



The establishment, operability and democratic functionality of the Kosovo Security Force

Ramadan QEHAJA

Haxhi FERATI

Kosum KOSUMI

Florian QEHAJA



Prishtina, June 2008

Acknowledgment

The idea for writing this policy paper came up as a result of the project drafted by the KCSS experts for “Democratic Control of the Security Institutions”. The initial stage of this project foresaw professional policy paper for “establishment, operability and democratic functionality of the Kosovo Security Force”.

The work done for this document would not be finished without the support of partners and donators. First of all, it is worthwhile mentioning the initial support of Kosova Foundation for Open Society. In particular we would like to thank “Universum” University for allowing space (office) for KCSS purposes.

Published by: KOSOVAR CENTRE FOR SECURITY STUDIES

POLICY PAPER

for

Establishment, operability and democratic functionality of the
Kosovo Security Force

© *All rights reserved.*

No part of this publication may be reproduced or changed by any means without the prior permission of the publisher.

About the authors:

Ramadan QEHAJA is carrier officer and has the rank of general. He is an independent expert for military and security issue. He published several papers and articles on the security issues especially it's worthy to mention the book "National Security Issues of Kosovo". Recently, he was advisor for the security issues of the Prime Minister of Kosovo.

Haxhi FERATI is expert for security and defence issues. He published several articles and papers in the security field in particular he is publisher of the first book in the country "Geopolitics and Geo-strategy". Currently he is professor lecturer of the courses "Geopolitics and Geo-strategy", "Peace and War Policies", "Introduction into Security Policies" and "Political Systems".

Kosum KOSUMI is electro engineer of military aviation. He is expert of planning and emergency operations. Mr. Kosumi was active in several projects as regarding the assessment of risk and total management of quality assurance in the leadership field. He is also familiar with the security policies.

Florian QEHAJA is specialist of the security policies. He finished Masters on the Contemporary European Studies with specialization on the European security policies. He was intern at DCAF. Recently, he is lecturer assistant of the courses "Introduction into Security Policies" and "Geopolitics and Geo-strategy".

CONTENTS

1. Introduction.....	5
2. Democratic Control of the Security Institutions.....	7
3. Kosovo Protection Corps – The process of dissolution with dignity.....	9
4. Establishment of the Ministry and Kosovo Security Force.....	10
4.1 Role of the Kosovo Government	10
4.2 Role of NATO.....	10
4.3 Structure of the Ministry of KSF	10
5. Kosovo Security Force.....	12
5.1 Structure.....	12
5.2 The criteria for selection of the KSF members.....	13
5.3 Training and rise of operational skills.	13
5.4 Reserve component.....	14
5.5 Infrastructure and equipments.....	14
5.6 Budget.....	14
5.7 Additional responsibilities	15
5.8 Deployment of KSF troops abroad.....	15
5.9 The International Cooperation of KSF.....	16
6. Multiethnic Composition, human rights and gender balance in KSF.....	16
6.1 Multiethnic Composition.....	16
6.2 Protection of Human Rights at KSF.....	17
6.3 Gender Balance.....	17
7. Conclusions.....	18
Bibliography.....	19

1. Introduction

In the post-independence period in Kosovo when the current situation is fragile, security issues will indispensably become a priority. In fact the same period is characterized with and made very sensitive by the actual circumstances, risks and threats. The difficult socio-economic situation, among others, emboldens this concern. In this context, one has to also highlight other phenomena as corruption, nepotism, organized crime etc.

In the geographical and geopolitical sense, the central position that Kosovo covers in the Balkan Peninsula, creates fertile and favorable conditions for illegal trafficking and terrorist activities. Hence, building and securing a stable environment for all communities in Kosovo is a significant and important step. Similarly, it is of crucial importance that the security institutions become fully controlled by the democratic institutions by filling every potential gap which contributes to a fragile condition.

Despite the necessity and gratefulness to the presence of the NATO troops, it is clear that Kosovans desire to have their security forces too. There is a grounded belief that the international community will assist in every aspect at establishing the Kosovo Security Force (KSF) and, particularly, support them both financially and in the form of supplying them with standardized and adequate equipments. KSF is, and should be treated alike, part of the Kosovo statehood regardless of the fact that this institution will be numerically small and constrained by our socio-economic wellbeing. In fact, armed forces are justified principally by their necessity for national security in each country in this case even in Kosovo.¹

KSF, in close cooperation with Kosovo Police and NATO troops stationed in Kosovo as well as other structures, will perform duties that are not covered by the police and other structures and defend the territorial integrity and the legal order of the Republic of Kosovo. The contribution of this force will also support the global efforts for peace and security in the world. In reality, the basis for the operation of this force should be so as to successfully react to the endogenous and exogenous risks, including their engagement in natural catastrophes threatening Kosovo or other parts of the world.

The role of KSF will be even greater considering the fact that it shall be a stakeholder in the Euro-Atlantic integration process. The aspiration of Republic of Kosovo for NATO membership could become a reality should the KSF build its interactive capacities in conformity with the standards that the treaty operates. It is essential that Kosovo initially starts adopting the procedures for membership in the Partnership for Peace Programme (PfP) since it remains the only country in the region out of this security framework. PfP would further strengthen the intra-institutional cooperation between NATO and KSF.

On the basis of the new circumstances, we believe that the civil society should be directly incorporated in the process of building the force. The old patterns of thinking, which treated military affairs and internal security in general as a reserved competence of the government, shall this way be removed. This paper, the first of this kind by our centre, aims at increasing

¹ Buzan Berry, *People, States and Fear, An Agenda for International Security Studies in the Post-Cold War Era*, p.272, London, UK

the awareness, open a mechanism for representing the civil society viewpoints and enrich the ideational debate on this important sphere.

In shaping the content of this paper,² KCSS has used comprehensive research methods, including the experience of the experts of our centre, the existing applicable legislation and references to renowned contemporary international institutes, in particular Geneva Center for Democratic Control of Armed Forces (DCAF).

The following document includes comprehensive aspects for the establishment, operability and democratic functioning of the KSF. We have initially made a short theoretical assessment but essential to the issue of the democratic control of the armed forces. The reader shall find it interesting for it represents the theoretical background of the essence of the establishment of security institutions on the basis of democratic oversight principles.

The next chapter treats the dissolution of Kosovo Protection Corps (KPC) and the necessity of its incorporation in the KSF. The political part of this security domain covers an important part. It elaborates on the role of the Ministry of KSF, its structure and responsibilities as well as the role of NATO in this respect.

The other part covers the operability and democratic functioning of the KSF. This includes the structure, selection criteria, equipments and infrastructure, weaponry and the reserve component of the force. Furthermore, it will also assess the budgetary implications, international cooperation and additional responsibilities. The protection of human rights, minority representation and gender equality in KSF has covered an important element in the paper. Lastly, we draw conclusions and related to this policy paper.

² Despite that internal security sector review has been conducted during 2005/2006, new circumstances and necessities after the independence of Kosovo requires improved and an advanced review.

2. Democratic Control of the Security Institutions³

This part will briefly evaluate theoretical dimensions of the democratic functioning of the security institutions which need to be fully taken into consideration during and after the establishment of KSF.

After the end of the Cold War the necessity for democratic control of AF emerged therefore the security sector reform and security sector building is occurring on the contemporary methods based. Considering the importance of this policy paper, it is the immanent opportunity to evaluate theoretical approach of recent democratic functioning of Armed Forces. The question may arise: How can we define Democratic Control of Armed Forces?

Indeed, the most certain answer comes from DCAF which defines the democratic control as the norms and standards governing the relationship between the armed forces and society whereby AF are under the leadership of democratic elected authorities and subject to the oversight of media and civil society.⁴

The other definition is quite similar but rather narrow. "Civilian control of the armed forces is a doctrine in military and political science that places ultimate responsibility for a country's strategic decision-making in the hands of the civilian political leadership, rather than professional military officers".⁵ To put it simply, the AF are subject to the civilian oversight as well as to the other society actors.

There are many aspects which practically defines the emergence of democratic control of AF. However, for this policy paper we found that it is necessary to particularly mention at least five dimensions of contemporary democratic control of AF.

- First of all, the civilian leadership of the Ministry of Defence as well as the democratic controls from the Government plays a prominent role. Most democratic countries foresaw in their legal documents that AF is subject to the Government control.
- Second, the improvements of civil-military relationship lead to the domination of civilian oversight and control over the AF.⁶ By developing civil-military relationships the AF became subject to the democratic oversight. For example: the joint activities undertaken between AF and civilians are considered as highly fruitful
- Third, the capacity building of the parliamentary committees on security and defence as well as the enlargement of competences of those committees increased the level of democratic oversight of AF.⁷

³ For the purpose of this paper, the security institution does not foresee only the military. It includes all statutory and non-statutory security forces with capacity to use force such as police, gendarmerie, border guards etc.

⁴ DCAF Backgrounder, *Democratic Control of Armed Forces*, p.1, May 2008, Geneva

⁵ See in details "*Soldiers and the State – The theory and politics of civil-military relationships*" by Samuel Huntington or http://en.wikipedia.org/wiki/Civilian_control_of_the_military

⁶ Ibid, p.2

⁷ And this is the strongest pillar of the democratic oversight.

- Fourth, the media covering and criticism about the role of AF is an important part of democratic control.⁸ In addition, the role of civil society (NGO's, Think Tanks) should be particularly mentioned.
- And finally, fifth one has to do with the impact of regional organizations (EU, OSCE, NATO) on the security sector reform and security sector building. Especially in the case of the Western Balkans countries, the impact of international organizations is considered as external oversight of the security institutions.⁹

The democratic functioning of KSF is explicitly foreseen by the Constitution of the Republic of Kosovo and Law on KSF.¹⁰ The current legal infrastructure allows the incorporation of the above mentioned principles which are core for achieving the objectives foreseen for the KSF. In this way, these principles should be taken into consideration during the establishment of new security institutions in Kosovo.

⁸ The recent case is the media criticism about the ineffectiveness of Albanian military to prevent the explosions in Gerdec, near the capital city of Tirana.

⁹ Briefly, it is worthwhile mentioning the security sector reform under the so-called politics of conditionality launched by the EU and the Council of Europe. Also, the defence and security sector reform undertaken through NATO Partnership for Peace program has the prerogatives of politics of conditionality

¹⁰ Constitution of the Republic of Kosovo, Chapter XI, *Security Sector*, Art. 125/4

"Civilian and democratic control over security institutions shall be guaranteed".

Law on KSF, General Principles, "The Government of Republic of Kosovo shall exercise transparent, democratic and civilian control of the KSF and shall have be answerable to the Assembly of the Republic of Kosovo".

3. Kosovo Protection Corps (KPC) - The process of dissolution with dignity

For the purpose of this policy paper, it is worthwhile emphasizing that KPC has been fully agreed with its mandate. KPC accomplished its mission successfully, operated in the responsible, disciplinal and professional manner as well as financially it was fully transparent.¹¹ In this way, KPC has been praised for its successful service and in all cases when required, it operated even out of mandate considered as a core dimension of Kosovo society.

Despite the above mentioned facts, there was no readiness from the international community for transforming KPC automatically into the military of Kosovo. Hence, the Ahtisaari's Plan foresaw its dissolution with dignity.¹² Considering this, the dissolution of KPC should occur carefully and with dignity under the supervision of the Kosovo Government. This process should be finished within one year from the moment the Constitution enters into force therefore it will be huge challenge for the Government as well as for the international community.

The proper and the easiest way would be if the Government establishes an office at the Prime Minister Office which would deal directly with the KPC members who could not pass the criteria for KSF. Indeed, a legal framework for reintegration of KPC members should necessarily be drafted. It would reflect their contribution during their previous service with dignity at KPC.

Considering that current KPC members have a job guaranteed at KPC, one part that would not manage to pass the criteria will be considered as unemployed. Hence, the Republic of Kosovo needs to find modalities for treating these members properly. Except the legal framework, the Government of Kosovo in coordination with NATO has to draft programmes for resettlement and reintegration of the KPC members in the adequate positions.¹³ The necessity for resettlement and reintegration into civilian life should be likely considered as inevitable.¹⁴

¹¹ In particular it is worthy to emphasize the successful accomplishment of Standard 8 and the appraisalment KPC got from the local and international community

¹² See Ahtisaari's Proposal

¹³ Or precocious pension for those members that belongs to this category

¹⁴ There were some proposals that this or that organizations should deal with this issue however from the past there is not even solid experience with these international organizations. Despite promises and support given to the members before, the outcome was not favorable. Therefore as mentioned above, the government of Kosovo should lead this process together with NATO in close cooperation with non-governmental organizations specialized in this sphere.

4. The establishment of the Ministry and creation of KSF

4.1 The role of Kosovo Government

As is the case with the democratic governments of other countries, the Constitution of Kosovo foresees the Government to exercise democratic control over KSF.¹⁵ In this regard, it is important to underline the adoption of the Law on the Ministry of KSF and which is to be governed by civil authorities. Hence, the burden for initiating and managing the process lies on the governing Kosovo institutions. During the initial phase, the Government shall nominate the Minister of KSF; select the governing and commanding staff, which will then spearhead this uneasy transition phase. Undertaking quick and appropriate measures for the establishment of the Ministry is important step considering the fact that the practical operability of KSF is largely dependent on the political establishment.

4.2 The role of NATO

The role of the North-Atlantic Alliance, jointly with Kosovo Government, is important and decisive. Specifically, the role of NATO will be inclusive starting with the establishment of the Ministry of KSF and in the process of KSF creation. NATO should assure that Kosovo's defensive capacities adapt to its interoperability and contribute to regional security.¹⁶ According to initial assessments, NATO will draft the policy document/white paper while Kosovo authorities will offer suggestions.¹⁷ However, one has to consider alternative options should NATO members fail to reach a consensus on the establishment of KSF. This could be a complicated process if one recalls that not all NATO members have recognized Kosovo.¹⁸

The best way to overcome any potential or arising complexities is if NATO members that have recognized Kosovo carry out the training and equipment with adequate standardized weapons on individual basis. Every individual country could assume a certain responsibility during the transition process. Regardless of NATO members support and the importance of the process, the burden of responsibility lies with Kosovo Government. It has to be more active and not take the Alliances or member states' support for granted.

4.3 The structure of the Ministry of KSF (MKSF)

After the Constitution of Kosovo has entered into force, the government should include the project on the establishment of KSF among high priority activities. The experiences of some nascent ministries will also be helpful in this respect. However, KSF Ministry has its specificities compared to the experiences of other new ministries. The organization and

¹⁵ It is not only Government that has oversight over the KSF. It is worthy to mention that the President of Kosovo is Supreme Commander of Armed Forces. Also the Kosovo Assembly has core role especially in the sphere of democratic parliamentary oversight through respective committee.

¹⁶ International Crisis Group, *"The Army for Kosovo"*, nr. 174, p.32, Brussels-Prishtina, 2006

¹⁷ Qehaja Florian, Interview with Jamie Shea, Director for policy planning in NATO, June 2007, Bruksel

¹⁸ By the moment of writing this paper the independence of Kosovo has been not recognized by the following members of NATO:

Spain, Slovakia, Rumania, Portugal and Greece.

staffing of the ministry in accordance with the planned structure should be carried out determinedly. The creation of the Ministry of KSF is important because it provides mechanisms for democratic control and oversight of the KSF. Setting up of the basis of these institutions and fulfillment of its duties, responsibilities and role as the Law stipulates requires efficient and effective capacities.¹⁹

During this phase, a facilitating mechanism to the government shall be the predecessor of the Ministry of KSF – KPC Coordinators Office (OKPCC), as is KPC to KSF. Within a limited period of time, all competencies of OKPCC shall be undertaken by the Ministry of KSF. In the initial phase, the Ministry should strengthen and incorporate the staff that has been qualified and trained over the course of the past years.

As we noted above, since democracy sanctions civilian primacy in commanding, the Government should embed this principle during the creation of KSF Ministry. This does not imply, however, that civilian and military components should not interact. On the contrary, it is important that capacity building and functionality of KSF be a result of these components' interaction and especially with the close cooperation and assistance of NATO.

The structure of the Ministry of KSF shall be one that fulfills the overall aims of a functional institution. It should contain important structural elements as core policies, plans, personnel, international cooperation, resources (budget, procurement and infrastructure), civil-military cooperation, intelligence, operations and training, doctrine and conceptual development, policies for logistical planning and IT and communication systems. KSF Ministry should also include the general KSF inspectorate, internal auditing, legal office, public relations and human rights and gender equality offices.²⁰

¹⁹ See Law on KSF

²⁰ Although the role of each sector in the Ministry of KSF has to be evaluated in details, in this policy paper we found reasonably at least to mention each of them.

5. Kosovo Security Force (KSF)

According to the Constitution of Kosovo and the respective law, KSF shall be a security force initially concentrated on civil missions and additional security responsibilities at a later stage. This will be a numerically small force but sufficient to fulfill Kosovo's needs, professional, operational, multiethnic and at the citizens' service. KSF shall also be financially sustainable and supported by NATO countries (KSF will have no more than 2500 active and 800 reserve members).²¹ The fulfillment of KSF mission and its involvement in peacekeeping operations requires that it becomes a modern security force, educated and motivated, capable and professionally trained.

KSF will be an important factor for internal and regional security. Since the legal framework has been adopted, the government should take further steps at initiating the realization of these major projects and avoid any possible delay of the planned time schedule. The implementation phase must be carried out in phases and in accordance with priorities after the entry into force of the Constitution.

The setting up of KSF and KPC disbandment shall be carried out simultaneously and within a period of no more than 12 months. Strengthening and training of the KSF is to be done in accordance with NATO standards and within a period of 3-5 years. After this period, Kosovo would have a very professional force which would be ready to assume additional security responsibilities.

This transition phase will be favorable since KFOR will cover the gap of security details and competencies. The presence of NATO member states' armies is a strong element in the process of KSF capacity building. NATO and international presence will be directly contribute and support the KSF, in all phases of the implementation of the plan.

5.1 Structure

The structure of KSF shall be one which includes all elements of a functional force and interactive with other structures in various operations. The number of commands and units shall be determined in accordance with the mission of KSF.

The foreseen personnel configuration in KSF gives very limited possibilities for the creation of effective conditions for directing, commanding, controlling and determining the number of commands and number of members in every unit; elements that are necessary for the realization of its mission. Therefore, decision-makers shall opt for more soldiers and limited number of commanding officers. The best option for KSF is to follow the NATO standards with small and limited number of commands headed by high ranking officers.

As we noted above, many aspects related to planning should be passed over to the Ministry of KSF. Thus, the General Staff of KSF will be able to exercise a more effective control over the commands and units of the force.

²¹ See Law on KSF

During the first phase, MKSF shall be concentrated in supporting, preservation of capacities built under the KPC. Additionally, it must strengthen the human resources and equipping the following units: civil protection, engineering, logistics and training. In the next phase, KSF shall preserve the Immediate Reaction Brigade (IRB) and Air Unit (AU). This should be taken as priority because the establishment of these two units requires more time and it has high cost.

5.2 The selection criteria of KSF members

The necessary structures and processes should be established in order to assure the service criteria in KSF as stipulated by the Law and in accordance with standards determined by NATO. Former KPC members will have advantage should they meet the criteria. KSF should preserve and incorporate skilled KPC members since they have acquired knowledge and been trained during the past years. However, this does not imply that KPC is not open to Kosovo citizens regardless of their ethnic or religious belonging. These selection criteria should be determined in close cooperation with NATO and implemented immediately starting with high ranking officers.

Former KPC members would have to undergo a testing phase before being incorporated into KSF. Testing will ensure that KPC members meet the selection criteria which are determined on the basis of practices applied across NATO member states. Assessment shall be carried out jointly by local and international experts. There should be no delay in this detail. The recruitment of new members who voluntarily want to join KSF should be done in accordance with the plan, where in addition to the selection criteria recruits will be offered a basic training scheme. Only those that have met the criteria and training shall be offered a contract as professional soldiers in KSF.

5.3 Training and building of operational capacities

During the same period, some of the operational capabilities of KPC shall be transferred to KSF and to be completed over a phase of one year. Despite having been legally disbanded, a part of KPC components for emergency situations should be kept under the authority of NATO and Kosovo Government until KSF has taken effect and assumed additional security responsibilities.

The first training phase should start immediately after first KSF units have been created. The range of trainings should vary from basic to advanced levels. KSF has to design plans for increasing the level of skills ranging from basic to advanced on the basis of Standard Operating Procedures (SOP) of NATO so as to make an operational and functional KSF and ready for tasks and additional responsibilities and Euro-Atlantic structures.

The current Command of Training and Doctrine (CTD), with few changes, should be carrying out all trainings and educational programmes for KSF. Conditions, professionalism, experience and skills achieved over the course of the past years, as well as the cooperation with KFOR, IOM and many states which assisted this institution are a good example and therefore CTD shall continue the training of KSF members. There should be no hasty and mistaken steps in the process of training and education because it is necessary that KSF acquires high level and professional skills. The presence of KFOR will provide room for a

gradual and advanced process of KSF training. According to our assessment the gradual withdrawal of KFOR troops will happen soon.

5.4 The reserve component

The best option would be if reservist KSF members are decided and concentrated at the regional KSF commands. These regional commands would be dealing with issues of active reservists, starting with personnel, command and control, structuring, training, operational preparedness, their activation etc.

The active reservists would be supporting the units and regional commands, backing up existing KSF units in civil protection matters and other operational issues. In order to build and maintain the operational capabilities of reservists, they should be invited twice a year for training and exercises in line with the plan.

5.5 Infrastructure and equipments

A detailed plan shall be designed on the basis of assessments and which aims at developing a process for the settlement of new KSF units and creation of the adequate conditions for the implementation of tasks which emanate from KSF mission. KSF would initially use the infrastructure and equipments of KPC, this way it will acquire the skills and necessary capacities for the fulfillment of its mission and tasks.

The priorities for the settlement of units in the existing or new locations should be determined starting with KSF General Staff, CTD, Logistics, Immediate Reaction Brigade, BMC, other operation support units as well as three locations for regional commands responsible for the training and activation of reserve members of KSF as need arises.

KSF will be constrained in terms of equipment, which according to the interpretation of the existing law should be light weapons. The greatest contribution in this regard is expected from NATO members. However, these equipments shall be standardized so as to have the best possible solution convenient for KSF.²² Latter needs to closely cooperate with NATO members during the training process, use and maintenance of weapons.

5.6 Budget

The changes that will occur following the adoption of the new legal framework for KSF will require changes in the budgetary policies, namely increasing the budget for security affairs within the limits determined by the international community. Obviously, economic difficulties and limited public revenues will constrain to a great extent the share of KSF. This will greatly affect the completion of the initiated process. The current spending allocated to KPC, around 2.4%, should be re-transferred for KSF purposes.²³ According to our assessments, the future expenditures for the process will reach 50 Million €, while at a later

²² Quoted: Statement of US President George Bush to provide the Republic of Kosovo with weaponry and equipment. See <http://lajme.dervina.com/archive/6003-2549:677/Presidenti-Bush-autorizon-dergimin-e-armeve-ne-Kosove.htm>

²³ Current KPC budget is around 18 Mil €

stage it shall be subject to an overall review. However, the budgetary implication should take into account the current expenditure ceiling of 2% of GDP set by the international security institutions.²⁴

The KSF financial assets should initially be used for its establishment, functioning and activities of KSF, operational capacity building and high priority commands and units, improvement of infrastructure, modernization and equipments. A number of NATO member states have expressed their willingness to assist in the establishment of the Ministry and KSF, a considerable contribution is expected in the form of training, weapons and other equipments. This way, KSF will be able to meet some of the needs in this process.

5.7 Additional responsibilities

In addition to the responsibilities sanctioned by the applicable law, KSF could also support KFOR, police and other security mechanism in controlling riots and deployment to foreign territories in coordination with NATO and other international organizations. This is also implied by the paragraph 5.4, Article 5 which says that "KSF should be designed and prepared to fulfill other security functions which are incompatible with the mission of police and other law implementation organizations". Assuming additional responsibilities will depend (determined and authorized) by the civil and military international presence in Kosovo. Any progress in this regard should go hand in hand with readiness and operational capacities of KSF for additional tasks.

5.8 The deployment of KSF troops abroad

The territorial area of activity of KSF is within territory of the Republic of Kosovo. However one of the initial mandates of KSF consists on the participation in the international peacekeeping missions. "Members of KSF are authorized to be deployed abroad when mandated by the Assembly of the Republic of Kosovo and with the agreement of recipient country, or upon invitation by international organizations ..."²⁵.

Notwithstanding that currently Kosovo Assembly may give mandate KSF for peacekeeping abroad, a particular Law on Deployment of KSF abroad should be drafted and approved. This law would specify the possible contribution of the Republic of Kosovo to maintain peace and security in the world and to ensure human security. KSF troops deployed in the areas of conflict may respond to the disaster management issues, combating international terrorism and preventing inter-ethnic and religious conflicts. Once invited by the international organizations such as United Nations (UN), NATO or EU, KSF troops shall respond quickly upon the mandate given by the Assembly.

²⁴ For more details about the defence spending of NATO countries see www.nato.int

²⁵ See Law on KSF, Art.2.1

5.9 The International Cooperation of KSF

Security (Defence) Attachés

Law on KSF foresaw that Minister of KSF shall act as the representative on the issues related to cooperation between KSF and other countries however he/she may delegate this function.²⁶ The proper manner for delegating duties on the international cooperation would be the attachés. Kosovo diplomacy should be consolidated with the security (defence) attachés selected in a joint committee between Kosovo Ministry of Foreign Affairs and Ministry of KSF.²⁷

Defence attaches will increase the international cooperation of KSF with other militaries and other security institutions especially those from major countries. Considering that attachés role is shifting from pure military matters to the security issues in general, Kosovan attachés will deal with general security issues.

The main tasks of attaches would be:²⁸

- Liaise with host country on the security matters
- Initiate cooperation between host military authorities and KSF
- Act as a security advisor for the Ambassador and Embassy staff

In order to avoid the overall financial burden for the Kosovan diplomacy, an attaché may be selected to oversight and manage the security issues of up to three countries which geographically are close to each other.²⁹

6. Multi-ethnic Composition, Human Rights and Gender Balance in KSF

6.1 Multiethnic composition of KSF

According to the Constitution of the Republic of Kosovo and Law on KSF, the multi-ethnic composition of this security institution is crucial. In each democratic country, the security and defence structures need to reflect the multiethnic composition of society in order to be able to fulfill its missions.³⁰ In this way, the KSF leadership should refrain from any act of discrimination on the racial, ethnic or religious bases. The language and cultural diversity of

²⁶ Law on KSF, Art 8.1C

²⁷ The department for international cooperation at the Ministry of KSF has to coordinate the attachés selection with Ministry of Foreign Affairs. The criterion of selection needs to be set in accordance with domestic and international laws. However, security attaches should not necessarily be career officer. Kosovan Attaches may be the individuals who are civilians and posse's extensive knowledge about the security issues in Kosovo and respective country, or officers from the reserve component also with extensive knowledge on the security issues.

²⁸ The research found some of the appropriate tasks written at DCAF Backgrounder, *Defence Attaches*, p.2, July 2007, Geneva

²⁹ Ibid, p.6 This practice would be good deal for the initial capacities of Kosovo Diplomacy

³⁰ DCAF Backgrounder, *Multiethnic Armed Forces*, p.1, March 2006, Geneva

KSF may affect the appropriate interoperability. The Ministry of KSF together with the support of relevant actors has responsibility to initiate special programs for the integration of minorities. To be more precise, KSF must include in the units the proportional percentage of communities that makes up the overall multiethnic composition of Kosovo.

6.2 The protection of human rights in KSF

Human rights are guaranteed by the Constitution of the Republic of Kosovo as well as by the International Convention. Even in the KSF the human rights shall be protected especially due to the sensitivity of this security institution. However the question may arise: Should there be an authority where the members of KSF should complain if the violation of human rights occur? For the purpose of this paper it is worthwhile mentioning that the other countries has established structure of *military ombudsman* as an independent mechanism of the military command structure that exercises oversight of the defence sector and addresses complaints about improper and abusive behavior in the military.³¹

Due to the overall financial burden of the Kosovo budget and limited personnel of KSF, the establishment of such mechanism in Kosovo is not necessity and need not to be required. However the establishment of a unit (department) at the Ministry of KSF which should address the issues of complain regarding the violation of human rights at KSF is inevitable. This unit needs necessarily to liaise with Ombudsmen Institution in Kosovo therefore it will be subject to its oversight. It will strength the importance of the Ombudsmen institution and most obviously will increase the democratic oversight of the KSF.

6.3 Gender Balance at the KSF

A particular attention should be given to the women participation in the KSF. The changing nature of AF means that the roles which need to be filled within security institutions are changing therefore to assume that every man will automatically make a "good soldier" is flawed.³² Global representation of women at the AF is increasingly growing due to the civil society pressures as well as standards settled by the democratic governments as well as international organizations such as NATO.

It is difficult to predict and propose the exact percentage of female at the KSF.³³ However due to the NATO countries experience, the vast majority of KSF women's may be concentrated in the supportive services of KSF (logistics, procurement, training, administration) and the rest may be concentrated in other sectors of KSF. This is one of the standards that should be settled by the KSF structures since the initial stage of recruitment.

³¹ DCAF Backgrounder, *Military Ombudsmen*, p.1, March 2006, Geneva

³² UNDP, *Gender Mainstreaming in Practice*, p.169,

http://www.undp.org/women/docs/RBEC_GM_manual.pdf

³³ There should be done an extensive survey and analyzes about the percentage of women participation at KSF. The Ministry of KSF or civil society may contribute in the future in this direction referring to the NATO standards.

7. Conclusions

Setting up of the Kosovo Security Force in accordance with the newest practices on the functioning of the protection forces represents a principal responsibility. KSF establishment should enshrine the principles of democratic oversight, transparency and accountability. KSF importance is tantamount to the operation of other key institutions in Kosovo. The Government should pay particular attention to the overall process of KPC disbandment by offering support and helping its former members to be reintegrated.

NATO's role is essential not only because the adopted legislation foresees it but also because it will help fulfill country's aspirations for Euro-Atlantic integration. Kosovo's membership in the Partnership for Peace Programme should be taken as a priority. A request should be submitted before the 60th NATO anniversary, 2009.

Although this scientific research confirms that the numerical constraints create difficulties for KSF activities and operability, the creation of a small general staff and commands could be the best solution. Equipments and armaments should be in accordance with the contemporary standards.

The responsibilities of KSF shall not be limited to those authorized at the initial phase. The importance of this institution creates room to assist the international military presence, police and other institutions. KSF contribution to the settlement of peace and world security is unavoidable.

Lastly, particular attention shall be dedicated to the protection of human rights, proportional integration of minorities and gender equality. KSF members shall also be subject to independent civil courts. These elements are essential preconditions for building a proper security institution.

Bibliography

- Buzan Berry, *People, States and Fear, An Agenda for International Security Studies in the Post-Cold war Era*, London, 1991, Britani e Madhe
- Constitution of the Republic of Kosovo
- Comprehensive Proposal of the UN Special Representative for Kosovo, Mr. Marti Ahtisaari
- DCAF Backgrounder – *Democratic Control of Armed Forces*, May 2008. Geneva
- DCAF, *Defence Attaches*, July 2007, Geneva
- DCAF, *Multiethnic Armed Forces*, March 2006, Geneva
- DCAF, *Military Ombudsman*, March 2006, Geneva
- Huntington Samuel, *Soldiers and the State – The theory and politics of civil-military relationships*
- International Crisis Group, *"An Army for Kosovo"*, nr.174, Brussels, Prishtina, 2006
- Law on the Kosovo Security Force
- Law on the Ministry of the Kosovo Security Force
- Qehaja Florian, *Interview with Jamie Shea, Director for policy planning in NATO*, Master thesis *"Critically evaluate the role of Europe's security institutions in the Western Balkans since the beginning of 21st century?"*, June 2007, Brussels
- UNDP, *Gender Mainstreaming in Practice*,
http://www.undp.org/women/docs/RBEC_GM_manual.pdf
- www.nato.int
- <http://lajme.dervina.com/archive/6003-2549:677/Presidenti-Bush-autorizon-dergimin-e-armeve-ne-Kosove.htm>

