

# KOSOVO SECURITY COUNCIL

REFORMING THE SECRETARIAT OR  
CREATING AN AGENCY FOR SECURITY



# Kosovo Security Council: Reforming the Secretariat or creating an Agency for Security

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## EXECUTIVE OVERVIEW

The development of security policies and the form of coordination between state institutions and agencies has a fundamental role in the success or failure of the country, when dealing with national security risks or threats. The Constitution of Kosovo has attributed this role to the Kosovo Security Council (KSC), as the highest counselling institution. The Council is chaired by the Prime Minister of the Government of Kosovo. Meanwhile, in cases when declaring a state of emergency, and until the end of the situation, the Council is provided with executive powers and the chair is delegated to the President of the country.

Therefore, it is very important that the functioning of the KSC to be at a level of fulfilling duties and to be fully consolidated. The KSC must be able to provide advice and policy ideas that are credible, in terms of content, to all institutions and agencies that constitute the country's security sector.

Until now, the functioning of KSC has been accompanied by major problems, which continue to affect the fulfilment of the duties of this institution. The Council lacks efficient inter-institutional coordination, limited powers to the Secretary, lack of capacities of the KSC Secretariat, as well as the absence of a mechanism that would lead or coordinate all activities, which would directly represent the strategic level and political executive level, the Prime Minister and the government of Kosovo.

Since the establishment of KSC, none of the governments, thus far, have shown the willingness to fully consolidate this important institution. Often, the Council has been overlooked, and the lack of political and institutional support has caused functional problems, leaving it with very limited capacities. As a consequence of these ongoing situations, there has been a large gap of non-coordination and communication between the constituent institutions in the Council.

These shortcomings have mostly been observed in the supporting bodies of the KSC, respectively in its Secretariat. As a result, the Secretariat has failed to fulfil its tasks, such as that of preparing periodic reports and analyses for the Kosovo Security Council, the drafting of security strategies and policies, including capacity building.

Another defect that is affecting the functioning of KSC is the lack of the Law on State of Emergency. The Constitution expressly states that in cases of declaring a state of emergency, the KSC receives the executive power. Currently, there is a lack of legal regulations on the competencies, as well as on the organisation and functioning of the Council in such cases.

In order to address all these shortcomings, as well as to make the Security Council fully functional, a series of political, legal and administrative actions must be undertaken. These actions require the reorganisation of the administrative body of the Council, namely the Secretariat and its structure, advancing it to a higher executive and operational level. These reforms can go in two directions; in reorganising the Secretariat and the powers of its leaders, within the existing legal framework or transforming the KSC Secretariat into an executive agency within the Office of the Prime Minister. More precisely, the Secretariat can be transformed into a National Security Agency or a Security Agency, which would operate within the Prime Minister's Office. Just as important, is the approval of the Law on the State of Emergency. Only by undertaking these actions, including political ones, can the KSC become more functional and prepared to face security issues and respond to the country's needs.

## RECOMMENDATIONS

In order to strengthen the role of the Security Council, it is necessary to reform (change) the Secretariat to an administrative and technical body. These changes can be made in two directions:

### I) Reorganisation of the Secretariat and the competencies of its leaders

This action requires minimal amendments to the existing laws under which the Secretariat operates. In more detail, these amendments include:

- **Transforming the position of the secretary into the position of “director.”** The director should be directly appointed by the Prime Minister, who should also report directly to the Prime Minister. Simultaneously, the director of the Secretariat would also serve as the Prime Minister’s Security Advisor.
- **Creating the position of deputy director or deputy secretary.** This role should provide administrative and functional support for the Secretariat and KSC. The deputy secretary must be elected through the procedures established by the Law on Public Officials, in order to preserve the institutional memory of the KSC Secretariat.

### II) Transforming the KSC Secretariat into a (National) Security Agency within the Office of the Prime Minister

This alternative requires additional legal changes, which would enable the:

- **Transformation of the Secretariat into an Executive Agency - Security Agency within the Office of the Prime Minister.** The Agency will be led by the Executive Director, whose role will entail administration, operation and management. The director of the Agency should be appointed with the decision of the Prime Minister, as well as operate under the Prime Minister’s supervision. For this transformation to take place, it is necessary for the Law on the Establishment of the KSC to be amended, as well as the new law on the “creation of the Agency” to be adapted.
- **Appointing of the deputy director of the Agency in full accordance with the procedures as when appointing high-level management officials, as provided by the Law on Public Officials.**

In both cases, additional actions are required for increasing the capacities of the Secretariat or the Agency. These actions should contribute to:

- **Functionalise and build the capacity of the Situation Centre;**
- **Create the Department for Security Analysis and Policy;**
- **Provide obligatory equipment with a safety permit for all employees of the institution, as determined by the respective legislation;**
- **Increase human capacities with professional capabilities throughout all levels of the Secretariat or Agency.**

## INTRODUCTION

The security sector consists of a number of institutions and mechanisms, the competences and role of which is determined by the Constitution, while the functioning and practical implementation of these competencies is managed through law and regulations. The Kosovo Security Council (KSC) is one of the most important institutions in the security sector. The KSC serves as an advisory institution for all issues related to the security of the country.<sup>1</sup>

Based on the Law on the Establishment of the Kosovo Security Council, its role is to advise, debate, evaluate and offer recommendations on the country's security issues.<sup>2</sup> Although the KSC is led by the Prime Minister, his role is secondary compared to the executive body.

**The Kosovo Security Council is responsible for drafting the Security Strategy of Kosovo.**

However, there is an instance when the role of KSC is expanded and takes on an executive position. In the case of the declaration of a state of emergency by the President, the chairperson of the KSC passes on to the President of the country, in which case, members with an advisory role, also become regular members of the Council.<sup>3</sup> In the absence of the Law on the State of Emergency, it remains unclear what exactly happens to the power of the KSC and its members, respectively what the role of the Council is, in cases of a state of emergency. Taking into account the importance of the KSC institution in the country's security sector, its functioning should focus on creating opportunities for decision-making based on the efficiency and effectiveness of Kosovo's security policies.

In order to fulfil its mission, the KSC must serve as a body that will substantively provide well-evaluated policies for the institutions and agencies that are an integral part of the country's security sector. Therefore, it is necessary to improve the functioning of the KSC, increase the structure of the Council, increase its professional and administrative capacities, increase the budget, etc. Even more important is the restructuring of the leading structure of the Council in order of creating genuine communication with the Prime Minister.

Until now, the functioning of the KSC has shown significant problems which continue to affect the fulfilment of the duties of this institution. Among the most prominent are: the lack of efficient inter-institutional coordination between security institutions on a daily and periodic basis, fusion of the contributions of all actors of the security sector, coordination of joint activities between these institutions, role and limited competencies of the Secretary of the KSC Secretariat, as well as absence of the Law on the State of Emergency.

<sup>1</sup> Constitution of Kosovo, art. 127, pg. 52

<sup>2</sup> Law No. 03/L-050 on the Establishment of the Kosovo Security Council art. 1.1, 1.2 dhe 1.3

<sup>3</sup> Ibid. see Chapter II, articles 12 - 15

## KOSOVO SECURITY COUNCIL (KSC)

The Kosovo Security Council is a constitutional body that has an advisory role in all matters related to security aspects in the Republic of Kosovo. Chapter IX of the Constitution of the Republic of Kosovo on the Security Sector, article 127, defines: “The Security Council of the Republic of Kosovo, in cooperation with the President of the Republic of Kosovo and the Government, prepares the security strategy for the Republic of Kosovo. The Security Council of the Republic of Kosovo also has an advisory role in all matters related to security in the Republic of Kosovo.”<sup>4</sup>

The KSC prepares and recommends policies and strategies for security, as well as continuously and in real time recommends and evaluates the state of security in the country. The above-mentioned actions enable the Government of Kosovo to take relevant decisions related to the country’s security issues, as well as ensuring regional stability.

Among the most important competences of the KSC is the preparation and review of the Kosovo Security Strategy, a process which is done in full coordination with the President of the country.

The KSC also provides comments and advice to all security institutions, as well as in preparing draft laws related to the country’s security. Before the approval of the Government, the KSC examines a ten-year governing plan of the Kosovo Security Force (KSF), annual intelligence platform and strategic priorities of the Kosovo Intelligence Agency (AKI), and policy and strategic plans of the Ministry of Internal Affairs regarding the Kosovo Police and the Kosovo Customs.

The KSC is chaired by the Prime Minister. The entire process of holding meetings, starting from chairing, convoking, setting the agenda and reporting, are competences of the Prime Minister, except in the case of declaring a state of emergency in the country.

In cases of declaring a state of emergency, “The President of the Republic of Kosovo may request meetings of the Security Council of the Republic of Kosovo, and the Council is obliged to coordinate its work closely with the President. The Security Council of the Republic of Kosovo will cooperate closely with international authorities.”<sup>5</sup>

During the state of emergency, the KSC exercises authority and gives executive responsibility on behalf of the Government. In this case, the KSC is chaired by the President of the country, until the passing of the emergency situation.

This transition of competences, from an advisory role to an executive role, points out how necessary it is for the Law on the State of Emergency to be approved and implemented, which would further clarify the competences and obligations of KSC during the continuation of the emergency.

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<sup>4</sup> Constitution of the Republic of Kosovo, Art. 127, par. 2, pg. 52

<sup>5</sup> Constitution of the Republic of Kosovo, Art. 127, par. 3

## COMPOSITION OF THE KOSOVO SECURITY COUNCIL

The composition of the Kosovo Security Council is determined by the Law on the Establishment of the Security Council of Kosovo.<sup>6</sup> The KSC in its composition includes permanent members with executive authorities, i.e., with the right to vote, as well as permanent members with an advisory role, respectively without the right to vote.

COMPOSITION OF THE KOSOVO SECURITY COUNCIL	
Permanent executive members with the right to vote:	Permanent members with an advisory role and without the right to vote:
Prime Minister; Deputy Prime Minister(s); The Minister of the Kosovo Security Force, or in his/her absence, the deputy minister(s); Minister of Foreign Affairs, or in his/her absence the deputy minister; Minister of Internal Affairs, or in his/her absence the deputy minister; The Minister of Justice, or in his/her absence the deputy minister; Minister of Economy and Finance, or in his/her absence the deputy minister; The Minister for Return and Communities, or in his/her absence, the deputy minister.	A representative of the President of the Republic of Kosovo; Director of the Kosovo Intelligence Agency; Senior Advisor to the Prime Minister; Advisor to the Prime Minister for Security, General Director of the Kosovo Police; Commander of the Kosovo Security Force; Secretary of the Security Council of Kosovo; Director of the Department for Emergency Management in the Ministry of Internal Affairs; Director of Customs of the Republic of Kosovo

Fig. 1. Composition of KSC

Depending on the situation and the emergency state, the composition of KSC, by the decision of the chairperson, can be supplemented with other members who do not take an executive role and who are temporary.

For example, in cases of a natural disaster, the chairperson may call the responsible minister, the directors of the agencies or departments whose field of activity has been affected and suffered by a disaster, to a meeting with the KSC. In addition, as in the case of the COVID-19 pandemic, the chairperson invited the Minister of Health, together with the director of the Institute of Public Health to a meeting with the KSC, in order for KSC to receive direct information and advice and have adequate decisions in accordance to the situation.<sup>7</sup>

## CURRENT ORGANISATIONAL STRUCTURE OF THE KOSOVO SECURITY COUNCIL

The Kosovo Security Council has supporting bodies, which are:

- The Secretariat of the Security Council;
- The Situation Centre; and
- The Coordinating Committees.

<sup>6</sup> Law No. 03/L-50, Art. 3

<sup>7</sup> Balkans Group interview with a governmental officer, May 2022, Prishtina



The **KSC Secretariat** is chaired by the Secretary and is responsible for three main operational components, which include:

- a) Preparation of periodic reports and analyses for the Government and KSC related to political security issues;
- b) Coordination on the drafting of security strategies and policies in Kosovo, including the increase of capacities, approval of policy instruments, and research; and
- c) Administrative and functional support of KSC.<sup>8</sup>

Another supporting body of the KSC is the Situation Centre, whose responsibility is to warn of critical situations on time, coordinate operational response activities throughout the country, and serve as an operational centre for the collection of information, basic analysis, as well as support crisis management.

Depending on the situation and the issue that requires attention, the KSC chairperson may establish different coordinating committees. One of the most important coordinating committees, as a supporting body of KSC, is the Committee for Intelligence. This committee is established by the Prime Minister and is composed of the Secretary of KSC, senior representatives of the Kosovo Police, Kosovo Intelligence Agency, Kosovo Security Force, Customs Service, and any authorised agency or organisation which, according to the law, has the mandate to carry out intelligence activities.<sup>9</sup> This committee coordinates the intelligence activities of the aforementioned organisations and agencies, as well as takes care of the implementation of the Government's policies regarding the intelligence sector.

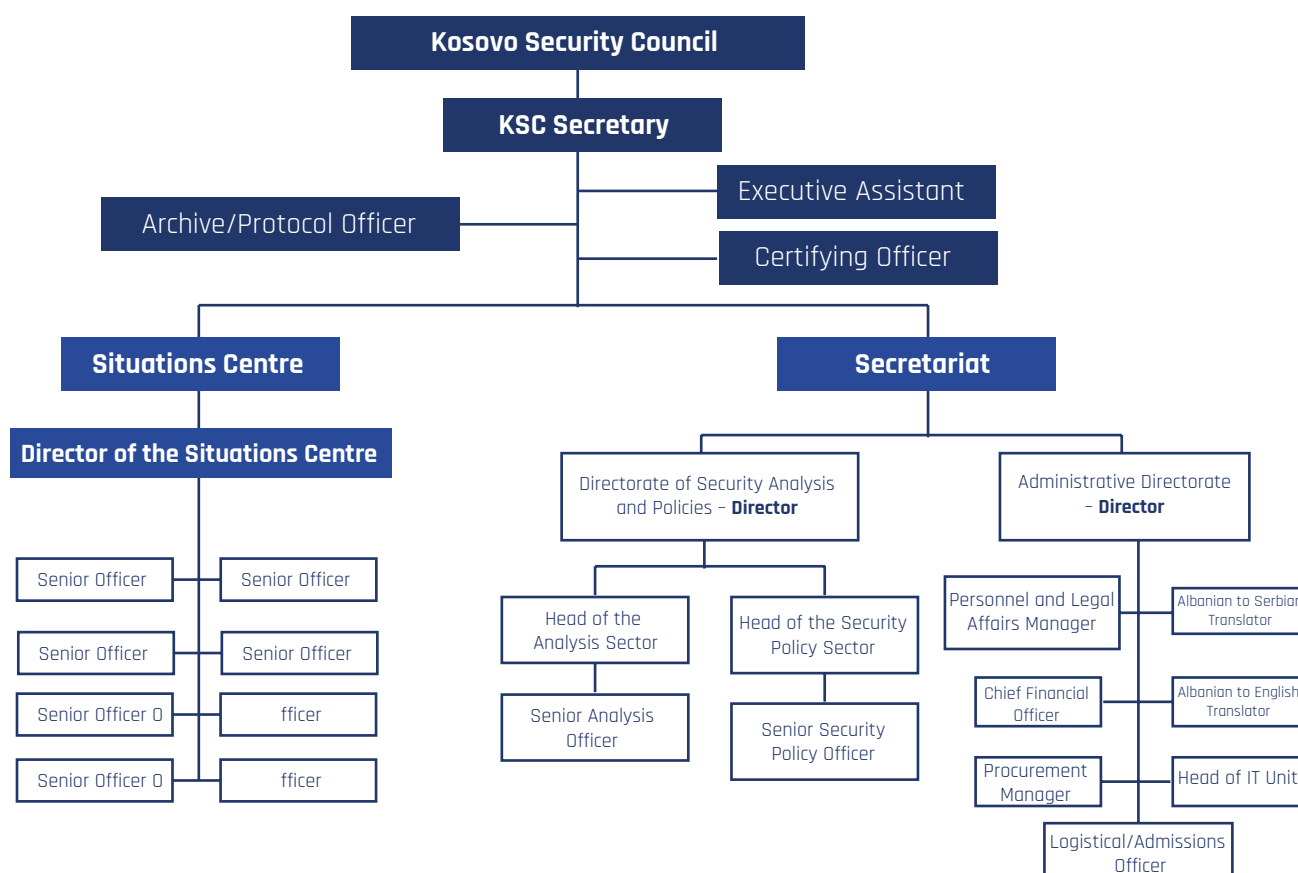


Fig. 2 – KSC Organisational Structure<sup>10</sup>

<sup>8</sup> Law No. 03/L-050, Art. 16, par. 16.4, pg. 7

<sup>9</sup> Law Nr .03/L-050, Art. 18, pg. 8

<sup>10</sup> <https://ksk.rks-gov.net/legjislacioni/67/rregulloret>

The KSC Secretariat is responsible for the preparation of periodic reports and analyses in relation to political security issues. To be in a state of readiness and in full coordination with all other relevant institutions, the Secretariat must communicate and interact with them on a daily basis. The Secretariat, in addition to the chairperson, must have regular communication with all permanent members of KSC, since they are the leaders and bearers of the implementation of the country's security policies.<sup>11</sup>

Communication, exchange of information and planning of joint activities with the members of the Council is necessary. The absence or omission of even just one link which they represent, can be reflected in the analysis of a certain issue, and thus, the policy that is supposed to be presented to the KSC, the chairperson and the Government can deviate as a whole.

**The Secretariat is a body that leads, coordinates and controls the activities of a public or political organisation. The Secretary is the elected leader of this body, and according to the hierarchy is under the chairperson/leader, who deals with the follow-up implementation of the duties of that body. There seems to be technical errors on the terminology of the law that regulates the work of KSC, by referring to the clarified position above as Secretary of the Council, while in fact, with the Council as a separate body, the chairperson is led by the Prime Minister, in this case.**

The Constitution clearly states that the President of the country can request meetings with the members of the KSC. The Council is also obliged to coordinate its work closely with the President.<sup>12</sup> This coordination can only work by communicating on a regular daily basis. Until now, communication between KSC and the Presidency has been done through a representative of the President in the KSC.

The communication and transmission of information and reports from the Secretariat to the Prime Minister is currently done through the Chief of Staff and the Prime Minister's Security Advisor.<sup>13</sup> Considering the duties and responsibilities of the aforementioned, this procedure often presents an obstacle to the rapid and accurate flow of information to the Prime Minister. Therefore, based on the best practices in the region, the information and coordination of the KSC's work with the Prime Minister should be done first-hand, with the appropriate speed and accuracy, avoiding other channels that often cause delays and possibility of misinformation.

A reorganisation of the KSC's Secretariat, putting the person appointed directly by the Prime Minister in charge, in coordination with the President of the country, and who simultaneously serves as Advisor to the Prime Minister on security issues, will be able to avoid all obstacles and delays in informing the heads of institutions. This will also help build a much more stable mechanism for assessing the situation and quickly providing solutions in different situations, as well as taking appropriate actions in time.

All the security mechanisms in the country, and consequently the KSC, were built almost from scratch, after the declaration of Kosovo's Independence. Their construction has been directly supported by the international community. However, most of these institutions and the KSC have faced complex challenges as a result of political pressure and interference.

Consecutive governments did not have the willingness to fully consolidate this institution. As a result, the

<sup>11</sup> Law No.03/L-050 Art. 3, pg.3

<sup>12</sup> Constitution of the Republic of Kosovo, Art. 127 par. 3, pg. 52

<sup>13</sup> Balkans Group interview with PM's former adviser for security issues, May 2022, Prishtina

KSC has remained deficient and characterised by many functional problems, especially the lack of capacity to carry out its tasks.

Communication between the security institutions and components of the KSC, has also been challenged by frequent political interventions. Communication was previously made using direct political connections with the heads of these institutions, bypassing the KSC.

There are some very complicated situations that the country has faced, in which the KSC and some of its actors have been completely ignored. In July 2011, during the operation of the special police units (ROSU) in the north of the country, the KSC was not consulted at all. Even the President of the country was officially informed 18 hours after the start of the police operation.<sup>14</sup> In another example, in June 2015, in the case of threats of terrorist attacks by exponents of Islamic radicalism, the situation was managed through informal meetings between the leaders of the responsible institutions, while KSC had not held a meeting and was not informed.<sup>15</sup>

Similarly, the KSC was bypassed by the communication between the security institutions in the case of the so-called “Gulenists,” in 2018, in which case 6 Turkish citizens were deported, violating all the criteria provided by the laws of the country.<sup>16</sup> If the KSC had been invited and, within the scope of its competencies, the circumstances would have been analysed, the law should have been consulted and the actions taken, such an operation would probably not have happened at all. It is precisely the advisory role of the KSC, which after consultations would be put into action by recommending procedures and actions, in accordance with the laws in force.

These omissions, during the coordination of joint activities and communication, indicate a disregard for legal norms and institutional ways, which has damaged and may continue to damage the management of the security sector in the country.

Another deficiency that also plays a critical role in the functioning of the KSC and in raising the level of reliability of this institution is the lack of treatment of its personnel, in line with the legislation that governs the personnel of other security institutions. Therefore, in order to avoid any kind of leakage of confidential information, the provision of Security Clearance by the Kosovo Intelligence Agency (AKI) should be applied to all KSC personnel without exception. This also determines a careful treatment of the composition of the KSC in special circumstances.<sup>17</sup> The functioning of the KSC, respectively its Secretariat, is also characterised by other shortcomings, especially regarding the monitoring of security developments and the preparation of appropriate analyses.

**The Situation Centre** is responsible for warning on situations in time, coordination of operational response activities throughout the country, and serving as an operational centre for the collection of information, basic analysis, as well as supporting crisis management. However, until now, this centre has almost never exercised its duties and powers as provided by law, even though it is in operation 24 hours a day. This is because most security institutions have their respective Situation Centre, which hardly communicates with the KSC’s Centre.<sup>18</sup> They consider themselves independent from the KSC’s Situation Centre and coordinate

<sup>14</sup> Balkans Group interview with a Senior Officer of the Republic of Kosovo, June 2022, Prishtina

<sup>15</sup> Balkans Group interview with a Senior Officer of the Republic of Kosovo, June 2022, Prishtina

<sup>16</sup> The report with recommendations of the Parliamentary Investigative Committee members regarding the clarification of the case of the deportation of 6 turks citizens, dated 29 March 2018

<sup>17</sup> Balkans Group interview with a former KSC officer, June 2022, Prishtina

<sup>18</sup> Balkans Group interview with a member of KSC, May 2022, Prishtina

their activities only with superiors within the institution in which they operate.

**Department for Security Analysis and Policy** - This department has almost no capacity for analysis, drafting policies and analyses in support of the KSC. Furthermore, the article that regulated the functioning of this department in the Secretariat's Rules of Procedure, amended and supplemented in 2015, has been removed completely. This implies that this department no longer exists, even though its functioning is necessary for the fulfilment of the Council's duties.

The Secretariat is competent for compiling two types of reports, daily ones prepared by the Situation Centre and periodic ones covering 3-6 and 12-month periods, prepared by the Department for Analysis and Security Policy. These reports do not fulfil their function at all, since they are only descriptive and do not contain any analytics and recommendations for possible actions to be undertaken by the Government of Kosovo.<sup>19</sup>

Such a situation in these two units of the Secretariat reflects the lack of capacity and investments in this institution.

## **THE REFORMING OF KSC BODIES**

In order to address all these shortcomings, as well as to make the KSC a fully functional series of political, legal and administrative actions must be undertaken.

The administrative reorganisation of the Security Council can lead to two directions:

### **Reorganisation of the Secretariat and the powers of its leaders**

This solution will imply minimal legal and administrative changes.

The Secretary of the Secretariat is a civil servant, while the criteria and procedures for his/her selection and appointment are made in accordance with the Law on Civil Servants of the Republic of Kosovo, and the relevant provisions of the Regulation on appointment procedures for senior management positions in the civil service.<sup>20</sup> This regulation also determines the performance evaluation procedures, disciplinary procedures, dismissal conditions, and the possibility of continuing the function of the Secretary.<sup>21</sup>

**The Secretariat is an administrative and technical body, which implements the decisions of the Board, as the highest level within the same institution.**

In recent years, practise has shown that such an election of the Secretary of the KSC has been accompanied by legal problems and continuous disputes of this position in judicial bodies, thus causing real difficulties in fulfilling the mission of this body.

The reorganisation of the Secretariat and the competencies of its leadership, by placing at the head of its leadership, a person with a direct appointment by its chairperson, would enable the removal of barriers to direct communication with other actors of the security sector.

<sup>19</sup> Balkans Group interview with former Prime Minister of the Republic of Kosovo, May 2022, Prishtina

<sup>20</sup> Law no. 03/ L-149, Art. 15 par. 6

<sup>21</sup> Regulation (GRK)-No. 06/2012 on the Procedures for Appointments to Senior Management Positions in the Civil Service of the Republic of Kosovo, Art. 8-12, pg. 7-11

Therefore, the Secretariat would be led by the director of the Secretariat of the Security Council of Kosovo, who is appointed directly by the Prime Minister and who will also be the Prime Minister's Chief Security Advisor. He will also lead the policy-making part as a direct delegate of the Prime Minister, which will promote better interaction and coordination between institutions. In addition to the mandatory reporting to the Prime Minister, the director of the Secretariat of the Security Council will periodically inform the President, as well.

For the complete fulfilment of the Secretariat tasks, it is also necessary to create the position of the deputy director, who will be a senior civil servant and will be selected, in accordance with the procedures of the Law on Public Officials. The responsibilities would be to support the work and fulfil the tasks of the Secretariat and its bodies. The deputy director will also take care of maintaining the consistency of the institutional memory.

Maintaining the consistency of the institutional memory is essential for the progress, functioning and fulfilment of the mission of each state institution. Institutional memory is usually translated and stored within the institution, and belongs entirely to the organisation and administrative aspect of the institution.

The legal changes must be made according to the Law on the Establishment of the Kosovo Security Council. This would address the above-mentioned shortcomings, mainly concerning the redefinition of the leadership of the Secretariat, which is regulated in Chapter III of the law. Accordingly, Article 16 and Article 17 for the Situation Centre should be amended and supplemented, as well as Article 18 for the Department for Security Analysis and Policy (DSAP) should be added.

## Article 16 - Role of the Secretariat

(The highlighted text shows the proposed amendments)

16.1 The Kosovo Security Council has its own Secretariat which is regulated by subsidiary legislation.

16.2 The Secretariat will be headed by the director of the Secretariat of the Kosovo Security Council, who is appointed by the Prime Minister after the announcement of the President. He/she will also lead the Intelligence Commission established by the Kosovo Security Council.

16.3 The director of the KSC Secretariat reports directly to the Prime Minister and also serves as the Prime Minister's Security Advisor. The director also briefs the President on a periodic basis.

16.4 The Secretariat of the Kosovo Security Council, will also have the deputy secretary (or deputy director) who is appointed by the Council on Senior Management Positions, in accordance with the legislation in force.

16.5 The deputy secretary of the KCS Secretariat, in the absence of the Director or other necessary situations, reports directly to the Chairperson.

16.6 The Kosovo Security Council Secretariat is responsible for:

- a) Preparing periodic reports and analysis on political-security related issues for the Government of the Republic of Kosovo and the Kosovo Security Council;
- b) Coordinating on the drafting of security strategies and policies in Kosovo, including the building of professional capacities with the approval of the Government, the engagement of experts for limited annual periods, policy and research instruments;

c) Providing administrative and functional support for the Kosovo Security Council.

## Article 17 - Situation Centre

(The highlighted text shows the proposed amendments)

17.1 The Kosovo Security Council is supported by a Situation Centre, which provides timely situational awareness and coordinates Kosovo-wide operational response activities. It serves as an operational centre for information gathering, basic analysis, and support of crisis management.

17.2 All relevant ministries, security institutions, and agencies shall provide inputs to the Situation Centre.

17.3 Except for the KSC personnel, the Situation Centre is permanently composed of representatives of the Kosovo Security Force, the Kosovo Police, and the Kosovo Intelligence Agency and Agency for Information Society.

## Article 18 - Department of Security Analysis and Policies (DSAP)

(The highlighted text shows the proposed amendments)

1. The Department of Security Analysis and Policies (hereinafter DSAP) through the treatment and review of strategies and policies in the field of security, provides impartial professional advice to the KSC Secretariat in the performance of their legal duties and responsibilities, including, but not limited to, certain fields and areas;

1.1. Supports the development, reviews and implements all relevant policies and security policy documents;

1.2. Prepares periodic reports and analyses on issues related to politics and security for the Government of the Republic of Kosovo and the Security Council of Kosovo;

1.3. Leads and coordinates the process of drafting and implementing of the Kosovo Security Strategy;

1.4. Assists in the formulation of recommendations and advice for the President and the Government of the Republic of Kosovo regarding the proposals for the involvement of security institutions and agencies of Kosovo in operations outside the territory of the Republic of Kosovo;

1.5. Prepares and proposes to the KSC the advice requested through the Secretary of the KSC, for the President of the Republic of Kosovo in the field of Kosovo Security;

1.6. Assists the KSC Secretary in developing and maintaining high-level contacts with governmental institutions and other security organisations for the exchange of information;

1.7. Ensures that the information classified by the KSC and its supporting bodies is compiled, distributed, transmitted and stored in accordance with relevant legal provisions;

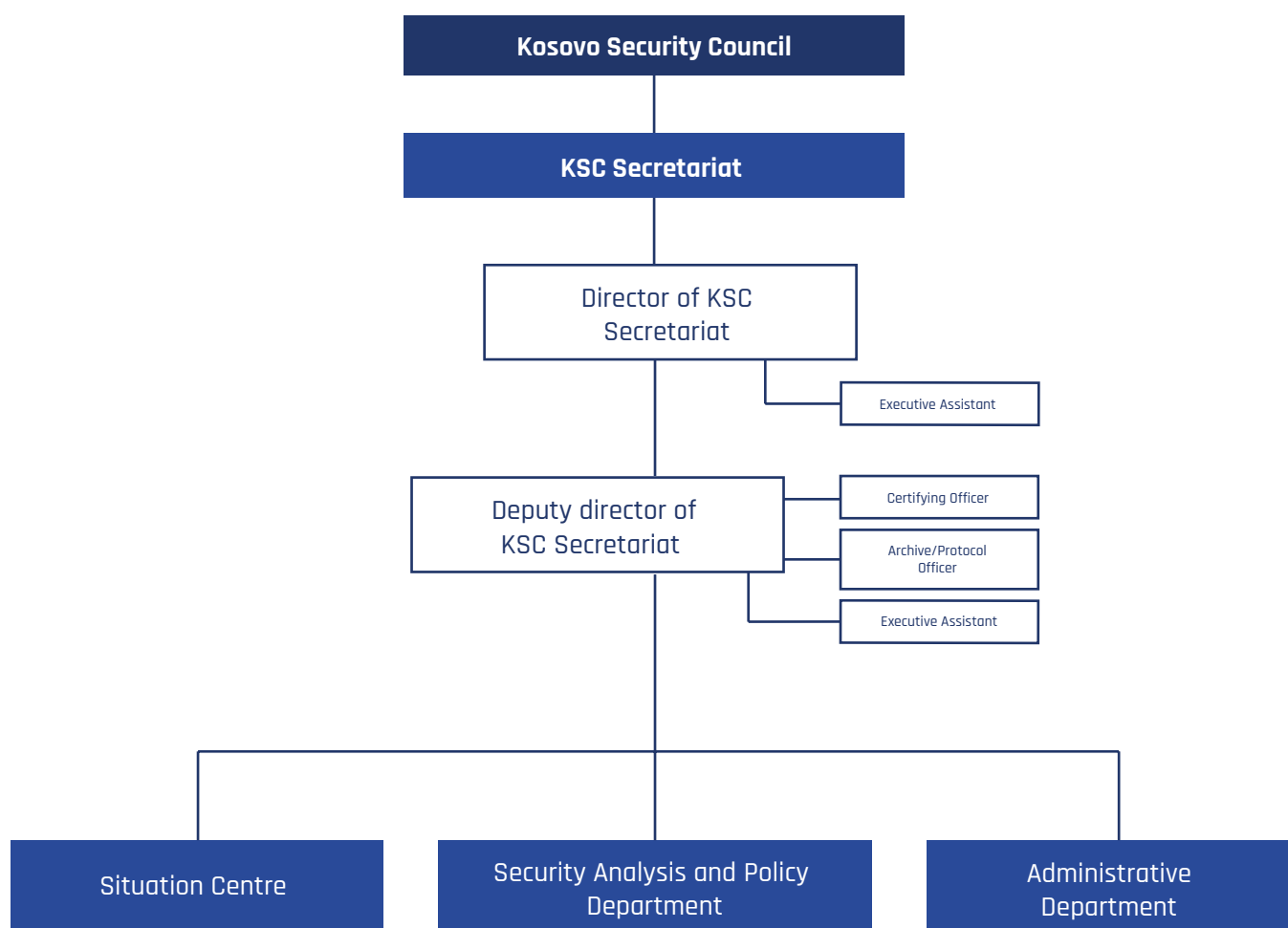


Figure 3. New Organisational Structure of the Secretariat of KSC

## The transformation of the KSC Secretariat into an executive agency within the office of the Prime Minister

### BENEFITS FROM THE CREATION OF THE AGENCY

The transformation of the Secretariat of KSC into an executive agency, empowers and enlivens the support body of the Council, as well as enables it to fully implement the Law on the Establishment of the Kosovo Security Council. This elevation of the management level notifies its leaders of the lack of authorisation, by bringing it to the level of other security bodies within the Council.

As an executive agency, the management competencies increase, implementation mechanisms are strengthened, opportunities for budget increase are created, which enables the increase of operating capacities within the institution. Also, such level increase paves the way towards the empowerment of the body for access and equipment with information which are necessary for the full functioning of the Council.

This transformation also helps in improving the function of drafting security policies, functioning of public services, implementing policies, internal support function, and administrative support of the Council. It increases the principle of legality, professionalism, transparency, and inter-institutional cooperation.

**The Executive Agency is established to perform administrative functions within the scope of state responsibility within the Prime Minister's Office.**

The advancement of the administrative status of the Council, transforming it from the Secretariat to an Executive Agency which operates within the office of the Prime Minister, implies more substantive legal and administrative changes. In order to achieve this, changes are needed in the Law on the Establishment of the Security Council of Kosovo. The Law on the Agency, as an implementer of obligations from the previous law, must be approved, as well as the by-laws which then regulate the internal organisation and the systematisation of jobs within the Agency.

The changes and additions that must be made to the Law on the Establishment of the Security Council of Kosovo mainly relate to:

- The transformation of the Secretariat into an Executive Agency within the Office of the Prime Minister. This Agency can be called the Agency for Security or National Security Agency. Its creation should not be intended to establish an Agency which increases the role of KSC.
- Changing the transitional provisions related to equipping the workers and all the members of the Council with the relevant security permit.

**Chapter III of the actual Law, to be re-written entirely.**

## **CHAPTER III**

### **THE INSTITUTIONAL MECHANISM IN SUPPORTING THE WORK OF THE KSC**

#### **Article 16 - Security Agency**

(The highlighted text shows the proposed amendments)

The Security Agency is the Executive Agency that operates within the Prime Minister's Office (PMO).

#### **Article 17 - Duties and Responsibilities**

(The highlighted text shows the proposed amendments)

1. The Agency, in its scope, has the following responsibilities:

1.1 The preparation of periodic reports and analyses for the Government of the Republic of Kosovo and the Security Council of Kosovo that are related to political security issues;

1.2 Coordination and drafting of security strategies and policies in Kosovo, including capacity building, policy instruments and research;

1.3 Providing administrative and functional support for the Kosovo Security Council.

#### **Article 18 - Organisation of the Agency**

(The highlighted text shows the proposed amendments)

18.1. The Director of the Agency

18.1.1. The Agency is led by the Executive Director of the Agency, who, in accordance with the Law, the Regulation on Internal Organisation and other laws in force, is responsible for the administration, operation and management of the Agency. The Executive Director of the Agency will answer directly to the Prime Minister.



18.1.2. In carrying out his/her responsibilities, the director of the Agency is assisted by a deputy director, leaders of organisational units, advisors and appropriately qualified personnel as needed, in compliance with the rules and procedures of the Law and the Internal Organisation Regulation.

18.1.3. The appointment and dismissal of the director of the Agency is made directly with the decision of the Prime Minister.

18.1.4. The director of the Agency is appointed for a term of four (4) years. His/her reappointment is at the discretion of the Prime Minister.

18.1.5. The director of the Agency must have a university education degree and must be appointed on the basis of proven professionalism and experience.

18.1.6. The director of the Agency serves as an advisor to the Prime Minister on security issues.

## 18.2. Deputy Director of the Agency

18.2.1. The deputy director of the Agency assists the director and leads the operational activities of the Agency's organisational units under the supervision of the director of the Agency.

18.2.3. The deputy director of the Agency is a civil servant of the senior management category, appointed and dismissed according to the procedures provided by the Law on Public Officials.

## 18.3. Internal organisation

18.3.1. The organisation, structuring and functioning of the Agency are regulated with the bylaws proposed by the Agency and approved by the Government.

Chapter IV, dealing with Final and Transitional Dispositions, for reasons of increasing the level of security and reliability, it is recommended to change the current Article 19 to:

## **Article 19 - Qualifications for Security Agency employees**

(The highlighted text shows the proposed amendments)

Except the usual requirements of employment in the Civil Service of Kosovo, the director of the Agency, the deputy director and all employees of the Agency must be provided with the relevant security clearance defined by the law in force.

*Proposals for the Law on the Establishment of the National Security Agency and the bylaw which regulates the organisation of the government and the systematisation of the jobs in this agency.*

The Security Agency is established by a special law from the Government. The agency will have executive competencies and work within the framework of the Prime Minister's Office. The agency will perform administrative functions and will implement the additions and other major changes in the Law on the Establishment of the Kosovo Security Council.

Except for the general provisions, the law should also include:

- The Agency's field of action;
- Organisation and administration of the Agency;
- Governmental cooperation;
- Agency employees by specifying the qualifications;
- The budget.

Based on the Law on the Establishment of the National Security Agency, the approval of the regulation on the internal organisation and systematisation of jobs in the National Security Agency are also required. The purpose of this regulation should be to define the responsibilities and internal organisation of the Agency.

The (National) Security Agency will have the following composition:

Director's Office

- Office of the Deputy Director
- Situation Centre
- Department for Security Policy Analysis
- Department for Legislation
- Department for Administration, Budget and Finance

The duties and responsibilities of each department should be carefully compiled by addressing all the deficiencies presented previously, while the administrative-operational aspect has been regulated as a Secretariat.

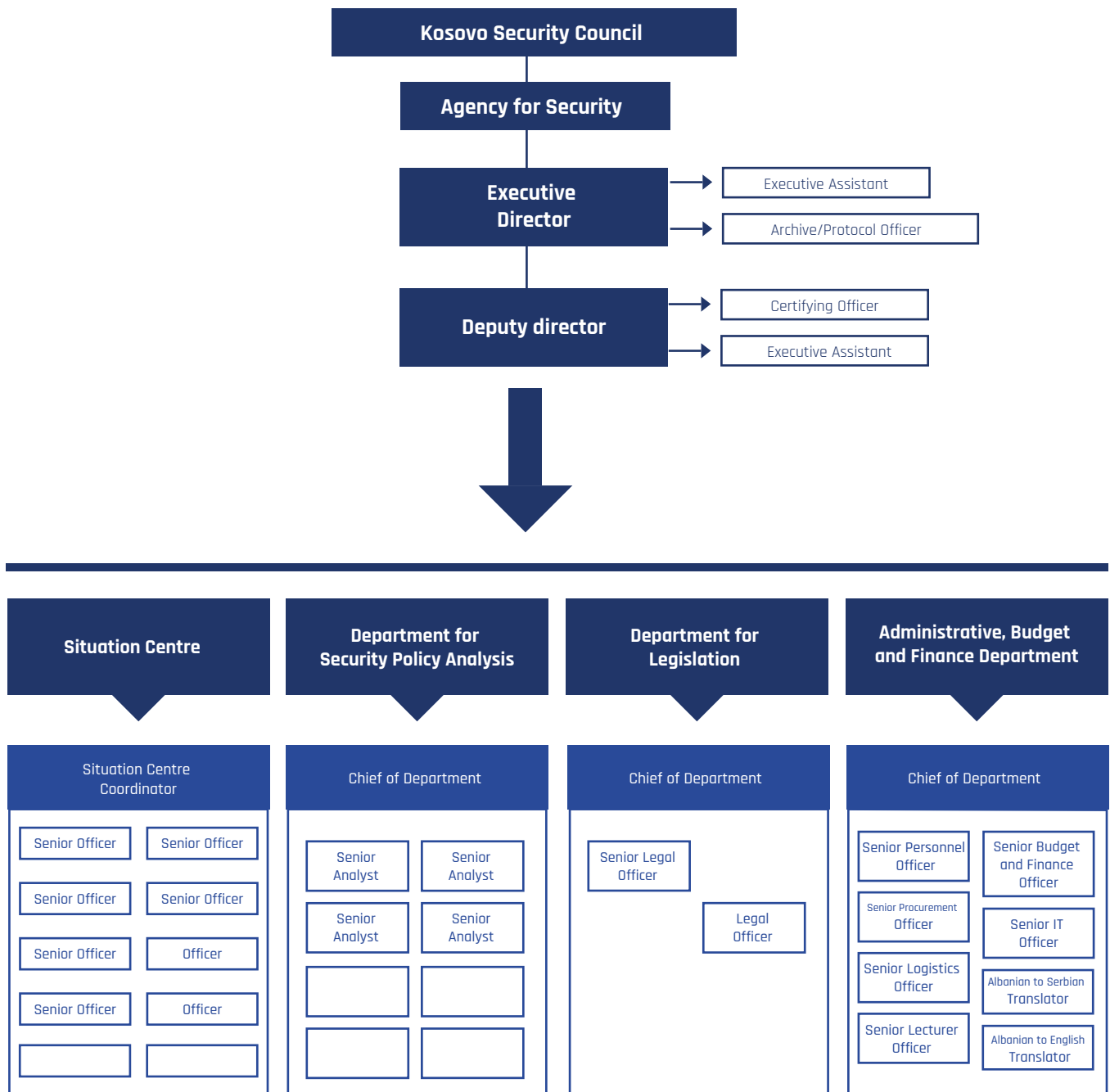


Fig 2. Organisational Structure of the National Security Agency

From the following examples of the functioning of the Security Council in other countries, we can see their functioning of the Secretariat and/or other supporting offices, which have served as analysis for proposed policies examined above in the case of the KSC in our country.

## THE FUNCTION OF THE SECURITY COUNCIL IN OTHER COUNTRIES

The role of the Security Council varies from country to country. In countries with a presidential system, the Security Council is led by the President, and in these cases, the role of the Security Council is more emphasised. In countries with a parliamentary system, there are two types of leadership: in some countries with such a system, the Security Council is led by the president, and in some other cases by the prime minister.

As a genuine model of a proper functioning of the Security Council the presidential system is the U.S. model. This council is among the first institutions of its kind in the world. It was founded in 1947 and it is led by the U.S. President.<sup>22</sup> Its role is to advise, support, and assist the President of the United States on matters of national security, national defence, and foreign policy.

The security sector in Croatia consists of several institutions, but the most important are the National Security Council and the Council for the Coordination of Security and Intelligence Services. Both of them are supported by the Office of the National Security Council from the administrative aspect, as well as that of the expertise.<sup>23</sup> The main role of this office is to create and compile periodic reports, based on the data they receive from security and intelligence agencies, as well as to provide strategic assessments to the President and Prime Minister of the country. The Office of the National Security Council is also the authority that coordinates, harmonises the adoption and controls the implementation of information security measures and standards in the Republic of Croatia.

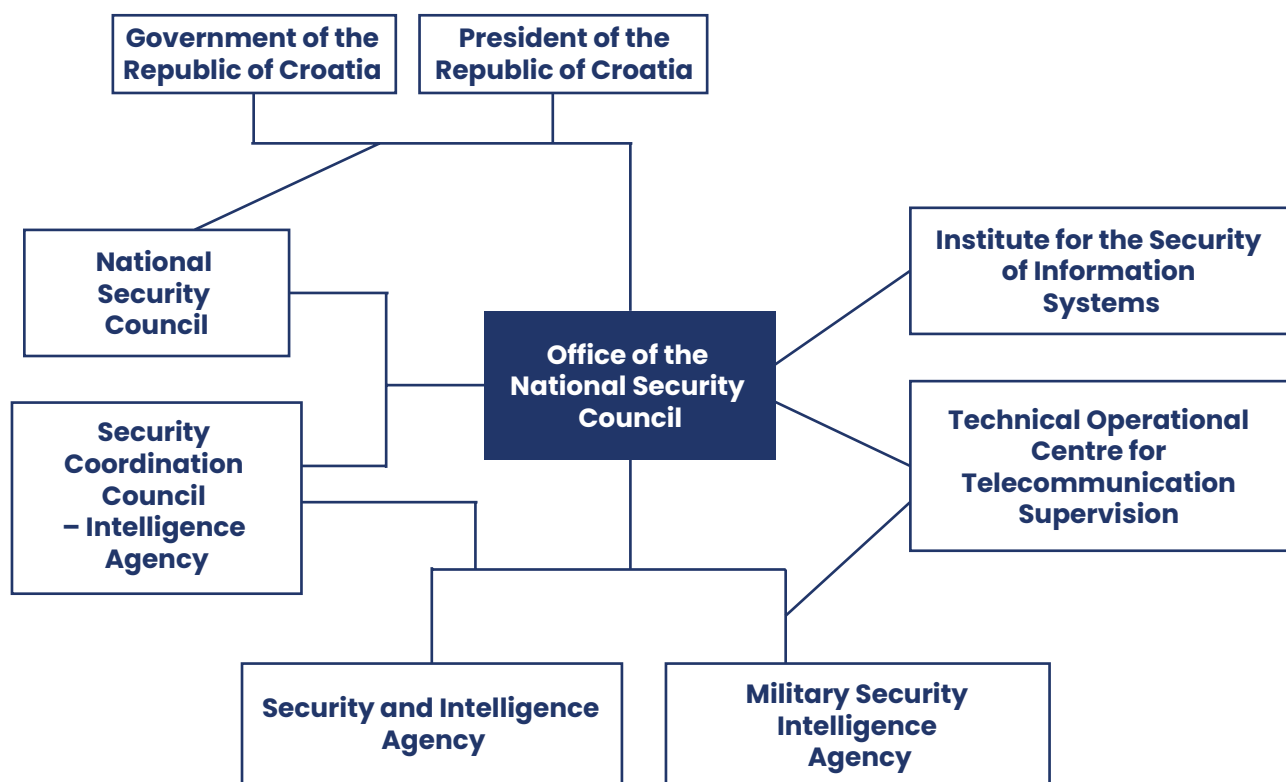


Fig 5. Organogram of the Croatian Security Council Structure <sup>24</sup>

<sup>22</sup> For more details, visit <http://www.state.gov/documents/organization/15538.pdf>

<sup>23</sup> For more details, visit <https://www.uvns.hr/en/about-us/introduction>

<sup>24</sup> For more details, visit <https://www.uvns.hr/hr/o-nama/shema-uvns-u-sigurnosno-obavjestajnom-sustavu-rh>

The National Security Council of Croatia is led jointly by the President and the Prime Minister of the country, in which case the agendas for the meetings and topics of discussion are determined in full coordination between these two institutions. It is worth noting that the Speaker of the Assembly is also a member of the Security Council in Croatia.<sup>25</sup>

The National Security Council of Slovenia is an advisory and coordinating body of the Government. As such, they provide advice on national defence, security system, and security system against emergencies and other matters pertaining to the field of security. The Council is chaired by the Prime Minister of the country. The National Centre for Crisis Management of the Republic of Slovenia, which operates within the Ministry of Defence, provides administrative and technical support to the Council, the Secretariat and the Executive Group of the Secretariat.<sup>26</sup> The Secretariat of the Council is led by the Secretary of State, who is also an adviser to the Prime Minister on Security Issues.

The National Security Council in the Czech Republic is a permanent body of the Government. It is chaired by the Prime Minister, while the deputy Prime Minister and the Minister of Foreign Affairs are Vice-Presidents of the National Security Council. There are a total of 9 members in the composition, which in addition to members of the Government, the meetings are attended by the Governor of the Czech National Bank, the President of the State Material Reserves, the Manager of the Office of the Government of the Czech Republic, and the Director of the Section of the Prime Minister. The mandate of these members is the same as the mandate of the government.<sup>27</sup> Administrative activities are organised by the Secretariat of the Council, which is also the Department of Defence and Security of the Office of the Government of the Czech Republic.

Regarding the neighbouring countries, it is worth mentioning the functioning of the National Security Council of Albania, Montenegro, the Republic of North Macedonia and Serbia. The National Council of Albania is led by the President. The main role of this body is to discuss and give advice to the President as Commander of the Armed Forces.<sup>28</sup> The Council consists of 14 members: the Speaker of the Assembly, the Prime Minister, the Minister of Defence, the Minister of Justice, the Minister of Internal Affairs, the Minister of Finance, the Minister of Transport, the Minister of Foreign Affairs and the Minister of Energy, the Chairman of the National Security Committee of the Parliament, the director of the State Intelligence Service and the General Director of the Police.<sup>29</sup>

The National Security Council in the Republic of Montenegro is chaired by the Prime Minister. In its composition there are 9 members, which include the Prime Minister, the Deputy Prime Minister for political system and foreign and domestic policies issues, the Minister of Justice, the Minister of Internal Affairs, the Minister of Defence, the Minister of Finance, the Minister of Foreign Affairs and European Integration, the director of the National Security Agency, as well as the chair and vice-chair of the Parliamentary Committee for Defence and Security.<sup>30</sup> The administrative part of the work of this council is the competence of

<sup>25</sup> For more details, visit <https://www.uvns.hr/UserDocsImages/dokumenti/nacionalna-sigurnost/ZAKON-O-SIGURNOS-NO-OBAVJESTAJNOM-SUSTAVU-RH-NN-79-2006.pdf>

<sup>26</sup> For more details, visit <https://www.gov.si/en/policies/defence-civil-protection-and-public-order/national-security/>

<sup>27</sup> For more details, visit [https://www.vlada.cz/assets/ppov/brs/statut-brs-aj\\_1.pdf](https://www.vlada.cz/assets/ppov/brs/statut-brs-aj_1.pdf)

<sup>28</sup> Constitution of the Republic of Albania, Art. 168, par. 2, pg. 53

<sup>29</sup> “Ligji për Pushtet dhe Autoritetet e Drejtimit e të Komandimit të Forcave të Armatosura të Republikës së Shqipërisë” Art. 10, pg. 4 [https://www.mod.gov.al/images/akteligjore/ligjipushteteve/Ligj\\_nr\\_64\\_2014\\_azhornuar.pdf](https://www.mod.gov.al/images/akteligjore/ligjipushteteve/Ligj_nr_64_2014_azhornuar.pdf)

<sup>30</sup> “Zakon o osnovama obavještajno bezbjednosti sektora crne gore” March 2017, Art. 8, <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/131/1406-8943-24-5-17-1.pdf>

the Bureau for Operational Coordination.<sup>31</sup> This Bureau consists of the director of the National Security Agency, the Chief of Staff of the Army of Montenegro, the director of the Police, the director of the Directorate for the Prevention of Money Laundering and the Financing of Terrorism, the director of Customs, the director of Tax Administration, the director of the Directorate for Military Information in the Ministry of Defence, the director of the Directorate for Internal Security in the Ministry of Internal Affairs, the Secretary of the Council.<sup>32</sup> All these factors, and the Council itself, are appointed with the decision of the Government. Other administrative functions are performed by the Secretariat of the National Security Council.

The Security Council is the highest advisory body in the Republic of North Macedonia, which reviews the security and defence issues of the Republic and makes proposals to the Assembly and the Government. The functioning of the Security Council of the Republic of North Macedonia, the manner of exercising the rights and fulfilling the duties of the members of the Council, convening and holding sessions, implementing the positions taken, initiatives raised and give opinions and proposals, informing about its work, as well as other issues related to the organisation and manner of the work of the Council, are all determined in the Rules of Procedure of the Security Council of the Republic of North Macedonia. Members of the Security Council in the Republic of North Macedonia are the Speaker of the Assembly, the Prime Minister, the Minister of Internal Affairs of the Republic of North Macedonia, the Minister of Defence of the Republic of North Macedonia, the Minister of Foreign Affairs of the Republic of North Macedonia, as well as three security experts appointed by the President.<sup>33</sup> The administrative office of the Council operates within the organisational structure of the Office of the President.

In the case of Serbia, the Security Council is authorised to advise, discuss, evaluate and coordinate the activities of all security mechanisms in Serbia. Despite the fact that the Council is led by the President, the agenda is jointly prepared by the President and the Prime Minister of Serbia. However, the Secretariat of the Security Council operates within the Office of the President and is led by the President's Chief of Staff.<sup>34</sup>

<sup>31</sup> “Zakon o osnovama obavještajno bezbjednosti sektora crne gore” March 2017, Art. 15, <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/131/1406-8943-24-5-17-1.pdf>

<sup>32</sup> “Zakon o osnovama obavještajno bezbjednosti sektora crne gore” March 2017, Art. 15, <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/131/1406-8943-24-5-17-1.pdf>

<sup>33</sup> For more details, visit : <https://pretsedatel.mk/al/keshilli-i-sigurimit/>

<sup>34</sup> For more details, visit: [https://www.paragraf.rs/propisi/zakon\\_o\\_osnovama\\_uredjenja\\_sluzbi\\_bezbednosti\\_republike\\_srbije.html](https://www.paragraf.rs/propisi/zakon_o_osnovama_uredjenja_sluzbi_bezbednosti_republike_srbije.html)

## CONCLUSIONS

The Kosovo Security Council is one of the most important bodies of the security sector in the country. Its primary task is to assess the security situation, recommend and advise the country's institutions regarding possible threats and risks. The role of the KSC is vital to the success or failure in dealing with the risks and threats to the country's security. The neglect and wrong structuring of the KSC Secretariat have turned it into a non-functional institution that does not fulfil the purpose of its creation.

The evaluations so far have shown that there is a lack of coordination between the constituent actors of the KSC. This lack of coordination could be solved by means of an administrative and operational reorganisation of the supporting bodies of the KSC.

The leadership or coordination of the work of these supporting bodies, and raising their level in terms of the executive hierarchy, by the person who is appointed and answers directly to the chairperson of the KSC, namely the Prime Minister, would help in organising and coordinating the joint activities of security institutions. The joint reporting of these institutions would create a much more efficient inter-institutional coordination.

Such an administrative-operational organisation would also enable the increase of the credibility of the institution, the building of prepared human capacities which would then be able to fulfil the tasks and functions of the KSC.

The creation of sufficient resources and with adequate expertise would enable the creation and compilation of reports that identify risks, provide solutions and recommendations for the Government, and through this, will help in the creation of real security policies in the country.

The Balkans Policy Research Group is an independent, regional think-tank based in Pristina, Kosovo. We provide timely policy analysis and recommendations on a wide array of state building issues; institutional and democratic consolidation; minority integration and good neighborly relations; European integration and policy change. We have decades of experience in policy reporting and development, strategic thinking, and advocacy with governmental, international and non-governmental organizations. Our rigorous, detailed, impartial reporting, always based on-depth fieldwork, is the core of our work. We go beyond mainstream positions and seek to make change through creative, feasible, well-measured and forward-looking policy recommendations with the aim of helping develop strong, vibrant democracies, prosperous states and societies based on rule of law in the Western Balkans.

We engage in high-level advocacy, domestically, regionally and internationally, impacting policy discussions and options with regard to the home affairs and European policies toward the Western Balkans.

Balkans Group has developed other tools and platforms to achieve this change:

**The Policy Dialogue** promotes Kosovo's domestic dialogue, cohesion and reform-making agenda.

**The Policy Forum (a Think-Tankers High-level Advocacy Forum)** committed to enhancing the dialogue between the civil society and the institutions.

**The Kosovo Serbia Policy Advocacy Group** (a forum for Cross-Border Civil Society Cooperation ) that aims to communicate, promote and enhance dialogue toward full normalization between Kosovo and Serbia, and their societies.

**Women in Politics** promotes the empowerment of women and girls; their security and inclusiveness; and is committed to strengthen the Women Caucus impact and reach throughout Kosovo.

**Youth in Politics** promotes an active participation from youth from different political parties in the institutions. The component helps in developing a culture of dialogue and cooperation, by providing capacity building trainings on key policy areas and skills and leadership.

**The Dialogue Platform** promotes the dialogue process between Kosovo and Serbia, by informing the wider public and generating debate about the agreements, benefits and challenges of the Dialogue.

**Expert Support component** provides policy support to the government and key institutions on key policy areas, peace and state- building agenda.



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