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GORDIAN KNOT: KOSOVO'S OBSTACLES TOWARDS MEMBERSHIP INTO INTERNATIONAL SECURITY ORGANISATIONS

INTERPOL CASE



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November 2016
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LIST OF ABBREVIATIONS

AC	Adriatic Charter
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
EUROJUST	European Union's Judicial Cooperation Unit
EUROPOL	European Union's law enforcement agency
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
ICJ	International Court of Justice
ILECU	International Law Enforcement Coordination Unit
INTERPOL	International Criminal Police Organisation
KCSS	Kosovar Centre for Security Studies
KP	Kosovo Police
MARRI	Migration, Asylum and Refugees Regional Initiative
MFA	Ministry of Foreign Affairs
MIA	Ministry of Internal Affairs
MoJ	Ministry of Justice
PCC SEE	Police Cooperation Convention for Southeast Europe
PP	Prague Process
PSOTC	Peace Support Operations Training Centre
RACVIAC	Centre for Security Cooperation
RAI	Regional Anti-Corruption Initiative
RCC	Regional Cooperation Council
SECI	South-East Europe Cooperative Initiative
SEDM	South-Eastern Europe Defence Ministerial
SEEC	Forum for Western Balkans Defence Cooperation
SEECp	South-East European Cooperation Process
SEEPAG	Southeast European Prosecutors Advisory Group
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SELEC	Southeast European Law Enforcement Center
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNMIK	United Nations Mission in Kosovo
UNSC	United Nations Security Council
WBPN	Western Balkans Prosecutors' Network

EXECUTIVE SUMMARY

Challenges:

- The Kosovo Government failed to sufficiently capitalise the Brussels Agreement on regional cooperation reached with Serbia within the dialogue facilitated by the European Union in the context of Kosovo's membership with full rights into regional security initiatives. It has only secured the status of "associate" or "observer" in these initiatives.
- The Kosovo Government did not take concrete steps to advance into regional security initiatives from member status of "associate" or "observer" into a member with the right to vote.
- The Kosovo institutions are not an official party in relations with INTERPOL, instead they heavily depend on UNMIK mission. The latter is being criticised for not fully sharing the information obtained from INTERPOL with the Kosovo's relevant institutions.
- International police cooperation became a priority for the Kosovo institutions in 2015, when the application for membership into INTERPOL was submitted for the second time. Political discourse in Kosovo in terms of membership into INTERPOL remained at the statement level, having no concrete outcome.
- There was no cooperation and coordination in place so far between the Ministry of Internal Affairs and Ministry of Foreign Affairs of Kosovo to prepare the country for membership into INTERPOL.
- Kosovo's application for membership into INTERPOL remained at Secretary General within INTERPOL. It has not yet been passed for review neither to the Executive Committee nor the General Assembly of INTERPOL.
- Kosovo's application for membership is not expected to be reviewed by INTERPOL before next two-three years. This because INTERPOL put in place an assessment mission to review whether Kosovo and other candidate countries have met the requirements for membership into INTERPOL.
- Serbia, supported by its ally, Russia, identified INTERPOL as the next diplomatic battle against Kosovo. It raised this issue in meetings of United Nations Security Council discussing issues on Kosovo.

Advantages:

- Membership into the United Nations is not a condition for Kosovo to join INTERPOL. Kosovo's diplomacy should argue its right to join INTERPOL in legal and police terms.
- The advisory opinion rendered by the International Court of Justice and the legal arguments upon acceptance of Kosovo into the FIFA and UEFA serve as an advantage.
- Countries supporting Kosovo (United States, Great Britain, Germany, France and other countries) have reasoned the importance of Kosovo's to join INTERPOL in different ways. The findings of this research indicate that arguments are stronger among the supporters of Kosovo and support is more evident than in case of UNESCO.
- The need of Kosovo to join INTERPOL is great, especially when it comes to prevention and combating crimes exceeding national boundaries. The combat against terrorism or violent extremism and other trans-national crimes requires cross-border and international cooperation between countries and international law enforcement agencies.

INTRODUCTION

The efforts of the Kosovo institutions in view of the country's membership into regional and international security organisations, with particular emphasis on the International Criminal Police Organisation - INTERPOL has brought into surface the fact that they have not been successful so far. Almost since the declaration of independence (17 February 2008) the commitment of the Kosovo institutions remained more in the limits of political statements rather than concrete actions to join regional and international security organisations. Kosovo's relevant institutions did not demonstrate the political determination to establish official relations and direct contact with INTERPOL, whilst UNMIK mission remains as a bridge.

Although recently there was a nominal movement in view of submitting a membership application, domestic institutions, however, were uncoordinated between themselves for the fact who should lead this process and diplomatic activities to be undertaken for pushing the agenda of membership forward. Slightly more positive movement, but still limited, were found in memberships into regional security organisations, some with full rights, some as associate member. External obstacles, such as lack of recognition of the state of Kosovo by Serbia and a number of the United Nations Member States contribute to internal weaknesses as well. Serbia continued to hinder the participation and membership of Kosovo in most of the regional security initiatives. This occurred despite the Brussels Agreement on regional cooperation, whereby nominally a modality was found for Serbia not to hinder Kosovo's membership into regional organisations.

The first part of this research covers the context of representation and membership of Kosovo into regional and European security initiatives and police cooperation between Kosovo and other countries. This section also analyses the importance of Kosovo's membership into these initiatives, current challenges and the role of the Brussels Agreement on regional cooperation between Kosovo and Serbia. Meanwhile, the second part of the report analyses the opportunities, obstacles and priorities of Kosovo to join INTERPOL. Kosovo's relations with INTERPOL, indirectly developed through UNMIK, non-cooperation within Kosovo's institutions in an appropriate level to join INTERPOL, obstacles from Serbia and its allies to block Kosovo's membership into INTERPOL, and backing-up this process by states supporting Kosovo constitute an important part of this section.

In order to advocate and provide solutions for Kosovo's membership into INTERPOL, this research proposes two scenarios which could lead Kosovo towards membership into INTERPOL. The scenarios provide reasons for immediate need of Kosovo to get membership into INTERPOL for law enforcement purposes, as well as prevention and

combating of crimes exceeding national borders, where Kosovo could contribute therein. The report also contains a set of concrete recommendations in terms of representation and membership into regional and international security organisations, with particular emphasis into INTERPOL.

METHODOLOGY

Qualitative methods have been used for drafting this report. Qualitative data include analysis of various documents with legal and political character, reports of local and international organisations and other sources from public institutions. In this regard, various INTERPOL documents have been analysed covering the scope of activities and mechanisms for its operation in practice. Further on, the documents of the Kosovo institutions, including national legislation and strategies in the field of security and in particular for regional and international police cooperation were considered for purposes of this research.

Additional data were collected from interviews conducted with representatives of the following institutions in Kosovo: Ministry of Foreign Affairs, Ministry of Justice, Ministry of Internal Affairs, Kosovo Police, the Kosovo Assembly's Committee on Internal Affairs and Security, UNMIK mission and the international law experts.

Moreover, data collection for this research is supplemented by monitoring the activities of the Kosovo institutions in relation to the accession process into regional and international police cooperation initiatives and INTERPOL. All in all, the archives of the Kosovo media, which reported on Kosovo's regional police cooperation and the process of Kosovo's membership into INTERPOL have to a large extent supplemented the content of this research.

PART 1 – KOSOVO’S REGIONAL POLICE COOPERATION

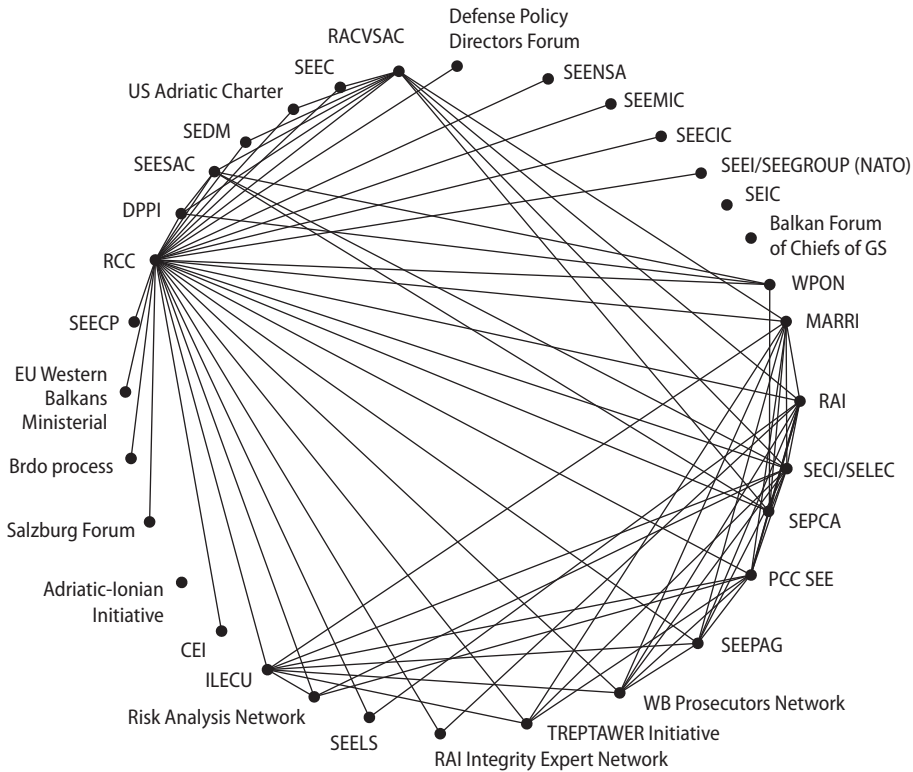
1.1. The Context of Representation and Membership of Kosovo into Regional Security Initiatives

The increasing trends of ‘beyond borders’ crime, as organised crime and cases of terrorism or violent extremism have raised the need that various countries, particularly those with common borders, cooperate both in exchanging information and operational aspect for the purpose of preventing and combating crime. The need for cooperation in combating against organised crime in the Western Balkans dates back since 1995 following successive wars the region of Southeast Europe had suffered.

Accordingly, the wave of establishing regional security initiatives was launched. The first ones were established shortly after the war in Bosnia and Herzegovina in 1996, such as the South-East European Cooperation Process (SEECP), South-East Europe Cooperative Initiative (SECI) and South-Eastern Europe Defence Ministerial (SEDM). The second wave urged the establishment of the Stability Pact for South-Eastern Europe, currently known as the Regional Cooperation Council (RCC).¹ This Council was established shortly after the war in Kosovo and the political changes in Serbia and Croatia following the breakup of the former Yugoslavia. Since 2012 a complex network of regional security initiatives in Southeast Europe is in place. The number is 33 of them (see Figure 1), ranging from regional defence and police initiatives up to regional initiatives in the area of justice and internal affairs.

1 (Prezelj, 2013).

Fig 1. The network of regional security initiatives in South-eastern Europe²



Kosovo, as part of the Western Balkans is involved in what is also known as a suitable region for organised crime activities.³ This fact makes more important the need for cooperation between the Western Balkan countries and their equal involvement in regional initiatives and organisations, including European ones in the security area.

Law No. 04/L-076 on Police⁴, Law No. 04/L-072 on State Border Control and Surveillance and the Law No. 04/L-214 on Amending and Supplementing the Law No. 04/L-072 on State Border Control and Surveillance are the main legal acts on the basis of which the Kosovo Police (KP) operates in terms of international cooperation. The Kosovo Government signed 98 international agreements with other countries.⁵ Out of these, only six of them are related to the police cooperation, such as with Albania, Macedonia,

² Ibid., p. 88.

³ (Kursani, 2015, pp. 6-7).

⁴ Article 44, Law No. 04/L-076 on Police.

⁵ See the List of the Signed Agreements between the Kosovo Governments and Other Countries. Accessed on 12 October 2016. Available at: http://www.mei-ks.net/repository/docs/Aneksi_D_-_Lista_e_Marreshjeve_Nderkombetare_te_Qeverise_se_Kosoves%5B1%5D.pdf

Montenegro, Belgium and Turkey. KP by now entered into bilateral agreements with around 18 different countries. Meanwhile, 58 agreements are listed to be concluded with the police of these countries for coordination and exchange of information on various criminal cases.⁶

The period 2012-2014 has been perhaps the most productive period for Kosovo in terms of membership into regional security organisations. In 2013, Kosovo became part of the Regional Cooperation Council (RCC). The country currently lists its participation in eleven initiatives or regional security and defence organisations, including SEECF, the Centre for Security Cooperation (RACVIAC), the International Law Enforcement Coordination Unit (ILECU), Peace Support Operations Training Centre (PSOTC), Police Cooperation Convention for Southeast Europe (PCC SEE), the Western Balkans Prosecutors' Network (WBPN), the Southeast Europe Chief Police Chiefs Association (SEPCA), Regional Anti-Corruption Initiative (RAI), Southeast European Law Enforcement Center (SELEC), Southeast Europe Prosecutors Advisory Group (SEEPAG) and the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC).

Kosovo has cooperation in place with SEDM through SEESAC and RACVIAC. It cooperates with the Forum for Western Balkans Defence Cooperation (SEEC) through RCC only. However, there is still an uncertainty regarding the status of Kosovo in some of these organisations. This, according to some state officials of Kosovo, seems to be the case due to the appearance of Kosovo with a footnote containing the United Nations Security Council (UNSC) Resolution 1244.⁷

In May 2016, the Ministry of Internal Affairs (MIA) of Kosovo signed an agreement with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) for the establishment of operational cooperation between MIA and FRONTEX.⁸ Kosovo figures as "assisting"⁹ with the aim to return of migrants from Schengen Area Member States in FRONTEX.¹⁰ The agreement with FRONTEX, which is an agency within the European Union (EU), will enable Kosovo to cooperate with FRONTEX in various fields, including exchange of information and joint operations. The Border Department within the KP will play an important role for the implementation of this agreement.¹¹ Despite reaching this agreement, however, only countries that are signatories to the Schengen Area

6 Interview with a senior official of the Kosovo Government

7 Interview, Nuredin Ibishi, Member of the Kosovo Assembly's Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, 21 June 2016.

8 (Koha Net, 2016b).

9 See Kosovo's role into FRONTEX: <http://frontex.europa.eu/search-results?q=kosovo>. Accessed on 24 September 2016.

10 Ibid.

11 (FRONTEX, 2016).

agreement and two representatives of the European Commission may be members of the Management Board of the Agency, who have the right to vote as members with full rights. States or other representatives in this agency enjoy limited rights when it comes to the right to vote as to FRONTEX decision-making process.¹²

Kosovo joined the Migration, Asylum and Refugees Regional Initiative (MARRI) in June 2015, based on the Declaration of MARRI Forum in Skopje. According to the latter, Kosovo enjoys all the equal rights as other member states (Albania, Bosnia and Herzegovina, Montenegro, Macedonia and Serbia) in MARRI.¹³ However, the agreement reached between Kosovo and MARRI still awaits ratification by the Kosovo Assembly.¹⁴ The lack of attention so far shows that there is no serious willingness to formalize and advance Kosovo's participation in important initiatives on security issues in Kosovo, despite the political discourse of the Kosovo institutions for the country's representation and membership into regional security initiatives.

RACVIAC is a legitimate successor of the Regional Arms Control Verification and Implementation Assistance Centre. In October 2014, the Ministry of Foreign Affairs (MFA) of Kosovo also proclaimed Kosovo's membership into RACVIAC as equal and permanent in course of the activities within the organisation. However, Kosovo is not listed as a member in any of these three categories of member states of the organisation: (1) SEECP member countries; (2) associated countries; or (3) other countries, which include institutions or organisations participating in RACVIAC activities as an observer.¹⁵ Although Kosovo has its representative in RACVIAC, its institutions have not taken any concrete step to join these categories of RACVIAC's member states. In 2013, Kosovo applied for membership in RACVIAC, but it was rejected with the argument that Kosovo was not part of the SEECP then. Despite that the country joined SEECP in 2014, Kosovo's executive authorities did not use this membership as an argument to advance Kosovo's participation in RACVIAC.

In general, it is obvious that the Kosovo Government did not undertake any concrete steps to enhance the position of Kosovo in initiatives or organisations where it currently is either involved as "associate" which means without the right to vote, or as observers. Although bilateral agreements were reached with certain recognising states, the greatest challenges Kosovo continues to have with Serbia and Bosnia and Herzegovina when it comes to bilateral cooperation. Kosovo lacks a major exchange of information in the security area with both these countries.¹⁶ Consequently, Kosovo has been put at risk many times. In late 2014, a Serbian citizen entered into Kosovo from

12 See the internal organization of FRONTEX: <http://frontex.europa.eu/about-frontex/organisation/management-board/>. Accessed on 24 September 2016.

13 Written Communication with the Deputy Minister of Internal Affairs, Valdet Hoxha, 12 October 2016.

14 Ibid.

15 (Emini, 2014, pp. 16-17).

16 (Radio Evropa e Lirë, 2016a).

Serbia with around 12 kilograms of explosives, which were found when arrested by the KP in Prishtina.¹⁷ He was convicted of terrorism by the court, which found that his destination was “Grand Hotel” in Prishtina, located in the centre of Kosovo’s capital.¹⁸ The case was considered by the Kosovo institutions as failure to prevent crime, due to the inability of Kosovo’s institutions to exchange information with Serbia and non-cooperation of Serbian institutions with those of Kosovo in the field of police cooperation.

Communication between Kosovo and Serbia in the police cooperation area is facilitated by the United Nations (UN) mission in Kosovo (UNMIK), through meetings held between the police of the two countries in Kursumlija, Serbia, every 8-12 weeks or depending on the case, i.e. information obtained by UNMIK. Nevertheless, so far at these meetings mainly the information on illegal logging of forests was exchanged, and not for cases of serious crimes.¹⁹ The consequences of non-cooperation between Kosovo and Serbia in the security area arose during 2014 and 2015 when many citizens of Kosovo, through illegal routes to Serbia, immigrated to the EU Member States seeking asylum (mostly in Hungary, Germany and other EU Member States).²⁰

Political obstacles from Serbia and Bosnia and Herzegovina, non-recognition of Kosovo’s independence by five EU Member States (Cyprus, Greece, Romania, Slovakia and Spain) and those of the UN are making the process of Kosovo’s membership more difficult into regional initiatives, including those of security. However, soon after concluding the Brussels Agreement²¹ between Kosovo and Serbia on regional representation and cooperation, the official designation of Kosovo in regional initiatives has a footnote (Kosovo*). This agreement has put the status of Kosovo in doubt in relation to regional initiatives where Serbia is also present.

1.2. Implementation of the Brussels Agreement on Regional Representation and Cooperation

This agreement was considered as a success by the Kosovo Government for Serbia not to hinder Kosovo’s path towards membership into regional initiatives. However, the only success achieved is considered the fact that Serbia is not abandoning the meeting

17 Interview, Nuredin Ibishi, Member of the Kosovo Assembly’s Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, 21 June 2016.

18 (Koha Net, 2016c).

19 Interview, Carsten Twelmeier, Senior Police Advisor at UNMIK, 31 March 2016.

20 (Telegraf, 2015).

21 Brussels Agreement – Agreed Conclusions. (24 February 2012). “*Arrangements Regarding Regional Representation and Cooperation*”. Accessed on 11 October 2016. Available at: http://www.kryeministri-ks.net/repository/docs/agreement_0210_representation.pdf

rooms where Kosovo is present, in the regional meetings where Kosovo is represented with a footnote.²² International community in Brussels have failed to predict the role of Bosnia and Herzegovina under the Brussels Agreement and influence of Serbia on it. Furthermore, Bosnia and Herzegovina continues to put blockades to Kosovo in process of joining the security organisations at the regional level given that a large number of regional security initiatives have their main headquarters in Bosnia and Herzegovina.²³

The findings of this report indicate that despite the cause of its signature, the Brussels Agreement on regional cooperation between Kosovo and Serbia hindered Kosovo's membership into regional initiatives, including international ones. Furthermore, this agreement is being considered by some state officials as the "greatest evil of Kosovo" in the years following the declaration of independence in political terms.²⁴ This is because with the consent of the Kosovar side, a footnote is put to the official designation of Kosovo, where the designation "Republic of Kosovo" turns into "Kosovo *" with the footnote that summarizes the conclusion: *"This designation is without prejudice to positions on status, and is in line with UNSCR 1244²⁵ and the ICJ Opinion on the Kosovo declaration of independence"*.²⁶ The agreement states clearly that in terms of regional representation the use of state symbols should be avoided: *"Hosts of meetings will be encouraged to avoid the display of national symbols except for their own and those of the EU, taking into account the statutes of relevant organisations"*.²⁷ Yet, this agreement did not clarify whether Kosovo's participation in regional initiatives is as a member with full rights or only as a participant. Furthermore, the Brussels Agreement was expected to bring a new dynamic to regional cooperation and open the door for Kosovo to become part of the regional security initiatives, working groups and other structures that were built-up in recent decades to enhance cooperation between the Western Balkans countries.²⁸ Furthermore, it was expected to change the position of the five non-recognising EU Member States towards Kosovo, which to date (November 2016) has not yet occurred.

However, some positive trends have been noticed as a result of this agreement. Since its conclusion in 2012 it can be stated that the presence of the Kosovo institutions in

22 Interview with a senior official of the Kosovo Government

23 Interview, Nuredin Ibishi, Member of the Kosovo Assembly's Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, 21 June 2016.

24 Ibid.

25 The United Nations Security Council Resolution 1244 was adopted on 10 June 1999 following the agreement on withdrawal of Serbian troops from Kosovo. It defines the political status of Kosovo as a protectorate under the UN administration. While the latter is responsible for civil administration, NATO has a mandate in the security area in Kosovo.

26 See the Brussels Agreement between Kosovo and Serbia on Regional Representation and Cooperation. Accessed on 11 October 2016. Available at: http://www.kryeministri-ks.net/repository/docs/agreement_0210_representation.pdf

27 Ibid.

28 (Koha Net, 2015b).

regional initiatives has been increased, whilst the role and presence of UNMIK has been reduced. Despite of this, the effects of this agreement cannot be seen neither beyond its regional focus, nor in terms of Kosovo's membership into regional initiatives.²⁹ This agreement is considered that it brought Kosovo some benefits, such as its membership into the RCC in October 2013, which is a regional organisation consisting of 46 countries, various organisations and international financial institutions. But, despite reasonable expectations, the membership did not result in Kosovo's active involvement in the RCC's network and projects.³⁰ Kosovo is not yet part of 14 initiatives within RCC. On the other hand, according to some state officials of Kosovo, states not-recognising Kosovo, such as Serbia and Bosnia and Herzegovina (due to the impact Serbia has on matters of domestic policy in Bosnia and Herzegovina), can easily use the footnote to block Kosovo's participation and membership into regional security initiatives.³¹ The Brussels Agreement was supposed to conclude the process of Kosovo's membership into the UN. But in absence of Kosovo's diplomatic strategy for UN membership, the Kosovo Government was criticized that it cemented the UNSC Resolution 1244.³² Consequently, for countries that have recognised Kosovo, the membership and participation of Kosovo in regional initiatives implies participation and membership of an independent state. For countries that have not recognised Kosovo's independence, its participation and membership represents an independent entity of international law with equal capacity to other states having international rights and obligations, but with undefined political status. In legal viewpoint, the status of Kosovo in regional and international organisations is determined and governed by internal rules of the organisation (statute or charter document) where Kosovo applies for membership. In cases where organisations are only open to states and Kosovo joins them, then this means that Kosovo joined as a state despite the footnote and the UNSC Resolution 1244. If organisations are only open for entities, then one should look under what status has Kosovo³³ applied and accepted, although regional initiatives and organisations are mainly attributable to states.

Another important initiative for Kosovo to join is Adriatic Charter (AC). There were constant political obstacles from Serbia and Bosnia and Herzegovina here as well. The influence of these countries has been confirmed in the case of SEDM, where Kosovo requested an observer status. Nevertheless, Serbia and Romania have come against, making it impossible to achieve consensus for Kosovo to join.³⁴ The impact of non-recognising states made Kosovo's representatives to abandon the Ministerial

29 Interview, Kushtrim Istrefi, International Law Expert, 18 August 2016.

30 (Emini, 2014, p. 13).

31 Interview, Nuredin Ibishi, Member of the Kosovo Assembly's Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, 21 June 2016.

32 (Koha Net, 2015b).

33 Interview, Kushtrim Istrefi, International Law Expert, 18 August 2016.

34 (Emini, 2014, p. 15).

Conference of the Prague Process (PP) on migrant crisis, held in September 2016 in Slovakia. This occurred as a consequence that Kosovo was not represented with state symbols within the PP, but with the footnote only.³⁵ Indeed, such an action by state officials of Kosovo may be considered strange, given that putting the footnote in the official designation of Kosovo, as a result of which meetings halls are being abandoned, was accepted by the Kosovo Government, which signed the Brussels Agreement on behalf of regional cooperation between Kosovo and Serbia.

The membership process into organisations, such as the European Union's Judicial Cooperation Unit (EUROJUST), the European Union's law enforcement agency (EUROPOL) and the International Criminal Police Organization (INTERPOL) is particularly considered a challenge for Kosovo as a result of political obstacles. In the two first organisations (EUROJUST and EUROPOL) Kosovo cannot join until it becomes an EU Member State with full rights. However, this does not mean that it cannot enter into strategic agreement with both organisations to prevent and combat transnational crime, especially at a time when European countries are facing threats of violent extremism. In doing so, the Kosovo Government should have a proper lobbying strategy in place. The difficult process of Kosovo's membership into INTERPOL is analysed in the second part of this research.

35 (Koha Net, 2016d).

PART 2 - INTERPOL CASE

Initial foundations of INTERPOL were laid in 1914 when the International Criminal Police Congress was held in Monaco. Although it was officially established in 1923, the organisation took the designation it has today - INTERPOL in 1956.³⁶ It is the largest organisation of international police cooperation having 190 countries as members.³⁷

INTERPOL's goal is to provide greater support for police services in member countries of INTERPOL in line with the laws of the respective countries and the Universal Declaration of Human Rights. Further on, this international police cooperation mechanism aims to develop the institutions effectively on preventing and combating criminal acts caused by offenders.³⁸

INTERPOL has four strategic priorities arising as a result of international police cooperation challenges in the 21st century. They include: (1) secure global police information system; (2) 24/7 support to policing and law enforcement for the police services of the member countries on law enforcement; (3) innovation, capacity building and research through various support and training in the field of law enforcement; and (4) assisting in the identification of crimes and criminals through INTERPOL database information.³⁹

In order to meet these objectives and other activities related to the organisation, National Central Bureau (NCB) is located within every INTERPOL member country. NCB serves as a bridge between the police services of member countries and the INTERPOL global network.⁴⁰ On the other hand, INTERPOL has its own governing bodies, such as the General Assembly, the Executive Committee and the General Secretariat.

INTERPOL in cooperation with the member countries work to prevent and investigate various crimes.⁴¹ More precisely, the international police cooperation is spread out in combating organised crime, corruption, human trafficking and terrorism, but not limited to combating only these phenomena.⁴²

36 See: <http://www.interpol.int/About-INTERPOL/History>. Accessed on 25 July 2016.

37 See the member countries of INTERPOL: <http://www.interpol.int/Member-countries/World>. Accessed on 25 July 2016.

38 Article 2, Constitution of the ICPO-INTERPOL [I/CONS/GA/1956(2008)].

39 See: <http://www.interpol.int/About-INTERPOL/Priorities>. Accessed on 26 July 2016.

40 Fact Sheet – INTERPOL: an overview, COM/FS/2015-02/GI-01, p. 1.

41 See: <http://www.interpol.int/Crime-areas>. Accessed on 27 July 2016.

42 Ibid.

It is important to emphasise that it is not a condition or requirement to be a Member State of the UN⁴³ beforehand in order to join INTERPOL. Countries which are not members of the latter joined INTERPOL with equal rights among other countries. Consequently, in the case of Kosovo's membership into INTERPOL, its non-membership in the UN will not be a challenge. However, there are other political obstacles that will hinder Kosovo's membership path towards INTERPOL.

2.1. Kosovo's relations with INTERPOL through UNMIK

The Kosovo institutions still do not have official relations or cooperation with INTERPOL in place. Kosovo is not a member country of INTERPOL due to two fundamental reasons. On the one hand, the Kosovo institutions have prioritized aligning and membership into INTERPOL in recent years by not demonstrating sufficient commitment in relation to the establishment of international police cooperation with INTERPOL. On the other hand, political obstacles where a considerable number of countries which are members of INTERPOL did not recognise the independence of Kosovo also impacted to impede the establishment of official relations between Kosovo and INTERPOL. In this regard, the presence of UNMIK in Kosovo and the remaining effect of the UNSC Resolution 1244 brought major obstacles in aligning Kosovo with INTERPOL. Therefore, the only contact of the Kosovo institutions with INTERPOL is still maintained through the channels of the UNMIK mission. This is an indirect contact where the Kosovo institutions are not considered an official party with INTERPOL.

While Kosovo was under international administration, a Memorandum of Understanding between representatives of INTERPOL and UNMIK was signed in 2002. This memorandum was signed with the aim of cooperation between the two sides in the field of crime prevention and criminal justice, including the exchange of information between then UNMIK police and INTERPOL, the publication and circulation of arrest warrants, and UNMIK access to INTERPOL telecommunications network and database.⁴⁴ This Memorandum of Understanding is still in force and UNMIK mission is responsible for its implementation in Kosovo.

In the framework of the UNMIK mission is a Rule of Law Liaison Office under which UNMIK operates the UNMIK-INTERPOL Liaison Unit, which is responsible for facilitating the process of issuing arrest warrants through INTERPOL for internationally wanted

43 See the UN Member States: <http://www.un.org/en/member-states/index.html>. Accessed on 8 September 2016.

44 Article 1, Memorandum of Understanding between the International Criminal Police Organization-INTERPOL and the United Nations Interim Administration Mission in Kosovo on Co-operation in Crime Prevention and Criminal Justice.

persons.⁴⁵ In addition, UNMIK's responsibilities in this regard include to facilitate cooperation between the KP and INTERPOL.⁴⁶ It means that the Kosovo relevant institutions have no direct contact with INTERPOL and, furthermore, under existing circumstances, they cannot avoid the channel of communication with UNMIK in relation to cooperation with INTERPOL.

Knowing that UNMIK has full responsibilities to coordinate activities with INTERPOL in terms of Kosovo, then the international mission cooperates closely with the KP, namely the International Law Enforcement Coordination Unit (ILECU) operating under the General Directorate of the KP.⁴⁷ UNMIK shares with ILECU information, messages and data to be received by INTERPOL for Kosovo. In addition, UNMIK representatives have stated that any information having to share with the KP they do it quickly by providing information to ILECU.⁴⁸ However, the Kosovo institutions have not shared the same viewpoint on the grounds that the UNMIK-INTERPOL Liaison Unit is ineffective in sharing information with the Kosovo institutions.⁴⁹ Criticism towards UNMIK by the Kosovo Government relates to the fact that UNMIK exchanges information with ILECU by reserving a "privilege" which information to share with KP and which information to save for themselves.⁵⁰ The tendency of the Kosovo institutions, including ILECU is to reduce contact with the UNMIK mission in Kosovo as much as possible in terms of cooperation with INTERPOL. This because INTERPOL's office within UNMIK does not share and exchange full information with the Kosovo institutions, whilst in some cases UNMIK does not share all information with the KP or other local institutions.⁵¹

However, as it is well known, in last decades, organised crime groups are linked to each other and their crimes transcend geographical boundaries of countries having transnational dimension.⁵² While preventing and combating transnational criminal activities is almost impossible to be fought by one country only, then there is a need for enhanced international cooperation of countries with INTERPOL. Therefore, membership into INTERPOL would allow the KP mutual sharing and exchange of information with INTERPOL (as well as its member countries) to combat criminals and various transnational crimes within and outside Kosovo. It would also allow Kosovo's cooperation with INTERPOL when it comes to undertaking joint operations in the field of rule of law.⁵³ Besides this, many needs and requirements of the KP to share

45 Interview with a senior official of UNMIK, 17 June 2016.

46 See: <http://www.unmikonline.org/Pages/rollo.aspx>. Accessed on 27 July 2016.

47 (Government of the Republic of Kosovo, 2011, p. 2).

48 Interview with a senior official of UNMIK, 17 June 2016.

49 Interview, Shqipe Mjekiqi, Senior Political Advisor of the Minister of Internal Affairs, 14 June 2016.

50 Ibid.

51 Interview with a senior official of the Kosovo Government, 20 September 2016.

52 (Kursani, 2015, p. 6).

53 (West, Founds, & Merja, 2015, p. 3).

information with INTERPOL attest the importance that membership in this organisation has for both sides.⁵⁴ Hence, full membership of Kosovo into INTERPOL would affect the establishment and creation of a direct communication between Kosovo and INTERPOL and member countries of this organisation. Direct access of the Kosovo institutions within the INTERPOL's database system and the presence of INTERPOL in Kosovo's borders would make it possible that transnational crimes which occur in Kosovo to be fought proactively.⁵⁵ Meanwhile, organised crime groups and criminal activities will not only be fought more effectively, but would also be prevented by the KP and other local mechanisms when the country joins the INTERPOL.

Besides KP, another institution with which UNMIK cooperates on regular basis is the Department on International Legal Cooperation (DILC) within the Ministry of Justice (MoJ). In relation to INTERPOL, this department has the duty to carry out extradition proceedings and international arrest warrants. However, DILC in this respect does not develop direct contact with UNMIK, instead it does it through the EU Special Representative Office in Kosovo (EUSR).⁵⁶ After gathering all the material and information by judicial authorities in Kosovo, DILC submits the documentation to EUSR, which forwards the same to UNMIK. The UNMIK-INTERPOL Liaison Unit submits it to the General Secretariat of INTERPOL in Lyon, France. Further on, the latter decides to issue an international arrest warrant or not.⁵⁷

With the exception of KP, this is indirect communication between the Kosovo institutions and INTERPOL developed through EU presence in Kosovo avoiding direct line of communication with UNMIK. However, it is noticed that there is huge bureaucracy when it comes to communication with INTERPOL due to the fact that it should pass two communication levels: firstly, the Kosovo institutions through EUSR send information or requests to UNMIK and the second communication level is when UNMIK submits this documentation to the INTERPOL headquarters. MoJ has also expressed criticism when it comes to delays of data requested from UNMIK.⁵⁸

Difficulty to directly communicate with INTERPOL and the existing bureaucracy, which for obtaining and providing information should pass several communication channels is challenging Kosovo in combating various crimes exceeding the country's geographical borders.⁵⁹ It is already known that many crimes, such as terrorism, organised crime, human trafficking, smuggling of migrants and other criminal activities have taken an international dimension making the cooperation among countries and

54 Interview with a senior official of the Kosovo Government, 20 September 2016.

55 Ibid.

56 Interview, Arbër Gegaj, Director of the Department on International Legal Cooperation at the Ministry of Justice, 14 July 2016.

57 Ibid.

58 Ibid.

59 (West, Founds, & Merja, 2015, pp. 1-2).

international mechanisms of police cooperation more than necessary. In Kosovo's context, therefore, it has raised the need to approach and join these international security organisations with special emphasis on INTERPOL. Current cooperation of the Kosovo institutions with INTERPOL through UNMIK is insufficient by slowing-down and damaging the effectiveness of the security and justice institutions in combating various criminal activities having international character. Therefore, Kosovo's full membership into INTERPOL is of great importance to the coordination of activities in tackling various transnational crimes. It would also affect the professionalism of the Kosovo institutions, in particular the KP in combating cross-border criminal activities in close cooperation with INTERPOL and member countries of this organisation.

2.2. Kosovo's Membership Process into INTERPOL

Although the membership process of Kosovo into INTERPOL was launched two years following the declaration of independence, in 2010, however, international police cooperation has not been among the top priorities for the Kosovo institutions. Furthermore, priority of Kosovo's foreign policy has been ongoing integration into the EU and the EU-facilitated dialogue between Kosovo and Serbia. Subsequently, the alignment and membership into regional and international security organisations, including INTERPOL was overshadowed by other political developments. While the attention is focused mainly on dialogue between Kosovo and Serbia, however, the possibilities to cover the issues of dialogue only through Kosovo's foreign policy have been consumed knowing that this process started years ago and the implementation of agreements arising from the dialogue faced setbacks. Despite this, the political discourse in Kosovo regarding membership into INTERPOL remained more at level of statements than making serious efforts towards establishing formal cooperation with international police cooperation mechanisms. Therefore, Kosovo's diplomacy approach must change and, among other priorities, move forward with the agenda preparing the country for membership into international security organisations.⁶⁰

The first application for membership of Kosovo into INTERPOL was filed in 2010 by the heads of MIA within the Kosovo Government of that time. The application was submitted to the Secretary General of INTERPOL, but it was not passed to other bodies of INTERPOL for further consideration. In fact, there were contacts made between the two parties where INTERPOL requested from Kosovo to complete a questionnaire, but meanwhile this communication was stopped and did not proceed further.⁶¹ Meanwhile, the second application for membership of the Kosovo institutions into INTERPOL

60 See the first and second scenario development of the report.

61 Interview, Shqipe Mjekiqi, Senior Political Advisor of the Minister of Internal Affairs, 14 June 2016.

was filed in April 2015. Signed by the Prime Minister of Kosovo, Isa Mustafa, a second application was submitted to INTERPOL through indirect channels, respectively was forwarded to INTERPOL through UNMIK mission.⁶²

In principle, according to the INTERPOL's documents in force, each country may submit an application for membership in this international mechanism. INTERPOL's Constitution foresees that "the request for membership shall be submitted to the Secretary General by the appropriate governmental authority".⁶³ Though it is not mentioned whether or not the relevant candidate country must meet certain conditions related to membership application into INTERPOL.

Despite this, the EU Mission for the Rule of Law in Kosovo (EULEX) drafted a report on the readiness of KP to join INTERPOL. Assessments of EULEX experts have recommended that KP meets technical and operational requirements for membership into INTERPOL. In technical terms it is said that the KP is well prepared to establish direct links with INTERPOL's network of communication 24/7 and exchange information with INTERPOL. The EULEX document states that the establishment of a direct link will allow KP to communicate with the General Secretariat of INTERPOL and with all NCBs of this organisation through INTERPOL's email system. KP's Internet network is considered to be good enough to meet the INTERPOL's standard when it comes to the use of the Internet safely. Regarding the operational standards of ILECU office within KP, it is said that they are in line with the principles for the protection of personal data, data handling, security and most international standards. The only remark for KP is further development of information technology systems within police information system to adapt to INTERPOL's technical services for this purpose.⁶⁴

While Kosovo is ready for membership into INTERPOL in technical and operational terms, however, the political obstacles are those that challenge the country's membership in this international security organisation. The main obstacle for Kosovo's membership is non-recognition of statehood by some of the UN Member States. Nonetheless, the Kosovo institutions must avoid the mistakes as when they failed to join the United Nations Educational, Scientific and Cultural Organisation (UNESCO). In this case, even countries which had recognised the state of Kosovo, did not vote in favour of Kosovo's membership into UNESCO.⁶⁵ Therefore, the Kosovo relevant institutions, in close collaboration with its supporting countries should coordinate lobbying activities carefully to convince INTERPOL's member countries to achieve the required number of votes for membership into this organisation. Despite this

62 Ibid.

63 Article 4, Constitution of the ICPO-INTERPOL [I/CONS/GA/1956(2008)].

64 See the summary of the assessment report of EULEX regarding the readiness of the Kosovo Police to join INTERPOL: "EULEX project to support Kosovo in their efforts to become an INTERPOL-Member", 18 March 2015, p. 2.

65 (Krasniqi, 2016, p. 2).

challenge, Kosovo's advantage in this respect is that the UN membership on its path to join INTERPOL is not required. Following this, countries such as Hong Kong and Macao or Vatican City State, without being UN Member States, have joined the INTERPOL years ago. This means that international organisations (such as UN) do not recognise states as this right belongs to the states individually, meaning that states recognise states.⁶⁶ This legal argument had opened the path for Kosovo to join European and international sports organisations, such as UEFA and FIFA, in May 2016. In this way, Kosovo's institutions should be prepared to add-up recognitions of the independence and secure broader support for membership into INTERPOL.

Until now (November 2016) Kosovo has been recognised by 112 UN states⁶⁷ which is insufficient for membership in those international organisations, such as INTERPOL, in which 190 countries are members. Although Kosovo is recognised by most countries of INTERPOL, however membership into this Organisation requires the majority of 2/3 (two thirds) of votes of the INTERPOL's member countries attending the works of the General Assembly when voting for membership of a country into INTERPOL.⁶⁸ This means that, according to INTERPOL's legal procedures, when voting for Kosovo's membership into INTERPOL, it is not mandatory that all member countries of this Organisation to attend the General Assembly. In the other case, if all 190 member countries would attend the General Assembly when voting for Kosovo's application for membership, then it means that for Kosovo's membership at least 127 states would have to vote, which numbers Kosovo does not have when compared the number of recognitions.

Countries that have recognised Kosovo's independence clearly support Kosovo's membership into INTERPOL. United States (US),⁶⁹ United Kingdom,⁷⁰ Germany,⁷¹ France,⁷² Austria⁷³ and other countries have reasoned importance of Kosovo's membership into international police cooperation organisations differently. They have called on Serbia and reluctant countries that have not recognised Kosovo not to block its path to INTERPOL in order to facilitate law enforcement cooperation when it comes to combating against terrorism and organised crime.⁷⁴ Furthermore, the US diplomats expressed confidence that UNMIK should support Kosovo's membership into INTERPOL

66 See the legal interpretation of the Director of the UEFA's Legal Affairs Division, Alasdair Bell, during the sessions of the 40th UEFA Congress in Budapest with respect to Kosovo's membership application into UEFA. Accessed on 9 September 2016. Available at: <https://www.youtube.com/watch?v=5PODYbi9BPI>

67 See the countries which have recognized Kosovo's independence: <http://www.kosovothanksyou.com/>. Accessed on 20 October 2016.

68 Article 38(2,a), Rules of Procedure of the ICPO-INTERPOL General Assembly [II.A/RPGA/GA/1996(2004)].

69 (Koha Net, 2015a).

70 (United Nations, 2016b, p. 18).

71 (Koha Net, 2016a).

72 (Telegrafi, 2016).

73 (Ministry of Foreign Affairs, 2015).

74 (United Nations, 2015a, p. 17).

and transfer its responsibilities in the field of international police cooperation to the Kosovo Government.⁷⁵ The need to prevent and combat crimes exceeding the state borders, especially the combat against terrorism requires international and cross-border cooperation between countries and international organisations on law enforcement. Consequently, governments supporting Kosovo have highlighted that for proper cooperation on law enforcement between all Western Balkan countries, Kosovo's membership into INTERPOL is essential. Considering Kosovo's contribution to INTERPOL as crucial, the countries supporting the latter warned that obstructing or isolation of Kosovo to join INTERPOL will undermine collective efforts in combating international crimes, while this could only be beneficial for criminals and extremists.⁷⁶

Regardless of these efforts, Kosovo's application for membership in this organisation remains within the INTERPOL's Secretary General and therefore has not yet passed for review to neither the INTERPOL's Executive Committee nor the General Assembly of INTERPOL. The Executive Committee has a mixed composition of members from different countries of the world of those who have recognised Kosovo and those who have not. This INTERPOL's body consists of 13 members in total, but one of the members within the Executive Committee is withdrawn from this post and currently (2016) it remained with one member less, or 12 members respectively.⁷⁷ Out of 12 members, 6 of them come from countries that have recognised Kosovo's independence, whilst six other members are from those countries which have not recognised Kosovo.⁷⁸ In practice, a country aspiring to join INTERPOL, including Kosovo should secure the majority votes of 2/3 (two thirds) of the members attending the General Assembly⁷⁹, which comprises a total of 190 members. However, before being introduced in the agenda of the General Assembly, the application of Kosovo for membership into INTERPOL must first get the consent of a majority of members within the Executive Committee. This because the Executive Committee prepares the agenda of the General Assembly,⁸⁰ including the application for membership of countries into INTERPOL. Assessing by existing circumstances, where Kosovo faces difficulties to get a majority of votes in the Executive Committee, therefore, review of Kosovo's case is not expected to pass in the meeting of the General Assembly of INTERPOL in 2016. In addition, INTERPOL's bodies did not take into consideration Kosovo's membership application into this organisation neither in 2015.

75 Ibid.

76 (United Nations, 2016b, p. 18).

77 Inputs collected from the Report of the Minister of Internal Affairs, Skënder Hyseni at the Kosovo Assembly's Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, 19 July 2016.

78 See the composition of the Executive Committee of INTERPOL in 2016: <http://www.interpol.int/About-INTERPOL/Structure-and-governance/Executive-Committee>. Accessed on 29 August 2016.

79 Article 38(2,a), Rules of Procedure of the ICPO-INTERPOL General Assembly [II.A/RPGA/GA/1996(2004)].

80 Article 22, Constitution of the ICPO-INTERPOL [I/CONS/GA/1956(2008)].

Indeed, the application of Kosovo is not expected to be reviewed by INTERPOL, two or three years ahead, not only because of the obstacles mentioned above, but also due to the candidacy of Palestine submitting an application to join INTERPOL. Given the fact that most countries that have recognised Palestine have not recognised the independence of Kosovo and vice versa, then this made Kosovo's position more difficult and complex towards membership into this international organisation.⁸¹ As a result, INTERPOL established a group of legal and police experts to assess the fulfilment of the terms for the countries applying (in this case Kosovo and Palestine) for membership. INTERPOL is expected to send assessment missions in Kosovo to review whether Kosovo is ready to join INTERPOL.⁸² This will prolong even for longer time (perhaps until 2018 or 2019) agenda of Kosovo's membership into this police organisation and putting this matter under the agenda of the INTERPOL's General Assembly.

Challenge in itself is the UNSC Resolution 1244, which is still in force and which is used by opponents of Kosovo's independence in their claims against Kosovo's membership into international organisations. After launching fierce diplomatic campaign denying Kosovo to get the votes needed to join UNESCO,⁸³ Serbia identified Kosovo's membership process into INTERPOL as next diplomatic battle against Kosovo's membership into international organisations.⁸⁴ Serbia in fact raised this issue in meetings of the UNSC on discussions for Kosovo. Serbian diplomats have taken the view that membership into INTERPOL is "unacceptable" for Serbia since Kosovo under Resolution 1244 is "a territory administered by the United Nations".⁸⁵ According to them, Kosovo cannot be considered a state under international law, and thus does not have the right to join international organisations.⁸⁶ Although the role of Serbia against Kosovo's membership in INTERPOL and other international organisations is well-known, however Serbia could be conditioned by countries supporting Kosovo towards EU that besides the progress in its path towards EU integration should not hinder the goals of Kosovo to join international Organisations, including INTERPOL in this case.

In addition, the presence of Russia in the Executive Committee of INTERPOL is another obstacle towards Kosovo's membership into INTERPOL. Knowing Russia's role in support of Serbia when it comes to blocking Kosovo joining into international organisations,⁸⁷ this is making more difficult for Kosovo to secure the majority of votes in the Executive Committee to be passed further on the agenda of INTERPOL's General

81 (Qehaja, 2016).

82 (Radio Evropa e Lirë, 2016b).

83 (Krasniqi, 2016, p. 4).

84 (InSerbia Network Foundation, 2015).

85 (United Nations, 2015b, p. 5).

86 Ibid.

87 (Radio Evropa e Lirë, 2015).

Assembly. Despite these challenges and political obstacles, Kosovo has managed to join some international organisations of great importance, as the World Bank, the International Monetary Fund, the International Organisation of La Francophonie, the International Olympic Committee, UEFA and FIFA as well as other regional and international mechanisms. However, the significant stagnation in this direction was the failure of Kosovo's institutions finding themselves unprepared in terms of joining into UNESCO.

Despite that UNMIK forwarded Kosovo's membership application to INTERPOL through its electronic system, however, relations between the Kosovo institutions and UNMIK have remained undefined. Furthermore, ministers of the Kosovo Government have criticised the UN mission in Kosovo as being an instrument of regional policy on behalf of Russia to block Kosovo when it comes to international representation. Indeed, the role of UNMIK as an international mission is referred by Kosovo's diplomacy as "*extension of Russian influence in Kosovo*".⁸⁸ Apart from this, MIA decided not to participate in meetings and conferences at international level through UNMIK, refusing to be represented by UNMIK in meetings convened by INTERPOL.⁸⁹ In this regard, representatives of the Ministry, including those of KP refuse to take part in any meeting abroad convened together with UNMIK. Knowing that UNMIK will remain in Kosovo for as long as the UNSC Resolution 1244 is in force, states supporting Kosovo, however, have sought further reduction of personnel, mandate and role of the UNMIK mission in Kosovo. Diplomats of permanent states within UNSC that have recognised the independence of Kosovo (US, United Kingdom and France) have determined that the situation in Kosovo has progressed and there is no need to burden the UNSC with quarterly reports (every year) to the UN Secretary General on the situation in Kosovo.⁹⁰ Instead, these countries have suggested that reporting period in the UN Security Council for Kosovo to be made twice a year or every six months⁹¹ and, furthermore, requested that the responsibilities remained under UNMIK to be gradually transferred to Kosovo's domestic institutions.⁹²

In addition to these obstacles mainly at the international arena, since 2015 when the last application for membership into INTERPOL was filed, it is noticed that there is no coordination between the relevant institutions of Kosovo to lobby for joining INTERPOL.⁹³ Since its commencement, this process was led by the MIA due to the nature of the work of this organisation covering the security area, that is to say police cooperation. However, INTERPOL is first and foremost international organisation and, consequently, the accession process will have to be led by the MFA in order not

88 (Radio Televizioni Dukagjini, 2016).

89 Interview, Shqipë Mjeksiqi, Senior Political Advisor of the Minister of Internal Affairs, 14 June 2016.

90 (United Nations, 2015a, p. 17).

91 (United Nations, 2016a, p. 19).

92 (United Nations, 2016b, p. 23).

93 (Radio Evropa e Lirë, 2016b).

to cause any misunderstanding on lobbying activities for joining INTERPOL.⁹⁴ But, neither did the cooperation between the two ministries (MIA and MFA) show tangible results. This because the coordination of activities for membership into INTERPOL began much later, in June 2016, long after the application of Kosovo for membership into INTERPOL was filed. Consequently, communication and cooperation between MIA and MFA is established in order to secure the support of member countries of INTERPOL for Kosovo's membership into this organisation.⁹⁵ Hence, in the second half of 2016 a working group between the MIA, the MFA and the ICITAP was established to coordinate actions in terms of institutional membership into INTERPOL. There are no data on the current activities (November 2016) of the working group when it comes to preparations for membership into INTERPOL. However, inter-institutional cooperation occurred too late and to a large extent was in place as a result of public pressure for proper lobbying on this issue to avoid mistakes as in the case of failure to join UNESCO.

2.3. Scenario development on Kosovo's membership into INTERPOL

In this research, it is thoroughly analysed how Kosovo's membership process into INTERPOL is being challenged by various obstacles. Consequently, Kosovar Centre for Security Studies (KCSS) aims to provide policy options (scenarios) to align Kosovo with regional and international security organisations in general and paving the way for Kosovo's full membership into INTERPOL in particular. Scenarios, which will be examined below, could serve as recommendations for the relevant institutions of Kosovo with the aim to advocate for membership into INTERPOL.

As other state-building challenges, the membership process into INTERPOL, at least to date, has proven inability of Kosovo's institutions to lead this process reliably. It means that in addition to obstacles to international recognition of Kosovo's independence by a considerable number of the INTERPOL's member countries, the unwillingness of the Kosovo's institutions led to the postponement of the process when it comes to Kosovo's membership into international police cooperation organisation. Regardless of the political obstacles, both internal and external, however, Kosovo, respectively the KP is ready technically and professionally to join INTERPOL.

The following scenarios provide alternatives with respect to Kosovo's membership into INTERPOL. In this section will be provided the path which the Kosovo institutions should follow to join in this international organisation.

94 (KTV – KohaVision, 2016b).

95 (Ministry of Foreign Affairs, 2016; Ministry of Internal Affairs, 2016).

2.3.1. The first scenario

Kosovo's difficult path towards full membership into INTERPOL requires bold and concrete commitment of the Kosovo institutions. In this regard, the MFA and the MIA of Kosovo should coordinate all the activities that will lead Kosovo to join into INTERPOL with full rights.

Firstly, the current approach where the MIA manages the accession process into INTERPOL must be changed. This is not in line neither with the Analysis of the Strategic Security Sector Review of Kosovo recommending the MFA *"pursue full and active membership in INTERPOL"*.⁹⁶ Knowing that the MFA's mission among other aspects is to protect the interests of Kosovo abroad and international organisations,⁹⁷ then Kosovo's membership into INTERPOL as a process should be managed by the MFA. Meanwhile, the MIA, the KP and other domestic mechanisms could serve as the MFA's co-operators.

This, obviously, should be done in close cooperation with the MIA and in two levels: (i) through internal cooperation between the institutions of the country; and (ii) through the cooperation of Kosovo's diplomacy with countries that have recognised Kosovo's independence for lobbying to join INTERPOL.

In order to intensify lobbying efforts in terms of membership into INTERPOL, the Kosovo institutions, including the MFA, Kosovo's diplomatic missions and the MIA should not act unilaterally in this regard. Every lobbying activity must be coordinated among the actors who manage and coordinate processes in relation to the country's membership into international organisations. Furthermore, the working group established in 2016 between representatives of the MFA, the MIA and the ICITAP must engage directly to prepare the country towards membership into INTERPOL through various lobbying campaigns.

The working group should work closely with Kosovo's embassies abroad to spread out lobbying on the agenda for membership into INTERPOL. In fact, the MFA should pay particular attention to the police liaison officers or police attachés, five of whom have already been appointed in several embassies of Kosovo (Germany, France, Austria, Belgium and Turkey).⁹⁸ Furthermore, diplomatic network of Kosovo should be expanded by appointing police attachés in countries such as the United States, the United Kingdom, Italy, regional countries of the Western Balkans, the Nordic countries, the Baltic countries and other countries to deepen cooperation with these countries. This would contribute to the strengthening of bilateral cooperation between Kosovo and these countries, and could affect greater support to these countries towards

96 (Government of the Republic of Kosovo, 2014, p. 28).

97 Ibid., pp. 26-27.

98 (Ministry of Internal Affairs, 2014, p. 5).

Kosovo's membership into INTERPOL and other regional and international security organisations.

The second level of cooperation should include further strengthening of bilateral relations of Kosovo with countries that have recognised Kosovo's statehood. Heads of the MFA and the MIA, as well as Kosovo's ambassadors and diplomats abroad should establish direct contacts and have frequent meetings with representatives of countries represented within the Executive Committee and General Assembly of INTERPOL to lobby for the case of Kosovo's membership into this organisation. Through close cooperation with representatives of member countries of these INTERPOL's mechanisms, Kosovo's diplomacy should insist on pushing forward the agenda for country's membership into INTERPOL. This should be done with the aim of putting this issue on the agenda of the INTERPOL's Executive Committee, but only after the Kosovo institutions secure themselves that they will enjoy the support of representatives of member countries to the Executive Committee in order to pass the voting for Kosovo's membership into INTERPOL's General Assembly. In addition, the Minister of Foreign Affairs, followed by the Minister of Internal Affairs of Kosovo should hold more frequent meetings with the Secretary General of INTERPOL in regard to the need of Kosovo's membership into INTERPOL.

Besides these issues, the Kosovo institutions responsible to prepare the country for full membership into INTERPOL should strongly argue for the right of Kosovo to join international organisations. Following this, the legal arguments of the International Court of Justice (ICJ) on its advisory opinion on declaration of independence of Kosovo⁹⁹ and Legal Affairs Division of UEFA¹⁰⁰ have shown that there are no legal obstacles for Kosovo to seek membership into international organisations. Whilst Kosovo's independence was declared in line with international law and given the fact that international organisations do not recognise states, the Kosovo's diplomacy should use all possibilities and advantages it enjoys to reason the membership into INTERPOL with legal arguments. In this way, opposition of representatives within INTERPOL member states that have not recognised Kosovo's independence it could be amortized not to vote against Kosovo within the INTERPOL's Executive Committee and General Assembly. An advantage in this context is the additional argument that in order to join INTERPOL, it is not a condition for Kosovo to be a Member State of the UN.

99 (International Court of Justice, 2010).

100 (Reuters, 2016).

2.3.2. The second scenario

In case the first scenario would not be implemented, the Kosovo institutions have to find other policy options to put Kosovo's membership application on the agenda of the Executive Committee and the General Assembly of INTERPOL for membership into this international organisation. As analysed in the research, there are many strong and influential countries¹⁰¹ which support Kosovo's membership into INTERPOL. This should serve the Kosovo institutions to intensify efforts towards membership into INTERPOL.

In order to complete the state-building cycle, one of the important stages is membership into international organisations as well, the Kosovo institutions must use all possibilities that would lead to membership into INTERPOL. In case an application for membership into INTERPOL fails, the MFA and other relevant mechanisms should require that Kosovo applies to INTERPOL through any member country of INTERPOL who have recognised the independence of Kosovo. In this regard, the Kosovo's diplomacy should expand cooperation with Albanian diplomacy that the application for membership into INTERPOL is carried out through a country supporting Kosovo, namely the United States, Great Britain or any other EU Member State.

Given the fact that the professional views of Kosovo's membership into INTERPOL enjoy strong support in many countries supporting Kosovo, the institutions of the country should prepare a platform to apply to INTERPOL through a country supporting Kosovo. Furthermore, it should be argued that the importance of Kosovo's membership into INTERPOL relies upon the need of the Kosovo institutions to exchange information with INTERPOL and its member countries having the rule of law as a purpose. To strengthen cooperation with countries that support Kosovo, its relevant institutions must reach agreements on police cooperation with those countries with which it has no such agreement. This will strengthen more the application of Kosovo to join INTERPOL and could facilitate its path to join INTERPOL if the application would be made by any of these countries.

The request of the permanent states within UNSC, which have recognised the independence of Kosovo, that UNMIK should transfer its powers to the institutions of Kosovo when it comes to police cooperation is another argument in favour of applying for membership into INTERPOL. This support should be used by the Kosovo Government, which in conjunction with supporting countries should clearly explain the purpose of membership into INTERPOL. There should be justified that the communication of the Kosovo institutions with INTERPOL through UNMIK mission is not satisfactory,¹⁰² and

101 United States, United Kingdom, Germany, France, Italy, Belgium, Austria and other member countries of INTERPOL that have recognized the independence of Kosovo.

102 Interview with a senior official of the Kosovo Government, 20 September 2016.

therefore the country should join this international police cooperation organisation in order to establish direct contacts with the INTERPOL's mechanisms.

The option of applying to INTERPOL by another state supporting Kosovo should ensure that Kosovo's membership application will be considered by the decision-making mechanisms of INTERPOL (Executive Committee and the General Assembly). In addition, putting Kosovo's application for membership on the INTERPOL's agenda (via another country) must guarantee that Kosovo will have sufficient votes needed to become a member country of INTERPOL. The process through the second scenario, in the end, should lead Kosovo towards full membership into INTERPOL as other sovereign states.

RECOMMENDATIONS

- The Kosovo Government should make efforts to avoid the Brussels Agreement on regional representation and cooperation with Serbia as a reference for membership into regional security organisations. Instead, it should weaken its role in order to prevent ambiguity of its political status, as it is currently occurring as a result of the footnote, which contains the United Nations Security Council Resolution 1244 to be the official designation of Kosovo.
- Ministry of Internal Affairs and Ministry of Foreign Affairs should establish a coordinating group to harmonise terms of lobbying for Kosovo's membership into regional and international security initiatives and organisations.
- The Kosovo Government should develop a strategy with objectives, clear timeliness and specific activities regarding the advancement of Kosovo's status in security initiatives and organisations where it has the role of "associate" or just "observer" member. Thereafter, the country's Government must begin the process of applications for full membership using as an argument its membership into the South-East Cooperation Process (SEECP).
- Kosovo's membership process into INTERPOL and other international security organisations should be managed by the Ministry of Foreign Affairs of Kosovo. The current practice where the leading role for membership into INTERPOL fall under the Ministry of Internal Affairs should be changed.
- The Ministry of Foreign Affairs must systematically expand cooperation with the Ministry of Internal Affairs to coordinate all activities with the aim of joining INTERPOL. In this regard, lobbying campaigns in favour of membership into INTERPOL should be extended in several directions through joint activities of the two line ministries:
 - In order to strengthen bilateral cooperation with other countries in the field of security, the Kosovo institutions should appoint police attachés in diplomatic missions of Kosovo, i.e. in countries that have recognised Kosovo's independence, along with five other nations where police attaches have already been appointed.
 - To maintain contacts and frequent meetings between officials of the Ministry of Foreign Affairs and diplomats of the Kosovo's embassies with representatives of the states represented within the INTERPOL's Executive Committee and General Assembly and the Secretary General of INTERPOL. In this way, there should be a strong lobbying on INTERPOL by the Kosovo institutions in cooperation with countries supporting Kosovo to

push forward the agenda of Kosovo's membership into INTERPOL within decision-making bodies of the organisation.

- To provide professional arguments in favour of Kosovo's membership application into INTERPOL, especially the need of the Kosovo Police to join INTERPOL. In doing so, the Kosovo institutions should cooperate closely with countries that have recognised Kosovo's independence.
- Kosovo's diplomacy, in close cooperation with the INTERPOL supporting countries should ensure that it will have sufficient votes in the INTERPOL's Executive Committee to pass the issue of Kosovo's membership to the INTERPOL's General Assembly. It should be acted the same when putting this issue on the agenda of the General Assembly. To achieve these goals, the number of international recognition of Kosovo's statehood needs to increase from those countries that have not recognised Kosovo.
- To argue the right of Kosovo for membership in international organisations in legal viewpoint, including INTERPOL. The advisory opinion of the International Court of Justice on Kosovo's independence and legal arguments upon acceptance of Kosovo into UEFA and FIFA should serve as advantage to Kosovo's diplomacy to counter the efforts of Serbia against Kosovo's membership into INTERPOL.
- The Kosovo institutions should provide adequate professional reasons and arguments on membership into INTERPOL. The inability of the law enforcement institutions in Kosovo to combat criminals and organised crime groups at transnational level and the need to exchange information with INTERPOL is perhaps the most powerful argument for membership into this organisation for the purpose of rule of law and combating various crimes inside and outside Kosovo. The professionalism and readiness of the Kosovo Police for membership into INTERPOL, confirmed by EULEX, is another professional argument for the need of Kosovo to become part of INTERPOL.
- Communication and indirect contact between the Kosovo institutions and INTERPOL conducted through the INTERPOL's office within UNMIK mission and EU Special Representative in Kosovo should be advanced in direct contact between Kosovo and INTERPOL. This will be achieved only when Kosovo joins INTERPOL. As a result, the Memorandum of Understanding between UNMIK and INTERPOL, which is still in force is redundant due to the inability of Kosovo to directly exchange information with INTERPOL. Therefore, there is no reason to further delay the accession process to INTERPOL and UNMIK should not hinder Kosovo's membership into this international organisation.

- The arrest of the Kosovo citizens, namely the officials of the Kosovo institutions (by Serbia and other countries), as a result of warrants to INTERPOL issued at the request of Serbia is straining already very fragile relations between Kosovo and Serbia. Given that warrants issued against officials of the Kosovo institutions and especially against former members of the Kosovo Liberation Army are politically motivated due to the war in Kosovo, the Kosovo Government, until the country joins the INTERPOL, should condition the dialogue with Serbia, facilitated by the EU, with abolition of these warrants by Serbia. In addition, the Kosovo Government should ask from the international community to put pressure on Serbia to remove the Kosovo citizens from the list of internationally wanted persons for prosecution and investigation of which Serbia has no criminal or legal support.

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