shall be conveyed and headed by the Prime Minister. The Secretariat of KSC is a special body reporting to the Prime Minister.¹³ In comparison to other regional countries, Situation Centre will provide great assistance to consolidation of KSC, which collects information from all security mechanisms in Kosovo. Nevertheless, earlier research showed that security information analysis in Situation Centre has not occurred and as such is dysfunctional.¹⁴ Absence of information analysis would hinder the activity of KSC.

With regards to composition, presence of respective ministers as standing members with executive authority is of significant importance. Besides Prime Minister, who is the head of KSC, members with executive authority include: Deputy Prime Minister, Minister for KSF, Minister of Foreign Affairs, Minister of Internal Affairs, Minister of Justice, Minister of Finance and Economy, and Minister for Returns and Communities.¹⁵ In fact the Minister of Returns and Communities should not have been a member of KSC, but it was foreseen to have at least one of the members with executive authority from minority communities.

Comparing to the countries of the region, there is a list of standing members of KSC who have an advisory but not executive role, such as the Director of Intelligence Agency, Commander of KSF, General Director of Police, Director of Emergency Management Department, and Secretary of KSC.

In fact, the only executive authority of the ministers consists in civil control of security institutions. This is because of the fact that Ministries are managed by civilians – elected by the people.

¹⁰ See *Competencies of the President of Republic of Albanian*

¹¹ See <http://www.voanews.com/Serbian/archive/2007-05/2007-05-31-voa8.cfm>

¹² “*Law on basic arrangements of security service in Republic of Serbia*” December 2007, Article 7,

¹³ *Law on KSC*, Article 16, Role of Secretariat,

¹⁴ *KCSS, State of emergency and civil protection in Republic of Kosovo*, July 2008.

It is likely that QS meanwhile had started with few analyses.

¹⁵ *Law on KSC*, Article 3.1

Threats and risks to Kosovo

Threats and risks to Kosovo are various. Nevertheless there is still a lack of a mechanism that identifies all risks periodically. In strategic level, current legislation determines the role of KSC in discussing and identifying threats and risks to Kosovo. Of course that information collection and assessment of risks and threats by some bodies in Kosovo would support the functioning of KSC.¹⁶

To simplify, considering threats to Kosovo, the need for consolidating KSC is imminent. In order to demonstrate the necessity of consolidating KSC, it is worth of mentioning some threats and risks to Kosovo since declaration of independence of Kosovo.

Violation of territorial integrity of the Republic of Kosovo presents one of the risks of highest level. Activity of Serb parallel structures in north of Ibër River, and lack of access of Kosovo institutions in 18% of its territory presents the need of analyzing the situation on periodic basis. This is especially due to the presence of widespread smuggling activities in this part of the territory which is affecting the budget of Kosovo.

Violation of human security in general presents one of the greatest risks against citizens of Kosovo. High level of corruption, unemployment and economic underdevelopment, high level of crime, etc. are issues to be handled by KSC.

Risks of natural disasters and human factor calamities are evident. Wildfires, especially in recent years, landslides (in Kaçanik), earthquakes, floods, various epidemics, present permanent threat to Kosovo citizens. Recent case that can illustrate these threats was the entry of very dangerous chemicals in the territory of Kosovo.

The abovementioned threats and risks add further to the need for consolidation of KSC.

Kosovo Security Strategy

Besides the abovementioned threats and risks, one of the primary and very important tasks of KSC is drafting of the Kosovo Security Strategy. Absence of an overall security strategy presents one of the greatest shortcomings in security sector. In other words, strategic and operational plans of security institutions should be based on an overall security strategy. This is due to the fact that security strategy has a superior hierarchy against other security policies, such as the white paper, internal security strategy, etc. which are related to national strategy in the level of agency or specific issue.¹⁷ Security strategy also distinguishes from the policies by anticipating internal and external threats.¹⁸

Drawing on the theory and practice of other countries, security strategy is to be drafted based on some needs of countries such as handling and describing risks and threats in

¹⁶ E.g. Police may conduct threats and risks assessments for its own needs. Some international organizations in Kosovo may conduct such assessments through polls. It is the case of UNDP with its "Early Warning Report".

¹⁷ DCAF, *National Security Policy*, Backgrounder, Geneva 2005, p.1

¹⁸ See,

comprehensive manner, fusion of contributions of all security stakeholders in one document, improvement of regional and international cooperation, etc.¹⁹

KSC has the exclusive competency to draft Kosovo security strategy.

Article 2.1 states “The Kosovo Security Council shall, in coordination with the President of the Republic of Kosovo, develop and review the Security Strategy of Kosovo. The Security Strategy of Kosovo shall be approved by the Government and submitted to the Assembly of Kosovo for final approval”. Besides this, KSC has the competency to also review five or ten year plans of Kosovo Intelligence Agency, Kosovo Security Force and Kosovo Police.

Drafting Kosovo security strategy, inter alia, should express the aspirations of Kosovo for EU and NATO integrations, readiness for regional cooperation, contribution in establishing peace and security throughout the world through peacekeeping operations, guarantying human rights with special emphasis on minority rights.

Coordination

Importance of consolidating KSC also consists in another very important aspect. Meetings of KSC and joint planning activities would strengthen coordination between security institutions. This is because of the reason that earlier researches have shown that there is a lack of coordination between these institutions, both from bottom – up or top – down level.²⁰

Although this is not expressively provided for by the law, coordination of activities between security mechanisms through KSC is of major importance.

Parliamentary oversight

Parliamentary oversight of KSC activities should be installed as of the inception of its activities as one of the very important aspects of democratic oversight of security institutions. KSC is a body managed by the Prime Minister and is composed of members of key state institutions. Respective Committee²¹ should frequently organize sessions on the work of KSC. Specific activities of KSC Secretariat may be especially required to the respective Committee.

Classified information

Absence of the law on classified information will hinder making KSC and other security institutions operational. This law is of specific importance since it sets the classification of information based on importance. Thus this law should be urgently drafted and approved. KSC during quarterly meetings may take decisions which cannot be made public due to threats risking the country.

¹⁹ See,

²⁰ For instance during civil protection, lack of coordination was noted. See KCSS, *State of emergency and civil protection in Republic of Kosovo, Coordination* p.6, July 2008

²¹ Committee on internal affairs and security, Assembly of Kosovo

In fact, classification of information is not a part of only one security institution, but of the whole public administration of Kosovo. It is the task of the state to classify some information aiming at protecting national and citizens' interests and restrict their dissemination based on classification. Countries produce information and documents that may circulate only inside the bureaucracy of the administration and should be kept far from public and non-friendly implications because their disclosure may affect state interests.²²

Information should be classified based on importance. Only authorized persons may have access to classified information. Except heads of the state, only some administrative personnel may have access to classified information but only after vetting procedure of the individuals and fulfilling other determined criteria,²³ which are mentioned in the Law on KSC. This should especially be compatible with standards of NATO and EU information security.

Countries run various classifications, but the most adequate classification is the following:²⁴

- Top Secret
- Secret
- Confidential
- Restricted

Conclusions

Kosovo Security Council presents one of the key security mechanisms. It has great significance in assessing security situation in Republic of Kosovo, recommending and advising institutions of the country on possible threats and risks.

Absence of periodic identification of threats and risks in Kosovo adds the necessity of rapid consolidation of KSC. Delays in consolidation of this important mechanism are detrimental and can not be justified. Besides, drafting the Kosovo Security Strategy by KSC constitutes an imperative that should take place as soon as possible. Absence of a comprehensive strategy hinders planning and decision making starting from the lowest through to the highest levels.

KSC should serve as coordinating institution having in mind visible weaknesses in coordination of security institutions. Immediate assessments have shown that there is a lack of coordination from top – down and bottom – up levels. Joint activities of security

²² Reichard Martin, The EU-NATO relationship, A legal and Political Perspective, f.311

²³ In theory and practice it is called the “security clearance”. “Security clearance” is the status given to certain individuals who may handle classified information.

See http://en.wikipedia.org/wiki/Security_clearance

²⁴ Manager's Handbook, Security Policy, f.2

This classification is thought to be the most adequate since most of the countries have adopted it. Some countries have declared that all other information are unclassified and marked as such. Some countries don't even have the classification RESTRICTED

institutions as a part of Secretariat of KSC, such as analyzing information, identification of risks, joint reporting, lead to efficient inter-institutional coordination.

And at the end, absence of the law on classification of information presents a disturbing fact. Republic of Kosovo may not function as a state in absence of information classification. Some decisions and assessments may be dangerous if disseminated and may harm the interests of Kosovo. Their classification based on importance is inevitable.

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