The Role and Future Challenges of the Kosovo Security Council
Submitted as a Capstone Project Report in partial fulfillment of Master of Science Degree in Professional Studies at the RIT Center for Multidisciplinary Studies

Visar Rushiti

October 2010
# Table of contents

**Acknowledgements** ........................................................................................................................................................................... 5

**Acronyms** ........................................................................................................................................................................................................................................... 6

**Executive summary** ........................................................................................................................................................................................................................................... 8

1. **CHAPTER 1 – Introduction** ........................................................................................................................................................................... 9
   1.1 Overview........................................................................................................................................................................................................... 9
   1.2 Previous relevant security sector institutions ................................................................................................................................. 13
   1.3 Kosovo Force (KFOR) ............................................................................................................................................................................. 14
   1.4 International Civilian Police (CIVPOL) ................................................................................................................................................... 15
   1.5 Kosovo Police Service (KPS) ............................................................................................................................................................... 16
   1.6 Kosovo Protection Corps (KPC) ........................................................................................................................................................... 16
   1.7 Office of Public Safety (OPS) ............................................................................................................................................................. 16
   1.8 Ministry of Interior (MoI) ....................................................................................................................................................................... 17
   1.9 Ministry of Justice (MoJ) ....................................................................................................................................................................... 18
   1.10 Department of Emergency Management (DEM) ................................................................................................................................. 18

2. **CHAPTER 2 – International (civil and military) presence in Kosovo** ........................................................................................................... 19
   2.1 International Recognition of Kosovo .................................................................................................................................................... 19
   2.2 International Civilian Representative .................................................................................................................................................... 19
   2.3 European Union Rule of Law Mission in Kosovo (EULEX) ................................................................................................................... 20
   2.4 International Military Presence (IMP) .................................................................................................................................................... 21

3. **CHAPTER 3 - National security decision-making structures** .................................................................................................................. 22
   3.1 What are national security decision-making structures?.................................................................................................................. 22
   3.2 The need for national security decision-making structures ........................................................................................................... 22
   3.3 Roles of national security decision-making structures .................................................................................................................. 22
   3.4 Joint assessment ........................................................................................................................................................................................ 23
   3.5 Security priorities ..................................................................................................................................................................................... 23
   3.6 Emergency coordination ...................................................................................................................................................................... 23
   3.7 Basis and legitimacy ............................................................................................................................................................................... 23
   3.8 Structure and function ......................................................................................................................................................................... 24
   3.9 Organization and composition ............................................................................................................................................................. 24

4. **CHAPTER 4 – Establishment of the Kosovo Security Council (KSC)** ........................................................................................................... 26
   4.1 KSC in the Comprehensive Proposal for the Kosovo Status Settlement ........................................................................................................... 26
   4.2 KSC in the Constitution of the Republic of Kosovo ........................................................................................................................................ 26
   4.3 Law on the Establishment of the KSC .................................................................................................................................................... 27
   4.4 Joint assessment ........................................................................................................................................................................................ 28
List of figures

**Figure 1.1** Information flow between the security sector institutions in normal situations .................................................................10

**Figure 1.2** Information flow between the security sector institutions in emergency situations ........................................................................11

**Figure 2.1** ICO and ESDP Mission .................................................................................................................................................. 21

**Figure 4.1** The structure of the Kosovo Security Council and its supporting bodies .......................................................... 27

**Figure 4.2** Structure and composition of the KSC in normal situations ...................................................................................... 30

**Figure 4.3** Structure and composition of the KSC in emergency situations .................................................................................. 33

**Figure 5.1** President Barack Obama at a NSC meeting in the Situation Room ........................................................................ 35

**Figure 5.2** U.S. National Security Council .............................................................................................................................. 37

**Figure 5.3** National Security Council in the Republic of Turkey ................................................................................................. 40

**Figure 5.4** The Office of the National Security Council in the Republic of Croatia ........................................................................ 42

**Figure 6.1** Chain of command between KSC and its supporting bodies ...................................................................................... 46

**Figure 7.1** The levels of emergency management .......................................................................................................................... 51

List of tables

**Table 5.1** The matrix shows whether the NSC plays one particular role such as oversight, decision-making, coordination, advice, implementation, assessment and emergency coordination .................................................................................. 43
Acknowledgements

The writing of this Capstone Project has been one of the academic challenges I have faced during my MS studies at American University in Kosovo (AUK) in cooperation with the Rochester Institute of Technology (RIT). Without the support, patience, and guidance of the following people, this study would not have been completed. It is to them that I owe my deepest gratitude.

- **Brian Bowen**, professor, leading the students in writing the Capstone projects. I am very thankful to him for his suggestions and very helpful remarks in writing the Capstone project during our regularly meetings at AUK.

- **Louis Sell**, professor, who undertook to act as one of my supervisors despite his many other academic and professional commitments. Prof. Sell has been also my professor in the course “International system” during July 2009. I am very thankful to him for teaching us, and advising and correcting me while writing the Capstone project.

- **Jeton Arifi**, my second supervisor in the Capstone project, and my supervisor in the working place, Department of Analysis and Security Policies. I am very thankful to him for his patience and suggestions during our every day discussions.
Acronyms

AEM – Agency for Emergency Management
AUS – Advisory Unit on Security (it ceased to exist as UNMIK downsized)
CIVPOL – International Civilian Police (it ceased to exist as KP developed)
COMKFOR – KFOR Commander
DEM – Department of Emergency Management (today AEM)
ESDP – European Security and Defense Policy
EULEX – European Union Rule of Law Mission
EUPT – European Union Planning Team (it ceased to exist as EULEX deployed)
EUSR – European Union Special Representative
ICO – International Civilian Office
ICR – International Civilian Representative
IMP – International Military Presence
ISG – International Steering Group
KFOR – Kosovo Force
KIA – Kosovo Intelligence Agency
KP – Kosovo Police
KPC – Kosovo Protection Force (disbanded according to the Comprehensive Proposal for the Kosovo Status Settlement
KPS – Kosovo Police Service (today's Kosovo Police)
KSC – Kosovo Security Council
KSC SEC – KSC Secretariat
KSF – Kosovo Security Force
MTA – Military-Technical Agreement
NATO – North Atlantic Treaty Organization
OPS – Office of Public Safety (replaced by KSC Secretariat in March 2008)
OSCE – Organization for Security and Cooperation in Europe
PISG – Provisional Institutions of Self-Government of Kosovo
RCEM – Regional Center for Emergency Management
SRSG – Special Representative of the Secretary General
SSDAT – Security Sector Development Advisory Team
UN – United Nations
UNMIK – United Nations Mission in Kosovo
UNSCR – United Nations Security Council Resolution
Executive summary

This capstone project addresses the important issues of the role and future challenges of the Kosovo Security Council (KSC) in the overall structure of the Kosovo’s security sector. Important needs exist for effective standard operating procedures in disaster management (and other security issues). Pursuant to the Constitution of Kosovo, KSC was established in March 2008 by Law No. 03/L-050. The capstone project looks at KSC’s role based on the existing legislation and future challenges that it might have.

The capstone project provides a general overview of the previous relevant security sector institutions before the establishment of KSC, and compares it with the security councils in the U.S, Turkey, and Croatia. Each international case study will focus on the role, basis, structure, function and organization of the respective national security council. Challenges which this report considers to be relevant for KSC are: 1) disaster and civil emergency management, 2) accurate and timely analytical reports on the security situation for the Prime Minister, and 3) the harmonization of laws pertaining to the security sector.

This capstone project report recommends centralizing standard operating procedures for disaster and civil emergency management. The procedures of other departments at the regional and local level must be in compliance with the central standard operating procedures. Continuous training of the KSC Secretariat staff to produce efficient security policies and analytical reports for the KSC or Prime Minister, is required. The KSC Secretariat staff should develop plans to meet with the main stakeholders on the security sector to improve understanding of the KSC’s role in the overall security sector.
1. Introduction

1.1 Overview

The Kosovo security sector is relatively new. Most institutions which comprise it are of 5 to 10 years old maximum. Broadly defined, the security sector encompasses institutions which have political, military, economical, judicial, intelligence and foreign policy components. Narrowly defined, the security sector encompasses institutions and organizations created to deal with internal and external security threats for the state and its citizens.

The first chapter of this report provides an introduction to the previous relevant security sector institutions after 1999, both domestic and international, mandated to provide security. An exception to that is the Office of Public Safety (OPS) not mandated to provide security, but was established as a liaison office between the United National Mission in Kosovo (UNMIK) and Provisional Institutions for Self-Government in Kosovo (PISG) in the process of transferring competences pertaining to public safety. It was established under the Office of the Prime Minister by the Administrative Directive 2004/16 pursuant to the UNMIK Regulation 2001/19 on the Executive Branch of the PISG. It served as the home to the Internal Security Sector Review (ISSR) team mandated to recommend the possible future architecture of the Kosovo Security Sector. The ISSR team deployed in 2005 and developed the report which was delivered in 2006. This team recommended the establishment of the Kosovo Security Council which became established by law in 2008.

The Kosovo Security Council is mandated by law pursuant to the Constitution of the Republic of Kosovo. It has an advisory role in normal situations and vested with executive authority in emergency situations. Its two supporting bodies, the Secretariat and the Situation Center serve the KSC according to their mandate provided by law and the secondary legislation.

Figures 1.1 and 1.2 provide a picture of the relevant security sector institutions today in disaster and emergency management and the information flow between the KSC, its supporting bodies and the rest of institutions/agencies involved in emergency/crisis
management. Also, there is a short explanation of what each box means and who reports to whom about the security situation.

Figure 1.1: Information flow between the institutions of the security sector in normal situations

- Kosovo Security Council Secretariat reports to the Prime Minister (PM) and his security advisor;

- Kosovo Security Council is chaired by the Prime Minister in normal situations and has direct link to the Joint Intelligence Committee established by him;

- Joint Intelligence Committee and the Situation Center have informal relations. They may exchange info but it is not obligatory by law;

- Situation Center reports to the KSC Secretariat which the latter informs the Prime Minister and his Security Advisor;

---

1 Normal situation means the normal daily operation. Charts 1.1 and 1.2 are worked and used in the Situation Center for public presentations.
• Municipal Security Committees report to the Situation Center on the security situation in the local level;

• KFOR, EULEX and other International Organizations may exchange information with the Situation Center but they are not obligated by law;

• Institutions or agencies as Kosovo Security Force, Kosovo Police, Agency for Emergency Management, Kosovo Intelligence Agency, and the National Institute on Public Health report to the Situation Center either directly or through their respective Ministries (only Kosovo Intelligence Agency do not belong to any Ministry, therefore its contact is direct with the Situation Center);

• Joint Intelligence Committee may receive also info from the above mentioned institutions or agencies.

*Figure 1.2: Information flow between the institutions of the security sector in emergency situations*
• Kosovo Security Council is chaired by the President and is in regular contact with the Assembly;

• Kosovo Security Council Secretariat informs the KSC as well as the Cabinet of the Prime Minister;

• Situation Center is the primary point of contact and informs the KSC Secretariat which then reports to KSC and Prime Minister;

• Municipal Security Committees report to the Situation Center;

• KFOR, EULEX and other relevant International Organizations may share information with the Situation Center (which they usually do in Emergency Situations);

• Regional Centers for Emergency Management report to the Situation Center. There are four of them located in Prishtina, Gjilan, Peja and Prizren. They normally inform the Agency for Emergency Management which then transfers the info to the Situation Center. In emergency situations, they are allowed to inform directly the Situation Center in order that the information will arrive the KSC as soon as possible;

• Institutions or agencies as Agency for Emergency Management, the National Institute on Public Health report to the Situation Center either directly or through their respective Ministries;

• Kosovo Security Force, Kosovo Police, and Kosovo Intelligence Agency send their liaison officers to the Situation Center to report from and communicate with their respective agencies;
1.2 Previous relevant security sector institutions

The end of the war in Kosovo (as a result of the North Atlantic Treaty Organization [NATO] air strikes campaign March – June 1999) brought two documents (adopted around the same time) which affected the country in many aspects. These were Resolution 1244\(^2\) of 10\(^{th}\) June 1999 of the UN Security Council (UNSCR), and the Military Technical Agreement\(^3\) (MTA) signed between the International Security Force KFOR\(^4\), and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia. These two documents brought into existence the United Nations Mission in Kosovo (UNMIK) to administer the country, and KFOR (Kosovo Force) to provide the overall security in Kosovo\(^5\). In order to implement its mandate in Kosovo, UNMIK brought together four pillars under its leadership:

1. Pillar I – Police and Justice

2. Pillar II – Civil Administration

3. Pillar III – Democratization and Institutions Building

4. Pillar IV – Reconstruction and Economic Development

The UNMIK mission in Kosovo was headed by the Special Representative of the Secretary General (SRSG) of the United Nations\(^6\). He had full governing authority in Kosovo immediately after the war.

---


3 Ibid.

4 Official homepage: [http://www.nato.int/KFOR](http://www.nato.int/KFOR)

5 For a very good brief on the International Presence in Kosovo, look at the paper 3 written by Enver Hasani “Reviewing the International Administration of Kosovo”. Available at: [http://www.bmlv.gv.at/wissen-forschung/publikationen/person.php?id=20](http://www.bmlv.gv.at/wissen-forschung/publikationen/person.php?id=20)

In the beginning, KFOR had around 50,000 troops and was distributed among the regions in Kosovo. Contributing nations to this force are members and non-member countries of NATO.

1.3 Kosovo Force (KFOR)

KFOR is a contingent military force from NATO and non-NATO countries under a joint command, KFOR Commander (COMKFOR). It has significantly reduced its troops very much, but it is still operational. While in June 1999 there were approximately 50,000 soldiers within KFOR, with the improvement of the security situation and the development of domestic ones, this number has decreased to 17,000 in 2003 and 9,923 troops as of today. KFOR receives military and political guidance from NATO and the respective Ministries of Defense of its contributing nations. KFOR objectives and tasks have been changing compared to 1999. While in 1999 some of its main objectives were deterring hostilities and threats against Kosovo by Yugoslav and Serb Forces, establishing a secure environment for refugee returns, demilitarization of Kosovo Liberation Army (KLA), ensuring public safety and order, etc., today’s tasks are pretty much different and can be limited to the border security, stand down of the Kosovo Protection Corps (KPC), stand up of the Kosovo Security Force (KSF). Given the perspective's country to join NATO in the future, NATO Secretary General Anders Fogh Rasmussen commented on the 19 April 2010: “All Balkan countries should join NATO” …"In Kosovo progress is continuing. As a result KFOR is gradually reducing its presence. I hope we will be able to downsize further this year”

"My dream will come true if - one day - we could see all countries in the Balkans as members of NATO. They belong to the Euro-Atlantic Community. I hope to see their flags represented here among all other NATO nations”.

---

7 For the distributions of KFOR troops and the participating countries with the number of troops in KFOR, have a look at: [http://www.nato.int/kfor/](http://www.nato.int/kfor/)

8 The document on the undertaking and demilitarization of KLA of 20 June 1999 is available at: [http://www.nato.int/KFOR/docu/docs/index.htm](http://www.nato.int/KFOR/docu/docs/index.htm)

Kosovo Security Force (KSF) as a professional and multi-ethnic force is lightly armed and will consist no more than 2,500 active and 800 reserve members. The process of recruitment is going on. Changes on the status of KSF have to be determined by International Military Presence in Kosovo (IMP) and the International Civilian Representative (ICR). The review on its changes is not to be conducted earlier than 5 years from the entry into force of the Comprehensive Proposal on the Kosovo Status Settlement (2008). KSF is under civilian control of the Ministry of KSF and has primary responsibility in crisis response, explosive ordnance disposal, and civil protection. From the Western Balkan countries, Albania and Croatia signed accession protocols in July 2008 and became full members of NATO as of April 2009. Montenegro has been invited to join the Membership Action Plan in December 2009 therefore leaving the status of the Partnership for Peace (PfP) countries. The PfP status is hold by Macedonia, Bosnia and Herzegovina and Serbia. Macedonia was promised to join NATO together with Albania and Croatia but could not sign the accession protocol because of the disputes with Greece over its name. As it seems, the Republic of Kosovo is well behind its neighbors towards its accession into NATO. One of the foreign policy objectives of the Republic of Kosovo is to be a future member of the NATO Partnership for Peace countries (PfP).

1.4 International Civilian Police (CIVPOL)

The CIVPOL was mandated under the UNSCR 1244 providing that an international civilian police will be on the ground under the UN administration. This police force would downsize with the emerging of the Kosovo Police Service (KPS) – local units. Pillar I of the UN administration in Kosovo was the overseen body of CIVPOL and consequently of KPS. The whole police organization was under the Police Commissioner which was accountable to SRSG only. This pillar ceased to exist in May 2006, and policing sector came under direct control of the SRSG. Today Kosovo Police is in charge of internal security and works under the supervision and direction of the Ministry of Internal Affairs.
1.5 Kosovo Police Service (KPS)

The KPS legal basis relied on two international documents. These were UNSCR 1244 and the OSCE Permanent Council Decision Nr. 305. Operative paragraph 11 states that: “The OSCE mission in Kosovo will concentrate its work on human resources capacity building, including the training of a new Kosovo Police Service within a Kosovo Police School which it will establish and operate, the training of the judicial personnel and the training of the civil administrators at various levels, in cooperation, inter alia, with the Council of Europe;”\textsuperscript{10}. This document/decision shows that OSCE was covering pillar III of the UN administration in Kosovo, therefore, it was under the umbrella of UNMIK. Within this structure, responsibility for the operation of the KPS was divided between Pillar I (Police and Justice) and Pillar III (Democratization and Institutional Building).

1.6 Kosovo Protection Corps (KPC)

KPC legal basis relied on the UNMIK Regulation 1999/8 of 20 September 1999. Based on the regulation 1999/8 of 20 September 1999, on the establishment of the Kosovo Protection Corps, point 1.1 shows its mandate: “The Kosovo Protection Force shall be established as a civilian emergency service agency….\textsuperscript{11}” Today, KPC is disbanded and the KSF (Kosovo Security Force) is created under the guidelines and standards of NATO according to the Comprehensive Proposal of the Kosovo Status Settlement. KPC stand-down and KSF stand-up is a new task of KFOR. Also, the Ministry of the Kosovo Security Force is established as a civilian oversight body of the Kosovo Security Force (KSF).

1.7 Office of Public Safety (OPS)

Office of Public Safety was established as a liaison office between UNMIK and the Prime Minister (PISG) to inform the Prime Minister and the Government on the reform of the KPS, and on incidents which impact the public safety and the overall well-being of citizens\textsuperscript{12}. OPS created within itself a Division for Gathering and Processing Information

\textsuperscript{11} Regulation 1999/8 on the establishment of the Kosovo Protection Corps is available at: [www.unmikonline.org/regulations/1999/re99_08.pdf](http://www.unmikonline.org/regulations/1999/re99_08.pdf)
\textsuperscript{12} Administrative Direction 2004/16 is available at: [http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2004ads/A2004ads.htm](http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2004ads/A2004ads.htm)
to be developed in the form of a Situation Center next to the Prime Minister's Office. The Situation Center became functional after a decision was issued by the Prime Minister in November 2005. Establishment of the Situation Center was done in cooperation between the Office of Public Safety and the Advisory Unit on Security (AUS) (operating under SRSG).

1.8 Ministry of Interior (MoI)

Ministry of Interior was established in December 2005 by UNMIK Regulation 2005/53. The regulation amended UNMIK Regulation 2001/19 on the executive branch of the Provisional Institutions of Self-Government in Kosovo. The establishment of the Ministry of Interior (and Ministry of Justice) came as a result of the transfer of competences from UNMIK to PISG in the rule of law sector. The process of transferring was associated with extensive consultations between UNMIK and PISG authorities. Upon establishment, some of the responsibilities of the Ministry of Interior could be summarized in:

a) Development of policies within the scope of its responsibilities, in the field of public order and safety;

b) Administering financial and budgetary affairs of the Kosovo Police Service;

c) Through UNMIK, responsible to implement Integrated Border Management;

d) Assisting in administration of policies related to civil documents;

e) Collect, maintain and analyze statistical data and information in the field of public order and safety

1.9 Ministry of Justice (MoJ)

As the Ministry of Interior, the Ministry of Justice was established in December 2005 by the UNMIK Regulation 2005/53, amending the Regulation 2001/19 on the executive branch of the PISG. Upon establishment, the some of the responsibilities of the Ministry of Justice could be summarized in:

a) Development of policies within the scope of its responsibilities, in the field of justice, including public prosecution;

b) Administering financial and budgetary affairs of the Ministry;

c) Providing guidance in respect of the development and implementation of the prosecutorial policy of the Office of the Public Prosecutor of Kosovo;

d) Provide training of prosecutors in cooperation with the Kosovo Judicial Institute;

e) Provide information and statistics on the correctional service and the prosecutorial system\(^{14}\);

1.10 Department of Emergency Management (DEM)\(^{15}\)

Department of Emergency Management was established with the establishment of the Provisional Institutions of Self-Government in 2001. The department functioned within the Ministry of Public Services and later was transferred in the Ministry of Interior (UNMIK Regulation 2006/26)\(^{16}\). Its initial responsibilities consisted of:

a) Developing and implementing a strategy for emergency planning and civil protection services;

b) Directing and coordinating fire and rescue services in close cooperation with the Municipalities;

\(^{14}\) Ibid.

\(^{15}\) It is now called Agency for Emergency Management (AEM)

2. **International (civil and military) presence in Kosovo**

2.1 **International Recognition of Kosovo**

According to the Comprehensive Proposal on the Kosovo Status Settlement, drafted by a team headed by the President Martti Ahtissari, (Special Envoy of the UN Secretary General), as a result of more than one year of face to face negotiations between Pristina and Belgrade, Kosovo declared independence on the 17 February 2008. The Assembly of the Republic of Kosovo committed itself to the full implementation of the proposal. Its provisions are enshrined in the Constitution of the Republic of Kosovo and other laws. The Constitution was approved by the Assembly on 9 April 2008, and after certified by the International Civilian Representative (ICR), entered into force on 15 June 2008.

Not agreeing with the independence of Kosovo, Serbia requested for an advisory opinion to UN General Assembly from the International Court of Justice on the question of “Is the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo in accordance with International Law?” The request for advisory opinion was set in the Resolution 63/3 adopted by the General Assembly of the United Nations on 8 October 2008. International Court of Justice, on 22 July 2010, gives its advisory opinion and “is of the opinion that the declaration of independence of Kosovo adopted on 17 February 2008 did not violate international law”.

Up to now, the Republic of Kosovo has been recognized by 70 countries around the world. It Kosovo has established around 20 diplomatic missions in 20 countries in the world. The process of new recognitions of Kosovo’s independence is going on.

2.2 **International Civilian Representative (ICR)**

This chapter gives a presentation of the International Civilian Representative (ICR), European Union Rule of Law Mission in Kosovo (EULEX), and International Military

---

18 The advisory opinion is available at: [http://www.mfa-ks.net/repository/docs/Advisory_Opinion.pdf](http://www.mfa-ks.net/repository/docs/Advisory_Opinion.pdf)
19 The list of countries which have recognized the independence of Kosovo is available at: [http://www.mfa-ks.net/?page=1,33](http://www.mfa-ks.net/?page=1,33)
20 The list of Kosovo diplomatic missions abroad is available at: [http://www.mfa-ks.net/?page=1,49](http://www.mfa-ks.net/?page=1,49)
Presence (IMP) established after the independence of Kosovo. After the Kosovo's Declaration of Independence on 17 February 2008, an International civil presence took place in Kosovo. The international presence was foreseen with the Comprehensive Proposal on the Kosovo Status Settlement drawn up by the Special Envoy of the UN Secretary General for Kosovo. Moreover, the international civil presence in Kosovo was invited by the Kosovo authorities after country's independence. For the purpose of ensuring the implementation of the Comprehensive status proposal by the Government of Kosovo, the International Steering Group (ISG)\(^{21}\) mandated the International Civilian Representative (ICR) to fill this specific task. Moreover, an International Civilian Office (ICO)\(^{22}\) has been established to support the ICR in fulfillment of his/her mandate. Therefore, ICR through his office ICO ensures the implementation of the Comprehensive status proposal. Mandate and powers of the ICR derive from Annex IX of the Comprehensive status proposal. The ISG decides whether to reduce or terminate the mandate of the ICR when it concludes that the provisions of the Comprehensive status proposal have been implemented.

### 2.3 European Union Rule of Law Mission in Kosovo (EULEX)

European Union Rule of Law Mission (EULEX) is the civilian mission launched under the Common Security and Defense Policy (ESDP). This mission is under the supervision of the European Union Special Representative (EUSR) (authority vested in the ICR). The head of mission may establish whatever presence he/she deems necessary either in the central or local level to ensure the full implementation of the rule of law elements of the Comprehensive status proposal. The mission's primary aim is to assist and support the Kosovo authorities in the rule of law area, specifically in the police, justice and customs issues. Therefore it is organized in three components: police component, justice and customs component. The Police component has a number of approximately 1,400 International police forces organized in three departments: strengthening department, executive police department, and special police department. EULEX works under the

\(^{21}\) International Steering Group is composed of states which support the full implementation of the comprehensive status proposal.

general framework of the United National Security Council Resolution 1244 and has a unified chain of command to Brussels\textsuperscript{23}.

### 2.4 International Military Presence (IMP)

According to the Comprehensive status proposal, Kosovo grants the IMP the status, privileges and immunities currently provided to Kosovo Force (KFOR) under UNMIK Regulation 2000/47\textsuperscript{24}. Responsibilities, powers and authorities of the IMP are provided in the Annex XI of the Comprehensive Proposal on the Kosovo Status Settlement.

![International Civilian Office (ICO) and European Security and Defense Policy (ESDP) Mission\textsuperscript{25}](image)

\textsuperscript{23} Home page of EULEX: \url{http://www.eulex-kosovo.eu/en/front/}
\textsuperscript{24} UNMIK Regulation 2000/47 is available at: \url{http://www.unmikonline.org/regulations/unmikgazette/02english/E2000regs/E2000regs.htm}
\textsuperscript{25} The diagram was first presented by the Head of the Security Advisory Unit of the ICO in a seminar organized by DCAF in Geneva in 2008.
3 National security decision-making structures

3.1 What are national decision-making structures?

This chapter considers the basic functions of national security decision-making structures. What is their role, and why they are needed? They do not have the same name in every nation. They hold similar names but they are meant to conduct a number of roles which are common to every national security structure. Nevertheless, the most generic term for national security decision structures are National Security Councils\(^{26}\). This report refers to NSCs as national security decision-making structures. An important part of this chapter is the description of the organization, composition, basis, function, in order to compare KSC, U.S., Turkey and Macedonia National Security Council as countries of different levels of development and different ways of organizing of the state itself. It should be clear from the outset that there is no ‘one size fits all’ but their characteristics depend on the state how it decides to organize and what role is to be given to that structure.

3.2 The need for national security decision-making structures

The security sector of a country consists of different institutions which perform their duties and responsibilities pursuant to the law which gives them such a mandate. They are spread in different locations and hold meetings according to their agendas sometimes without any co-ordination among themselves. Coordination of these bodies of the security sector is usually why a country establishes national security decision-making structures or NCSs. The National Security Council brings together the separate security organizations. When taking into account the relation or interdependence between security and economic factors, these institutions can also have an effect on the economic development of the country.

3.3 Roles of national security decision-making structures

National Security Councils perform a number of roles in the state security in general. They function either as executive or advisory bodies or a combination of both. A

\(^{26}\) The report on the national security decision-making structures is available at: http://www.rand.org/pubs/technical_reports/TR289/
number of roles which are common to them can be grouped as: joint assessment, resource allocation, oversight, coordination, security priorities and emergency coordination.

3.4 Joint assessment

Information/intelligence sharing between the institutions of the security sector is particularly important in reaching or creating a joint assessment. NSCs represent the case or the place where assessments of the security institutions are shared and contribute to the reaching of a joint assessment which will be the base as to the policy writing and/or decision-making.

3.5 Security priorities

As to what should be considered as security priorities, differ from one country to another. NSCs usually provide expertise in this aspect. Priorities might be directed in the internal aspects such as economic development, unemployment or in external aspects such as international terrorism, trans-national organized crime, etc. Coordination and oversight of foreign and military policy is generally considered the chief role of NSC’s, at least in the U.S. Usually NSC’s are mandated to draft the National Security Policy which sets forth security priorities and national interests and usually provide for instruments on how to achieve the goals or priorities set.

3.6 Emergency coordination

NSCs play a significant role in the aspect of emergency coordination also. They are sometimes engaged directly in emergency management, or authorize a subordinated body to deal with emergency management. In the United States, the National Security Advisor is in charge of disaster management on the part of the National Security Council.

3.7 Basis and legitimacy of national decision-making structures

A National Security Council should have its basis also. Where a NSC has its basis depends on the level of development of the country or the status it has (post-conflict
countries). This is reflected mostly between developed and developing countries. Developed counties like US or UK will find their basis in threats like international terrorism and proliferation of Weapons of Mass Destruction (WMD) and in natural disasters or radical violence against society (domestically). Developing countries find its basis into socio-economic issues such as poverty, unemployment, health pandemics and the potential impact that these might have in the social tensions and regional instability. In developing countries, as a result, the role of the NSC is minimal because they focus more on development needs and reconstruction and they focus generally on short-term security. On the opposite side, the developed countries are focused more on long-term security. The agenda which NSCs pursue in developing countries is very much linked to the economy and development and the economic link to security is crucial to understand the security of that country.

Legitimacy of the NSCs is twofold: legislative basis and the support it has from the high level. The NSCs are mandated by a special act or law issued by the legislative authority (Assembly or Parliament). Expect for sensitive issues or what might me considered confidential based on the law, the work of NSCs should be transparent in their work and accountable to the representative of the people.

3.8 Structure and function

As stated above ‘there is not one size fits all’ so there is not a unique structure which can be adapted by all countries. The structure of a NSC is depended on its basis – it is up to the state what national interests of security priorities pursue. Most or all NSCs function as advisory bodies, executive, or a combination of both depending on the situation. Moreover, it depends where the NSC is a policy implementation body. More or less, executive NSCs are stronger than advisory and coordination NSCs. As to the Kosovo Security Council, it plays two roles in two different situations: advisory role in normal situations, and vested with executive authority in emergency situations.

3.9 Organization and composition

There are different organizations of the NSCs. Normally NSCs are chaired by the chief of the executive be it the Prime Minister or the President depending on the system
(parliamentary or presidential). An important role is played by the National Security Advisor. The role which he plays differs and is depended whether the President or the Prime Minister engages him or her in many responsibilities. In U.S. National Security Council, the National Security Advisor serves as national security advisor to the President on matters relating to the national security, and plays the role of the coordinator – coordinating the results of the work of the NSC staff and the other relevant bodies. He also serves as the chief assistant to the President in security related issues.

The composition aspect of the NSC is also important and the balance between the civil and military presence should be balances. This is particularly a problem in post-conflict societies that are mainly in the process of reforming or developing the security sector. Inclusion of the important actors, military or civil is important also for making a joint assessment on security priorities and intelligence sharing and decision-making. It is very important to have the opinion of the military and intelligence or police units when taking decisions in the NSC. As to the KSC it involves the KSF Commander, the Police General Director and the Chief of the Intelligence Agency27.

27 This is discussed in more details in chapter 4 – role of the Kosovo Security Council, section 4.8.
4. Establishment of the Kosovo Security Council

4.1 KSC in the Comprehensive Proposal for the Kosovo Status Settlement

Grounds for establishment of the KSC are primarily found in the Comprehensive Proposal for the Kosovo Status Settlement. Annex VIII Article 1 point 1.4 points: “Kosovo shall establish a Kosovo Security Council (KSC) reporting to the Prime Minister. The KSC shall develop a security strategy in accordance with this Settlement. Kosovo shall develop a legislative framework on the components of the security sector in accordance with this Settlement with appropriate budgetary and oversight provisions”28.

4.2 KSC in the Constitution of the Republic of Kosovo

Chapter XI of the Constitution of the Republic of Kosovo is dedicated to the security sector. Article 127 in 4 points precludes the establishment of the Kosovo Security Council:

1. The Security Council of the Republic of Kosovo in cooperation with the President of the Republic of Kosovo and the Government develops the security strategy for the Republic of Kosovo. The Security Council of the Republic of Kosovo shall also have an advisory role on all matters relating to security in the Republic of Kosovo.

2. The Security Council of the Republic of Kosovo shall be chaired by the Prime Minister with the support of the Government, except during a State of Emergency as provided by this Constitution.

3. The President of the Republic of Kosovo may require meeting of the Security Council of the Republic of Kosovo and the Council is obliged to closely coordinate its work with the President. The Security Council of the Republic of Kosovo shall closely cooperate with international authorities.

---

4. Members of the Security Council of the Republic of Kosovo shall be appointed and dismissed in a manner provided by law\textsuperscript{29}.

4.3 Law on the Establishment of the Kosovo Security Council

Pursuant to the Constitution, Article 65(1), the Assembly of the Republic of Kosovo issues the Law on the Establishment of the Kosovo Security Council. Kosovo Security Council has two supporting bodies: Secretariat and the Situation Center mandated by law. In addition, the Prime Minister establishes the Intelligence Committee and any \textit{ad-hoc} committees seen as necessary.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{structure.png}
\caption{The structure of the Kosovo Security Council and its supporting bodies (the Secretariat and the Situation Center)}
\end{figure}

\textsuperscript{29} Constitution of the Republic of Kosovo, page 47-48, it is available at: \url{http://www.kushtetutakosoves.info/?cid=2,302}
4.4 Joint assessment

Kosovo Security Council (KSC) has two bodies which deal with information and intelligence sharing30 which help building a joint assessment on the relevant issue/s on security. Chapter III31 – supporting bodies, of the Law on the establishment of the Kosovo Security Council, Article 17, point 17.1 provides: “...It (the Situation Center) shall serve as an operational center for information gathering, basic analysis and support of crisis management”. Moreover, points 17.2 and 17.3 provide: All relevant Ministries, security institutions, and agencies shall provide inputs to the Situation Center. It shall also be supported by representatives of the Kosovo Security Force, the Kosovo Police, and the Kosovo Intelligence Agency who shall be responsible for liaising with their respective agencies”32. To be clear, Information and intelligence is not the same: “all intelligence is information but not all information is intelligence”33. Another body which may help to create a joint assessment while sharing intelligence, is the Intelligence Committee.

Article 18 – Coordination committees, point 18.1 provides “The Prime Minister shall establish an Intelligence Committee. The Intelligence committee shall be comprised of the Secretary of the KSC and senior representatives of Kosovo Police, Kosovo Intelligence Agency, Kosovo Security Force, the Customs Service, and any other statutorily authorized agency or organization the mandate of which include intelligence activities. Moreover, point 18.2 provides specifically on the mandate of the committee. The Committee shall coordinate the intelligence activities of the organizations and agencies set forth in paragraph 1 of this Article for the purposes of: ensuring that the policies of the Government in intelligence sector are being carried out according to the priorities set, and ensuring efficient inter-agency cooperation and the sharing of intelligence”.

30 This is not to be confused with the Kosovo Intelligence Agency (KIA) which is a separated institution from KSC.
31 Law No. 03/L-045 on the establishment of the KSC. Available at: http://mksf-ks.org/?page=2,1
32 Whether the Situation Center is supported by the respective institutions in normal or emergency situations depends on the internal regulation of the Situation Center. Normally, in times of emergencies, the Situation Center is upgraded and the liaison officers should be gathered in a separated room in the Situation Center and help/support the Situation Center, respectively the Kosovo Security Council in building a joint assessment on the issue in question.
4.5 Security priorities

Kosovo Security Council and the Government have approved the security strategy of the Republic of Kosovo in June 2010 and now it is sent to the Assembly for final approval. Among the objectives or security priorities which this document sets are: organized crime, terrorism, illegal weapons, disasters and civil emergencies, economic development, education and research, unemployment, poverty, public health, and environment.

4.6 Emergency coordination

There are no central standard operating procedures of emergency and crisis management which clarify the chain of command and the involvement of the central, regional and local institutions in emergency/crisis management. Agency for Emergency Management (AEM) which used to be under the Ministry of Public Services has been successful in several cases and very often with KFOR assistance. Upon establishment of the Ministry of Internal Affairs, this Agency is part of that Ministry. Additionally, AEM has four Regional Centers for Alarming and Emergency Coordination located in four regions, Prishtina, Peja, Gjilani, and Prizreni. Only one center is not yet established in Mitrovica. Then, each Municipality has its Directorate for Protection and Defense which is responsible for emergency management in the municipal level. Other departments which are responsible in emergency management in the municipality level are the Committee on Security, the Police, Fire brigades, and Local hospitals.

Kosovo Security Council is mandated to manage the emergencies/crisis when the President pursuant to the Constitution declares the State of Emergency, and the Situation Center coordinates the emergency/crisis management. Article 13 point 13.1 of the law provides: “The Kosovo Security Council shall be vested the executive authority upon a declaration of the State of Emergency by the President of the Republic of Kosovo, and Article 17 point 17.1 ...... The Situation Center shall serve as an operational center for information gathering, basic analysis and support of crisis management”.

34 The Security Strategy of the Republic of Kosovo will be published in the official gazette when it gets approval from the Assembly.
35 For detailed information about AEM, look at: http://www.mpb-ks.org/?page=2.29
4.7 Structure and function

The Kosovo Security Council has two structures in the two different situations (normal and emergency situations):

![Diagram of Kosovo Security Council structure]

**Figure 4.2: Structure and composition of the Kosovo Security Council in normal situations**

The KSC advises the President and the Prime Minister in national security related issues but doesn’t have an implementation role. The role and competences of the KSC are described in Article 1 and 2 of the law:

Article 1:

1.1 *The KSC shall have an advisory role on all matters relating to the security of Kosovo and its contribution to regional stability;*

1.2 *The KSC shall recommend security policies and security strategies;*
1.3 The KSC shall provide information and assessments on the security situation in Kosovo to enable the Government of the Republic of Kosovo to make informed decisions on security related issues;

Article 2:

2.1 In coordination with the President of the Republic of Kosovo, develops and reviews the Security Strategy of Kosovo;

2.2 It shall provide written comments on all draft laws related to the security sector and its institutions. Its advice and comments shall be considered by the Government before the draft is being sent to the Assembly for its final approval;

2.3 It shall review the ten year plan of the Kosovo Security Force (KSF) before it is approved by the Government and sent to the Assembly for its final approval;

2.4 It shall review the annual intelligence platform and strategic priorities for the Kosovo Intelligence Agency (KIA) before its approval by the Government and the Assembly subsequently;

2.5 It shall review the policies and strategic plans presented by the Minister of Internal Affairs pertaining to the Kosovo Police before they get approved by the Government;

2.6 It shall review the policies and strategic plans presented by the Minister of Internal Affairs pertaining to the Customs Service before they get approved by the Government;

2.7 It shall review the foreign security policy, the drafts of all treaties and international agreements relevant to security, and the establishment of relations between national security agencies and foreign counterpart agencies or organizations;

2.8 It shall submit advice to the President and the Government of the Republic of Kosovo on the proposed deployment of Kosovo Security institutions and agencies on operations outside the territory of the Republic of Kosovo.
2.9 The President of the Republic of Kosovo shall be entitled to submit requests for advice to the KSC. It shall in a timely manner prepare and transmit such advice to the President of the Republic of Kosovo.

4.8 Organization and composition

The Kosovo Security Council is composed of permanent staff that has executive and advisory authority/capacity. Those members with executive authority are:

- the Prime Minister,
- the deputy Prime Minister(s),
- the Minister for Kosovo Security Force,
- the Minister of Foreign Affairs,
- the Minister of Internal Affairs,
- the Minister of Justice,
- the Minister of Economy and Finance\(^\text{36}\),
- the Minister of Returns and Communities\(^\text{37}\).

Other permanent members but with advisory capacity to the KSC, are:

- a representative of the President of the Republic of Kosovo,
- the Director of the Kosovo Intelligence Agency,
- the Senior Advisor to the Prime Minister,
- the Security Advisor to the Prime Minister,
- General Director of the Kosovo Police,
- the Commander of the Kosovo Security Force,
- the Secretary of the KSC,
- the Director of the Agency for Emergency Management, and
- the Director of Customs of the Republic of Kosovo\(^\text{38}\).

\(^\text{36}\) In absence of the Minister, the deputy Minister takes part in the meeting of the KSC.

\(^\text{37}\) If none of the Kosovo Security Council’s permanent members with executive authority belongs to the Kosovo Serb Community, the Prime Minister shall appoint one additional member among the Kosovo Serb Ministers as an additional member of the KSC with executive authority (point 3.2 of Article 3 of the Law on the establishment of the Kosovo Security Council).
The difference in composition during the state of emergency is manifested on:

- Deputy Prime Ministers do not participate in the meeting of KSC;
- Representative of the President does not participate in the meeting, and
- Director of Customs does not participate in the meeting as well;

**Figure 4.3: Structure and composition of the Kosovo Security Council is emergency situations**

38 Other members with advisory capacity may be appointed by the Chair (Prime Minister) on an *ad hoc* basis.
39 As the President chairs the KSC during the state of emergency, I put him above the Prime Minister. However, the law is not clear enough regarding the Prime Minister’s role in the KSC during the state of emergency.
5. **Comparisons of KSC with other nations**

Let us now compare the Kosovo Security Council with the U.S., Turkey, and Croatia. It is based on certain legislation which determines the Security Council’s role of the certain country. National decision-making structures do not all bear the same name, e.g. Albania National Security Authority. Nevertheless, each country has a body with a similar name in the security sector which is supposed to have advisory role to the President, coordination of policies of different actors dealing with security issues, and executive role in times of emergencies or crisis. This is all dependent on the legislation and is different from one country to another. National Security Councils (NSCs) differ as to the role they play in the national security – executive, advisory, decision-making, policy coordination. Some are responsible for internal and external security while others for all areas of security policies. France is the example of having two National Security Councils, one dealing with internal security issues and the external one which deals more with the priorities in terms of European Foreign and Security Policy in the world.

5.1 **Case study 1**

**United States National Security Council**

U.S. National Security Council has been established by the National Security Act of 1947. Since its establishment it has evolved presidency by presidency depending on the profile of the President and the job he wanted to be performed for him by the National Security Council (NSC). It is located in the Executive Office of the President and works under the chairmanship of the President. Its membership is almost set since the beginning but the President has the right to invite representatives of relevant institutions on a particular issue to take place on ad hoc basis.

**Composition**

The United States Security Council is established under the President Harry S. Truman administration. It was established by the National Security Act as a principal forum to be used by the President to consider national foreign and security policies. Robert Cutler writes: *...each President may use the Council as he finds most suitable at a given*
The President is the chair of the NSC while other statutory and non-statutory members include: Vice-President of the United States, Secretaries of State, Defense, Treasury and the Assistant to the President for National Security Affairs also known as the National Security Advisor. The Chairman of the Joint Chiefs of Staff is the military advisor to the Council / President and the Director of National or Central Intelligence Agency serves as the intelligence advisor. The Chief of Staff to the President, Counsel to the President, and the Assistant to the President for Economic Policy are invited sometimes to attend the NSC meeting.

**Figure 5.1:** President Barack Obama at a NSC Meeting in the Situation Room. Participants include Secretary of State Hillary Rodham Clinton, Defense Secretary Robert Gates, Vice Chairman of the Joint Chiefs of Staff Gen. James Cartwright, DNI Dennis Blair, White House Counsel Greg Craig, CIA Director Leon Panetta, Deputy National Security Adviser Tom Donilon, NSC Advisor Gen. James "Jim" Jones, and Chief of Staff Rahm Emanuel.

**Function**

According to the act which specifies the structure as well as the function of the US NSC, “the function of the Council is to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security so as to enable the military services and other departments and agencies of the government to cooperate more effectively in matters involving the national security”. The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the

---

The U.S. NSC coordinates the national security policy and advises the President, in theory it neither takes decisions nor has an implementation role. The Secretary of State has primary responsibility over foreign policy while the Secretary of Defense on defense policy. The Assistant to the President for National Security Affairs or the National Security Advisor plays a significant role while he or she has direct access to the President and serves as the mediator between the President and the NSC staff while coordinating the national security policy.

**Joint assessment**

The National Security Act of 1947, sec. 102 (a) establishes under the National Security Council a Central Intelligence Agency chaired by a Director and Deputy Director appointed by the President. It coordinates the intelligence activities of the several Government departments and agencies in the interest of national security43.

**Decision-making**

The U.S. National Security Council does not make decisions; that is a lonely responsibility of its top member, the president. Nevertheless, it is a place where fateful decisions are deliberated and where key advisors are expected to offer their guidance to the chief executive44.

**Security priorities**

Some of the security priorities which U.S. National Security Policy addresses are: to defeat terrorism worldwide, improve intelligence capacity and information sharing, worldwide environmental threats, the proliferation of weapons of mass destruction, and the technologies that allow their production, pandemics like HIV/AIDS and natural disasters45. It is worth noting that President Bill Clinton had set economy as one of the priorities and established the National Economic Council based on the model of the

---

44 Ibid, preface, xiv.
NSC\textsuperscript{46}. In practice, the NSC deals with virtually every international issue that comes to the White House; its priorities are those that the President establishes – or which events establish for him.

**Emergency coordination**

The responsible person for emergency coordination is the deputy national security advisor on the part of the NSC. Since the establishment of the Department for Homeland Security, the Directorate for Emergency Preparedness and Response is responsible for overseeing domestic disaster preparedness training and coordinating government disaster relief\textsuperscript{47}.

**Structure**

The United States National Security Council has the following structure:

\begin{figure}
\centering
\includegraphics[width=\textwidth]{Figure_5.2_U.S._National_Security_Council}
\caption{U.S. National Security Council}
\end{figure}


\textsuperscript{47} RAND corporation technical report, National Security Decision-Making Structures, page 18
5.2 Case study 2

Turkey National Security Council

Legal basis

Turkey's National Security Council was established in 1961 in order to provide the Council of Ministers with the necessary guidelines regarding the coordination of the national security issues. It was then complemented by Law No. 2945 in 1983 pursuant to the Constitution of 1982 (Article 118) of the Republic of Turkey. The law No. 2945 regulates the duties and organization of the Secretariat General of the National Security Council.

Composition

Turkey's National Security Council, under the chairmanship of the President, consists: the Prime Minister (and deputy Prime Ministers), Chief of General Staff, Minister of Defense, Minister of Interior, Minister of Foreign Affairs, the Commanders of Land, Naval, Air Forces and the General Commander of the Gendarmerie. Depending on the agenda, related ministers and persons can be called to attend the council's meetings and present their views. The Secretary General of the NSC also participates in the meetings but has no right of vote.

Function

Turkey National Security Council, works within the framework of the definitions on national security and the national security policy and performs the following tasks:

---

49 The law on the NSC and the Secretariat General of the NSC: http://www.mgk.gov.tr/Ingilizce/Kanun/kanun_en.htm
50 National security as defined by the Law on the establishment of the National Security Council, means the protection and maintenance of the constitutional order, national presence, integrity, all political, social, cultural and economic interests in international field as well as against any kind of internal and external threats, of the State. According to that law, National Security Policy means the policy covering the principles of the course of internal, external, and defense actions determined by the Council of Ministers within the views set by the National Security Council with the aim of ensuring national security and achieving national objectives.
• takes advisory decisions on the issues pertaining to the determination, establishment and implementation of the National Security Policy;
• ensures the necessary coordination;
• it submits the advisory decisions to the Council of Ministers;

The Secretariat General of the National Security Council is established under the authority of the Prime Ministry. It consists of the Secretary General, Deputies of Secretary General, bureau of Secretariat General and the units such as: Legal advisory, main services units, and personnel and administrative affairs department. The Secretariat General of the National Security Council:

• Conducts the secretariat services of the National Security Council;
• Carries out the duties given by the National Security Council and the relevant laws;

Secretariat General is subject to the General Budget System. An extra allocation is included in the budget for confidential expenditures. The Secretary General is responsible for using this allocation, to the Prime Minister.

**Security priorities**

There are two documents which define the national security priorities and national interests: the National Security Policy Documents (NSPD) and the White Paper of the Ministry of National Defense. The Council of Ministers is not involved in the preparation of the National Security Policy Document. The institutions which are involved throughout this process are: the General Staff, the Ministry of Foreign Affairs and the National Intelligence Organization under the coordination of the National Security Council General Secretariat. The NSDP in the Republic of Turkey is also called as the ‘Red Book and it is retained secret. It is not sent to the Parliament for ratification and only NSC members are supposed to see it\(^5\).

Meetings and agenda

Regularly, the Council convenes once every two months, but may convene upon the proposal of the Prime Minister or request of the President. Meetings are chaired by the President and in his/her absence, by the Prime Minister. The agenda of the Council is drawn by the President, taking into account the proposals of the Prime Minister and the Chief of the General Staff.

Decision-making

The Council takes decisions by the majority of votes, and in case of a tie, the side which has the Council Chairman is assumed to form the majority. The decisions of the Council are submitted to the President and the Prime Minister to be discussed in the Council of Ministers, by the Secretary General of the National Security Council. These decisions are given priority and put on the agenda of the Council of Ministers and the necessary decisions are taken.

Structure

Turkey National Security Council has the following structure:

![Diagram of National Security Council in the Republic of Turkey](image)
5.3 Case study 3

Croatia National Security Council

There is no legislative basis for the National Security Council of Croatia except the Constitution and the National Security Strategy of the Republic of Croatia. The general structure of the national security decision-making structures in Croatia is shared between institutions such as: the Office of the National Security Council, National Security Council, and the Council for Coordination of Security and Intelligence Services. There is not any available data which proves the composition of the National Security Council in Croatia. From the available data, more important seems to be the Office of the NSC rather than the NSC itself. According to the case studies provided earlier, the Croatian national security decision-making structures are more decentralized or disintegrated.

Function

The Office of the National Security Council performs expert and administrative duties for the National Security Council and the Council for the Coordination of Security and Intelligence Services which enable them to fulfill their legally based obligations from the field of national security. Most important duties of the Office of the National Security Council could be summarized in:

- Coordinating and harmonizing the adoption and implementation of information security measures and standards in the Republic of Croatia;
- Oversight the above mentioned adoption and implementation;
- Negotiating the concluding international security agreements on the mutual protection and exchange of Classified Information;
- Issuing security clearances for certain individuals;

53 Website of the Office of the National Security Council: http://www.uvns.hr/default.aspx?id=121
Joint assessment

Office of the National Security Council, based on the information of the security and intelligence agencies, creates joint and periodical reports and strategic assessments for the President of the Republic and the Prime Minister.

Oversight

Office of the National Security Council is also the Croatian National Security Authority which coordinates, harmonizes and controls the implementation of information security measures and standards in the Republic of Croatia.

Structure

The national security decision-making structures of the Republic of Croatia have the following diagram:

Figure 5.4: The Office of the National Security Council in the Republic of Croatia
5.4 Case study overview

As explained earlier, there is no ‘one size fits all’, but every country designs its national decision-making structures according to its circumstances. The table below provides an overview of the comparison of the NCSs in the Republic of Kosovo, United States of America, Republic of Turkey, and Republic of Croatia about some generic aspects as: legislative basis, oversight, decision-making, coordination, advice, implementation, assessment, and emergency coordination.

Table 5.1: The matrix shows whether the NSC plays one particular role as legislative basis, oversight, decision-making, coordination, advice, implementation, assessment, and emergency coordination.

<table>
<thead>
<tr>
<th>Country</th>
<th>Body</th>
<th>Legislative basis</th>
<th>Oversight</th>
<th>Decision making</th>
<th>Coordination</th>
<th>Advice</th>
<th>Implementation</th>
<th>Assessment</th>
<th>Emergency Coordination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kosovo</td>
<td>Kosovo Security Council</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>United States</td>
<td>National Security Council</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Turkey</td>
<td>National Security Council</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Croatia</td>
<td>Office of the National Security Council</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>
6. Central Standard Operating Procedures

6.1 What central standard operating procedures stand for?

Central Standard Operating Procedures are produced to provide the Situation Center with the guidelines to operate. They are dynamic and constant updating must be carried out to endure they remain current. The Central Standard Operating Procedures are organized to provide an overview of the Kosovo Security Council Secretariat’s mandate, and the Situation Center’s role. The main part of the Standard Operating Procedures details services that the Situation Center can provide and the daily functions and duties to be performed by that. Standard Operating Procedures of other departments such as Department of Emergency Management have to comply with the Central Standard Operating Procedures. They are subordinated to the Situation Center standard operation procedures as a tool to support crisis management by the Kosovo Security Council.

6.2 The Secretariat of the Kosovo Security Council

Kosovo Security Council Secretariat is established by the Law No. 03/L-050 in March 2008 on the Establishment of the Kosovo Security Council. Among other responsibilities, it is responsible for preparing periodic reports and analysis on political-security related issues for the Government of the Republic of Kosovo and the Kosovo Security Council.

6.3 The Situation Center

It is established initially in November 2005 under the Office of Public Safety. It became justified with the Law No. 03/L-050 of March 2008 on the Establishment of the Kosovo Security Council. Together with the Secretariat, it serves as a supporting body of the Kosovo Security Council. It is an operational center for information gathering, basic analysis, and support of crisis management. All relevant Ministries, security institutions, and agencies shall provide inputs to the Situation Center;

Although the Law gives such a mandate to the Situation Center, there are not standard operation procedures which would clarify the duties, daily tasks, chain of command,
duty roster, preparation of the daily security summary and so on. This chapter provides guidelines on preparation of the central standard operation procedures which then should be drafted as an internal document. They should at least consist of the following points. Other aspects of organization of the Situation Center are already regulated by the regulation of the Situation Center.

6.4 The Mission

The Situation Center is intended to speed up, complement and amplify the information flows generated in Kosovo, so as to facilitate the making of timely decisions by the Kosovo Security Council and Kosovo Government. It maintains communications links with all components of Governmental structures so as to solicit information from the field. It also processes and analyses raw incoming information. Its staff provides a round the clock coverage, screening incoming information, responding to factual queries, judging when to contact decision-makers (through the Director of the Situation Center and the Secretary of the Kosovo Security Council), and summarizing incoming information. When required, the Situation Center provides daily briefings, presents spontaneous briefings upon request, maintains constant security situation displays, and provides continuous event monitoring.

6.5 Chain of Command

The Situation Center is under direct operational authority and reports directly to the Secretary of the Kosovo Security Council (and to the Prime Minister through him) for all operational and substantive matters. The Director of the Situation Center is responsible for all administrative matters including staffing, equipping, and training.
6.6 Information flow

The Situation Center requires a variety of data in order to maintain its ability to process, synthesize and present information to its customers. It needs near real time information flows to collect raw data for analysis. This information must be provided on the daily basis by:

a) Kosovo Police Operation Center

b) Kosovo Security Force Situation Center

c) Agency for Emergency Management

d) Kosovo Intelligence Agency

e) Regional Centers for Emergency Management

f) Municipal Security Committees
6.7 Liaison and contacts

Based on the level of emergency management (to be discussed in Chapter 8) the Director of the Situation Center should decide to upgrade the Situation Center. This means that liaison officers from Kosovo Police Service, Kosovo Security Force, and Kosovo Intelligence Agency (as provided by Law) should sit at their desks in the Situation Center and provide links with their respective agencies.

6.8 General daily routine for duty desk officers

The day shift during week days starts at eight in the morning and ends at eight the following day. If any significant security/emergency situation develops, the duty desk officer must inform the Director of the Situation Center about new developments. During the handover period, the off-going duty officer is to brief the incoming officer on the overall situation and advise him on any ‘hot spots’ or activities to be closely monitored. During the duty, the duty desk officer shall review the daily reports produced that morning to ensure they do not duplicate information. During the duty hours, the duty desk officer is to continuously monitor events and update the daily reports using the following:

a) Incoming situation reports and special incident reports both written and verbal;

b) E-mail;

c) On-line services in the internet, and

d) TV News channels

The duty desk officer should ensure he has reviewed all incoming information before finalizing the daily situation report.

g) Relevant Ministries

h) Other organizations as deemed appropriate
6.9 Preparation of the Daily Security Summary

A daily security summary on events is prepared each working day. On weekdays, it covers incidents reported during the last 24 hrs while incidents reported on Saturdays and Sundays are summarized in Monday reports. Information providers should submit all daily reports to the Situation Center by 08:00 hrs each day.

The draft is prepared by the duty desk officer and passed to the Director of the Situation Center for signature. The security summary is then distributed according to the approved list by 10:00 hrs.

6.10 Distribution list

Central Standard Operation Procedures should be distributed to the institutions and agencies such as:

- Office of the President
- Office of Prime Minister
- Permanent and non permanent members of the KSC
- Kosovo Police (KP)
  - General Director
  - KP Main HQ – Operations Center
- Kosovo Security Force (KSF)
  - KSF Situation Center
- Agency for Emergency Management (DEM)
  - Regional Centers for Emergency Management (RCEM)
- Municipalities
• Municipal Directorates for Protection and Rescue (MDPR)

• KFOR Headquarter
  • KFOR Joint Operation Center (JOC)

• EULEX Headquarter
  • EULEX Situation Center

• Central Medical Center

• Other institutions/agencies as deemed appropriate;
7. The new law on the State of Emergency

This chapter aims to provide a few basic facts which drafters of the law should take into consideration while drafting the law on the state of emergency. This part tries to clarify the competences of institutions involved during the respective levels of emergency management. This is what is needed in order to clarify the chain of command and when the relevant institutions should be activated. These issues should be mandated by Law which complements the Law on the Protection from Natural Disasters and Others.

7.1 State of emergency

During a state of emergency, Kosovo Security Council is vested with executive authority and chaired by the President of the Republic of Kosovo. The President is mandated by the Constitution to declare the state of emergency when:

a) There is a need for emergency defense measures;
b) There is an internal danger to the constitutional order or to public safety;
c) There is a natural disaster affecting all or part of the territory of the Republic of Kosovo.

In three cases above, the President of the Republic of Kosovo declares the state of emergency upon consultation with the Prime Minister who chairs the KSC in normal situations (normal functioning of the KSC). After declaring the state of emergency, the President should issue a decree setting forth the nature and the threat and any limitations on rights and freedoms. The decree shall not have power or force without declaring of the consent by the two thirds (2/3) vote of the deputies present in the Assembly within the forty eight (48) hours\(^{54}\).

7.2 Information flow in the state of emergency

During the state of emergency, the Kosovo Security Council shall closely cooperate with the Government, Assembly and international authorities (such as International Civilian Representative, KFOR Commander, and EULEX). Information flow during the state of emergency.

\(^{54}\) Constitution of the Republic of Kosovo, page 49.
emergency between the relevant institutions involved in the emergency management is presented in the beginning of this project.

### 7.3 Levels of emergency management

Generally, emergency management level should be divided in four levels:

1. National level;
2. Inter-regional level;
3. Regional level;
4. Municipal (local) level;

![Figure 7.1: The levels of emergency management](image)
7.4 Competences of the institutions involved during emergency management levels

1) The National level has to be managed by the Kosovo Security Council and chaired by the Prime Minister pursuant to the Constitution and the Law on the Establishment of the Kosovo Security Council. Composition of the KSC should be in accordance with the provisions of the Law. Kosovo Security Council Secretariat prepares the meeting of the KSC and the Secretary of the Secretariat takes part in the meeting.

The Situation Center is upgraded and liaison officers from the Kosovo Security Force, Kosovo Police, Kosovo Intelligence, should take their seats in the Situation Center and liaise with their respective institutions in order to facilitate the information sharing and reporting. The Director of the Situation Center compiles the summary and submits to the Secretary of the KSC who informs the KSC.

2) The inter-regional level means the involvement of the two or more regions in emergency management. In this case, only the Situation Center is upgraded but not the KSC, and the Director of the Situation Center reports (through the KSC Secretary) to the Prime Minister. This level of emergency is managed by the Agency for Emergency Management (AEM) of the Ministry of Interior in cooperation with Regional Centers for Emergency Management (RCEM). Both the AEM and RCEM report to the Situation Center.

3) The regional level means the emergency happening in a region impacting a number of Municipalities within. The Regional level is managed by the RCEM and may require help from the Agency for Emergency Management. The Situation Center is not upgraded but receives regular reports either from AEM of RCEM on the situation occurred.

4) The municipal level means an emergency managed by Municipal Directorate for Protection and Rescue (MDPR). It directs the local police, fire brigade, rescue teams, local hospitals, etc. An important role is played by the Incident Commander (IC) which is the first person who arrives at the scene and is under guidance of the Local Security Committees chaired by the Major of the Municipality. Local Security
Committees inform the Situation Center about the situation on the ground as well as the RCEM and the DEM.
8. **Recommendations**

8.1 **Drafting the Action plan on implementation of the Kosovo Security Strategy**

In accordance with the objectives set forth in the Kosovo Security Strategy, the Secretariat should take the lead and develop an Action Plan on the gradual implementation of that strategy.

8.2 **Continuous training of the KSC Secretariat staff to conduct efficient security policies**

KSC Secretariat has lately established the Department for Analysis and Security Policies which has four people working there including the Director of the Department. As a new Department, its staff should be trained at least on:

1. Drafting analytical reports for the Prime Minister; quick reports of fast-breaking developments;
2. Drafting of security policies – the whole policy cycle;
3. Assessing huge amount of information for analytical purposes – what should considered as relevant;
4. What is important and what not in an analytical report – what it consists of?
5. Timely dissemination;
6. Templates of analytical reports;

8.3 **Meeting the relevant stakeholders of the security sector institutions to improve Understanding of the KSC’s role**

The Secretariat should develop a plan to meet the relevant stakeholders of the security sector institutions to improve understanding of the KSC’s role. The plan should be based on three levels (central, regional and local):

1. **Central institutions**

   Ministry of Interior (Agency for Emergency Management, Kosovo Police);
Ministry of the Kosovo Security Force (Situation Center);

Ministry of Justice;

Ministry of Foreign Affairs;

Kosovo Intelligence Agency;

Ministry of Environment and Spatial Planning;

Ministry of Health;

Customs Service;

2. **Regional institutions**
Regional Centers for Emergency Management in Prishtina, Peja, Gjilan, and Prizren;

3. **Local institutions**
Municipal Directorates for Protection and Rescue

Representatives of the local police, fire brigades, health and so on.
9. Discussion of KSC future challenges

9.1 Disaster and civil emergency management

The main legal framework for disaster and emergency management is established by the Law 02/L-68 for Protection against natural and other disasters issued by the Assembly in June 2006. It is a relatively complete law and produced effectiveness after it was approved. But, the problem is that after Kosovo's independence, new security sector institutions emerged which normally could not be foreseen by the law. These were the Kosovo Security Council (the Secretariat and the Situation Center), Kosovo Security Force (the Situation Center), and the Kosovo Intelligence Agency. Also the newly created circumstances as the Agency for Emergency Management (AEM) which became part of the Ministry of Interior (created contradicts as to the responsibilities described by law), and the transferring of fire brigades from the AEM competences to the Municipal’s competences. Moreover, the incompleted list of competent institutions to manage emergencies according to that law is:

- MDPR – Municipal Directorates for Protection and Rescue;
- AEM – Agency for Emergency Management;
- USAEC – Unique system for Alarming and Emergency Coordination;

Following points stress some of the deficiencies of this law which should be enough so as to form a working group on its revision:

- Not involvement of the KSC in disaster and emergency management during the state of emergency.
- Not involvement of the Situation Center as a supporting body of the KSC in coordination of the disaster and emergency management;
- The role and responsibilities of the AEM have to be adjusted according to the circumstances created;
- Regional Centers for Emergency Management (RCEM) have to be involved and their role in disaster and emergency management of the regional revel is crucial;
- Transferring of fire brigades from the AEM’s umbrella to the Municipalities;
• Inter-ministerial committee for protection and rescue contradicts with the KSC as to
disaster and emergency management;
• Referring to CIVPOL which doesn’t exist anymore and the Kosovo Police Service
(today Kosovo Police); KPC (today KSF with new responsibilities), etc.

It should be clear that the Republic of Kosovo doesn’t have a clear legal framework in
disaster and emergency management. The law for the Protection against natural and
other disasters has to be revised and the working group working on it has to be
established. Effective and efficient disaster and emergency management is one of the
challenges which KSC is facing.

9.2 Providing timely and accurate analytical reports on the security
situation for the Prime Minister

The Prime Minister should receive reports in daily, weekly and monthly reports from
the Kosovo Security Council Secretariat and the Situation Center. KSC Secretariat has
established a Department for Analysis and Security Policies under the Secretary of the
KSC to provide timely and accurately analytical reports for the Prime Minister.
Providing accurately and timely reports may influence the decision-making in the
cabinet of the Prime Minister. The Situation Center does the collection, procession, and
basic analysis of the information which is then sent to the Secretariat for approval.
These reports and others as requested by the Secretariat should be as inputs for
analytical reports to the Prime Minister. As a newly established Department, its staff
needs training in drafting analytical reports, policies, the whole policy cycle, etc.

9.3 Harmonization of laws (internal) pertaining to the security sector

Harmonization of laws means harmonization with the new security sector structure
established by the Constitution and other laws. One example if the law on the Kosovo
Security Council of March 2008 which creates new circumstances with regards
management. The law for the Protection against natural and other disasters of June
2006 should be amended in order to adjust with the new circumstances and the reality
in the ground. Sometimes, competences of the Agency for Emergency Management
contradict with those of the Situation Center, i.e.
• **Agency for Emergency Management** – follows and alerts on the risk from natural and other disasters and give guidelines on action in coordination with other ministries and other governmental bodies;

• **The Situation Center** – coordinates Kosovo-wide operational response activities....and serves as an operational center for information gathering, basic analysis and support of crisis management.

Also, the law on Protection from Fire (forest fires) overlaps with that of Protection from natural and other disasters with regards to responsibilities of the different stakeholders in the protection from forest fires (Incident commander and respective committees).

### 9.4 Final recommendations

As a final step, this project emphasizes five recommendations to be seriously considered which will enhance the work of the KSC and its relevant bodies:

1. **The development of standard operating procedures for disaster and emergency management.** Based on the legislation provided above, KSC is supposed to manage the crisis while the Situation Centre coordinates the emergency management by providing timely situational reports. Development of central standard operating procedures for disaster and emergency management would be providing rules and guides on how and who manages or coordinates crisis management.

2. **A new law on the levels of emergency management.** The new law would provide levels of emergencies and the institutions involved in emergency management. It shall clarify the competencies of the relevant institutions and the chain of command for each level. The law should also deal with the State of Emergency defined in the Constitution of the Republic of Kosovo.

3. **Drafting the Action plan of the Kosovo Security Strategy.** Kosovo Security Strategy is written by its Secretariat pursuant to the legislation. In addition, the Secretariat should develop an Action Plan on who does what and what the timeframe is.
4. **Continuous training of the KSC Secretariat to produce efficient security policies.** Pursuant to the legislation, the Secretariat of the KSC prepares analysis and provides security policies to the KSC or the Cabinet of the Prime Minister. The KSC staff should be trained on drafting analysis and provide timely and accurate analytical reports to the Prime Minister and Kosovo Security Council. Objective should be to create a high-quality and professional staff, one that the Prime Minister will see as the natural place to turn for information and policy advice.

5. **KSC Secretariat staff should meet with the relevant stakeholders of the security sector to improve the understanding of the KSC’s role.**

The Secretariat’s staff should develop a plan to meet with the relevant ministries, other institutions and agencies to improve the understanding of the KSC’s role in the overall structure of the security sector and in emergency or crisis management. Part of this plan should be the Agency for Emergency Management (AEM) and Regional Center for Emergency Management (RCEM). This will help to share information in times of crisis between them and better coordinate emergency and crisis management.
APPENDIX A

Consultants

LOUIS D. SELL

Tel and Fax: 207-549-3513

E-mail: lsell52354@aol.com

Current position:

2001-present: Adjunct professor, University of Maine at Farmington.

JETON ARIFI

Tel. 044 254 785

Email: jeton.arifi@ks-gov.net

Current position:

2009 – present: Director of the Department for Analysis and Security Policies, KSC Secretariat
References

1. Normal situation means the daily operation of the KSC and its supporting bodies. Charts 1.1 and 1.2 are worked and used in the Situation Center for public presentations.


3. Ibid.

4. For more information about KFOR and its role in Kosovo, look at: [http://www.nato.int/KFOR](http://www.nato.int/KFOR)


7. KFOR placemat; distribution of KFOR troops and their number as of 26 February 2010. Available at: [http://www.nato.int/kfor/](http://www.nato.int/kfor/)

8. Undertaking and Demilitarization of KLA (Kosovo Liberation Army). Available at: [http://www.nato.int/KFOR/docu/docs/index.htm](http://www.nato.int/KFOR/docu/docs/index.htm)

10. OSCE Permanent Council Decision No. 305 of July 1, 1999, to train Kosovo Police Service in the Kosovo Police Service School. Available at:

11. Regulation 1999/8 on the establishment of the Kosovo Protection Corps is available at: www.unmikonline.org/regulations/1999/re99_08.pdf

12. Administrative Direction 2004/16 on the establishment of the OPS is available at:
http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2004ads/A2004ads.html

13. The Regulation 2005/53 on the establishment of the Ministry of Interior and Ministry of Justice (amending the 2001/19 Regulation on the executive branch on the PISG) is available at:

14. Ibid.

15. The Regulation 2006/26 on the transfer of DEM from the Ministry of Public Services to the Ministry of Interior, is available at:

16. The UN General Assembly resolution 63/3 on the request of the advisory opinion from the International Court of Justice, is available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/470/97/PDF/N0847097.pdf?OpenElement

17. The advisory opinion of the International Court of Justice is available at:
http://www.mfa-ks.net/repository/docs/Advisory_Opinion.pdf
18. The list of countries which have recognized the independence of Kosovo is available at: [http://www.mfa-ks.net/?page=1.33](http://www.mfa-ks.net/?page=1.33)

19. The list of Kosovo diplomatic missions abroad is available at: [http://www.mfa-ks.net/?page=1.49](http://www.mfa-ks.net/?page=1.49)

20. International Steering Group (ISG) is composed of states which support the full implementation of the Comprehensive Proposal on the Kosovo Status Settlement


25. More discussed in chapter 4 – establishment of the Kosovo Security Council (KSC)


28. This is not to be confused with the Kosovo Intelligence Agency (KIA) which works out of the KSC

29. The law on the Ministry of the Kosovo Security Force (KSF) and the Law on KSF are available at the webpage of the respective Ministry: [http://mksf-ks.org/?page=2,1](http://mksf-ks.org/?page=2,1)

30. Whether the Situation Center is supported by the respective institutions in normal or emergency situations depends on the internal regulation of the Situation Center. Normally, in times of emergencies, the Situation Center is upgraded and the liaison officers should be gathered in a separated room in the Situation Center and help/support the Situation Center, respectively the Kosovo Security Council in building a joint assessment on the issue in question.

31. DCAF publication “Intelligence practice and democratic oversight”. It is available at: [http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=18354&nav1=4](http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=18354&nav1=4)

32. The Kosovo Security Strategy will be published in the Government official gazette when it gets approved from the Assembly.


34. In the absence of a Minister, the deputy Minister takes place in the meeting.

35. If none of the Kosovo Security Council’s permanent members with executive authority belongs to the Kosovo Serb Community, the Prime Minister shall appoint one additional member among the Kosovo Serb Ministers as an additional member of the KSC with executive authority (point 3.2 of Article 3 of the Law on the establishment of the Kosovo Security Council).

36. Other members with advisory capacity may be appointed by the Chair (Prime Minister) on an *ad hoc* basis

38. The photo of the President Obama in a NSC meeting in the Situation Room:


40. Ibid, page 25

41. Ibid, preface, xiv.

42. White House, Homeland Security where the full National Security Strategy is downloadable: http://www.whitehouse.gov/issues/homeland-security/


44. RAND corporation technical report, National Security Decision-Making Structures, page 18

45. The Constitution of the Republic of Turkey is available at:

46. The law on the NSC and the Secretariat General of the NSC:
   http://www.mgk.gov.tr/Ingilizce/Kanun/kanun_en.htm

47. National security as defined by the Law on the establishment of the National Security Council, means the protection and maintenance of the constitutional order, national presence, integrity, all political, social, cultural and economic interests in international field as well as against any kind of internal and external threats, of the
State. According to that law, National Security Policy means the policy covering the principles of the course of internal, external, and defense actions determined by the Council of Ministers within the views set by the National Security Council with the aim of ensuring national security and achieving national objectives.


51. Constitution of the Republic of Kosovo, page 49