

March 2007

Intelligence in Kosovo
Looking ahead

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The Forum for Civic Initiatives (FIQ) is a Kosovar non-governmental organisation promoting the involvement of Kosovar citizens in social and decision-making processes through programmes designed to focus attention on the values and functioning of an open and democratic society.



Saferworld is an independent non-governmental organisation that works with governments and civil society internationally to research, promote and implement new strategies to increase human security and prevent armed violence.

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Acknowledgements

This report was written by Jérôme Mellon with guidance from the SafePlace project team at the Forum for Civic Initiatives and Saferworld. Both organisations are grateful to those individuals, whether independent analysts or employees of the Kosovo Government or international administration in Kosovo, for their valuable input to the report. We also wish to thank the Governments of the United Kingdom and Germany for funding this publication through their support for the SafePlace project.

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Foreword

Drafted within the framework of the SafePlace project, this report analyses some of the best practices developed internationally in the field of intelligence reform and development and considers how they should be applied in Kosovo. The issue of whether to establish an official intelligence capability for the Kosovo Government has surfaced periodically in recent years. Most notably, in February 2007, UN Special Envoy Martti Ahtisaari's Comprehensive Proposal for the Kosovo Status Settlement recommended that Kosovo establish, "...a domestic security agency to monitor threats to Kosovo's internal security", which should be, "...professional, apolitical, multi-ethnic and subject to parliamentary oversight and civilian administration." This publication seeks to open a healthy public discussion on this matter as well as making concrete recommendations for the establishment and growth of such a service.

Eight key issues pertaining to the establishment of an intelligence service for Kosovo are considered in this report: mandate and tasking, staffing, oversight, independence and impartiality, co-operation with other Kosovo organisations, liaison with foreign partners, sustainable development and public accountability. In each of these areas, this report makes concrete and actionable recommendations that are in line with best international practices and democratic principles. While it is accepted that problems such as low institutional capacity, turbulent politics and factional struggles present real difficulties for the realisation of these best practices and principles, we believe this report offers a benchmark against which progress towards them can and should be judged.

This report is intended as a contribution to a debate on the establishment of an intelligence service for Kosovo that has really yet to begin, and as such it will inform advocacy and media work carried out within the SafePlace project. To date, sporadic media reports on such matters, often focusing on the actions of the unregulated groups that operate informally in this field within Kosovo, have been the main information sources. Almost no informed discussions have taken place, and the cursory analysis undertaken by the UN-commissioned Internal Security Sector Review (ISSR) is the only real contribution in the area of policy.

By advocating for an impartial, apolitical, accountable, efficient and sustainable intelligence service for Kosovo, this report presents the Kosovar public and civil society with a modern image of what an intelligence service should be, aiming to demystify the role and mandate of a domestic intelligence service. A principled but pragmatic debate now needs to take place on whether a service can in fact be established and on how issues such as the mandate, staffing and oversight of such a service should be handled. Parliamentarians, civil society and the general public should all take an active part in that debate. Without such a debate, there can be little hope that Kosovars will embrace modern concepts of security and intelligence and support efforts to ensure the proper functioning of a new service in accordance with democratic norms.

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The peculiar context of Kosovo

In the late 1990s, ethnic Albanian fighters of the Kosovo Liberation Army (KLA) waged a guerrilla war against Yugoslav forces stationed in Kosovo. When Yugoslav President Slobodan Milosevic ordered a violent crackdown against Albanian combatants and civilians, the international community reacted and, in March 1999, launched a military operation spearheaded by the North Atlantic Treaty Organisation (NATO). After a 78-day campaign, Yugoslav forces pulled out of Kosovo and on 10 June 1999, the United Nations (UN) Security Council adopted Resolution 1244. Since then, the autonomous province of Kosovo has been administered by the UN despite still being, under international law, a constituent part of Serbia.

Under this unique arrangement, the Special Representative of the UN Secretary-General (SRSG) holds the ultimate executive authority over the administration of the province through the UN Interim Administration Mission in Kosovo (UNMIK). Since 1999, an indigenous government, the Provisional Institutions of Self-Government (PISG), has been developed and competencies have gradually been transferred to its various ministries and institutions. Headed by a Prime Minister and a President, and comprising a parliamentary Kosovo Assembly and fifteen ministries, the PISG has now entered into negotiations with counterparts from Serbia to define a new legal status for the province. These talks on Kosovo's future status started on 20 February 2006 and were mediated by UN Special Envoy Martti Ahtisaari, who presented his

Comprehensive Proposal for the Kosovo Status Settlement to the Belgrade and Pristina Governments on 2 February 2007. The proposal will then be considered by the UN Security Council prior to the anticipated adoption of a new resolution on Kosovo.

Despite the prospect of an end to the state of political limbo in which Kosovo has remained for more than seven years, pervasive pessimism and frustration among the population have grown in the face of low economic growth, high unemployment and political instability. In addition to fuelling the impatience and frustration of the local population, the often-volatile security situation, the poor state of Kosovo's infrastructure, high levels of pollution and unreliable production and delivery of electricity make Kosovo an unappealing proposition for most foreign investors.

It is in this context that Kosovo's security sector has evolved, with the now 7,000-strong Kosovo Police Service (KPS) at its core but also comprising institutions such as the PISG Office for Public Safety (OPS) and the Kosovo Protection Corps (KPC), a civilian emergency service.¹ Many aspects of Kosovo's security are still the remit of the NATO Kosovo Force (KFOR) and of the UNMIK Civilian Police (CivPol), but with the recent establishment of a Ministry of Internal Affairs, it is expected that all matters related to internal security will eventually be transferred from UNMIK to the PISG.

¹ The Comprehensive Proposal for the Kosovo Status Settlement recommends that the KPC be disbanded, "...within one year of this Settlement coming into force." This report nevertheless considers the KPC as a potentially important and active partner of a future KSS, even though such a relationship might prove short-lived.

The current intelligence landscape

At the moment, there is no intelligence service within the PISG. However, UNMIK and KFOR have a limited domestic intelligence role, as they both analyse information to assess what the potential threats are to the safety of the population and international staff - threats such as natural disasters, violent demonstrations and pandemic diseases. In addition, the KPS, which is still a unit within the UNMIK Civilian Police structure pending its transfer to the Ministry of Internal Affairs, has a criminal intelligence function, which is undertaken by the KPS Directorate of Criminal Analysis.

Some organisations, such as the Institute for Strategic Research of Public Opinion (IHSOP) and the Kosovo Information Service (SHIK), are operating in a way that has similarities with intelligence services. However, as they do so without a legislative mandate, and without parliamentary control and oversight, these organisations are in effect private enterprises and thus cannot be considered as legitimate, official PISG intelligence services.

The recent history of authoritarian rule has left the Kosovar population with the impression that intelligence services are, by nature, a tool of repression or an instrument of abuse controlled by small interest groups, sometimes associated with political parties. This misunderstanding is unfortunately common among Kosovo's citizens, including politicians and journalists, and intelligence has therefore become a 'dirty word' and taboo. Public debates on intelligence issues are rare, tending to highlight the uneven level of knowledge and understanding that Kosovars have of these issues.

While there is a justifiable need for some issues to remain out of the public domain, the examples of countries such as the United States and the United Kingdom demonstrate how the public, the government, and the intelligence community can benefit from a frank and open debate on the role and oversight of intelligence. Such public discussion and parliamentary scrutiny are signs of a healthy and mature democratic society, and should therefore be promoted and facilitated for the benefit of all.

Understanding what intelligence means today

Today, intelligence is understood as information that has been processed and analysed to assist decision-makers. This concept has evolved over time but has always kept the same broad objective, which is to provide timely, relevant, accurate and predictive advice to people making decisions.

While intelligence has been mostly associated with security and military operations, it is today a concept applied in a broad range of areas, including for instance the business sector. Nevertheless, intelligence is usually understood as the process by which information related to security threats is gathered, processed and analysed before being distributed to decision-makers who use it to adapt their decisions to the potential threats that their government or fellow citizens might face, at home or abroad. This definition concerned with threats to the security of states and citizens is the one used in this paper.

The gathering, analysis and dissemination of intelligence are usually the tasks of intelligence services. Most governments around the world have established such services, which usually fall within one of the four following categories:

- Domestic intelligence services, also known as security services, provide intelligence relevant to both the internal security of a country and the maintenance of public order and safety. They are usually tasked with the collection of information on those who may threaten the security of the state through espionage, sabotage, political violence, terrorism, or clandestine activities directed by foreign governments.
- Foreign intelligence services provide intelligence relevant to the external security of a country and the forecasting of external threats. For example, a foreign intelligence report could advise a government on the probability of one of its embassies abroad being attacked by terrorists, or on the benefits associated with a particular trade deal.

- Criminal intelligence services provide intelligence relevant to criminal activities (eg organised criminal groups) and corruption, which is used to assist law enforcement agencies.
- Military intelligence services provide assistance to defence planning and military operations. For example, a military intelligence report could assess the strengths, weaknesses and location of a military opponent prior to the launch of military operations.

The decision to establish intelligence services depends on many factors, including the specific needs of the government, the potential threats faced by the state and its population, the human and financial resources available for such intelligence services, and the political will to engage in intelligence activities. Most countries around the world have established at least one of the four types of intelligence services listed above. In some countries, a single organisation can play the role of two or more intelligence services, but either for legal reasons or to protect the different specialisations and mandates of each service, most democratic states avoid establishing intelligence services that play more than one role. Table one below presents some selected examples of intelligence services around the world, and shows that some countries have decided not to establish intelligence services in all four areas.

Country	Domestic intelligence service	Foreign intelligence service	Criminal intelligence service	Military intelligence service
AUSTRIA	General Directorate for Public Safety	X	Criminal Intelligence Service (BK)	Army Intelligence Service (HNA)
CANADA	Canadian Security Intelligence Service (CSIS)	Communications Security Establishment (CSE)	Royal Canadian Mounted Police (RCMP)	Director General Intelligence Division (J2/DG Int)
CZECH REPUBLIC	Czech Security Information Service (BIS)	Office for Foreign Relations and Information (UZSI)	X	Military Defence Intelligence Agency
FRANCE	Directorate of Territorial Security (DST)	General Directorate for External Security (DGSE)	Central Directorate Judicial Police (DCPJ)	Directorate of Military Intelligence (DRM)
GREECE	National Intelligence Service (EYP)	X	X	X
SLOVENIA	X	Slovenian Intelligence and Security Agency (SOVA)	X	Intelligence and Security Service (VOMO)
UNITED KINGDOM	Security Service (MI5)	Secret Intelligence Service (SIS)	Serious Organised Crime Agency (SOCA)	Defence Intelligence Staff (DIS)
UNITED STATES	Department of Homeland Security (DHS)	Central Intelligence Agency (CIA)	Federal Bureau of Investigation (FBI)	Defense Intelligence Agency (DIA)

Table 1: Selected examples of intelligence services from around the world.

Best practices for the development or reform of intelligence services

When a government takes the decision to establish or reform an intelligence service, as the government of Bosnia and Herzegovina did in 2004, there are specific considerations to take into account such as legislative reform, human and financial resources, management and oversight provisions, internal political dynamics and foreign relations. Moreover, some best practices for intelligence reform and development have been developed and are today considered vital guidelines in the establishment or reform of intelligence services in a democratic, 21st century European context.

For example, although no two cases are identical, it is possible to identify legal standards of democratic accountability of intelligence services to serve as guidelines. In 2005, the Geneva Centre for the Democratic Control of Armed Forces, the Norwegian Parliamentary Intelligence Oversight Committee and the Human Rights Centre of the University of Durham teamed up to identify and recommend standards for democratic intelligence accountability. When establishing or reforming an intelligence organisation, their report suggests, the following best practices should ideally be observed:²

- New and public legislation needs to identify clearly the intelligence organisation's role, tasks, powers and limits, delineate its territorial competence, define the concept of threat and explicitly prohibit investigation of domestic political opponents or acts of lawful advocacy, protest, or dissent unless they clearly constitute a threat to the state or its citizens;
- Each and every special power (such as telephone wiretap) granted to an intelligence service should be defined by law and should respect human rights and the rule of law, in addition to being subject to appropriate supervision and review before and after its use;
- Information gathered and files created by intelligence services need to be regulated by a law establishing data protection mechanisms and standards, allowing public disclosure of some non-sensitive information and defining guidelines for the exchange of intelligence with domestic or foreign partners;
- A minister should be made responsible by law for the formulation of intelligence policy and for the approval of politically sensitive issues, and the intelligence service should be granted appropriate access to the minister for direction and support;
- The law should allow for ministers to approve, when appropriate, international co-operation with foreign partners, but should prevent any co-operation activity or exchange of information that would undermine domestic law or international human rights;
- Legal safeguards should prevent abuse of intelligence by ministers and civil servants and ensure that no action by the intelligence organisation is taken to promote the interests of a particular political party or individual;
- A specialised parliamentary oversight body, mandated by law, should be tasked with monitoring and investigating the efficiency, legality and affordability of the intelligence service's activities, and with publishing its findings and recommendations; and

² These guidelines are directly inspired by some of the 84 best practices detailed in Born H and Leigh I, *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies*, (Publishing House of the Parliament of Norway, 2005).

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- Complaints and grievances of citizens should be received, heard and acted on appropriately by an independent office or tribunal in the course of a transparent and (ideally) public process.

Establishing an intelligence service for Kosovo

Although the decision to establish an intelligence service for Kosovo would be politically sensitive and probably controversial, such an organisation would serve an important role by providing Kosovo's decision-makers with timely, relevant, accurate and predictive advice, allowing them to make informed decisions for the benefit of the population of Kosovo and its neighbours. The UN Special Envoy, Martti Ahtisaari, recommended in his official proposal that Kosovo, "...establish a domestic security agency to monitor threats to Kosovo's internal security", and this new agency be, "...professional, apolitical, multi-ethnic and subject to parliamentary oversight and civilian administration." Numerous organisations and stakeholders also favour this idea.

The establishment of such an organisation would take time, particularly for it to become fully operational, effective, and capable of delivering the type of advice decision-makers need to ensure security and stability in Kosovo. Therefore, the debate on the establishment of the Kosovo Security Service (KSS) should begin so that if the decision is indeed made to create such an organisation, some useful discussion and debate would have already taken place. This paper, along with an accompanying background, *Understanding Intelligence Services*, is intended as a contribution to this discussion, prior to a final decision on the establishment of an intelligence service for Kosovo.

Although a final decision has yet to be made on Kosovo's future status, it is useful to discuss the establishment of an intelligence service for Kosovo. The following recommendations are based on democratic principles and international best practices which should guide decision-makers in the process of creating the KSS.

Mandate and tasking

Like any other government agency, the KSS should be placed under the oversight of the Assembly of Kosovo. However, to be effective, the KSS needs to be professional, non-partisan and independent of any political party. The role of politicians should therefore be limited to monitoring its activities on behalf of the population in order to ensure that it is not used as a tool of state oppression or of any one political party. In this context, and in order to provide appropriate direction for the KSS and delineate the scope of its mandate, the Assembly of Kosovo should debate, vote on and approve a law on the Kosovo Security Service. This law should:

- Officially establish the KSS as an independent agency, positioned at the same level but without the same attributes as the ministries, and under the authority of the Prime Minister;
- Define the KSS as a purely domestic intelligence service which is responsible for gathering information and producing intelligence relevant to the internal security of Kosovo and to the maintenance of public order and safety;
- Describe every special power granted to the KSS, such as surveillance in non-public places, interception of communications and electronic surveillance, as exceptional measures requiring a judicial warrant prior to their use, and subject to a judicial review following their use;
- Limit the jurisdiction of the KSS to the official boundaries of the Kosovo territory, prohibiting any KSS intelligence activity, including the interception of communications, to be undertaken outside these boundaries;

³ Mellon J, *Understanding Intelligence Services*, (Forum for Civic Initiatives and Saferworld, December 2006). This brief backgrounder defines and explains the main concepts related to intelligence services, including their mandate and oversight, in a modern European context.

- Define the concept of threat by limiting its meaning to those activities or individuals which may threaten the security of Kosovo through espionage, sabotage, political violence, terrorism or clandestine activities directed by foreign governments;
- Explicitly prohibit the KSS from investigating acts of lawful advocacy, protest, or dissent, unless these acts are clearly linked to threats to Kosovo's security;
- Strictly prohibit any covert action aimed at influencing the political, military, social or economic conditions of a foreign country through means such as, but not limited to, propaganda, support to foreign political or military factions, assistance to foreign governments, sabotage, assassination or disruption of activities on foreign soil;
- Establish safeguards to prevent the misuse of the KSS by individuals, political parties or interest groups; and
- Explicitly state that all KSS actions without exception should respect and conform to the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, as well as to the International Covenant of Civil and Political Rights.

In addition, the Kosovo Prime Minister should, once a year, prepare and publish a document presenting Kosovo's intelligence and security requirements. These requirements should constitute a binding document for the KSS to guide its activities and set its objectives. Any deviation from these requirements by the KSS should be investigated promptly by the Assembly of Kosovo and unless proper justification for such deviation is provided by the KSS Director, the KSS should be instructed to revise its activities and objectives in accordance with the requirements.

Staffing

To fulfil its role and mandate, the KSS should bring together the most qualified staff possible, but the law establishing the KSS should also establish some requirements and guidelines related to its staffing. To ensure the quality, impartiality and professionalism of the staff, the KSS should, through internal rules and policies:

- Set minimum age and education requirements for the recruitment of new staff;
- Impose a stringent and thorough vetting procedure to be undertaken for any potential new staff in order to assess the risk of the candidate becoming a threat to the KSS, divulging sensitive information to third parties, endangering other KSS staff, engaging in illegal activities, or compromising the reputation of the KSS;
- Establish the requirement for all new staff to undergo a comprehensive, in-house training programme at the start of their employment;
- Establish an internal code of conduct for all staff, addressing issues such as respect for the rule of law, discrimination, harassment, conflicts of interests and relations with the public, along with explicit disciplinary process in cases of improper or illegal conduct; and
- Prohibit staff from being members of, or affiliated with, any other organisation outside the KSS where such membership or affiliation has the potential to harm the work, reputation, respectability, impartiality or efficiency of the KSS, the KSS staff or the Kosovo authorities.

Parliamentary oversight

Parliamentary oversight is the mechanism by which the members of the Assembly of Kosovo should debate and oversee the mandate, methods, structures and budget of the KSS and investigate its effectiveness in meeting the needs of Kosovo, as well as its compliance with national and international law and human rights standards. The law establishing the KSS should therefore:

- Call for the creation of a Sub-Committee on the Kosovo Security Service within the existing Committee on Security;
- Define the oversight mandate of the Sub-Committee as assessing and investigating the legality, efficacy, efficiency, budget and accounting, conformity with relevant human rights standards, and policy and administrative aspects of the KSS;
- Task the Sub-Committee with the responsibility, shared with the Ombudsperson of Kosovo, to receive and process complaints from citizens against the KSS and to investigate such complaints;
- Grant the Sub-Committee the power to make legally binding orders which can provide an effective remedy to a complainant who has a justifiable case, including the award of compensation and the destruction of material held by the KSS;
- Grant the Sub-Committee the authority to establish temporary, ad hoc commissions of inquiry to investigate specific public complaints or incidents involving the KSS;
- Task the Sub-Committee with the responsibility to prepare oversight and monitoring reports containing specific recommendations for implementation at least once a year,

which should be published and debated in the Assembly of Kosovo;

- Refer to the internal rules of the Assembly of Kosovo for matters related to the vetting, appointment, removal and replacement of members of the Sub-Committee, with an emphasis on the need for the membership to be proportionally representative to the membership of the Assembly of Kosovo, with a prohibition on ministers or former KSS staff becoming members; and
- Grant sufficient but well-delineated powers and authority to allow the Sub-Committee to initiate investigations into the activities and internal management of the KSS, including the authority to access some classified information, subpoena witnesses and receive testimony under oath.

Although the oversight role of the Sub-Committee should mainly focus on the activities of the KSS, it should also monitor the KSS budget making sure that funds are used as intended and that no funds are transferred outside the KSS without the authorisation of the Assembly of Kosovo.

Independence and impartiality

The role of the KSS should be to provide unbiased, impartial and accurate advice to decision-makers regardless of their political affiliation, filial origins, political views or relationships. The KSS should therefore be impartial but also independent from these decision-makers. In addition, it should remain free from interference by individuals, political parties or interest groups. These principles are essential for the successful development of an effective and democratically accountable security service. Therefore, the law establishing the KSS should:

- Explicitly prohibit any individual, political party or interest group from obtaining assistance or information from the KSS for personal or partisan goals;
- Explicitly prohibit any individual, political party or interest group from influencing or trying to influence the dismissal of KSS staff, with such authority over staff resting with the KSS Director alone; and
- Require that, without exception, any request or instruction from the Government of Kosovo to the KSS be put in writing and immediately disclosed to the Sub-Committee on the Kosovo Security Service.

Co-operation and relationships with other Kosovo organisations

The KSS should establish and develop good relationships with a variety of Kosovo agencies and organisations. Although these relationships will depend heavily on the Prime Minister's intelligence and security requirements and on the KSS' priorities and objectives, it should establish links with:

- The Kosovo Security Council (the creation of which is proposed by the Comprehensive Proposal for the Kosovo Status Settlement), reporting to the Prime Minister and having the mandate to develop a security strategy for Kosovo;
- The Kosovo Security Force (similarly proposed);
- The KPS, in order to receive daily situation reports and to share with the KPS any intelligence which could be relevant for its fight against crime;
- The KPS Directorate of Criminal Analysis, in order to receive all its criminal intelligence reports and analyses, and to share any intelligence which could be relevant for its profiling of criminal organisations or for the prosecution of criminals;
- The KPS Border Police, in order to receive all statistics and reports related to the crossing of Kosovo borders and to have access, upon request, to its databases, and to provide the KPS Border Police with any intelligence which could be relevant to preventing persons or goods from entering or exiting Kosovo if they constitute potential security or criminal threats to Kosovo or its neighbours;
- The KPC, or any successor organisation, to receive information and updates on civilian emergencies, industrial accidents or natural disasters, and to share any information which could be relevant for its preparation for and management of civilian crises;
- The Ministry of Internal Affairs, in order to receive information and statistics about the movement of persons in and out of Kosovo, about the central civil registry and database, and to share with it any information which could be relevant to its duties;
- The OPS, in order to receive any information related to public safety and emergencies that it is tasked with co-ordinating, gathering and disseminating, and to share any intelligence which could be relevant to its crisis-control role or which should be disseminated throughout Kosovo's institutions of government;
- The fifteen ministries, in order to receive any information, statistics, plan or policy related to the administration of Kosovo and the provision of services, including health, education, telecommunications etc., and to share any information which could be relevant to their activities; and

- The Municipal Community Safety Councils and the Local Public Safety Committees, in order to receive any information regarding the trends and problems of community safety at the municipal and community levels, and to share with them any information which could be relevant to the improvement of community safety in Kosovo.

Each of these exchanges and relationships should be codified and formalised through written memorandums of agreement and, if relevant, KSS liaison officers should be dispatched to work within the different partner organisations or institutions.

Liaison with foreign organisations

Some threats to Kosovo's safety and public order may originate from outside its territory. It will therefore be essential for the KSS to establish efficient relationships with foreign organisations in order to prevent such threats materialising by informing Kosovo decision-makers in an accurate and timely manner. At the same time, foreign organisations may benefit from the intelligence produced by the KSS or from the expert knowledge developed by its officers, and therefore may seek to enter into formal agreements with the KSS on exchange of information and expertise. In addition, these foreign organisations may be able to provide the KSS with assistance in its establishment and development. Therefore, the KSS should establish formal links with the security-related international organisations based in Kosovo, including KFOR, the intelligence agencies of foreign countries and the diplomatic offices established in Kosovo in order to:

- Receive and share information and intelligence;
- Request and offer support for joint intelligence investigations that require the involve-

ment of agencies from more than one state, especially for cases where the investigation covers multiple jurisdictions;

- Request assistance in the training and capacity-building of KSS management, officers, analysts and support staff; and
- Request assistance for the acquisition and maintenance of infrastructure, vehicles and equipment.

However, the Kosovo Government and the KSS would have to be extremely careful in maintaining their independence from foreign organisations. Despite their good intentions and their substantial assistance, some foreign organisations may directly or indirectly attempt to influence the plans and priorities of the KSS. Since the KSS should work solely for the benefit of the Kosovo Government and population, its co-operation and relationship with foreign organisations should preserve its independence and its Kosovo-oriented focus at all times.

Sustainable development

Following the widely anticipated decision to establish the KSS, a practical and realistic roadmap should immediately be agreed, highlighting the steps required for the creation of the KSS and the other relevant entities, and setting out a realistic timeline for its establishment. The main objective of this roadmap should be to ensure the sustainable development of the KSS and should:

- Call for the initial recruitment of approximately 60 to 70 percent of the expected total workforce in order to allow for a gradual increase of the workforce in the future according to the real needs, new circumstances, budget constraints or new priorities;

- Recommend the establishment of a programme for the continuous education of KSS staff, including training and capacity-building for management, officers, analysts and support staff throughout their period of employment;
- Require rigorous and detailed procedures for the management of the KSS budget and expenses from the start, in accordance with international and regional best practices, and with the objective of facilitating future auditing; and
- Recommend that the KSS minimise its investment in new infrastructure (including vehicles) as much as possible to focus on capacity-building and operational priorities.

Building public accountability

While the technical and legislative details on how to establish the KSS in accordance with best practices and democratic principles are extremely important, their success relies heavily on the capacity for the population to understand and express their views on intelligence issues. However, many Kosovars still refer to their experience of 'intelligence' under previous regimes, perceiving intelligence matters with a high degree of scepticism and even fear.

The population of Kosovo needs to debate matters related to security and intelligence as freely as it can discuss the economy, health or education. Open discussion would demystify these sensitive and sometimes taboo issues, giving citizens access to decision-makers, and developing the role of the population as watchdog and advocate for change.

Directly, and through civil society, the people of Kosovo should be able to voice their concerns on issues such as telephone wiretapping, respect for privacy, the impact of political dynamics and rivalries on oversight and management of the security sector, risks of partiality of KSS staff and the engagement and perceptions of minority communities. Public debate and discussions need to take place as soon as possible and before any major decision on security and intelligence, so as to allow Kosovo decision-makers to consider the expectations, concerns and perceptions of the population. Otherwise, decision-makers risk alienating the population and perpetuating the idea that intelligence concerns only those in power and can be managed behind closed doors.

Open public discussion of intelligence matters can be promoted in various ways, such as public surveys, focus group discussions, televised documentaries, public information campaigns, university seminars or classes, special parliamentary sessions involving the public, newspaper articles and televised debates. Therefore, the roadmap on the establishment and development of the KSS should as an initial step call for a great deal of work in this area as a contribution towards public accountability. However, it is crucial that activities in this direction promote genuine debate, that attempts are made to ensure the inclusion of all groups, including the marginalised, and that decision-makers, as well as the public, participate and are encouraged to respond. This mode of debate, rather than mere public relations and education, is required to secure genuine and meaningful public participation in the process of establishing and regulating the KSS.

Conclusion

In a 21st century European context, intelligence refers to information that has been processed and analysed to assist decision-makers, but for various reasons, mostly related to Kosovo's authoritarian past, intelligence has become a 'dirty word' for Kosovars. The issue of intelligence has surfaced sporadically in Kosovo's media, but without sustained and searching attention. With new proposals for the creation of a domestic intelligence service for Kosovo emerging, it becomes more important by the day to stimulate an open and healthy discussion on this subject so as to inform policy-making and encourage active public engagement with the issues.

The mechanisms, principles and processes recommended in this report, while challenging in many respects, provide clear direction for those who will work to establish, run and oversee such a service. Their work will entail significant challenges and those undertaking it will face many difficult questions, for example:

- How can sufficient legal safeguards be put in place to regulate the KSS effectively given Kosovo's complex legal framework and the limited capacities of the Assembly of Kosovo?

- Should members of existing, unofficial intelligence organisations be recruited into the KSS or excluded?
- How can advice and support from interested governments and international organisations for the KSS be co-ordinated?
- What steps can be taken to protect the new service from infiltration or undue influence, whether of a political, criminal or foreign nature?
- How can trust in the KSS be built among a population, including minority communities, which has well-grounded fears of security institutions?

Questions such as these should be central to any debate on the establishment of a new intelligence service for Kosovo and clearly both high principles and practical considerations will apply in answering them. Should current recommendations for the creation of the KSS be taken forward, significant effort will be required by those involved in the process to support the involvement of a wide range of actors in such a debate and ensure that policies and practices reflect these views and concerns.

Further reading

Bearne S et al., *National Security Decision-Making Structures and Security Sector Reform*, RAND Europe, June 2005. <<http://tinyurl.com/y46c72>>. A thorough report on the intelligence cycle, control and accountability of intelligence services, and intelligence legislation in the context of security sector reform, making it extremely relevant to the current Kosovo context.

Federation of American Scientists, *Intelligence Resource Program*. <<http://tinyurl.com/3zkk>>. This website provides a quick overview of the intelligence services around the world.

Geneva Centre for the Democratic Control of Armed Forces, *Intelligence Services*, March 2006. <<http://tinyurl.com/umf6n>>. Background on the definition, categories and democratic standards of modern intelligence.

Geneva Centre for the Democratic Control of Armed Forces, *Parliamentary Oversight of Intelligence Services*, March 2006. <<http://tinyurl.com/yys4q4>>. Background on the role, importance and challenges of intelligence oversight.

Hannah G, O'Brien K and Rathmell A, *Intelligence and Security Legislation for Security Sector Reform*, RAND Europe, 2005. <<http://tinyurl.com/y6vnle>>. This report examines the role of intelligence in security sector reform and highlights the importance of control and accountability in intelligence structures.

Shulsky A and Schmitt G, *Silent Warfare: Understanding the World of Intelligence*, (Potomac Books, 2002). <<http://tinyurl.com/vn2og>>. One of the best and most accessible books available on the theories and concepts of intelligence.

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Duke ndërtuar sigurinë në Kosovë
Izgradimo bezbednost na Kosovu
Building security in Kosovo

The SafePlace project is a joint programme of work by the non-governmental organisations Saferworld and FIQ which supports the development of an effective, accountable and conflict-sensitive security sector in Kosovo.

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