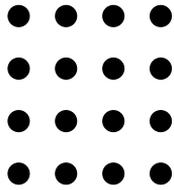




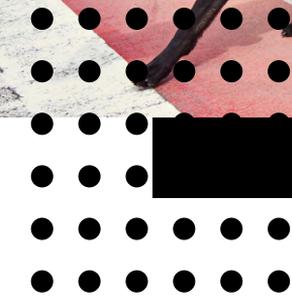
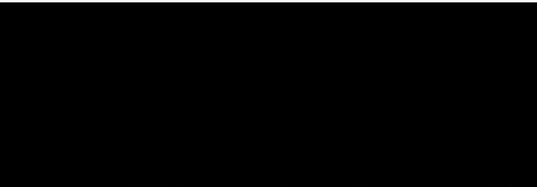
WESTERN BALKANS
ORGANIZED CRIME
RADAR



MEETING THE SECURITY CHALLENGES OF OPEN

BORDERS: LAW ENFORCEMENT COOPERATION NEEDED BETWEEN ALBANIA AND KOSOVO TO COMBAT ORGANISED CRIME

Alban Dafa and Donika Elshani



BCSP
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for Security Policy

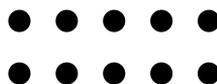


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Institute for Democracy and Mediation
Instituti për Demokraci dhe Ndërmjetësim

October 2022





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Summary

Regional economic cooperation in the Western Balkans has been one of the key pillars of engagement, proposed and strongly supported by the European Union. It has been nominally embraced by Western Balkan leaders, who have further advanced bilateral and multilateral cooperation schemes. The rush towards greater regional cooperation – and ultimately integration – has ignored the security threats associated with open borders and the free flow of goods and people. It is thus important to consider the nature of those threats, as organised criminal groups from the region are becoming increasingly powerful. The following policy brief is essentially a case study to examine the nature of potential threats that could arise from greater economic cooperation, and the law enforcement cooperation needed to counter it. It discusses these dynamics by examining the nature of cooperation between Kosovo and Albania. The two countries have been cooperating closely on a number of policy areas, particularly on facilitating the free movement of goods and people. Therefore, their experiences – including both successes and failures – could provide us with a better understanding of the achievements and the key gaps that need to be addressed to enable economic growth without compromising national security in the Western Balkans.

The current state of affairs

In the last eight years, the governments of Albania and Kosovo have established a tradition of holding joint government sessions which have culminated in the signing of several bilateral agreements. The purpose of the agreements has been to increase cooperation on a wide range of policy areas including education, trade, infrastructure, police cooperation, mutual legal aid and freedom of movement of people. Although the agreements – particularly those referring to the freedom of movement of people and goods – have not been fully and efficiently implemented,¹ there is a clear trend towards greater connectivity and market integration between Albania and Kosovo.

At the two most recent inter-governmental meetings, held in November 2021 and June 2022, the two countries agreed to co-finance a feasibility study for the rail connection between the Port of Durrës and Kosovo, ease procedures for acquiring a residence permit – thus improving labour market integration – and establish a working group to discuss the actions required for the establishment of a customs union.² Since October 2022, the Kosovo Customs Office at the Port of Durrës is fully operational to clear goods destined to enter the country.³ Similarly, freedom of movement of people has been further facilitated by abolishing border checks for the citizens of the two countries during the summer season and weekends/holidays, as well as by creating a special regime for local border traffic – covering 30 kilometres on each side of the border between the two countries – which allows residents living in this area to cross using multiple check-points devoted only to them.⁴

While freedom of movement of goods and people is increasing, police cooperation is rather lagging. The cooperation between the Albanian State Police and the Kosovo Police is confined to information exchange,⁵ joint patrols in the border areas, and the summer season. Although there have been some tangible achievements to facilitate trade across the border, and there are indications that border control between Albania and Kosovo could be lifted relatively soon,⁶ the two countries have thus far neglected to consider a new institutional framework for police cooperation to fight organised crime in a scenario of no border control.

Since people and goods are now able to travel more freely between the two countries, the security risks caused by organised criminal groups (OCGs) will likely increase. Both Albania and Kosovo are part of the Balkan drug trafficking route: Albania as a transit and drug producing country, and Kosovo as a transit country for heroin and a consumer of cannabis produced in Albania. In a scenario of no border control and free movement of goods, the volume of goods and cross-border traffic is bound to increase, thereby increasing the market opportunities, for drug trafficking in particular.

This policy brief examines the current framework of cooperation to fight organised crime and discusses potential approaches that the two countries could take to build the institutional framework of cooperation to fight organised crime in a scenario of no border control. It does so based on the principles of cooperation among EU Member States through Europol and – to a lesser extent – Eurojust.

The current framework of law enforcement cooperation in the fight against organised crime

In a scenario of no border checks between Albania and Kosovo, the two countries would need to have a robust mode of exchange of data and information, mutual legal assistance, as well as coordination between law enforcement agencies at the operational and strategic levels. Additionally, institutional capacities and professional competency are of utmost importance for the establishment of an effective framework of law enforcement cooperation.

The current framework of law enforcement cooperation between Albania and Kosovo is based largely on the framework agreement on security cooperation and the framework agreement on cross-border police cooperation.

The framework agreement on security cooperation was signed in March 2015 and its scope covers an array of cooperation areas, from terrorism and organised crime to money laundering and cybercrime. It includes general principles of cooperation – namely, appointing liaison officers and exchanging information and experience – and specific cooperation provisions based on the relevant crime area. Information is exchanged based on requests from either Party. Concerning organised crime, the Parties are allowed to exchange information – upon request – on the organisational structure, the *modus operandi* and activities of organised criminal groups, and the operational situation with regards to the fight against organised crime.⁷ The agreement also includes an important provision to protect personal data. Among other things, it requires the Parties to report after 30 days on the use of information, and data must be destroyed after they cease to be needed for operational purposes, once they are found to be inaccurate, or if the submitting authority discovers that they have been obtained or submitted in violation of the law.⁸

The framework agreement on cross-border police cooperation was signed in October 2009. Although it is confined to cross-border cooperation, rather than spanning across the territories of both countries, it includes several provisions regarding joint patrols, joint analysis and information exchange, joint border operations, and joint investigations in the border area, which is defined as 10 kilometres on each side of the border.⁹ The agreement includes provisions on the appointment of liaison officers and holding coordination meetings at the local, national and international levels of border police directors for the purpose of implementing the agreement. It also enables the Parties to establish working groups to address any specific border police cooperation needs that may arise. For these agreements to be operational, however, the Parties need to sign relevant protocols on joint patrols, joint analysis and information exchange, joint border operations and joint investigations in the border area. Except for protocols on joint patrols between the two Parties during the summer season, the Parties have not signed any other relevant documents of that kind.¹⁰

The current framework of law enforcement cooperation between Albania and Kosovo has been limited to appointing liaison officers, conducting joint patrols during the summer season, exchanging information upon request and establishing joint border checkpoints. The two countries have also signed an agreement on mutual legal assistance in 2013, whose main purpose is to process and exchange documents related to ongoing investigations in either country (see Table 1 below). However, it is worth noting that no agreements have been signed on the establishment of joint investigation teams between the police forces or prosecutor’s offices. While Albania has only recently amended its Law on International Legal Assistance in Criminal Cases to include the right of the prosecution to establish joint investigation teams, Kosovo has yet to amend its law to include such a provision.¹¹

Table 1. Mutual legal assistance requests from Kosovo to Albania (2020-2021)¹²

	2020	2021
Number of requests	94	67
Processed and executed	74	45
Types of crimes	Fraud; property damage; theft; money laundering; illegal arms possession; participation in an organised criminal group; distribution and sale of narcotics; abuse of office; migrant smuggling; falsification of documents	
Types of requests	Statements and testimonies; investigations to secure evidence; notification and enforcement of court decisions in criminal cases	

Although the provisions included in the framework agreement on cross-border cooperation are geographically limited, they cover all the essential areas of cooperation that the two police forces ought to have in a scenario of free movement of goods and people. However, they are inadequate not only for the future scenario of no borders between the two countries, but also if one considers the present situation concerning the freedom of movement of goods and people.

The opening of the Kosovo Customs Office at the Port of Durrës effectively shifted the main border point for goods entering Kosovo via Albania from the border crossing point of Morina to Durrës. Combined with the agreement to abolish border checks for the citizens of Albania and Kosovo during the summer season and weekends/holidays, the two countries are already finding themselves in a no-border scenario, albeit for brief periods of time. Despite such interconnectedness – which is bound to increase the level of law enforcement cooperation between the two countries (in certain key areas) is not on par even with their cooperation with EU and US agencies.

Albania has signed agreements with both Europol and Eurojust, which have entered into force in 2018¹³ and 2019¹⁴ respectively. The two agreements include important provisions on high-level policy meetings, personal data protection, data exchange and security, exchange of classified information, onward transmission of information to third parties, a secure line of communication, joint analysis and joint investigation teams.

Unlike the provision on high-level policy meetings and joint analysis, other provisions that are operational in nature are being actually used, albeit mainly to address EU security and law enforcement needs related to the activities of Albanian organised criminal groups in Member States.¹⁵ Albania is expected to soon gain access to SIENA (Secure Information Exchange Network Application), a secure platform for exchanging sensitive and restricted strategic and operational crime-related data.¹⁶ As Albania's access to and exchange of data with EU member states through Europol is significantly improving, the country has been intensifying its data exchange with the United States by connecting the Total Identification Management System (TIMS) – Albania's border control system – to the Personal Identification Secure Comparison and Evaluation System (PISCES), i.e. the US border control system. According to the memorandum that was signed between the two countries and the subsequent Decision of the Council of Ministers to implement it, the two systems will be connected and will be sharing data with each other.¹⁷

Coincidentally, Kosovo had also been operating the PISCES system since 2009, until it was replaced by the Border Management System (BMS). Prior to its replacement, there were discussions among the representatives of the Kosovo government, the US embassy and EULEX about the possibility of PISCES and the EU-funded BMS – which is compatible with EU standards on data storage – running together. In that scenario, BMS would be the primary system, and would have feed data to PISCES.¹⁸ Kosovo has also signed a working arrangement with Europol that is focused mainly on the exchange of data and information.¹⁹

Since Albania and Kosovo do not have agreements on joint investigation at the police and prosecutorial levels, cooperation between the two countries at the operational level is rather limited and dependent on standing agreements on mutual legal assistance (for investigation purposes at the prosecutorial level) and on security cooperation (for the exchange of information). Consequently, joint operations have been rather limited in scope. The last one conducted by the Kosovo and Albanian authorities took place in April 2022 and led to the arrest of 48 Kosovo Police officers, two Kosovo Customs officials, and 32 Albanian State Police officers on charges of corruption and abuse of power.²⁰

Despite the structural gaps in the cooperation framework, officials from both countries maintain that they have a robust cooperation. This assessment has been expressed by Kosovo Police officials and Albanian security officials with regards to the exchange of classified information.²¹ The statements of officials of both countries suggest that the current formal framework of cooperation lags behind the informal cooperation regarding information exchange. Although close cooperation between law enforcement authorities is positive, it is largely based on personal connections and trust, and is thus not sustainable in the event of personnel changes in the law enforcement institutions.

Threats and cooperation needs if border checks are lifted

Lifting border control measures would establish not only one market space for goods moving between the two countries, but would also create new opportunities for cooperation between OCGs and potentially expand the illicit markets in both countries. It is highly probable that the strength of OCGs will grow as they benefit from newfound opportunities that come with the unimpeded access to a larger marketplace for illicit activities. In such a scenario, which is not far from the present state of play, law enforcement agencies would find themselves unprepared to counter the **increased strength of OCGs and the complexity of their activities and organisational structures**. These challenges could become particularly daunting in the **absence of sufficient and timely intelligence**.

Threat trends

The Western Balkans remains a key transit region for drug trafficking, predominantly that of heroin and cannabis, but increasingly also for the trafficking of other narcotics such as cocaine and synthetic drugs. The so-called “Balkan Route” is known for the trafficking of opiates from Afghanistan, via Turkey and the Western Balkan countries, on their way to their final destination – Western Europe.²² Heroin enters the region via Bulgaria or Greece and then branches out into several sub-routes, heading either north of Serbia towards Hungary and other Central European countries, or east via Kosovo and North Macedonia towards Albania and ultimately Italy. Additionally, Montenegro serves as an important transit point for the shipment of heroin into Bosnia and Herzegovina and later Croatia.²³ As regards to cocaine trafficking, criminal groups in the Western Balkans remain major players in the global cocaine market and are actively engaged in its distribution in Western Europe. Montenegro and Albania are crucial entry points for cocaine coming from Latin America to Europe. Specifically, the Adriatic ports of Bar and Durrës have been utilised for massive shipments of cocaine, which was then distributed through Serbia, Bosnia and Herzegovina and Kosovo, and smuggled into Western European countries.

In addition to being a transit region for a variety of drugs, the Western Balkans is also a supplier. Albania is the region’s top producer of cannabis, which, in addition to being trafficked to neighbouring EU countries, is distributed also in the region itself.²⁴ A growing concern in the region is also the increased production and smuggling of synthetic drugs such as amphetamines, methamphetamines and ecstasy, as well as novel synthetic versions of cannabis and opioids. Serbia and North Macedonia dominate the production of synthetic drugs in the region and a significant number of drug laboratories have been found by police authorities of both countries in the last 10 years.²⁵

Evidently, criminal groups in Albania and Kosovo play a pivotal role in facilitating the illegal trafficking of drugs across the Western Balkans and beyond. In May 2021, the Kosovo Police conducted one of the biggest crackdowns on the illicit trafficking of cocaine in the region, in a joint operation with the Albanian and Italian Police coordinated by the US Drug Enforcement Administration.²⁶ A record 400 kilograms of cocaine originating from Brazil, hidden in a cargo container of meat, were seized in Lipjan. While searching the homes of individuals who were arrested in connection with the case, the police also seized pistols, ammunition and other evidence.²⁷ Other large-scale operations included the seizing of more than 800 kilograms of Albanian-cultivated cannabis in a small village nearby Ferizaj in 2017 and the arrest of two individuals in Pristina in 2018, in relation to illicit trafficking of 113 kilograms of heroin along the border between Kosovo and North Macedonia.²⁸

Given the level of threat posed by illicit drug trafficking in the region in general, and in Kosovo and Albania in particular, in a scenario of no border control and free movement of goods, the volume of goods and cross-border traffic is bound to increase, thereby increasing the need to have closer bilateral cooperation to counter drug trafficking and other forms of transnational crime.

Cooperation needs

While there are no published studies on the breadth and depth of interconnectedness of OCGs from Albania and Kosovo, anecdotal evidence suggests that it is rather strong.²⁹ The strengthening of cooperation between OCGs from Albania and Kosovo requires that the two countries meet the challenge through a more robust and sustainable cooperation between law enforcement agencies at the policy and operational levels in order to be able to conduct joint threat analysis, exchange data quickly and efficiently, and conduct joint operations.

Exchange of data

An efficient and secure way to exchange crime-related data is critical, both at the operational and policy levels. It makes operations more efficient, while ensuring that law enforcement agencies from different countries have the same understanding of the cross-border nature of the threat. But the efficient and secure exchange of classified and sensitive information also includes significant vulnerabilities, which may be internal, caused by compromised law enforcement and authorised civilian personnel, or external, via cyber intrusion. These vulnerabilities should not be obstacles for building a strong and sustainable cooperation; on the contrary, they should be used to build trust and cooperation between the law enforcement agencies – particularly the police – of both countries.

Albania and Kosovo have signed an agreement on the exchange of classified information in 2012. The agreement envisages the following means of exchange

of information: (i) through diplomatic channels, (ii) by military courier, and (iii) through means and equipment approved by the authorities.³⁰ Although there are no provisions that prohibit electronic exchange of information, it is used only rarely. According to a high-level Albanian official from the country's National Security Authority, this is largely due to traditional practices of exchanging information physically and informally.³¹ These practices are rather rudimentary and *ad-hoc*, and are therefore not efficient in dealing with a dynamic landscape – particularly in a no-border scenario – which requires regular and timely flow of information.

Although there is generally a sufficiently clear and complete legal framework for the exchange of classified information, there are certain vulnerabilities that need to be addressed, related to systems and databases that are not 'secured'. Unsecured systems are not classified, but they may process sensitive information such as personal data or date of entry/exit into/from border crossing points. In Albania, the system that processes border control data – the Total Information Management System (TIMS) – is unsecured. Due to the lack of this protective layer, it was recently compromised and its data was subsequently collected and leaked.³² This major intrusion into the system underscores the need to secure (classify) systems that handle sensitive data and build robust cyber defences. Securing databases and systems that store and process sensitive information will be especially important if the two countries decide to integrate the two border control systems, much like the TIMS-PISCES interconnection.

Joint threat analysis

Efficient and regular exchange of data would greatly facilitate the drafting of joint threat analyses; however, this process should not be delayed until the two countries build a data exchange infrastructure that effectively fuses their two systems into one. The responsible units in the Albanian State Police and the Kosovo Police could establish the necessary working groups to draft the first joint analysis. This would help team members from both countries to become familiar with each other's processes and procedures, agree on a common methodology and the framework of the analysis, and establish a timeline for its implementation.

The first threat analysis could cover a three- to five-year period. This time span would help the police forces from Albania and Kosovo acquire a better understanding of the trends in each other's countries. It would also enable a more in-depth examination of the evolution of ties of OCGs from both countries, of the way the drug market trends have shaped their cooperation, as well as changes in routes, OCG structures, internal vulnerabilities, competition trends and partnerships developed with OCGs in other countries. This approach would establish a strong institutional and technical foundation on which to build an efficient institutional infrastructure that efficiently integrates the resources of the two countries to produce actionable analysis and influence their policies to counter organised crime.

Joint operations

Despite a growing trend of cooperation between OCGs from Kosovo and Albania, the cooperation at the operational level between the two countries is rather limited. They have been part of larger international operations to target illegal migration³³ and other forms of organised crime,³⁴ but bilateral operations have been rare. There was a joint operation of the law enforcement agencies of the two countries in 2014 that targeted an OCG involved in drug trafficking and production.³⁵ More recently, law enforcement agencies from the two countries shared investigative information related to the corruption of police and customs officials at the main border crossing point at Morina/Vërmica, mentioned in the first section of this paper.

The records of joint operations suggest that they were usually conducted to target OCGs whose *modus operandi* is not complex and whose size is rather small. In the 2014 operation, only two individuals were arrested in Albania and four in Kosovo.³⁶ The April 2022 operation, on the other hand, involved corrupt police officers and customs officials whose activities were conducted at a border crossing point, which significantly reduced the complexity of the operation.

To be able to conduct complex joint operations, the law enforcement agencies of Albania and Kosovo need to establish clear and efficient procedures for joint investigations and exchange of data, and conduct joint training designed to coordinate command and control procedures and tactics to counter organised crime.

Conclusion and recommendations

Faster, reliable and secure data exchange, joint threat analyses and joint operations cannot be successful if they are not integrated into a comprehensive policy framework of cooperation.

To strengthen police and – more broadly – law enforcement cooperation between Kosovo and Albania, the two countries need to acknowledge the security risks related to the free flow of goods and people across the border and address them accordingly. The existing bilateral agreements suggest that the two countries believe that risks stemming from criminal activities are confined to the border. However, the law enforcement authorities of both countries need to realise that, through freedom of movement of goods and people, they are fundamentally changing the environment in which OCGs operate. This fundamental change requires suitable policies to effectively address the new criminal dynamics that are likely to emerge as a result of the opportunities for the expansion of the size and scope of the OCGs' activities.

Consequently, the need for closer cooperation between law enforcement agencies of the two countries should be part of the policy agenda of both countries. This entails far more than annual meetings between their ministers of interior. It entails long-term commitments, joint planning and financing the infrastructure.

The two countries could consider the following recommendations to establish a comprehensive policy framework of cooperation to target OCGs:

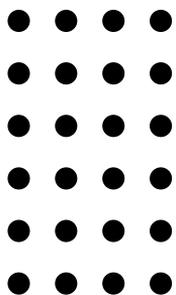
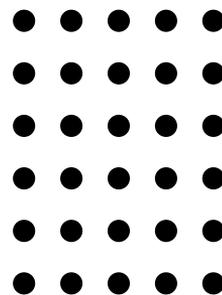
1. Both countries should first evaluate the current level of cooperation between law enforcement authorities to counter OCGs. The evaluation should identify and examine the following:
 - (a) Key gaps at the policy level that require intervention through additional agreements, protocols or other legal means;
 - (b) The effectiveness of the current methods of exchange of data and information;
 - (c) The resource gaps – personnel, capacities, technical, financial – that will be needed in a no-border scenario.
2. Both countries need to implement protocols on joint investigation teams at the police and prosecutorial level, as well as on conducting joint threat analyses. The implementation of these protocols would not require significant additional resources and would enable the agencies to build the necessary experience to smoothly transition into a no-border scenario.

3. Kosovo should amend its Law on Mutual Legal Assistance to include a provision that allows the participation of the country's prosecutors in joint investigation teams. Such an improvement of the legal basis should be followed by training sessions on initiating and conducting joint investigations.
4. Albania should classify its border control system (TIMS) to increase its protection from intrusion. In the same vein, it should take cyber security seriously and build cyber defence capabilities.
5. Both countries should explore the possibility of establishing a secure and efficient channel to exchange data stored in their border management system databases. The establishment of such a system between Albania and the US could serve as a precedent to find suitable technical solutions to enable the exchange and possible integration of border management systems.
6. In the long term, Albania and Kosovo should cooperate closely with each other to develop joint cyber defence capabilities. This approach would require that the two countries align closely their cyber security policies, invest in capabilities at similar levels, and establish joint protocols to deal with cyber threats. Given the present vulnerabilities and the lack of capacities of the two countries, this is admittedly a daunting task that cannot be completed without external assistance. Therefore, the two countries could start by aligning their training processes, actively exchanging experiences and conducting joint exercises.

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