



# Kosovo's Membership and Representation in Regional Security Initiatives

September, 2014





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## LIST OF ABBREVIATIONS

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<b>AFBiH</b>	Armed Forces of Bosnia and Herzegovina
<b>AoK</b>	Assembly of Kosovo
<b>SSSR</b>	Strategic Security Sector Review
<b>BiH</b>	Bosnia and Herzegovina
<b>EU</b>	European Union
<b>EULEX</b>	European Rule of Law Mission in Kosovo
<b>EUROPOL</b>	European Union's Law Enforcement Agency
<b>FOC</b>	Full Operational Capability
<b>FRONTEX</b>	European External Border Agency
<b>ILECUs</b>	International Law Enforcement Coordination Units
<b>INTERPOL</b>	International Criminal Police Organization
<b>KSC</b>	Kosovo Security Council
<b>KSF</b>	Kosovo Security Force
<b>MAG</b>	Multinational Advisory Group
<b>MFA</b>	Ministry of Foreign Affairs
<b>MIA</b>	Ministry of Internal Affairs
<b>MKSF</b>	Ministry for Kosovo Security Force
<b>MoF</b>	Ministry of Finance
<b>MoJ</b>	Ministry of Justice
<b>MoU</b>	Memorandum of Understanding
<b>NATO</b>	North Atlantic Treaty Association
<b>OLAF</b>	European Anti-Fraud Office - European Commission
<b>PCCSEE</b>	Police Cooperation Convention for Southeast Europe
<b>PfP</b>	Partnership for Peace
<b>PSOTC</b>	Peace Support Operations Training Centre
<b>RACVIAC</b>	Regional Arms Control Verification and Implementation Assistance Centre
<b>RCC</b>	Regional Cooperation Council
<b>SAA</b>	Stabilization Association Agreement
<b>SECI</b>	Southeast European Cooperative Initiative
<b>SEDM</b>	South-Eastern Europe Defense Ministerial
<b>SEE</b>	South East Europe
<b>SEECH</b>	South-East Europe Clearing House
<b>SEECp</b>	South-East European Cooperation Process
<b>SELEC</b>	Southeast European Law Enforcement Center
<b>SIS</b>	Schengen Information System
<b>SSSR</b>	Strategic Security Sector Review
<b>UNMIK</b>	United Nations Interim Administration Mission
<b>UNSC</b>	United Nations Security Council
<b>USA</b>	United States of America
<b>UN</b>	United Nations

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## EXECUTIVE SUMMARY

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In recent years, a number of regional initiatives have been introduced in South East Europe, mainly supported by the European Union (EU) institutions, the EU Member States and the United States of America (USA). After the declaration of its independence, Kosovo has constantly shown readiness and has taken actions in joining regional security initiatives. There are currently around 40 regional initiatives that deal with a wide range of sectors/issues namely in police cooperation, judicial sector, military, and emergency. Some of these are already part of the Regional Cooperation Council (RCC), but Kosovo, is part of only a few, either directly through representatives of state institutions or international presence.

In particular, the challenges are present with respect to Kosovo's access to defense related regional initiatives. While Kosovo's recent membership in the RCC is expected to open the doors for representation and access to other regional security initiatives, the findings in this paper show that the progress is limited and accompanied by a wide variety of challenges. By not being fully-fledged member, Kosovo is constrained in benefiting from joint operations and activities in the field of rule of law, justice and security. Consequently, the political agreements reached in the dialogue between Kosovo and Serbia and the concept of introducing regional cooperation in the Western Balkans, are seriously challenged.

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## INTRODUCTION

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Kosovo's integration into the existing regional initiatives remains a longstanding priority for the Kosovar Government. The ambition for representation in regional initiatives manifests the overarching vision of the country and the citizens to Euro-Atlantic integration. However, as it will be argued throughout this paper, Kosovo's access to regional security initiatives is very limited due to the challenges in consolidating the state institutions and political struggles to strengthen the state. Nevertheless, when viewed in context, the arguments for "closed door policy" towards Kosovo are not sufficient due to the gradual, albeit slow, societal, political and institutional improvement. In particular, the process of handover of Kosovo's institutions from the international community to Kosovo's national institutions marks a notable success in the increase of political and institutional maturity. The trajectory of the hand-over of responsibilities marked a shift in September 2012, when the Assembly of Kosovo (AoK) – in coordination with its international partners – formally terminated the international supervision of Kosovo's independence.

On the other hand, the progress is viewed also in the context of institutional reform particularly in the security sector. The highlight of this was the process of Strategic Security Sector Review (SSSR), launched by the Kosovar Government in March 2012. The SSSR reflected a holistic institutional approach involving a wide range of security institutions such as: the Kosovo Security Council (KSC), the Ministry for Kosovo Security Force (MKSF), the Ministry for Internal Affairs (MIA), the Ministry for Foreign Affairs (MFA), the Ministry of Justice (MoJ), the Ministry of Finances (MoF), and other respective institutions. The SSSR, which lasted for two years, was finally concluded in March 2014 with the launching of the **'Analyses of the Strategic Security Sector Review (SSSR)'**. Apart from proposing institutional reform in general, and development of the defense sector in particular, the SSSR also proposed the objectives of Kosovar security institutions in establishing the bilateral security cooperation and joining multilateral organizations including regional security initiatives.

Institutional consolidation is as important as Kosovo's positioning in the international arena. Here, the relationship with Serbia and the EU is of particular importance. As will be argued in the next part of this paper, the EU facilitated dialogue between Kosovo and Serbia – which was expected to remove the barriers for Kosovo's access to the regional initiatives – did not change the situation. During this dialogue, both negotiating parties have reached an agreement which defines the specifics and modalities on how Kosovo should be represented in regional initiatives and mechanisms. One of the main agreements between Kosovo and Serbia that was supposed to allow Kosovo's participation and membership in regional organizations is the so-called 'footnote agreement'. However, the post-agreement period shows a picture in which Kosovo's access to regional security cooperation is limited to the point where it is almost inexistent.

The main purpose of this paper is to highlight the progress made in this respect and to identify the challenges that lie ahead for Kosovo institutions wishing to be fully-fledged members of regional security indicatives. Also, KCSS aims to use this paper as an advocacy platform for supplementing the institutional efforts for joining all regional initiatives and thus increase their partnership in the defense, security and rule of law areas. The KCSS team believes that this matter should be viewed also through people's perspectives – in addition to an institutional perspective – because the regional cooperation, or non-cooperation, directly affects the wellbeing of Kosovo's citizens.

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## METHODOLOGY

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This paper also examines the political context of the regional security initiatives. It provides a mapping of 9 observed initiatives: 1) **Defense Sector:** Adriatic Charter A5; Peace Support Operations Training Centre (PSOTC); Centre for Security and Cooperation (RACVIAC); South-Eastern Europe Defense Ministerial (SEDM); and 2) **Police Sector:** Southeast European Cooperative Initiative (SEECI), South-East European Cooperation Process (SEECP); Coordination Units in the Field of Rule of Law (ILECUs); Police Cooperation Convention for Southeast Europe (PCC SEE) and the Prosecutors' Network of the Western Balkans. KCSS has made the selection of the initiatives on the basis of some indicators such as: a.) the importance of the initiatives; b.) the scope of initiatives; and c.) the proactive initiatives with at least a secretariat and/or program. KCSS aims to assess the progress made so far by comparing it to the situation as it stands and the challenges that lie ahead for Kosovo in this respect.

This research has been conducted based on the qualitative research method and is mainly based on the extensive analysis of legal and political documents, conventions, agreements and official reports compiled by both national and international organizations. The available data collection is supported by up to 8 face-to-face interviews with key national and international stakeholders in Kosovo. The team has conducted interviews with: the Kosovo Police (KP), the Ministry of Kosovo Security Force (MKSF), the Ministry of Justice (MoJ), the Ministry of Foreign Affairs (MFA), European Rule of Law Mission in Kosovo (EULEX) and United Nations Interim Administration Mission (UNMIK).

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## SECTION 1

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### Post-Independence Kosovo – Challenges of Regional Representation

Since 1999, the international community has been constantly trying to find a solution to the final status of Kosovo. Prior to the declaration of independence, UNMIK was the sole actor authorized to sign international agreements on behalf of Kosovo and represent Kosovo in regional and international initiatives and organizations.

Kosovo's declaration of independence in February 2008 marked a turning point because, since then, Kosovo has been engaged as an independent and sovereign state in establishing bilateral and multilateral relations with other states and international organizations. In this regard, the post-independence efforts were challenged in many ways and for several reasons. Given the fact Kosovo's independence was not endorsed by all members of the United Nations Security Council (UNSC), Kosovo's newly established institutions created after the declaration of independence could not be successors of UNMIK institutions. As a result, Kosovo did not have a unified method of representation in regional and international bodies; in some regional bodies Kosovo is represented as an independent state, in others it is represented by UNMIK or EULEX. There are also cases where there is a mix of these three representative bodies. For instance, according to Mr. Rrecaj, the Director of Directorate for Specialized Training Division at the KP, there were cases when the invitation for participation in a number of regional initiatives have been sent to the wrong address, or have had to be exchanged between EULEX, UNMIK and Kosovar institutions.

The trajectory of institutional dependency to the international mission marked a shift by the time the decision had been taken to end the supervised independence in September 2012. This decision opened a new perspective for Kosovo's engagement with various regional and international initiatives and bodies. For the security sector, the end of supervised independence implied the outset of final handover of responsibilities from international supervisors to Kosovar security institutions. Although the presence and influence of international actors in the security sector in Kosovo has not been fully reduced, progress has been made in this regard. For instance, the institutional ripeness of Kosovo was immediately shown by the fact that NATO declared Full Operational Capability (FOC) for the Kosovar Security Force (KSF). This meant that the KSF is fully capable to perform the tasks and missions as defined by the NATO standards. Both these processes gave a glimpse of expectation for better regional inclusiveness in the field of security.

As part of the steps towards consolidating its post-independence institutions, the Kosovar Government undertook the decision to launch the SSSR (March 2012 - March 2014). This meant that the Kosovar Government is willing to initiate very important security related

reforms and that Kosovo as a state aims to be regionally represented. Seemingly, the SSSR does not leave aside the contribution of international actors in the process of development of Kosovo's security sector; however, according to the document, the main responsibility is to be left in the hands of national institutions.

## General aspects - Kosovo vis-à-vis regional security initiatives

The challenges of Kosovo's access to regional security initiatives are mostly politically related. Indeed, blockades and dilemmas raised by the non-recognizing countries, led by Serbia in a large number of cases (Lehne, 2012: 5) are of particular concern. To ensure full support from the non-recognizing countries, Kosovo's MFA launched a specific strategy aiming to increase the number of recognitions and boost regional and international cooperation (MFA, 2011: 6-7). This strategy is divided into three main parts covering the general aspects and purpose of the strategy. The second part covers the operational aspect and the relations that Kosovo has with the non-recognizing states. The strategy also ends with a plan for concrete actions. Nevertheless, the MFA strategy did not manage to bring the expected outcome, resulting in rather unsuccessful foreign policy vis-à-vis regional security initiatives. As a result the ability to establish multilateral relations is limited and highly depends on the member states of each mechanism, initiative and organization (Zela, 2013: 637-638). Consequently, cooperation varies from one initiative to another, depending on the power of individual member states who did not recognise Kosovo's statehood. True access to regional initiatives is also related to Kosovo's struggle towards international recognition which, despite receiving 108 recognitions from UN Member states, has yet to receive recognition from 5 EU members. The fact that Serbia, Bosnia and Herzegovina (BiH) and Moldova are part of these initiatives creates further obstacles.

Overall, while integration in other non-security related international organizations and regional initiatives have shown some success, the integration process in security initiatives still remains one of the biggest challenges for Kosovo. The logic of linking the security institutions with Kosovo's statehood and the fact that many of such institutions retain coercive means represents one of the main challenges in successfully accessing regional initiatives. Nonetheless, the region of the Western Balkans faces various threats from organized crime, cross-border criminal activities, terrorism, corruption, etc., which need to be dealt with regionally. As a result, it is very important for Kosovo to be engaged with the region and develop cooperation at a regional level. Fighting cross border crime and other major threats to Kosovo and the region requires open coordination among regional states, which so far has not happened successfully.

Precisely because of the willingness to participate in the fight to prevent the aforementioned threats, Kosovo has shown constant willingness to become a member of the main regional initiatives and to open its pathway towards transatlantic integrations (National Strategy for European Integration, "Kosovo 2020", 2014: 61-62).

## Kosovo-Serbia Dialogue: What implications for regional security cooperation?

Overall, regional cooperation and Kosovo's ability to participate in regional initiatives, has been one of the core criteria or elements in strengthening the position of Kosovo in the European Union (EU) integration process, NATO membership and beyond. Thus, the EU mediated political talks between Prishtina and Belgrade were launched in October 2012<sup>1</sup>, aiming to normalize relations between Kosovo and Serbia. This period of intense dialogue between Kosovo and Serbia resulted in several agreements. Many of these agreements have not been implemented yet, especially the 'footnote agreement' which was meant to lift the barriers that Kosovo faced for joining or being represented in regional initiatives (Deda and Qosaj-Mustafa, 2013: 21.22).

The 'footnote agreement' is a consensus of both Kosovo and Serbia with the overarching aim of opening the door for Kosovo. Serbia accepted that Kosovo could be represented in and join regional organizations as a sole actor, without UNMIK or other international actors being present in such initiatives on behalf of Kosovo. Kosovo, on the other hand, accepted that its official name be changed from the 'Republic of Kosovo' to simply 'Kosovo\*' with an asterisk for a footnote stating that: *"this designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence"*. Furthermore, it clearly states that the usage of national symbols should be avoided: *"Hosts of meetings will be encouraged to avoid the display of national symbols except for their own and those of the EU, taking into account the statutes of relevant organizations"* (EU facilitated dialogue: Agreement on Regional Cooperation, 212: Art. 3 and 7).

These compromises were part of both parties' efforts to accelerate their respective EU integration processes. Kosovo was also hoping that by accepting the 'footnote agreement', the position of the five EU non-recognizing members would gradually change. (Foreign Policy Initiative, 2013: 10). The 'footnote agreement' was expected to bring a new dynamic of regional cooperation and open the doors for Kosovo to become a part of regional security initiatives, task forces and other structures that have emerged over the past decades aiming to build cooperation among the states of the Balkans. But despite the compromises Kosovo made on the agreement, the post-agreement period manifests a picture in which Kosovo has hardly managed to improve its representation, especially on the regional level. The agreement failed to meet the initial expectations; thus, it resulted in limited to non-existent access to the initiatives.

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<sup>1</sup> The technical dialogue between Kosovo and Serbia started in March 2011, while the political dialogue between the prime ministers of Kosovo and Serbia have been launched in October 2012.

On the other hand, the agreement did bring some benefits to Kosovo, such as its recent membership in the Regional Cooperation Council (RCC). In October 2013, Kosovo joined the RCC structure, which is a regional organization consisting of 46 states, various organizations, and international financial institutions. Kosovo's participation at the RCC has been considered to be a very important achievement within the framework of regional inclusiveness (Commission, 2013: 20). Taking into consideration the fact that the RCC represents one of the main umbrella organizations of regional cooperation in South East Europe (RCC, 2010: 12-15), Kosovo institutions saw this membership as a pathway to the EU pre-accession and regional cooperation in the field of security (Remikovic& Karadaku, 2013). Yet, despite reasonable expectations, the membership did not result in Kosovo's active inclusion in the RCC network and projects. Thus, with nearly one year since gaining membership, the benefit of Kosovo's membership in the RCC does not go beyond the formal acceptance. After one year of membership, Kosovo is still not part of the 14 initiatives that are part of the RCC. This shows that the country failed to benefit from the wide range of projects and activities in the field of security (Interview with MFA officials).

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## SECTION 2

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### Regional Initiatives and Security Cooperation in South East Europe

As pointed out previously, cooperation and membership in the field of security is one of the most fragile and challenging processes. There are around 40 existing regional initiatives that involve a wide range of sectors and issues, namely in police cooperation, the judicial sector, military, and emergency – some of which being a part of the RCC (Kušljugić, 2009: 47-49). As of September 2014, Kosovo has so far managed to become a member of just two of these initiatives (SEECF and ILECU), while the rest continue to stagnate, mostly leaving Kosovo awaiting a response or explicitly rejecting it.

Kosovo's membership process in regional initiatives and organizations is challenged by two strong issues: the first involves the lack of recognitions and the weak diplomatic position of Kosovo; the second one has to do with the strong resistance made by Serbia and other non-recognizing countries to avoid the implementation of the agreement by leaving Kosovo out of the most important regional processes.

The stagnation of the membership process and the non-involvement in such initiatives is harming Kosovo in both political and diplomatic technical dimensions. Being left out of the main regional security mechanisms, Kosovo is highly disabled from contributing in combating common security threats. Additionally, the argument and the general idea or perception that Kosovo represents 'a transit country for organized crime' is inconsistent with the opinions of the skeptical states that block Kosovo's bid to become a member of the very initiatives that fight organized crime and corruption.

The inability to become a full member of regional initiatives presents several other challenges for Kosovo. First, it denies the country a chance to position itself as an equal actor in the region, especially among its neighbors. Second, it means that Kosovo cannot fulfill the criteria of regional cooperation in the context of Euro-Atlantic integration. Third, albeit a more technical issue, Kosovo is prevented from benefitting from joint operations and activities in the fields of rule of law, justice and security. Finally, Kosovo institutions are also obstructed from benefiting from shared curricula, training, and lessons that are learned through joint activities taken by other countries in the region.

The following sections are strictly focused on the main regional initiatives which Kosovo aims to be a member of. They are divided into two main parts that analyze both the defense sector and police cooperation/rule of law.

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## DEFENSE SECTOR

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### Adriatic Charter - A5

The Adriatic Charter builds on the achievements of the NATO Prague Summit, held in November 2002, by reinforcing continued U.S. support for the Alliance's "Open Door," emphasizing the goal of Albania, Croatia, and Macedonia (the initial members of the Charter) to achieving full integration into NATO and other Euro-Atlantic institutions. The first two became members of NATO in 2009. The Charter reaffirms the parties' shared political commitment to strengthen democratic institutions, civil society, rule of law, market economies, and NATO-compatible militaries. Furthermore the Charter calls for parties to be engaged in fighting corruption and crime, and to protect human rights and civil liberties for all individuals in Albania, Croatia, Macedonia and the other countries of southeast Europe (RCC, RCC and Regional Initiatives and Task Forces in South East Europe, 2014).

The Charter was signed in May 2003 in Tirana under the guidance of the USA (Adriatic Charter Agreement, 2003). The role of the United States has caused some confusion and has been subject to debates, leading to the Charter often being called the US-Adriatic Charter. This initiative was further expanded when Montenegro and BiH became members in December 2008. Serbia also received the status of an observer at the same time. Thus in 2009 the initiative initially known also as A-3 (because of the initial members: Albania, Croatia, and Macedonia) became the A-5 with Montenegro and BiH joining (Department of State, 2011).

Kosovo also aims to be a member of the A – 5 (potentially making it the A-6); however, due to its contested status by BiH, a full member of the A-5, its membership chances in this initiative are not optimistic at the present time. Regardless of these challenges, Kosovo did apply for membership in the A-5 in 2012; however given the circumstances mentioned above, its membership is being prolonged (Syla, 2014). However, it is worth mentioning that Kosovo has already been attending some of the Charter's events and activities in the capacity of an observer. The ultimate goal, however, remains a full membership in the Charter; a process that depends highly on certain internal and external factors, but mainly on the will of certain non-recognizing states, which will have to include Serbia and other member states (Atlantic Council, 2014).

## PSOTC Peace Support Operations Training Center

Peace Support Operations Training Center (PSOTC) is an organization that aims to develop education and training in the field of peace support operations for the Armed Forces of Bosnia and Herzegovina (AFBiH) (PSOTC, 2014: 4-5). PSOTC is an accredited Partnership for Peace (PfP) Training and Education Centre, which is recognized by the South-East Europe Clearing House (SEEC), and the Adriatic Charter (A5) (PSOTC, 2014). This initiative also acts as a NATO partner serving mostly as a regional center training cell, in line with the standards of NATO and the UN.

However, Kosovo has not been able to either participate in the PSOTC events or benefit from its training programs. Kosovo did show its willingness to join the PSOTC, but, due to its status issue, it was not invited to join nor benefit from any of its programs. Representatives from the MKSF have made efforts to initiate cooperation with the PSOTC informally and advocate for the establishment of formal relations but the request turned was unsuccessful (Geci, 2014).

## RACVIAC Regional Arms Control Verification Implementation Assistance Center

The Center for Security and Cooperation (RACVIAC) represents the legal successor of the Regional Arms Control Verification and Assistance Center. RACVIAC is an international organization, independent and non-profit, with the main aim of fostering cooperation and dialogue related to the security sector in South Eastern Europe. RACVIAC tends to accomplish its goals through the partnership between regional states and their international partners (RACVIAC's Mission). It was introduced on the basis of certain agreements starting from the Stability Pact for South Eastern Europe signed in Cologne in 1999, and aims to achieve sustainability, peace and stability in Southeast Europe. It was only in 2000 that RACVIAC was established as the Arms Control Verification and Implementation Assistance Centre as a part of the Stability Pact for Southeast Europe, aiming to provide arms control training, promote confidence and security building measures and broaden cooperation in South Eastern Europe (SEE). In 2001, the center obtained the status of a regionally owned international organization and was granted the name it has nowadays, RACVIAC - Centre for Security Cooperation (Agreement on RACVIAC, 2001: Art. 1).

Currently, RACVIAC counts 29 member states divided into three groups: (1) Member states comprised of eight states SEEC: Albania, BiH, Croatia, Macedonia, Montenegro, Romania, Serbia and Turkey; (2) Associate members - all other states willing to support and contribute to security dialogue and cooperation in Southeast Europe such as: Austria, Czech Republic, Denmark, France, Germany, Hungary, Italy, Netherlands, Norway, Russia, Slovenia, Spain, Sweden and the United Kingdom; and (3) other states, institutions or organizations,

which may participate in RACVIAC activities as observers, currently including Canada, Poland, Slovakia, Ukraine and the US (Busek & Kühne, 2010: 108-109).

Kosovo has constantly shown its willingness to become a member of RACVIAC; however, the decision for Kosovo's membership is expected to be taken by the steering committee and should be based on a consensual basis. Hence, the membership request has been turned down once due to the lack of consensus among member states. Kosovo's request for membership was rejected in October 2013, and the argument of Kosovo not being part of the South-East European Cooperation Process (SEECP)<sup>2</sup> at the time was used in order to justify the rejection. The SEECP was not even included in the Cooper's list<sup>3</sup>, therefore the lack of consensus among MAG members combined with other political factors contributed to the negative response. Recently, Kosovo became part of the SEECP so is now once again putting its efforts into another bid in the RACVIAC agenda using the SEECP membership as a stepping stone towards potential membership (Gashi, 2014).

By becoming a RACVIAC member, Kosovo will be able to fulfill the criteria for NATO membership and will contribute to the enhancement of regional stability. Despite the lack of membership in this initiative, until nowadays there is some form of communication and cooperation with the RACVIAC - an indicator which shows that the Kosovo membership bid may be brought onto the negotiation table among the RACVIAC structures (Jakop, 2014).

## SEDM – South Eastern Europe Defense Ministerial

The process of cooperation among the Ministers of Defense in South East Europe came as a result of the turmoil caused over the past decades during the disintegration of Yugoslavia. The need to establish a sustainable mechanism of regional cooperation in the defense sector brought together Defense Ministers and Deputy Ministers of Defense in the region. As a result, a joint meeting held in March 1996 in Tirana founded the SEDM. The main objective of this cooperation was, and continues to be, the strengthening of the political-military cooperation in the region in order to enhance stability and security in Southeast Europe (SEDM, 2013).

SEDM consists of 14 member states and 2 other observing member states. The NATO member states participating in the SEDM are: the United States, Albania, Bulgaria, Croatia, Greece, Italy, Romania, Slovenia and Turkey; the Partnership for Peace (PfP) members

<sup>2</sup> The South-East European Cooperation Process is a flexible structure of regional cooperation. The initiative was originally entitled "The process of good neighborly relations, stability, security and cooperation among SEE countries".

<sup>3</sup> Robert Cooper is the former facilitator of the Prishtina-Belgrade dialogue from Baroness Ashton's team. The list remains of internal MFA use - as some officials refer to them as Robert Cooper's list. This list contains a list of potential initiatives and organizations in which Kosovo can become a fully-fledged member after signing the 'footnote agreement'.

participating in SEDM are: Bosnia and Herzegovina, Macedonia, Ukraine, Montenegro and Serbia (SEDM); and the two observing states are Georgia and Moldova (SEDM Process Evaluation, 2011).

The SEDM chairmanship received requests from Kosovo institutions to acquire the status of SEDM observer. However, Serbia and Romania stated their opposition making it impossible to reach a consensus on the issue among the member states. With respect to Kosovo's request to attend the SEDM as an observer, SEDM Secretariat responded to Kosovo's request as follows: *"We took note of your request to participate as an observer. Accordingly, the Secretariat has presented to the procedure such a decision needs consensus amongst SEDM member states. Serbia and Romania stated their opposition on how to report on the request, consensus on this issue was not reached"* (SEDM Meeting Minutes, 2013).

However, it not yet known if Kosovar authorities will send another membership request or if there is more follow-up action planned for the next SEDM meetings (Syla, 2014)..

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## REGIONAL POLICE AND RULE OF LAW COOPERATION

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### SECI South-East Europe Cooperative Initiative

SECI was formed in 1996 under the guidance of Richard Schifter, special adviser to the US secretary of state for Southeastern Europe for the Clinton Administration, whose initiative was to bring stability to the region by designing the SECI. The initial intention of the SECI was to bring stability, not through financial aid, but through the regional co-operation of Southeast European nations. This came in the form of resources that could assist in rebuilding and stabilizing the region. The only assistance to come from nations and organizations other than those of the region was through technical assistance and expertise on relevant fields. Even with the sectarian and ethnic divide within the region, the SECI members include: Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Greece, Hungary, Moldova, Romania, Yugoslavia, Croatia, and Slovenia (Lopandic, 2009: 9).

On the 7<sup>th</sup> of October 2011, the SECI became SELEC; thus transferring its operational and strategic capabilities to the new SELEC. SELEC's objective is to provide support for its Member States and enhance coordination in preventing and combating crime, including organized crime, where such crime involves, or appears to involve, an element of trans-border activity. Under UNMIK, Kosovo has been an observer in SELEC with its seat in Bucharest (SECI & SELEC, 1999).

The Kosovo MFA submitted an official letter requesting information on membership and afterwards an official letter was sent to the SEEPAG chair requesting membership to which

no reply was received. Apparently, Kosovar authorities did not meet the appropriate procedural requests of SELEC (Elshani, 2014). Kosovo is still facing obstacles in becoming a member of SELEC after the explicit rejection to the membership request.

## SEECP Southeast European Cooperation Process Info

The Southeast European Cooperation Process (SEECP) was introduced in 1996. The initiative was initially called: "The process of good neighbourly relations, stability, security and cooperation among SEE countries". This structure was presented by the SEE countries and aimed to present a unique "voice of the region". The SEECP is a flexible regional structure launched by the regional states as an expression of their solidarity. The overall framework of the SEECP consists of cooperation mainly covering issues such as security, stability, sustainable economic development, cooperation in the field of justice, organized crime, drug trafficking, combatting organized crime, as well as human and arms trafficking. Hence, one of the responsibilities of the member states is to actually work closely in order to create and develop joint strategies for regional stability aiming to offer responses to new security challenges (SEECP, Main Objectives).

As a sole initiative established by the regional states aiming to promote democracy, prosperity, peace and economic development, as well as Euro-Atlantic integration for all regional countries, SEECP consists of 12 member states: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Moldova, Montenegro, Romania, Serbia, Slovenia and Turkey (SEECP, Compromise Proposal of the SEECP).

Kosovo aimed for full membership in SEECP as a serious platform of regional cooperation in the Balkans. However, SEECP was left out of the Cooper's List. Based on the 'footnote agreement', seeking membership in the SEECP was inevitable adding that Kosovo's inclusion will also benefit the SEECP and would contribute to the full consolidation of regional peace and development (MFA, 2014). In June 2014, Kosovo became a full member of the SEECP under Romania's chairmanship having previously held observer status.

Among others, the SEECP declaration states: "*We welcomed the participation of Kosovo in SEECP activities over the last year and we decided to invite Kosovo to participate on a permanent basis in the SEECP activities and meetings, at all levels and on equal terms*" (SEECP Bucharest Summit Declaration, 2014: 5). The declaration adopted by the SEECP makes Kosovo a permanent and equal participant in this process (Elshani). By gaining the full membership in the SEECP, Kosovo marks major progress in multilateral regional forum. Kosovo's full membership in the SEECP has opened the door for Kosovo to also be eligible to request membership in RACVIAC as has been mentioned previously in this text.

## ILECU International Law Enforcement Coordination Unit

Following the consecutive efforts to strengthen the regional cooperation especially in the field of the rule of law, the EU has launched a number of actions and programs. With the aim to strengthen national platforms for international police and law enforcement cooperation, the EU has set up the International Law Enforcement Coordination Units (ILECUs) for the states of the Southeast Europe

ILECU is an EU regional project aiming to establish national coordination units and enforce cooperation in the Western Balkan states. In the framework of the two EU funded projects ILECU and DET-ILECU II, a network was set up under the leadership of the Austrian Criminal Intelligence Service, which currently comprises of units in seven countries such as Albania, BiH, Croatia, Montenegro, Serbia, Macedonia and Moldova.

The aim of the ILECU in the region is to have a sole centre, i.e. an institution/unit in each regional country that enables direct contact and cooperation among them and with the international organizations such as Interpol, Europol, Eurojust, Frontex, SECI Center (SELEC), OLAF, Schengen Information System(SIS) and SIRENE, liaison officers (national and foreign). Henceforth, the ILECU offer a platform of central coordination, communication and exchange of information among numerous units and institutions part of the national and international law enforcement agencies in the Western Balkan countries (ILECU, 2012).

Kosovo became part of the ILECU based on the decision for establishment of the Unit for International Cooperation for Law Enforcement within the Kosovo Police (KP) (Elshani). In June 2011, the decision was taken by Kosovar Government to establish the ILECU within the KP. This unit will incorporate the office of ILECU within KP, International Police Mechanisms, INTERPOL, EUROPOL, and FRONTEX (MoU, 2011: Art. 1).

However given the fact that Kosovo did not sign the strategic agreement with EUROPOL, and coupled with the fact that it is not a member of INTERPOL, Kosovo's ILECU serves as a hub which facilitates communication between INTERPOL represented by UNMIK administration and EUROPOL represented by the EULEX mission in Kosovo. (Elshani). Nevertheless, ILECU has proved to be a very successful way of direct, albeit informal, communication and coordination between regional countries.

## PCC SEE - Police Cooperation Convention for Southeast Europe

The idea to establish the PCC SEE project was initiated by Austria and Germany based on the principle of regional ownership. It took years of negotiations to bring the joint police cooperation into being. The Police Cooperation Convention for Southeast Europe was signed in 2006 by the Ministers of the Interior of participating states, such as Albania, BiH, Macedonia, Moldova, Montenegro, Romania, and Serbia. International police cooperation

requires an appropriate legal framework in order to be fully effective. (Banutaj, 2013: 72-73). In essence, the initiative aims to bring Southeast Europe 'to adopt Schengen standards through the conclusion of a multilateral convention for the improvement of strategic police collaboration in the region (PCCSEE, 2014).

Kosovo is not part of the PCC SEE because of political reasons and lack of consensus among member countries. Despite the fact that by default Kosovo can ask to join and sign the contract by expressing willingness to adopt the convention, the political status seriously hampers Kosovo's position in relation to the PCC SEE. Being left out of this big organizational mechanism, Kosovo still cannot benefit from some of its programs and projects. (Interview with PCC SEE Officials, 2014)

### Western Balkans Prosecutors' Network

Prosecutors' Network of the Western Balkans represents another regional initiative in the field of the rule of law. This initiative aims to create direct linkages among the prosecutorial services in the Western Balkan countries aiming to effectively investigate and prosecute organized crime groups operating in the Western Balkans region. The project aims to create a professional network and capacities to carry out joint investigations, exchange of information to combat organized crime and corruption cases with cross-border implications, all other forms of serious crime, criminal groups and criminal associations (RCC, 2014: 56-57).

The Prosecutors' Network of the Western Balkans represents a professional network of public prosecutors established in 2005. Later on this network was reinforced and its scope broadened in 2010 after the Memorandum of Understanding (MoU) was signed by the Chief Prosecutors of each participating country. The network is comprised of six countries such as Albania, BiH, Croatia, Macedonia, Montenegro and Serbia, and it functions on the basis of communication and collaboration among six national contact points, also with the function of the judicial focal points for the ILECU. The network is strongly supported by the EU and the Council of Europe.

Given that Kosovo is not part of the Council of Europe, it implies that Kosovo cannot sign any of the European Conventions that relate to international justice cooperation (Law No. 04/L on International Legal Cooperation in Criminal Matters, 2011). As a result, Kosovo materialized judicial cooperation only on bilateral basis with the states of the region that have recognized Kosovo. EULEX serves as a mediator between Kosovo and the states of the region that do not recognize Kosovo.

Currently Kosovo has a Law on International Judicial Cooperation (Law no. 04/L-031), which has been drafted and later on approved by the assembly in July 2013. So far Kosovo has signed numerous bilateral agreements with other regional states. Kosovo concluded

bilateral agreements on mutual legal assistance with Albania and Italy. The Ministry of Justice acts on requests for mutual legal assistance received from non-recognizing countries, either directly or via EULEX. UNMIK remains the formal point of contact with Interpol.

However, not being able to be part of the main regional rule of law initiatives, Kosovo is not able to benefit from joint trainings and seminars for judges and prosecutors, it cannot easily cooperate with other countries, and overall cooperation in bilateral terms is too time consuming and not efficient. Also, the cases of judicial cooperation that have been mediated by either EULEX or UNMIK have been the slowest and those that posed several procedural challenges. So, full engagement in such multilateral initiatives can certainly help in Kosovo proceeding cross border judicial cases more efficiently (Gegaj, 2014).

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## CONCLUSION

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The EU and NATO enlargement are seen as beneficial to both the EU and NATO by bringing stability and security in the region, and to aspiring countries by introducing and adopting democratic and economic reforms. Accordingly, the EU, in cooperation with the aspiring countries of the region, has introduced many projects and programs aiming to boost regional cooperation in the field of, amongst others, security in the Western Balkans countries. For Kosovo, full membership in regional organizations is seen as an instrument to gain an equal standing among the states of the region as well as boost cooperation among them. Given the importance of its regional inclusion, Kosovo has negotiated with Serbia about the models on how it can “equally” participate in regional initiatives and become a member of its dozens of bodies. However, despite the fact that the ‘footnote’ agreement foresaw a better and brighter future for Kosovo in the regional and international arena, unfortunately the obstacles in the implementation process and the opposition of Serbia have made this process harder and prolonged for Kosovar institutions.

The identification of security institutions with statehood has made Kosovo’s integration in regional security initiatives more difficult. By now, Kosovo has managed to become a member of the RCC, a membership that was seemingly expected to open the door of cooperation in regional level. Despite a few successes, Kosovo is still being represented by UNMIK administration and EULEX when dealing with Interpol and Europol, and in some others it has not managed to get any kind of representation or any sort of participation and inclusion. The absence of Kosovo in regional initiatives makes the process of regional cooperation deficient, and it does not contribute to the normalization of relations among states in the region as such.

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## RECOMMENDATIONS

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**Kosovar Government** – the signing of the ‘footnote’ agreement should be followed by a better platform for implementation. The government should be more consistent and unified in order to ensure better participation in regional security initiatives. Besides the strategies, a better cooperation and coordination among the MFA, the KSF and the KP is needed to enhance the positions of Kosovo regionally. Appropriate working institutions should address the issue of Kosovo within one or more regional frameworks, where interest is identified to include Kosovo. Participation in regional initiatives should not be a goal in itself, but a means to achieve the goal to strengthen the statehood and its institutions.

**The European Union**– should seek the possibilities to involve Kosovo in relevant initiatives by exploring new options between different statuses in order to make sure that Kosovo fully participates in the regional security initiatives. Also, The EU should pressure the Government of Serbia to respect and implement the “footnote” agreement according to which, Kosovo should not be restricted to take part in regional bodies and initiatives.

**UNMIK and EULEX** - should put more efforts to handover the responsibilities to Kosovo national institutions, specifically in relation to the communication with Interpol and Europol.

**The regional security initiatives** – are expected to make efforts that would bring the overarching goal of regional cooperation beyond the position of member states. The regional security initiatives are encouraged to proactively justify the need for Kosovo’s membership in order to declare, at least formally, full and holistic cooperation in South East Europe.

## LIST OF ANNEXES

### Kosovo Representation in Regional Security Initiatives

Initiatives/ Mechanisms	Observer/ Guest	Requested Membership	Member/ Participant	No relations
<b>DEFENSE SECTOR</b>				
Adriatic Charter	✓	✓		
PSOTC Peace Support Operations Training Center				✓
RACVIAC Regional Arms Control Verification Implementation Assistance Center		✓		
SEDM South - Eastern Europe Defense Ministerial				✓

<b>POLICE AND RULE OF LAW SECTOR</b>				
SECI South-East Europe Cooperative Initiative				✓
SEECF Southeast European Cooperation Process Info			✓	
ILECU International Law Enforcement Coordination Unit			✓	
PCC SEE Police Cooperation Convention for Southeast Europe				✓
Western Balkans Prosecutors' Network				✓

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Katalogimi në botim – **(CIP)**

Biblioteka Kombëtare e Kosovës "Pjetër Bogdani"

355.45(496.51)(047)

Emini, Donika

Kosovo's Membership and Representation in Regional Security Initiatives / Donika Emini. – Prishtinë: Kosovar Center for Security Initiatives, 2014. - 32 f. : ilustr. Colored; 17 cm. x 23.5 cm.

Bibliography : f. 26-28

**ISBN 978-9951-679-06-0**

[www.qkss.org](http://www.qkss.org)

ISBN 978-9951-679-06-0

