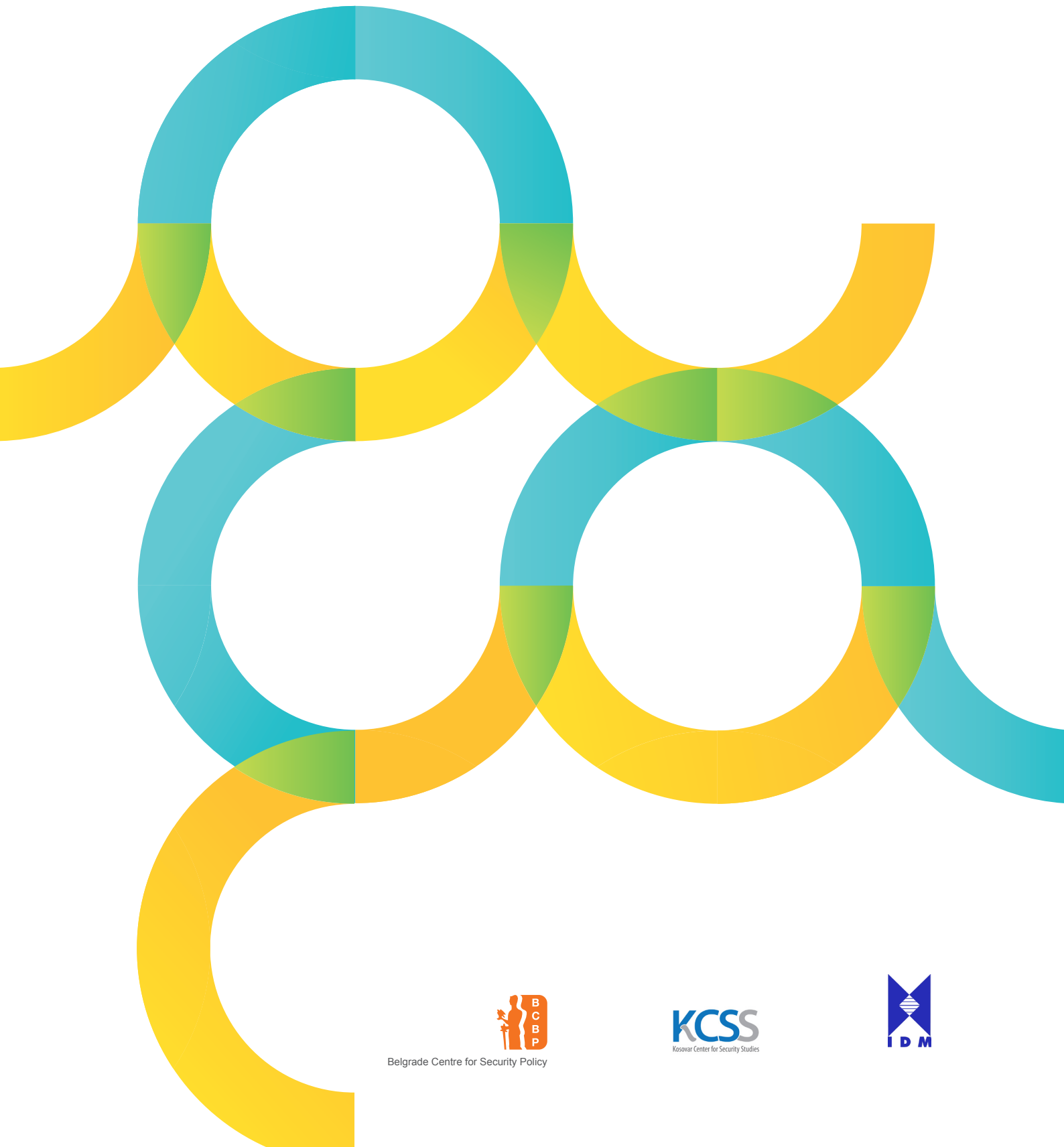


INTEGRATED BORDER MANAGEMENT, BEST PRACTICES AND APPLICABILITY - THE CASE OF KOSOVO AND ALBANIA



Belgrade Centre for Security Policy



**Integrated
Border Management,
Best Practices and
Applicability – The Case of
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OVERVIEW

This policy brief intends to examine the Integrated Border Management situation in Kosovo, looking at good practice with particular focus on the 'one stop shop' at a Kosovo-Albania border crossing point (Vermicë/Morinë), which by agreement between the two governments (Albania and Kosovo) operates in a unique manner. Its methodology aims to decrease queues of travellers, especially during the flux of holiday travellers to Albania and during the flux of Kosovar diaspora visits to Kosovo. This practice works on the basis of border checking on only one side of the border (usually the country receiving the individuals or goods) and also mutual exchange of information. In short, this practice has been very creative in aiming to more effectively avoid queues and manage borders. With this policy brief, we intend to examine these practices from a functional perspective and determine whether it is appropriate to apply similar arrangements at other borders [e.g. Kosovo-Serbia] and what practical implications would follow such an arrangement.

SITUATION ANALYSIS

The Integrated Border Management mechanism (IBM) was one of the criteria which the 2003 Thessaloniki Agenda set for the Western Balkan region on the long road towards integration. The main goal of the IBM was to establish more open and secure borders.¹ Another advantage of the mechanism was that it encourages security and rule of law institutions to increase cooperation at the local and regional levels. This cooperation includes the exchange of experience and information between police forces in WB states and the organization of joint border patrols.

Border crossing points between Kosovo and Albania were initially managed by KFOR and the Albanian Police in 1999 and early 2000,

and were handed over to UNMIK's Civilian Police Force (CIVPOL) and the Kosovo Police at a later stage. Since 2005, Kosovo's border with Albania has been fully managed by the Kosovo Police, and the green border zone has been under Kosovo Police management since early 2008. Most citizens of Kosovo spend their summer holidays in Albania, meaning that of all of Kosovo's border crossings, it is this one which bears the most load. This was the main factor leading to the establishment of joint border control between Kosovo and Albania. This has proved to be a very successful case of border management and control.

Acting unilaterally, the Kosovo Government has drawn on the activities and experiences of other WB states in adopting strategies and legislation relating to the IBM.² In 2009, Kosovo's Ministry of Internal Affairs drafted a National Strategy for IBM and an action plan for its implementation as well as adopting Border Management and Control legislation as part of the package of IBM legislation. In 2013, the Kosovo Assembly adopted a new strategy for IBM and an implementation plan for 2013–2018, as well as a Law on Border Control and a Law on IBM Institutional Cooperation. This new strategy was adapted to the new circumstances and requirements, along with the new official 'Roadmap on visa liberalisation for Kosovo' drafted by the EU.

Management of the border between Albania and Kosovo is a unique case both in terms of management practice and due to the political context and social compactness. The Border Management Agreement signed by Albania and Kosovo was made on the basis of a previous agreement signed by both governments³ in the field of police cooperation. The agreement⁴ aims to effect technical regulation of border crossing cooperation and 'joint

¹ EU Western Balkans Summit Declaration, available at: <http://www.cespi.it/STOCCHIERO/dossierBalcani/dich-Salonicco.PDF>

² Action Plan for Visa Liberalisation, available at: http://www.mpb-ks.org/repository/docs/VisaLiberalizationActionPlan_ALB.pdf

³ 16 October 2009

⁴ For the text of the agreement, see: http://www.mfa-ks.net/repository/docs/Marr._Ks-K.M_se_Shqiperise_%28hrje_daljeve_Vermnice_Prizren%29%28shqip%29-1.pdf

patrols' (article 1) and the creation of Joint Expert Committees (article 2). This example will be used for comparative reflection on other border crossings, precisely because Kosovo and Albania have a sympathetic relationship which resulted in closer cooperation following the end of the 1999 war in Kosovo. Despite both sides' willingness to open their borders, there was a need to manage the movement of incoming and outgoing population and economic trade. The strength of such an arrangement is that integrating border crossing points so that only one side carries out screening and data is exchanged once a day has proved to be a very useful management strategy. Patrols have also proved to be extremely useful when it comes to practicalities and in avoiding long queues and better control during the tourist season.⁵ Furthermore, cooperation is enhanced by daily cooperation between teams at the border which increases efficiency in fighting organized crime and illegal activities at border points.⁶ But this arrangement also has the weakness of a lack of digital scanning measurements at the border which could reduce drug smuggling and human trafficking.

As in principle border crossings are responsible for 'the checking of travelling documents, driving licenses, IDs and visa,' as well as 'matters such as asylum claims and proper handling of apprehended undocumented persons according to international treaties and conventions,'⁷ it is of crucial importance to maintain on-going cooperation between border crossing law enforcement agencies also because of transport of goods and commerce.

The above guidelines also stipulate that, 'Means of transport are to be checked for registration, insurance, the vehicle safety standards, transport authorisations, sealing

and search for illegal persons and concealed goods.'⁸ On this issue, the Kosovo Police and the Albanian State Police cooperate on a daily basis, even carrying out joint patrols in Albania⁹ on the basis of the abovementioned agreement both generally and specifically during the official tourist season. This could set an example for good and need-based cooperation between Kosovo and Serbia.

Potential violations of such border practices have been identified in numerous reports. The EU guidelines for IBM admit that 'possible border violations at all borders and Border Control Points can be numerous, including smuggling of people, animals, goods, drugs, dangerous substances and weapons.'¹⁰ Bearing in mind that today's border risks and threats, such as human trafficking and drug smuggling by organized criminal gangs, are regional in nature, they cannot be addressed individually. Rather, activities and information must be harmonised. These threats can be fought and prevented only through a standardised system of control and registration which is both expeditious and effective, and thus, accordingly, the management of which is fairly complex. Additionally, cooperation between border management agencies is essential so that communication and exchange of information can occur on a day to day basis, thus ensuring that coordination of the fight against illegal activities is a priority.

Among the areas covered by the EU's *acquis communautaire* are the Schengen requirements, the pre-existence of basic capacities as set by the Copenhagen criteria and requirements established in the area of trade. The *acquis* obliges Western Balkan states to implement border management regulations in the required manner and continue reform-

5 Mbyllet marrëveshja Shqipëri-Kosovë për patrullimin e policisë, available at: <http://www.shekulli.com.al/web/p.php?COLLCC=3747282536&id=29804&kat=111>

6 Guidelines for Integrated Border Management in Western Balkans, available at: http://www.eulex-kosovo.eu/training/police/PoliceTraining/BORDER_BOUNDARY/DOCUMENTS/6.pdf?page=agreements

7 Ibid.

8 Ibid.

9 According to the Memorandum of Understanding between the Kosovo Police and the Albanian State Police, the Kosovo Police are permitted to patrol on almost all of Albanian territory in order to help the ASP deal with tourists from Kosovo.

10 Guidelines for Integrated Border Management in Western Balkans, available at: http://www.eulex-kosovo.eu/training/police/PoliceTraining/BORDER_BOUNDARY/DOCUMENTS/6.pdf?page=agreements

ing their systems both from a legal perspective and practically, in order to meet needs and requirements.

But EU standards also require creativity in organizing and managing borders. As 'a universal, one-size-fits-all model for border management is neither provided by the EU *acquis communautaire* for all border services, nor by its "Schengen" standards when it concerns the flows of persons,' countries must be inventive, as is the case with Albania and Kosovo. The guidelines for Integrated Border Management in Western Balkans state that 'there are no fixed rules for all areas related to integrated border management, such as for example the exact type of infrastructure at border crossing points, the number of staff needed, quantity or quality of the technical equipment, etc.'¹¹

However, the standards still require the system to be effective and risk adjusted¹² which again means being creative and organizing border crossings on the basis of needs but in line with EU guidelines. Also, in long term planning, 'the border management systems of the countries need to reach an acceptable level of the EU standards to ensure that their national border services in principle would be capable to one day take over the responsibility for controlling the EU external border and, at the next stage, to be in line with Schengen requirements.'¹³

As it now stands, Kosovo's Borders are managed by the Kosovo Border Police,¹⁴ Kosovo Customs and the Kosovo Food and Veterinary Agency.¹⁵ One crossing point between Kosovo and Albania, the Vermica/Morinë border crossing, has been designated a 'joint border crossing point' on the basis of a special

agreement.¹⁶ The advantages of such a border crossing point is that citizens travelling between Albania and Kosovo are subject to only one set of controls, either at the entrance to or exit from the country. This has proved to be very good practice in controlling the flux of movement of people across the border, especially during the tourist season in Albania and particularly since the highway between Kosovo and Albania was built. Once a day, the two countries' border crossing points exchange with each other the information they have collected, thus enhancing control of the border and of people's movements,¹⁷ as regulated by an international agreement between the two countries.

The Foreign Affairs ministries of Kosovo and Albania have also signed an agreement to open two new border crossing points¹⁸ on the basis of the need to ease the flow of commercial goods and people at the Vermica/Morinë border crossing. Due to a lower level of activity at these crossings,¹⁹ they will be normal border crossing points rather than being one stop shop based.

The strength of these arrangements between Kosovo and Albania is that enhanced cross border flows will support the development of both economic opportunities and social exchange, and will allow people to find out more about the culture, religion and language of people on the other side of the border. At the same time, threats related to the abuse of malfunctioning border management systems, such as smuggling of goods and trafficking in people, drugs, weapons etc., can be better addressed if the authorities responsible for management of state

11 Guidelines for Integrated Border Management in Western Balkans, available at: http://www.eulex-kosovo.eu/training/police/PoliceTraining/BORDER_BOUNDARY/DOCUMENTS/6.pdf?page=agreements

12 Ibid.

13 Ibid.

14 For more information see: <http://www.kosovopolice.com/?page=2,22>

15 For more information see: <http://dogana.rks-gov.net/en/About>

16 For the text of the agreement see: http://www.mfa-ks.net/repository/docs/Marr._Ks-K.M_se_Shqiperise_%28hrje_daljeve_Vermnice_-Prizren%29%28shqip%29-1.pdf

17 For more information see: http://www.mfa-ks.net/repository/docs/Marr._Ks-K.M_se_Shqiperise_%28hrje_daljeve_Vermnice_-Prizren%29%28shqip%29-1.pdf

18 For more information see: http://www.mfa-ks.net/repository/docs/Marrveshje_Ks-K.Ministrave_%28Krusheve-Shishtavec%29_DMN-009-2013_%28anglisht%29.pdf

19 The two planned new border crossings are at Qafa e Prushit and Qafë Morina.

border crossings improve their exchange of information and co-operation. The weakness of this arrangement is that this border crossing point functions differently from any other border crossing in either Kosovo or Albania, which prevents standardisation of procedures for traveling citizens.

Kosovo's strategic approach to Integrated Border Management and European Integration has produced excellent strategic documents which mainly focus on cooperation with the EU. Regardless of local needs, these documents tend to focus largely on implementing guidelines and practices in line with EU standards. Even the Integrated Border Management Strategy²⁰ meets European Standards on how to 'maintain internal and regional peace and stability'.²¹ Furthermore, this strategic document for the Kosovo Government is based on:

- Participation in EU mechanisms, such as CARDS and the Stability Pact;
- Commitment to European and regional agreements and mechanisms for improving border management and signing bilateral agreements.²²

The arrangement at the Vermica/Morinë border crossing point has proved to represent excellent practice for both the Kosovo Police and the Albanian Police in terms of good management of movement of people across the border. Furthermore, during the tourist season in Albania, the Kosovo Police, through a special agreement, assists the Albanian Police to control Kosovar citizens traveling to Albania all along the highway. This extends border control to further management for better performance in control and good management as well as keeping down the cost of personnel and equipment.

POLICY OPTIONS FOR OTHER BORDER CROSSINGS IN THE WESTERN BALKANS

- a. Political agreements to enhance cross-border cooperation in the region should be a priority for governments in order to enhance the efficiency and effectiveness of border crossing points. Priority should be given to the segments of agreements which address both the EU integration process and cross border cooperation. This will prevent conflict and encourage cross-cultural cooperation and in addition will improve security and wellbeing in the regional context. Political agreements are a precondition for successful border management and the prevention of illegal activities, smuggling and contraband of commercial goods which is damaging to both the regional economy and the European perspective of the entire region. Furthermore, political agreements and good border management will enable better freedom of movement for the people in the region, which is needed given the ethnic composition of the regional states.
- b. The completion of border demarcation should also be among the priorities which the region's countries (predominantly Kosovo and Serbia) should pursue and complete in order to open the possibility of advanced cross border cooperation. As the practice of border demarcation with Macedonia was safely kept separate from daily politics, the best way forward is to conduct and agree on border demarcation at the technical level and ensure that this condition is fulfilled to open the way for much improved border management. With this action, the course of developments in the border management context will be accelerated towards a tailored and creative solution in order to facilitate the movement of people and commercial goods. Additionally, in terms of territorial disputes, border demarcation will draw a line in the political discussions between Kosovo and Serbia regarding territorial

20 http://www.mpb-ks.org/repository/docs/Strategjia_Anglisht_FINAL_National_strategy_of_the_Public_of_Kosovo_2009.pdf

21 Ibid.

22 Ibid.

disputes, especially for the villages straddling the border line.

- c. Integrated Border Management best practice should be used and copied by other border crossing points. The main advantage in this context is that it is a working practice and saves time for people and goods passing through the border. Despite the fact that this is a political issue which can be solved through technical agreement, the Merdare border crossing point between Serbia and Kosovo can use the lessons learned from the Vermica/Morinë border crossing point and halve waiting times. Although the border crossing points are now much closer than they were in 1999, when they were 2-3 km apart, now being virtually under the same roof, they can still use an integrated approach, checking people only when entering the country and not when leaving. This would also build trust between the two police forces and create a safer environment for people crossing borders. Additionally, this would potentially reduce the chance of misconduct by police when dealing with citizens leaving Serbia or Kosovo.

This paper has primarily examined the legal and formal aspects of the border situation between Kosovo and Albania, along with reflection on future cooperation between Kosovo and Serbia in the field of Integrated Border Management. As per EU guidelines on Border Management in Western Balkans, this paper argues that creative solutions are necessary to enhance the fight against organized crime, human trafficking and smuggling. In the meantime, these actions also improve services for the citizens of the entire region by translating good examples of Border Management practice from one border crossing to another at the technical level.

When research for this paper was being carried out, it was seen that far too much work has been done at the strategic and policy levels, but the movement of people across the border between Serbia and Kosovo is still dif-

ficult. This is not only because of border management as such, but also and mainly because of political factors and other reasons that this paper is unable to cover. However, it is certain that small creative and necessary changes improve the overall performance of borders as well as easing the process of border crossing for people and commercial goods.

As the political situation stands at the moment, it is very difficult to predict a timeline for how the border between Serbia and Kosovo will improve and move towards a stage of closer joint management. However, preparation for such action can take place and can for example be tested once a week to measure the impact and flow of information.

ABOUT AUTHOR

Abit HOXHA [BA, MA, MSc] is a KCSS Senior Researcher with extensive experience at various governmental and non-governmental institutions in Kosovo. He has extensive experience in Media Relations and Internal and External Communications in an inter-cultural environment and has high quality research skills and unique work experience in the field and in academia. He is the author of 'Reporting in Kosovo: War and Post-War-challenges and responsibilities (VDM 2010); co-author of 'the manufacture of an international news event: The day Kosovo was born' (SAGE 2012) and author of many articles on Kosovo. This paper is exclusively written for the Regional Security Forum, a collaboration in which the Kosovo Centre for Security Studies, the Belgrade Centre for Security Policy and the Tirana Institute for Democracy and Mediation participated. Views in this paper are personal.

ABOUT ORGANISATIONS

KOSOVO CENTRE FOR SECURITY STUDIES (KCSS) **Kosovo**

The Kosovar Center for Security Studies (KCSS) is a non-governmental and non-profit think tank established in 2008 with the main aim of developing research studies in the security sector. KCSS conducts research and organizes conferences and seminars in the related fields of security policy, rule of law, justice, and monitoring of the security sector. KCSS activities contribute to strengthening the principles of democratic oversight of security institutions in the Republic of Kosovo.

BELGRADE CENTRE FOR SECURITY POLICY (BCSP) **Serbia**

The Belgrade Centre for Security Policy (BCSP) is an independent think tank founded in 1997 to publicly advocate national and human security based on democracy and respect for human rights. The BCSP works towards consolidation of security sector reform (SSR) and security integration of Western Balkan states into the Euro-Atlantic community by creating an inclusive and knowledge-based security policy environment. It achieves these goals through research, public advocacy, education, bringing together relevant stakeholders and creation of networking opportunities.

THE INSTITUTE FOR DEMOCRACY AND MEDIATION (IDM)

IDM is an independent non-governmental organization founded in November 1999 in Tirana, Albania. It works to strengthen the Albanian civil society, to monitor, analyze, and facilitate the Euro-Atlantic integration processes of the country and to help consolidate the good governance and inclusive policymaking. IDM carries on its objectives through expertise, innovative policy research, analysis, and assessment-based policy options.

ABOUT PROJECT

The Security Research Forum is a joint project of three independent think tanks from Belgrade (BCSP), Prishtina (KCSS) and Tirana (IDM) specialized in research of security issues. The Security Research Forum is meant to foster balanced debate among think-tank community, academia, public policy and media in order to provide research-based alternative solutions to ongoing challenges of cooperation among Serbia, Kosovo and Albania.

