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Progress on Security Sector Governance: Vetting and Integrated Border Management

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Input for the Progress Report 2014



**Progress on Security Sector
Governance:
Vetting and Integrated Border
Management**

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Foreword

The Kosovo Foundation for Open Society has supported Kosovo's European integration process since 2006, when it founded the European Integration and Good Governance program. Since then, the Foundation has constantly supported the non-governmental organizations' engagement in the process with their analysis, monitoring of policy developments, public discussions, and advocacy processes. The support has resulted in numerous analyses through the years and acquisition of essential knowledge and expertise over the processes by Kosovo's civil society organizations. Hence, in joint effort with a number of organizations already active in certain segments of integration process, the Foundation initiated the project "Civil Society for the Progress Report 2014" through which it offered the organizations an opportunity to channel their contribution to the upcoming Progress Report and the current Stabilization and Association Process Dialogue through focused and well-informed analysis, built on their multi-year experience and engagement.

Each analysis produced within the project addresses a specific segment of the current dialogue between Kosovo and the European Union, informing about the current situation, from the civil society's point of view, followed by the recommendations on the needed improved performance.

We hope that this exercise has produced will be of value not only to Kosovo's civil society organizations for further amplification of their voice within the integration process, but also to the European Union and the Government of Republic of Kosovo towards building of a standing cooperation with this segment of the state-building process. Ultimately, we hope that as a result of all the stakeholders' engagement, Kosovo's European integration process will accelerate, overcoming all the political barriers that stand on our way to this destination.

Iliriana Kacaniku
European Integration and
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Progress and Challenges of the Vetting System

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Progress and Challenges of the Vetting System

Introduction

The democratic oversight and governance of the security sector represents one of the Kosovo's criteria in its path to the European Union (EU). The EU annual progress report is one of the main measurement instruments of country's progression and challenges in aligning with the EU conditionality. The security sector is examined through two sections/fields of the progress report: political criteria and the European standards criteria. In the political criteria, the section covers the general developments of the security sector. In the European standards section, the progress report examines some thematic areas such as: organised crime (money laundering, drugs), data protection and the performance of Police.

The point of departure of this report is the section of the EU Progress report on the civilian oversight of the security sector in Kosovo in 2013. This section indicated a growing role of the EU in scrutinising the performance of the security sector. This approach can be deconstructed by a particular section devoted towards the security sector in the latest EU progress report. The EU Progress report for 2013 highlighted the performance of the parliamentary oversight committees, the Committee on Internal Affairs, Security and KSF and the Committee on Supervision of KIA. The report pointed out that both committees increasingly scrutinised the implementation of the law while it also indicated that the performance of the parliamentary committee on intelligence oversight improved as a result of frequent meetings of its members. However, the section further made a critical point by stating that **“Only members of parliament with security clearance issued by an office under the direct responsibility of the intelligence agency may take an effective role in the committee.”** This practically meant that the oversight and the overall performance of the security sector is hampered as a result of the developing system of security clearance, marking therefore a critical dimension in the field of security sector. Indeed, the concerns over the security clearance marked one of the most concerning dimensions identified in the latest progress report. The concerns lately became confirmed by the increased dilemmas in the public discourse which raised the issues of potential misuse of the system for the benefit of political, clannish and individual purpose.

Hence the aim of this report is to measure the progress made by the Kosovo Government in introducing a vetting system. The KCSS team has been deliberately focused narrowly into the vetting system having in mind two key prerogatives: firstly, the vetting system serves as a “backbone” of the security sector in which its potential misuse can have tremendous implications and, secondly, the matter is for the first time addressed in this format in light of the growing concerns in the public discourse. The report relies on the continual data collection of the KCSS team throughout the reporting period. The additional data collection methods were applied such as: non-participatory observation, face-to-face interviews and interpretation of the existing legislation.

Context of the Security Clearance

The security clearance is a relatively new process in Kosovo. It emerged in parallel to the establishment of the security institutions. In fact, the legal framework on the security sector was finally completed by the time the law regulating the vetting system was adopted – the Law on Classified Information and Security Clearance. Thus, the process of law-drafting was initiated in 2008 when the majority of security institutions were at their infancy, namely the Kosovo Security Force (KSF) and Kosovo Intelligence Agency (KIA). The Draft-Law on Classified Information and Security Clearance was sponsored by the Government. It was drafted by a combined small team of local and international experts who examined models of security clearance applied at other states while attempting to adjust these experiences with the local context. The main dilemma related to this draft-law was the proposed institution in which the central authority for implementation of the law will be situated. The working group decided that due to supposed politicization of other security institutions (which were established before) the most suitable option in those circumstances would be situating the vetting authority at a newly established Kosovo Intelligence Agency (KIA). The draft law was finally forwarded to the Kosovo Assembly (2010) and adopted at the same year.

The law made it specific that the authority in charge with the vetting - the Department for Security Clearance - is part of the structure of (then) newly established Kosovo Intelligence Agency (KIA) although with the strict reference to its autonomous mandate and scope from the Director and other departments of KIA.

Since 2010, the Department of Security Clearance started to consolidate its capacities. However, while being structurally part of the KIA, the department became completely un-transparent towards the public, the same way as other bodies of the Agency. By 2013, a number of media reporting indicated potential unlawful decisions namely granting non-merit based security clearance certificates and also granting of the security certificate's on the basis of personal and clannish interest. This triggered confusion among the public opinion and civil servants (especially those in the mid and senior position) over the professional approach of vetting authority. The problems of the Department became deeply present in the early 2014, by the time one of its senior officers was arrested by the police under the suspicion that the official allegedly fraud and falsified secondary school diploma - a case which decreased further the credibility of the vetting system in Kosovo.

Main challenges of the security clearance in Kosovo

The primary responsibility of the Department of Security Clearance is to respond to the requests of the public institutions in conducting vetting for the officials who are appointed or mandated to classify, declassify or have access to classified information. According to the Law on Classified Information and Security Clearance there are four levels of the classification of information: top secret, secret, confidential and restricted. The requests of the authorities should indicate the level of classification on the basis of which the vetting shall be conducted. The vetting for access to classified information is however different with the vetting conducted for the purpose of recruiting security personnel be it in the Armed Forces, Police or Intelligence. As a result, the primary problem that prevailed in this sector had to do with the fact that the Department was asked to conduct vetting also for the recruitment level which, structurally, made the KIA in a more "advanced" level comparing to other security institutions. This triggered the dilemma of whether an institution being horizontally equal with other security institutions shall be vested the mandate to control and conduct vetting other institutions. This provides the KIA a dominant authority also towards the Kosovo Assembly. The Law exempts only the President, Prime Minister and the Chair of the Assembly in accessing all levels of the classified information. This provision provides KIA, as an executive body, with a dominant position towards the Members of Parliament of the Kosovo Assembly, as the main legislative and oversight body in Kosovo. More precisely, all MPs of the Kosovo Assembly, with exception of the President of the Assembly, are

subject to the security clearance by the KIA in order to have access to all levels of the classified information. The problem was particularly with the members of the Oversight Committee for Kosovo Intelligence Agency who had a specific mandate to oversee the performance of KIA. Until May 2014 there was no security clearance provided to the MPs of the oversight committee challenging therefore their ability to properly oversee the KIA. The procedure for requesting security clearance to the executive body by a legislative body was supposed to be initiated by President of the Assembly. However, the President of Assembly continuously challenged the existing system by arguing that there is no democratic logic of requesting security clearance from an executive body. The lack of access to classified information by the MPs had direct implications in the efficiency of the Kosovo Assembly and it compromised the basic principles of the civil and democratic oversight of the KIA. The vetting of the overseers by the intelligence agency connoted a conflict of interest which marked the precedent that does not appear in other countries of the Western Balkans region.

In addition to the basic problems of the vetting system, the existing appeal system appears to be particularly concerning. The right to appeal has been based on the internal regulation of KIA Nr.37/2012 which regulates the procedures on the complaints of individuals who failed to pass the security clearance. According to this regulation, every person has a right to complain on the decision of the KIA. Firstly, the complaint should be directed to Inspector General of KIA, which is obliged to respond within 30 days. In case also the Inspector General rejects the complaint, the last resort is the Basic Court. In 2013-2014 the KIA conducted the security clearance for the members of Kosovo Police and Kosovo Correctional Service and as a result a high number of persons failed in the security clearance process, some of them senior officials. More than 50 officials have been rejected a security clearance certificate, mainly from Kosovo Police and Ministry of Justice. All of these officials have made the complaints regarding the decision of KIA on vetting process.

There are two problems with the existing system: firstly, the complainers are directed to submit their complaints at an instance which is however within the KIA (albeit legally it is supposed to exercise its authorities independently) and secondly, the last resort of bringing the case to Court is creating a lot of challenges for the judiciary. None of the cases followed the existing appeal cycle. For example, the KCSS team could not receive any information on whether there was a hearing organised so the individuals could verbally express the concerns over the rejection of security clearance certificate,

as defined by the Regulation. This led to some of the individuals addressing their concerns to the parliamentary committee on Supervision of KIA which was anyhow challenged in considering these concerns in lieu of access to classified information. The committee was not legally allowed to deal with the appeals however, the MPs decided to deal with the cases as a result of the increasing pressure and dissatisfaction of the officials who claimed unlawful decision of the KIA. The challenges are particularly with the judiciary having in mind the almost inexistent experience of the judges to deal with the cases which causes a tremendous delay in processing the cases while the parties are preoccupied with the label of being “not loyal towards the Republic of Kosovo” until otherwise decided by the Court.

Recommendation for the Progress Report 2014:

The Law on Classified Information and Security Clearance needs to be amended in order for the Department of Classified Information to depart from the authority and structure of KIA. This shift is unavoidable in light of the need to foster the democratic governance and oversight of the security sector. It will particularly remove the conflict of interest between parliamentary committee and the intelligence agency. In this way, the KCSS suggests three alternatives for the prospective institutional design of the vetting system. The alternatives could be considered during the process of amendment of the Law on Classified Information and Security Clearance:

1. The Department can be introduced into an independent agency/organ directly reporting to the Assembly of Kosovo. This is a unique model which is not found at other countries however it can be suitably remove all dilemmas over the conflict of interest;
2. The Department can be introduced into the level of an office within the Office of Prime Minister. This is a model that is applied successfully in the United Kingdom.
3. The Department can be introduced within the Secretariat of the Kosovo Security Council. This is a model that is applied in Croatia.



Assessment of the Integrated Border Management Implementation

Author: Shpend Kursani

Assessment of the Integrated Border Management Implementation

Introduction

Integrated Border Management (IBM) is an important component for the security sector governance in general. IBM is based on European principles for border management and as a result its proper implementation is one of the EU membership conditions for potential candidate and candidate countries. The implementation of IBM is important to Kosovo for two different processes in Kosovo – EU relations: (i) Visa Liberalization Process, and (ii) Stabilization and Association Agreement (SAA) through the Stabilization and Association Process (SAP). This is the reason why Kosovo in its *National Strategy for the Integrated Border Management (NSIBM)*¹ considers IBM and border security as fundamental elements that take a special place in Kosovo’s Constitution, its legislation, overall political processes, and its national security.²

In developing the NSIBM, the Government of Kosovo took into account the “socio-political and legal system of the Republic of Kosovo and that of the region, compared the experiences of other countries in this area, the transformation made in this process” and has accepted and adopted in all domestic and international legislation on border management issues.³

The implementation of IBM in the northern part of Kosovo and the overall border security with Serbia has been a sensitive issue in the past few years. One of the agreements reached as part of the EU facilitated dialogue between Kosovo and Serbia is the IBM Agreement reached in December 2011, and its implementation protocol agreed upon in February 2013. Serbia is Kosovo’s the only neighboring country with which border demarcation has not started yet. The implementation of IBM, however, does not include issues only between countries, but standards that have to be fulfilled within Kosovo as

1 Rep. of Kosovo, Ministry of Internal Affairs (MiA), 2013. National Strategy for IBM. Available at: [http://www.mpb-ks.org/repository/docs/National_Strategy_\(VERSIONI_FINAL_\)12_07_2013_anglisht_per_miratim.pdf](http://www.mpb-ks.org/repository/docs/National_Strategy_(VERSIONI_FINAL_)12_07_2013_anglisht_per_miratim.pdf)

2 Ibid (p.9)

3 Ibid (p.9-10)

well.

As a result, with this brief report, KCSS attempts to evaluate the progress made in regards to the implementation of IBM since last year's (2013) EU Commission's Progress Report on Kosovo (hereinafter referred to as 2013 Progress Report). Therefore, the basis of analysis of progress made in this regard is the 2013 Progress Report and the extent to which the GoK has taken into account the recommendations provided therein. The assessment is based on interviews conducted with relevant actors such as: Kosovo Police, officials at the Ministry of Interior (MoI), and the general observation that KCSS has done over the period, including evaluation of policies in this respect. Other EU Communications are also taken into account, such as the most recent conclusions on the SAA Dialogue conducted between Kosovo and the EU, and the evaluations and recommendations made in regards to IBM in such communication.

Previous assessment of progress in implementation of IBM

Assessment in 2013 Progress Report

The 2013 Progress Report considered issues related to IBM in several of its sections. First, the 2013 Progress Report took into account, among others, the fact that "joint interim crossing points have been opened at all six gates [in the border between Kosovo and Serbia], which are up and running,"⁴ with the constant presence of EULEX.⁵ Additionally, in its section on Customs and Taxation, the 2013 Progress Report stated that "[c]ustoms procedures between Kosovo and Serbia have further progressed with the opening of joint interim crossing points in December 2012 and January 2013 at six locations, including the two crossing points in northern Kosovo, as per the IBM agreement."⁶ Moreover, the report notes that "[f]reedom of movement has been implemented at all six points, and cooperation from both sides is positive and constructive. There are regular joint and synchronised border police patrols with Albania, the former Yugoslav Republic of Macedonia and Montenegro."⁷

4 EU Commission, 2013, Progress Report on Kosovo, (p.5) . Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf

5 Ibid (p.46)

6 Ibid (p.30)

7 Ibid (p.46)

In its section on Visa, Border Management, Asylum and Migration, besides noting the new law on the cooperation of agencies involved in IBM; the revised strategy for IBM, and some amendments on legislation that have been made, the 2013 Progress Report also noted that the implementing legislation and standard operating procedures have not yet been adopted.⁸

Furthermore the 2013 Progress Report notes that the “new joint control centre at Vermicë/Vermica houses both Kosovo and Albania border police.”⁹ Regarding the Centre for Border Management, the 2013 Progress Report notes that the Centre is functioning but not fully operational yet.¹⁰ In the same section, the 2013 Progress Report also reveals the fact that the “EU-funded border management IT system (BMS) is fully operational at all crossing points as well as in regional and central police command centres,” but it notes that “[t]he police have yet to sign a maintenance contract for the border management IT system.”¹¹ Also, according to the 2013 Progress Report “[t]he border demarcation with Montenegro still needs to be completed.”¹² *Overall, with regard to IBM, the 2013 Progress Report notes that “Kosovo needs to improve intra- and inter-agency cooperation. Information gathered needs to be made suitable for strategic threat assessments.”*¹³

Assessment in the Conclusions of SAA Dialogue

In addition to the 2013 Progress Report, the EU has repeated some of its remarks and added some others in its conclusions of Sectoral Committee on Justice, Freedom and Security, part of the EU – Kosovo SAA Dialogue held in Prishtina between 28-30 January 2014. The SAA Dialogue conclusions provided the following three recommendations: (i) the MIA to ensure the conclusion of a maintenance contract for the BMS; (ii) the Commission on Border Demarcation to conclude the process of border demarcation with Montenegro by mid-2014; (iii) The GoK to clarify the decision on the use of ID-cards to enter Kosovo for EU and Associated Schengen Member States.¹⁴

8 Ibid (p.46)

9 Ibid (p.46)

10 Ibid (p.46)

11 Ibid (p.46)

12 Ibid (p.46)

13 Ibid (p.47)

14 EU – Kosovo Stabilisation Association Process Dialogue (SAPD), Prishtina, 28-30 January 2014, Available at: http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20140131_final_

The GoK's position and commitments in implementation of IBM

The GoK's position on IBM within the National Strategy for EU integration

IBM and border management and security in general takes a particular place in Kosovo's National Strategy for European Integration (NSEI). It does so in various sections of this strategy. For instance, in its section on Fight Against Corruption and Organized Crime, the NSEI 2020 notes that at the policy level, Kosovo has adopted its "[a]nti-corruption Strategy and action plan and other strategies relevant to prevention and fight against organised crime, trafficking in humans, drugs trafficking, against terrorism and on integrated border management"¹⁵ Additionally, issues related to IBM are also considered in the section on Free Movement of Citizens of the NSEI 2020, which accordingly states that the GoK is committed to "implement the Roadmap for Visa Liberalization by paying special attention to fighting corruption and organized crime, migration policies including readmission and re-integration of repatriated persons, document security and procedures for issuing biometric documents, border management in compliance with Schengen Border Code and strengthening respect for human rights and protection of minorities"¹⁶ The NSEI 2020 in its section on Regional Cooperation takes into account the security dimension in fighting corruption and organized crime, and takes the view that "integrated border management and illegal migration represent an important part of regional cooperation."¹⁷

The GoK's budgetary commitments on IBM

It is difficult to assess GoK's budgetary commitment to all matters related to IBM, because it involves a wide range of aspects including different ministries, agencies, and other direct and indirect efforts that are put in its implementation. Also, IBM is not a separate budgetary line in Kosovo's budget, neither there is any specific budgetary line within the agencies dealing with IBM; therefore it is difficult to assess exactly how much are committed to matters related to IBM. Nonetheless, the budgetary commitments for a

conclusions_-_sapd_committee_on_jfs.pdf

15 Rep. of Kosovo, National Council for European Integration, National Strategy for European Integration 2020, (p.24) [http://www.president-ksgov.net/repository/docs/National_Strategy_for_European_Integration_Kosovo_2020_ENG_\(1\).pdf](http://www.president-ksgov.net/repository/docs/National_Strategy_for_European_Integration_Kosovo_2020_ENG_(1).pdf)

16 Ibid (p.47)

17 Ibid (p.48)

few aspects that involve IBM can be presented, and as such, can provide an indication in this regard. For instance, there have been no major budgetary changes or commitments in regards to the Border Police. The 2013 budget for the Border Police was 1,343,446.00 Euros, while in 2014 there was only a slight (5,000.00 Euros) decrease, making the 2014 budget for the Border Police 1,338,446.00 Euros.¹⁸ Also there have been no budgetary changes in advanced equipment for state border control and monitoring; the budget was set at 80,000.00 Euros for both 2013 and 2014.¹⁹

Current review and analysis of progress made on IBM

This part of the paper aims to provide a brief situation analysis and the results of KCSS assessment on the implementation and progress made in regards to IBM. First it deals with remarks and recommendations provided in the 2013 Progress Report, and second, it deals with remarks and recommendations provided in the SAA Dialogue process conclusions.

Handling of remarks from the 2013 Progress Report

Remark 1: Implementing legislation and standard operating procedures have not yet been adopted: Ever since the last Progress Report was issued, a significant improvement in terms of the quantity of legislation and standard operating procedures (SOPs) has been made. Around 30 legislative acts, including laws, SOPs, administrative instructions (AI), executive decisions, and other documents have been adopted; most of them during the last four months of 2013. Also the quality of most of these legal acts seems to be in line with EU acquis.²⁰ For instance, both the Law on Border Control was amended as recommended by the Commission in its February 2013 assessment, and a new Law on Cooperation between Authorities Involved on IBM were adopted in September 2013. The following are the laws, AIs, SOPs, and other acts that have been adopted since the last (2013) Progress Report:

18 Rep. of Kosovo, Budget (2014)

19 Rep. of Kosovo, Budget (2014)

20 KCSS Source: International actors involved in evaluation of IBM legislation

Laws: (i) The Law No 04/L-214 on Amending and Supplementing the Law No 04/L-072 on State Border Control and Surveillance, 17.9.2013; (ii) The Law No 04/L-216 on Cooperation between Authorities involved on Integrated Border Management (IBM), 14.9.2013; (iii) The Law No 04/L-217 on Asylum, 31.7.2013 (iv) The Law No 04/L-219 on Foreigners, 31.7.2013;

AIIs: (i) The AI No 08/2013 on the Construction of Buildings within the Border Crossing Zones, 21.10.2013; (ii) The AI No 09/2013 on Form, Content, and Manner of Placing Warning and Written Signs on Border Crossing Points (BCP) and Border Crossing Zone, 21.10.2013; (iii) The AI No 10/2013 on Determination and Categorisation of BCPs, 21.10.2013; (iv) The AI No 12/2013 on Border Incidents, 21.10.2013; (v) The AI No 13/2013 on Marking the Border Line, 21.10.2013; (vi) The AI No 14/2013 on the Functioning, Duties, and Responsibilities of the National Centre for Border Management, 21.10.2013; (vii) The AI No 15/2013 on Prohibition, Limitation or Conditioning of Certain Activities along the State Border Line, 1.11.2013; (viii) The AI No 17/2013 on the Work of State Commission for Marking and Maintaining of State Border, 7.8.2013; (ix) The AI No 20/2013 on Rules on the Local Border Traffic and Local Border Traffic Permit, 7.11.2013; (x) The AI No 01/2013 on Cooperation inside the Authority involved in Integrated Border Management, 8.10.2013; (xi) The AI No 10/2013 for Cooperation inside the Authority, Customs, 13.10.2013; (xii) Regulation No 3/2013 for Cooperation inside Authority, FVA, 28.11.2013; (xiii) The AI GRK No 11/2013 on Cooperation between Authorities involved in Integrated Border Management, 21.10.2013; (xiv) The AI No 16/2013 on Procedures and Standards of Admission and Initial Treatment of Asylum Seekers, 7.11.2013; (xv) The AI No 02/2013 for Implementation of Punitive Provisions of the Law on Foreigners, 12.12.2013; (xvi) The AI No 15/158 on Amending the Entry Conditions and Visa Regime for Foreigners in the Republic of Kosovo, 29.11.2013; (xvii) The AI No 21/2013 on Conditions and Procedures for the Issuance of the Visas at the BCP, 26.11.2013; (xviii) The AI No 22/2013 on the Conditions and Procedures of the Visa Extension, 26.11.2013; (xix) The AI No 24/2013 on Refusal of Entry into Republic of Kosovo, 29.11.2013

SOPs: (i) SOP on Profiling at the BCP, FEB2014; (ii) SOP for Joint Activities between Authorities involved in IBM, FEB2014; (iii) SOP for Second Line Checks; (iv) SOP on Joint use of equipment within IBM Authorities (Kosovo Police, Border Police, Kosovo Customs, Food and veterinary Agency), FEB2014; (v) SOP on First case responding Officer (FCRO), FEB2014; (vi) SOP for Joint Risk Analysis of BCPs and Border Line, FEB2014

Executive Decisions: (i) The Decision of the Government No 12/124 on Determination and Categorisation of BCPs of the Road, Railway and Air Traffic in the Republic of Kosovo, 10.4.2013; (ii) The Decision No 08/167 Establishing a Visa Regime for Citizens of the Federation of Bosnia and Herzegovina, 22.1.2014

Other documents: (i) The Manual on Communication Procedures between the Authorities involved in IBM; (ii) Public Information and Publications; (iii) The National Strategy of the Republic of Kosovo on Integrated Border Management 2013; (iv) The Action Plan of National Strategy of the Republic of Kosovo on Integrated Border Management 2013

Remark 2: New joint control centre at Vermicë/Vermica houses both Kosovo and Albania border police: Ever since the 2013 Progress Report noted the Joint Centre for Information Exchange (JCIE) that housed both Kosovo and Albania border police, no such centres have been established in other BCPs. Nonetheless, some progress has been made in this regard: JCIE in Hani i Elezit BCP with Macedonia will soon be opened, and an MoU with Montenegro for establishing a JCIE has been signed and preparation for the opening of the Center are expected to start soon. Joint Centre for Information Exchange is still implemented only in Vermica. As far as Kosovo's other neighbouring countries are concerned another such centre shall open soon at the Hani Elezit BCP with Macedonia; the MoU with Montenegro for opening such a Centre at one of the BCP with Montenegro has been signed, and preparations for opening this centre are expected to start soon.²¹

Remark 3: The National Centre for Border Management (NCBM), is functioning but not fully operational yet: The NCBM has been established within the Ministry of Internal Affairs. The primary purpose of the centre is monitoring the movement of persons, vehicles and goods at BCPs, also detecting and preventing illegal actions, trafficking and smuggling of goods and people, as well as the prevention and detection of possible cases of corruption at Border Crossing Point. As shown by IBM statistics, despite increasing traffic flow through all BCPs, IBM agencies continue to carry out effective border control, indicating sufficient human and technical capacities to ensure successful border control. Number of staff dealing with IBM is 1,668 in total: 1,303 Border Police staff; 332 Kosovo Customs' staff; and 33 Food and Veterinary Agency staff. Also the Development Plan for the NCBM was approved in April 2014.

21 KCSS Internal Source at MiA

Remark 4: Kosovo needs to improve intra- and inter-agency cooperation. Information gathered needs to be made suitable for strategic threat assessments.

In regards to intra- and inter-agency cooperation, Kosovo adopted the Law No 04/L-216 on Cooperation between Authorities involved on IBM, and it is handling comprehensively inter-agency cooperation regarding IBM or inter-agency co-operation in wider perspective.²² Kosovo has yet to fully utilize this law in order to ensure proper cooperation among the agencies and authorities involved IBM.

Handling of remarks from the latest conclusions on SAA Dialogue:

Remark 1: The GoK to clarify the decision on the use of ID-cards to enter Kosovo for EU and Associated Schengen Member States: The decision to allow EU and Associated Schengen Member States citizens to enter Kosovo with their ID-cards is being implemented. However, unless the ID cards are biometric, they cannot enter Kosovo.

Remark 2: The MIA to ensure the conclusion of a maintenance contract for the BMS: This has not been implemented yet: The tender for this project has failed several times, because the Procurement Review Body (PRB) was blocked for around a year, and the tender was standing at the PRB.

Remark 3: The Commission on Border Demarcation to conclude the process of border demarcation with Montenegro by mid-2014: This has not been implemented yet. Around 70km of border line has been delineated and around 9km are left. It seems like that both respective governments have not been proactive since the last EU evaluation provided to the GoK.

Additional review of progress

Regarding international cooperation on border management, the most advanced one is

²² KCSS Source: International actors involved in evaluation of IBM legislation

with Albania. Kosovo has set up the Join Information Exchange Office (JIEO) at Vermica BCP with Albania, and is the only such Office in operation. The JIEO with Macedonia at Hani i Elezit BCP is expected to open soon, while an MoU with Montenegro for opening a JIEO at one of the BCPs has been signed. Besides the six interim border crossing points that have been established with Serbia as agreed between the two states in December 2011, no JIEO has been opened or MoUs signed in this regard. Also the interim BCPs have to be replaced with the permanent ones. The construction of permanent buildings for the six BCPs is ongoing. The EU funded project for construction of the permanent IBM BCPs will start in the beginning of 2015, on the IBM dots based on agreed coordinates in six border crossings between Kosovo and Serbia, which serve as referral points for the permanent buildings.²³ Regular meetings between Kosovar and Serbian authorities are carried out at all levels, supported by EULEX. KFOR is still responsible for border surveillance on the green border between Kosovo and Serbia but as far as it was understood, there is less than before patrols on the border.²⁴

23 KCSS Source: International actors involved in evaluation of IBM legislation

24 KCSS Source: International actors involved in evaluation of IBM legislation

Recommendations

To the GoK

- Border demarcation with Montenegro (9km) left should be finished. The Commissions of border demarcation of both Kosovo and Montenegro should put their final efforts to finish the demarcation as soon as possible;
- Border demarcation with Serbia should start as soon as possible. This will ensure Kosovo, as a sovereign state, to take over the responsibility from KFOR and initiate joint and synchronized border patrols between Kosovo Police and Serbia's Police – this should be done in cooperation with KFOR and EULEX, and only once Serbia replaces its Gendarmerie with proper Border Police;
- Consultations with KFOR should start on transferring the responsibility of border supervision over to the Kosovo Border Police which should take place in different phases. The first phase of transfer of responsibilities should take place from Kosovo – Serbia – Macedonia border triangle up to Kamenica. The second phase of transfer should take place from Kamenica to Podujevo. The third, and last phase of transfer should take place in the borderline of the northern part of Kosovo.
- Proceed to open the planned JIEOs with Macedonia and Montenegro, and align same efforts with Serbia. Later on, ensure that JIEOs are established and functional not only in just one BCP per neighbouring country, but in all BCPs;
- Establish permanent BCPs with Serbia;
- Conclude the maintenance contract for the BMS, after having PRB back functioning.

To the European Commission

- Encourage both Kosovo and Montenegro to complete what is left of border demarcation among the two respective countries;
- Put the border demarcation between Kosovo and Serbia in the agenda of next round of negotiations between the two respective countries;
- Encourage Serbia to replace its Gendarmerie with proper Border Police so that joint and synchronized border patrols between Kosovo and Serbia can commence.



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