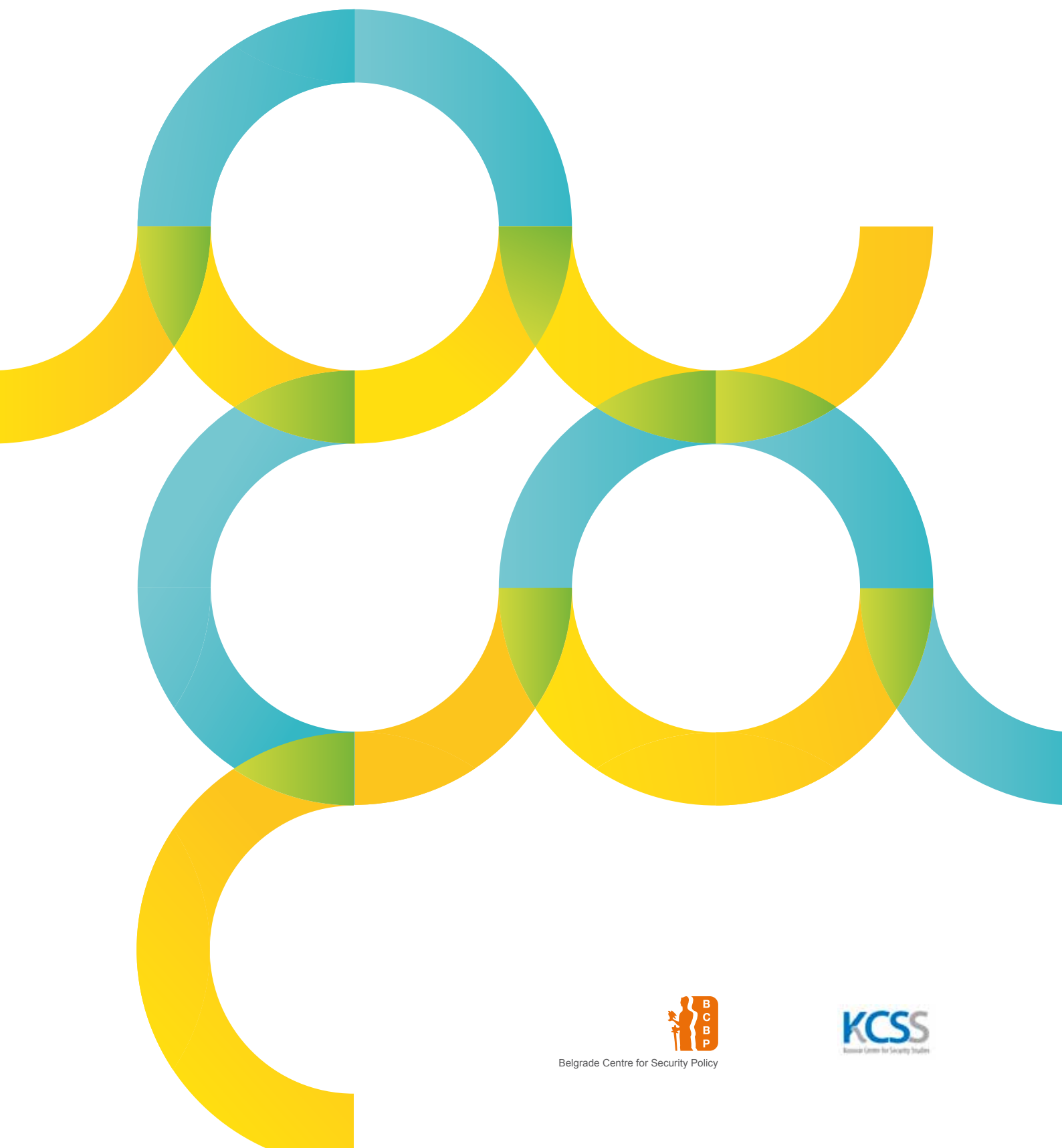


POLICE INTEGRATION IN NORTH KOSOVO: PROGRESS AND REMAINING CHALLENGES IN IMPLEMENTATION OF THE BRUSSELS AGREEMENT



Belgrade Centre for Security Policy



Police Integration in North Kosovo: Progress and Remaining Challenges in Implementation of the Brussels Agreement

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1. Bjeloš, Maja 2. Elek, Bojan 3. Raifi, Fjolla

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EXECUTIVE SUMMARY

This paper presents an alternative analysis of implementation of the Agreement reached in Brussels in April 2013 between the Prime Ministers of Serbia and Kosovo. A key part of the Agreement explicitly stated that local Serbian Ministry of Internal Affairs (MUP) units would be disbanded and integrated into the Kosovo Police (KP). The Brussels Agreement also set an obligation to establish a KP Regional Command North, mandated to cover the four northern municipalities with a Serbian majority.

The findings of this analysis show that by the end of March 2014, 285 former MUP employees had started the integration process. This marked a significant step forward in implementing the Agreement. There were uncertainties and challenges regarding the establishment of the KP Regional Command North, in particular whether the Command should include the four Serbian municipalities in the North alone, or South Mitrovica and Vushtrri/Vučitrn as well. In addition, there were disagreements on the appointment of the Head of the Command, a post currently occupied by acting head Nenad Djurić. Apart from these organizational issues, the main area of dispute concerned the vetting process, which faced criticism due to the limited time available for it and difficulties in applying the generic vetting cycle. The question of who should take ownership of the vetting process was prominent in political discourse in both Prishtina and Belgrade. Furthermore, the induction training which was organized for former MUP employees was of short duration, which therefore raised the question of proper integration and adoption of KP organizational culture. In addition, during the Brussels talks a list of 337 police officers who were supposed to be integrated was delivered to the Prishtina authorities by the Serbian side. Of these, 285 were invited to join the integration process, while 52 former MUP officers were omitted. These 52 included some who did not want to join the KP, some who had applied but did not meet all the requirements and some who had not received

security clearance. In addition, approximately 800 former MUP staff in central and eastern Kosovo have been retired and omitted from the integration process. This caused dissatisfaction among these individuals, as well as complaints about the Brussels Agreement being applicable to the North Kosovo alone.

As part of the discourse, a number of reports appeared in the media which fostered misinterpretation and prejudice regarding implementation of the Brussels Agreement. While the Kosovar media, for example, raised the issue of the loyalty of these officers to the KP chain of command, the Serbian media covered this topic extensively, focusing on technical aspects of the process, such as the challenge of integrating a large number of MUP officers into the KP and the security clearance procedure, among other issues, almost exclusively quoting the Kosovar media.

INTRODUCTION

After Kosovo's declaration of independence in 2008, the precarious political dialogue between Belgrade and Prishtina reached an impasse. It was not until 2011 when a new round of talks was launched under EU mediation, covering the technical aspects of Kosovo-Serbia relations. Two years after the resumption of negotiations, in April 2013, a First Agreement of Principles Governing the Normalization of Relations (referred to below by its colloquial name, the Brussels Agreement) was reached. Widely perceived as a milestone in relations between Belgrade and Prishtina, the Brussels Agreement set out the legal framework for integrating the Serbian community in North Kosovo into Kosovar institutions. This was considered a historic leap forward, since it had been unimaginable two years before. However, this step was not widely accepted by all stakeholders and citizens in Serbia, including the Kosovar Serbs; likewise, the Agreement was harshly criticized by some Kosovar Albanians on account of its perceived undermining of Kosovo's territorial integrity and the granting of autonomy to Kosovar Serbs. Among

other provisions, the Agreement ended the functioning of police structures under the authority of the Serbian MUP in North Kosovo.¹ The Brussels Agreement was complemented by an Implementation Plan, adopted on May 22, 2013. This plan provided information on implementation of the Brussels Agreement, specifying concrete milestones and a time-frame for achieving them. [Implementation Plan 2013] However, neither of these documents is publicly available on the websites of the Serbian or Kosovar governments. The only available documents were printed in newspapers, and were not sufficiently precise regarding the actors involved and their responsibilities in the process, thus leaving space for various interpretations and implementation in practice.

METHODOLOGY

The paper aims to offer an alternative analysis of implementation of those parts of the Brussels Agreement pertaining to integration of former MUP staff into the KP. The intention is to reveal the progress made to date as well as the challenges faced so far as a result of insufficient information provided to the audience in both Kosovo and Serbia. This paper, therefore, represents an alternative source of information prepared in a non-partisan manner by two independent think-thanks.

This research is based on an extensive review of political and legal documents, scholarly publications, official reports compiled by international and domestic organizations and news articles. In addition to analysis of written sources, empirical data was obtained through 15 face-to-face interviews with key stakeholders in Kosovo, including KP representatives at the Prishtina HQ and at the regional command in North Mitrovica, Mem-

bers of Parliament and OSCE and EULEX representatives (for the full list of interviews, see *Annex 1*). These interviews were conducted in late February and early March 2014. The limitations of this approach include the low responsiveness of some officials in Belgrade to interview requests, probably because of the high volatility of the political situation, due to the fact that parliamentary elections were scheduled for 16th March. Other limitations include the short time available for field work, and the inability to comprehensively assess the performance of Serbian police officers as they have only recently completed their training [the last group of officers finished training in February 2014].

This research project was conducted under the auspices of the Security Research Forum Belgrade-Prishtina-Tirana, a regional three-year initiative supported by the Norwegian Ministry of Foreign Affairs aimed at enhancing dialogue on security matters between academics, civil society and the media on Serbian-Albanian relations. Field research was conducted in late February and early March 2014, as part of the Balkans Trust for Democracy's Professional Work Exchange Program for Enhanced Policy Dialogue. This programme is supported by the Foreign and Commonwealth Office of the United Kingdom.

CONCEPTUAL BASE OF THE BRUSSELS AGREEMENT: ONE STEP FORWARD

The representation of ethnic communities in Kosovo's security mechanisms is mainly determined by the level of integration of each ethnic community in Kosovo's society and political dynamics. One of the most challenging aspects of the integration of ethnic communities continues to be the accommodation of the Serbian ethnic community in Kosovo's security institutions. Political sensitivity between the two countries has been the main indicator of the representation and integration of ethnic communities in Kosovo's institutions, particularly in the security structures.

1 One remaining point of contention is the existence of civil protection units in the North. According to Serbian law, these are in charge of dealing with environmental and man-made disasters and operate under the authority of local municipalities. However, the Kosovo government perceives them as an extension of Serbian security forces still operational in the North, and is in favour of disbanding them.

With the end of conflict in 1999, the Kosovo Police came under the supervision of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the OSCE, which undertook a number of ongoing and successful initiatives to improve relations between the KP and minority communities. [OSCE Report 2001: 27] The UN mission aimed at achieving a level of representation of ethnic communities in the decision-making process in the same proportion as in the public at large, especially when it came to the representation of ethnic Serbs in KP structures. [ISS 2012:5] More specifically, Kosovo Serb police officials were appointed at police stations located in minority communities, with resulting positive progress in improving the level of trust in the police. [OSCE Report 2001:28]

Nevertheless, Kosovo’s 2008 declaration of independence marked the greatest challenge and the most critical situation in terms of the continuity of Serbian ethnic representation in KP structures. Due to the political situation, and following demands from Belgrade officials, the majority of Serb police officers left their positions and refused to perform their daily tasks. [ICG Report 2009: 14] As a result,

The representation of ethnic communities in the Kosovo Police is regulated by the Constitution of the Republic of Kosovo and the Law on the Kosovo Police, as well as by secondary legislation and procedures. According to the Constitution of the Republic of Kosovo “the Police shall be professional and reflect the ethnic diversity of the population of the Republic of Kosovo.” [Constitution of the Republic of Kosovo, 2008, Art 128/2] More specifically, Article 35 of the Law on the Kosovo Police [LKP] explicitly states that “the ethnic composition of the Police Officers assigned within a municipality shall, to the extent possible; reflect the ethnic composition of the population within the municipality.” [LKP 03/L-076 Art. 35] In particular, the legal framework of the Kosovo Police stipulates the appointment of Station Commanders appropriate to the ethnic community residing in the respective territory. This is specifically regulated by Article 41, which states that in “municipalities where the largest ethnic community is Serbian, Station Commanders of Police Stations and commanders of substations shall be selected by the General Director with the participation of Municipal Assemblies.” [LKP 03/L-076 Art 41]

Table 1: Serbian Community Representation in the Kosovo Police*

Uniformed and Civilian Staff	11.49%
Uniformed Staff	12.01%
Civilian Staff	8.04%

* The data presented is for the period up to 2013.

the Government of Kosovo, in collaboration with EULEX and other international structures in Kosovo, set June 2009 as the deadline for Serb officers to return to work or else their positions would be re-advertised and new police officers recruited. [Emini 2013:14] This strategy was successful, with most Serb officials returning to their previous positions. [ICG Report 2009:14] It has been reported that 307 out 325 Serb police officers have returned to their previous positions. [KCSS, 2009: 80] Since 2009, the representation of the Serb ethnic community in KP structures has steadily returned to a satisfactory level.

In 2013, the KP is considered a “champion” among Kosovo institutions in regard to Serb ethnic minority representation. According to its own statistics, the KP has continued to follow excellent practice on ethnic representation, especially regarding the Serbian community. More precisely, by the end of 2013, around 11.49% of KP staff were Serbs, including both uniformed and civilian staff. [Emini, 2013: 15]

The number of Serbs filling the various ranks in 2013 are given below:²

Deputy Director General of Kosovo Police	1
Colonel	1
Lieutenant-Colonel	1
Major	3
Captain	9
Lieutenant	12
Sergeant	56
Police Officers	585
TOTAL	668

The situation regarding Serb ethnic representation in KP structures in North Kosovo is completely different and rather more challenging, especially since the 2008 declaration of independence. Serbia's MUP and Security and Intelligence Agency (BIA), alongside other Serbian state structures, were dominant throughout the period. By 2008, the police station in the municipality of Mitrovica and the police commander in the region of Mitrovica were the only security structures not yet integrated into Kosovo Police structures. [ISS 2012: 13] Serb police officers continued to receive their salaries from Belgrade, and faced tremendous pressure from the community to remain distant from KP structures. The security vacuum made the Serbian state security structures among the core security providers. However, alongside Serbian security institutions, EULEX and KFOR also had a stake in providing security in North Kosovo. All communication between Kosovo security institutions and security structures in North Kosovo was mediated by EULEX, which also had limited access. [ICG, 2011: 3]

With the signing of the Brussels Agreement in April 2013, the process of integrating former MUP officers into the Kosovo Police has gradually begun. Kosovo and Serbia agreed on a 15 point plan, focusing on normalization of the situation in North Kosovo through three main concrete steps: the integration of Serbian citizens into Kosovo's institutions, the

dissolution of the illegal Serbian structures which had been functioning in Kosovo since

1999 and continuing European integration for both countries [Brussels Agreement 2013]

Articles 7, 8, and 9 of the Brussels Agreement explicitly sets out the legal guarantees on security issues. [Brussels Agreement 2013] All three points define the integration of all Serbian individuals and all parallel structures in Northern Kosovo into equivalent Kosovo security institutions and structures. More specifically, the Agreement points out that, *'There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework.'* [Brussels Agreement 2013: Art 7] As a result, all officers of the various Serbian security structures in the North will be offered a place in the equivalent Kosovo security structures and institutions. [Brussels Agreement 2013: Art 8] Former officers of the Serbian MUP in the North are subject to integration into Kosovo's security structures, whereas the status of Civil Protection Units, which still operate in the North, is a point of contention between the Serbian and Kosovar sides and will have to be addressed in the future. [Government of Kosovo 2014]

In order to ensure full and complete integration of the Serbian community into the security structures in North Kosovo, the Agreement specifically stipulates the appointment of a Police Regional Command for the four northern Serb majority municipalities: North Mitrovica, Zvečan, Zubin Potok and Leposavić. [Brussels Agreement 2013: Art 9] However, this provision has immense impli-

² The data presented is for the period up to 2014.

cations for the existing legal framework and the regulations for Kosovo Police structures. Specifically, the Law on the KP [LKP] explicitly defines only six police regions in the entire territory of Kosovo. [LKP 03/L-076 Art 40] Ideally, according to Kosovo officials, the four municipalities in North Kosovo would be grouped with South Mitrovica and Vushtrri/Vučitrn under one single regional police station. [Isufi 2014] However, since the agreement reached by the two prime ministers calls for the creation of a separate police region in North Kosovo, the Law on the Kosovo Police is subject to specific modifications and amendments. [Isufi 2014] As in other municipalities of Kosovo, the composition of the KP in North Kosovo will reflect the ethnic composition of the population in the four respective municipalities. Specifically, the KP Regional Commander shall be a Kosovo Serb nominated by the Ministry of Internal Affairs [MoIA] and proposed by the mayors of the four northern Serb majority municipalities on behalf of the Community/Association of Serb majority municipalities in Kosovo. [Brussels Agreement 2013]

PROGRESS IN IMPLEMENTATION OF THE BRUSSELS AGREEMENT

The security-related provisions of the Brussels Agreement, as specified in the Implementation Plan, were eventually implemented, albeit not within the agreed timeframe. The whole process lagged behind the officially agreed schedule, and EU pressure was exerted on both Serbia and Kosovo to show some concrete results in time for the European Council summit in December.³ The key stakeholders responsible for implementation of the Agreement were: the Serbian government authorities, in charge of dismantling police stations in the North and obliged to retire all their personnel currently employed in Ko-

sovo and hand over to the Kosovo authorities a list of Serbian police officers who would join the KP; the Kosovo government institutions, responsible for integrating former MUP officers, including training them and assigning them to new positions; and the international community, most prominently EULEX, tasked with ensuring and facilitating the transition process based on the agreed provisions.

The Initial Steps

As stipulated in the Implementation Plan, the officially agreed deadline for providing detailed information on the number and ranks of MUP officers to be integrated into the KP was mid-June, whereas a mid-July 2013 deadline was agreed for dismantling police stations in the North. According to a government report, the integration process was supposed to take place simultaneously with the process of dismantling police stations. However, the process was delayed due to the failure of the Serbian side to present a list of individuals interested in becoming part of Kosovo security institutions by the 16th of September 2013. The Government of Kosovo did not receive the list until 11th December 2013, with the integration process starting immediately following this. [Government of Kosovo 2014] The MUP Police Directorate for Mitrovica compiled a list of 337 Serbian police officers from the North and handed it to the Serbian government, which presented the list to Prishtina officials during the Brussels talks. [Djurić 2014]

The Vetting Process

From this point on, the Kosovo government was in charge of ensuring that Serbian police officers were successfully integrated into the KP. After receiving the list, the Kosovar Ministry of Internal Affairs [MoIA] forwarded the list to the KP for verification and background checks, in order to grant security clearance to the police officers. The vetting was completed in an accelerated procedure, covering (perhaps only) identity checks and past

³ Implementation of the Brussels Agreement was perceived as a litmus test for the official start of Serbia's EU accession negotiations in January 2014. At the same time, negotiations between the EU and Kosovo on a Stabilization and Accession Agreement depended on implementation of the Brussels Agreement.

records of criminal activities that were not included under the Law on Amnesty. [Džurić 2014] Due to the vetting process being carried out too quickly, many issues were left unresolved or unfinished.

The vetting procedure was carried out jointly by the Agency for Civil Registry, the Kosovo Police and EULEX, whereas the Kosovo Intelligence Agency (KIA) was only involved in performing vetting of senior police officers (positions higher in the hierarchy) who need security clearance from the KIA in order to perform duties which require access to confidential and operational information.⁴ However, due to lack of time the security clearance procedure as stipulated in the Law on Classification of Information and Security Clearances has not yet been carried out, and at this point it is unclear when and how it will be conducted. For example, Article 30 of the Law states that simple security clearance of persons who shall have access to information classified not higher than “CONFIDENTIAL” must be completed within three months of the day the procedure is initiated, whereas the verification procedure lasted only a few days or weeks. After verification, police officers were invited to apply for positions in the KP. On completing their applications, police officers signed contracts with the KP and were sent for training at the Kosovo Academy for Public Safety in Vushtrri/Vučitrn. At first, Serbian police officers were reluctant and rather sceptical about the process and the overall implementation of the Agreement. However, mediation by EULEX and the OSCE had positive results, and they consented to take part in training in Vushtrri/Vučitrn.

Some citizens of Kosovo and some opposition parties were rather sceptical about the new developments pertaining to implementation of the Brussels Agreement. The lack of precise information raised further doubts about the profile of the former MUP officers who were to be integrated, about their train-

ing and about their residence status (including Kosovo citizenship). There were also reports in the Kosovar media on the potential implications of a number of former MUP officers being placed in the KP chain of command, including doubts about their loyalty. The media, experts and civil society in general asked the Kosovo Intelligence Agency (AKI) to conduct generic vetting procedures as part of the integration process. [Zejneli 2013]

Training

The training of Serbian police officers was conducted at the Kosovo Academy for Public Safety in Vushtrri/Vučitrn, between mid-December 2013 and the beginning of February 2014. The training programme was short and modified, and instead of the regular nine month programme, it was conducted over a one-week period. This was because former MUP officers already have extensive experience and have developed police skills over years of service with the Serbian Ministry of Interior.⁵ The programme was specifically designed to familiarize police officers with the Kosovar legal system and to introduce them to standard operating procedures and equipment. The first three days of training covered Kosovo’s legal framework and existing rules and regulations, this part of the training being delivered by EULEX representatives.⁶ The remaining two days were reserved for field training, delivered by experts from the Kosovo Academy for Public Safety, including the use of standardized equipment, shooting practice and radio communication procedures. In total, 285 Serbian police officers benefited from completing this training. [Smakiqi 2014] Police officers were divided into five groups. While the first group, the so-called test group, consisted of 17 police officers, subsequent groups were comprised of 60, 72, 85 and 52 officers, respectively. By the 19th of December 2013, the first group of

4 For more information, see: <http://www.vesti-online.com/Vesti/Srbija/367064/Rukovodioci-MUPa-Srbije-nisu-prosli-provere-na-Kosovu>

5 Interview with Ismajl Smakiqi, Director of the Kosovo Academy for Public Safety.

6 Interview with Agron Rukiqi, Head of the Human Resources Department at the Kosovo Police.

police officers had completed their training, after which they were certified by the police and then assigned to their work posts in the North.⁷ The police officers were assigned to new duties in accordance with their previous work experience. In line with the community policing concept, they will perform their duties in their respective places of residence, but if necessary they can be sent to other parts of Kosovo. It was agreed in Brussels that all police officers joining the KP would temporarily perform regular patrol police duties, because in order to be assigned to new positions, their diplomas and ranks had to be verified. As a consequence, they accepted temporary demotion by one or two ranks from the ranks they had previously held as MUP officers, pending completion of background checks on education and work experience. [Djurić 2014] Police officers are expected to submit their dossiers by April 2014 [dossiers must be submitted in person since this data is classified by the MUP], and by June they should be verified. The difference in salary will be paid to them retrospectively once/if their ranks are confirmed and restored to their previous state. [Djurić 2014]

While there were questions raised over the short duration of training, Kosovo Government representatives insist that the induction training was sufficient, bearing in mind the policing experience of former MUP officers. [Smakiqi & Rukiqi 2014] However, former MUP officers have to be immediately updated on Kosovo's legal framework and the use of [KP] police equipment. On the contrary, non-government experts on the topic claim that the one-week training period is too short for meaningful integration of former MUP officers into the Kosovo Police. This is why certain stakeholders, such as the OSCE mission in Kosovo, are interested in organizing additional capacity building training for the police, at the request of Kosovo's MoIA. Due to the exceptional circumstances, the OSCE Mission in Kosovo has offered to carry out training needs assessment in co-operation with the

Kosovo Police, EULEX and ICITAP. The needs assessment results would help all stakeholders to develop an effective training plan. The time frame for the length of training is not yet defined, as it goes hand in hand with the outcome of training needs assessment, but most probably it will be at least 18 months. [Mulliçi 2014]

Procedural and Organizational Challenges

Through the inclusion of 285 new Serbian police officers, representation of the Serbian minority in the police has increased to around 12.6% of the total number of KP employees. However, since only 285 Serbs of the original 337 individuals on the list ultimately completed the training, the question of what happened to the other 52 police officers remains unanswered. There are several possibilities: they did not want to join the KP, they applied but did not meet all the requirements or they were not found by KP, or by EULEX which was also involved in the recruiting phase. Up to 10 Serbian police officers were rejected during the verification process due to their permanent residence being in Serbia; some were supposedly rejected because they were already KP officers and had been discharged from the service prior to the Brussels Agreement; and an additional 8 police officers did not receive security clearance. [Djurić 2014] The administrative police staff, comprised of civilians working for the MUP in the North, was excluded from this phase of the process and their integration remains to be decided in the future.

Besides the integration of former MUP officers into the KP, the Agreement stipulates the establishment of a KP Regional Command North, with a regional director, for the four northern municipalities (North Mitrovica, Zvečan, Zubin Potok and Leposavić). The KP Regional Command North includes four police stations and is the seventh and last regional command to be established in Kosovo. Also, according to Article 9 of the Agreement, the regional police commander will be

⁷ *State of Play in Implementation of the Brussels Agreement* report, January 16, 2014, p. 11.

a Kosovar Serb nominated by the Ministry of Internal Affairs of the Republic of Serbia on the basis of recommendations from the mayors of the four northern Serbian majority municipalities. There will also be another regional commander for the municipalities of South Mitrovica, Skenderaj and Vushtrri/Vučitrn. The regional commander for the four northern municipalities will cooperate with the other regional commanders. During the Brussels negotiations, the Parliamentary Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force proposed the establishment of one regional command for the whole North Kosovo region, including Vushtrri/Vučitrn, Skenderaj and South Mitrovica, but the government of Serbia did not accept the proposal. The Kosovo Assembly was also strongly opposed to the appointment of the current regional commander, due to questions about to whom he will be accountable. [Marinković 2014]

According to the KP categorisation, the police station in North Mitrovica was a category B station, with 110-120 police officers, with this number rising to almost 170 after integration. This may lead to re-categorisation and the opportunity to create new units, such as a traffic unit, an investigative unit and/or an intervention unit. [Djurić 2014] EULEX has a very important role among the actors in this process, as it still has executive power in North Kosovo. One of its roles is a monitoring and advisory role in the regional commander's decision-making process.

In order to provide sustainable financial support, the Kosovo government has provided a separate budget for North Kosovo, with police officers' salaries being covered by that budget. Since the issue of payments was a point of contention between Serbia and Kosovo, Article 7 of the Agreement clearly stipulates that police salaries in the North are to be paid exclusively by the Kosovo government. To this end, the Serbian government has issued a decree [December 2013] which has effectively sent all MUP officers operating in Kosovo into forced retirement. As per the decree, Serbia will continue to pay 60%

of their final salary to all retired MUP officers as a pension. However, as of 28th February, 2014, retired police officers have not yet received any pension related payments from the Serbian government.

REMAINING CHALLENGES IN IMPLEMENTATION OF THE BRUSSELS AGREEMENT

The Brussels Agreement was perceived as discriminatory by MUP officers living in the rest of Kosovo, who under the Agreement were forcibly retired by the Serbian Government⁸ and left out of the integration process.⁹ This created dissatisfaction among those MUP officers, who currently believe that they lack access to meaningful employment. Dissatisfied with what they consider to be an unconstitutional and unlawful decree from the Serbian government, more than one thousand police officers operating in Kosovo protested in December 2013, with new protests planned if the government does not respond to their complaints.¹⁰ In addition to this, around 800 retired MUP officers, of a total of 1200 who were present in Kosovo, have filed official complaints and started administrative procedures with the Serbian courts, claiming that their retirement is in violation of the Serbian Police Law and the Law on Pensions and Disability Insurance. [Djordjević 2014] In order to address their concerns, the Serbian MoI has created a working group for draft-

8 Government of the Republic of Serbia, 2013, *Uredba o uslovima za ostvarenje prava na posebnu penziju zaposlenih u Ministarstvu unutrašnjih poslova na teritoriji AP Kosovo i Metohija*, Official Gazette of the RS, Nos. 55/05, 71/05

9 All MUP officers operating in Kosovo were retired in December, 2013, regardless of their previous work experience. While those from the North were included in the integration process, former MUP officers living south of river Ibar were retired and left with no work opportunities, even though some were only in their early twenties.

10 *Vesti online*, <http://www.vesti-online.com/Vesti/Srbija/373572/Silom-nas-teraju-u-penziju>

Blic, <http://www.blic.rs/Vesti/Drustvo/433104/Sindikativ-traze-usvajanje-novog-zakona-o-penzionisanju-policijaca-sa-KiM>

RTS, <http://www.rts.rs/page/stories/sr/story/125/Druc%5%A1tvo/1473861/Nezadovoljstvo+zbog+penzioni+sanja+ju%5%BE+od+lbra.html>

TV Most, http://www.tvmost.info/vesti/sindikati_policije_usaglasili_stavove/3302

ing a *lex specialis* on the retirement of police officers from Kosovo and Metohija. Drafting and adoption of this law may be delayed as a result of the elections and the new government in Serbia.

According to media reports, the integration process was initially conducted in a very positive and optimistic atmosphere, as the Agreement was widely accepted by both politicians in Kosovo and the international community. Later, however, both Serbian and Albanian officials who had been directly involved in the negotiations made statements which offered differing and often contradictory interpretations of the Agreement, which additionally confused the general public as well as politicians, MPs and other stakeholders. [Delić 2013] Instead of making the whole process transparent, this created additional confusion. Those directly affected by the Agreement, MUP officers in the North, lacked access to information about the process and what was expected from them. Moreover, they were completely left out of the Brussels negotiations, which were largely seen as an elite-driven process and thus were deemed illegitimate by those who were affected by them but had no say in the talks. This is supported by an interview with a former MUP employee, who stated that he did not know what to expect, and that he felt extremely insecure about his future prospects and financial well-being since pension payments from the Serbian government had been delayed. He also said that there was a general feeling of discontent among his colleagues about how the Serbian side had handled the situation. [Former MUP officer 2014] This viewpoint is further corroborated by the fact that before the start of the integration process and initial training, former MUP officers were relying on information provided by the newly appointed Commander for the North, Mr. Djurić, about how training would be conducted and what would be expected of them. There was very little information available to MUP officers, who had to rely on personal contacts with those higher in the police hierarchy in order to be assured that they were properly informed about the procedure. [Djurić 2014]

It seems that the process of integrating MUP officers was regarded by the majority of stakeholders as a “technical” process which was deemed completed when the last group of officers finished training and were assigned to their new duties. There is an obvious lack of a more comprehensive and long-term approach which should, in the forthcoming period, put more focus on developing measures for confidence building both internally and externally, i.e. the public’s perception of their performance, acceptance by community members, organizing additional training, etc.

CONCLUSION

The Brussels Agreement is the result of a political compromise that is undoubtedly a step forward in relations between Belgrade and Prishtina. Even though it was hailed as a ground-breaking development in Belgrade-Prishtina relations, at the same time the Brussels Agreement caused great dissatisfaction among various stakeholders in both Serbia and Kosovo, and particularly among Serbs living south of the river Ibar, who were left out of the process. Successful implementation of the Agreement remains in question.

The process of integrating Serbian police officers into the Kosovo Police under the Agreement lagged behind the officially agreed schedule. Due to these circumstances, police officers, as well as citizens of Kosovo and some opposition parties, were sceptical about the process and whether it would be implemented fully and in a professional manner. Nevertheless, the security-related provisions of the Agreement had been successfully implemented by early February, by which time 285 former MUP officers had been integrated into the KP. Another step forward in the implementation of the Agreement was the establishment of the KP Regional Command North. There are however many uncertainties regarding the process. One of the weaknesses of the integration process is that it was carried out quickly, leaving unresolved issues such as the vetting process, integra-

tion of administrative police staff, pensions and the matter of forced retirement.

Since the Brussels Agreement and its implementation is an “elite driven process”, political elites in Kosovo and Serbia are seen as the key contributors, but they are also viewed as able to potentially thwart its implementation on the ground. Since this is a highly sensitive political issue, implementation of this aspect of the Agreement was kept out of public view. The lack of information created an environment conducive to different interpretations of the Agreement, also leaving room for the securitization of ex MUP officers and their representation in the media as a subversive element detrimental to Kosovo’s national security interests. In order for the Agreement to be successfully implemented, integration of MUP officers must be supported by political leaders in both communities, and accepted by the citizens of Serbia and Kosovo. In addition, to make this process more sustainable, it is necessary to make changes to the legal systems of both Serbia and Kosovo.

BIBLIOGRAPHY

Legislation and government publications:

- Government of the Republic of Kosovo 2014, *State of Play in Implementation of the Brussels Agreement*. Report submitted to the European Union. Government of the Republic of Kosovo.
- Government of the Republic of Serbia 2013, *Uredba o uslovima za ostvarenje prava na posebnu penziju zaposlenih u Ministarstvu unutrašnjih poslova na teritoriji AP Kosovo i Metohija*, Official Gazette of the RS, No. 55/05, 71/05
- Government of the Republic of Kosovo 2008, *Constitution of the Republic of Kosovo*. Prishtina: Government of the Republic of Kosovo.
- Assembly of the Republic of Kosovo 2008, *Law on the Kosovo Police 03/L-035*. Prishtina, Assembly of the Republic of Kosovo.
- Assembly of the Republic of Kosovo 2010, *Law on Classification of Information and Security Clearances 03/L-178*. Assembly of the Republic of Kosovo.

Reports and publications:

- European Commission Staff Working Document 2013, Kosovo* 2013 Progress Report, viewed 3rd March 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf
- European Commission Staff Working Document 2013, Serbia 2013 Progress Report, viewed 3rd March 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf
- International Crisis Group 2009, *Serb integration into Kosovo: Taking the Plunge*. Europe Report No. 200, viewed 28th February 2014, https://www.cimicweb.org/cmo/ComplexCoverage/Documents/Kosovo/Current%20Documents/200_serb_integration_in_kosovo___taking_the_plunge_2009.pdf
- International Crisis Group 2011, *North Kosovo: Dual Sovereignty in Practice*. Europe Report No. 211, viewed 5th March 2014, <https://www.cimicweb.org/cmo/ComplexCoverage/Documents/Kosovo/Current%20Documents/211%20North%20Kosovo%20---%20Dual%20Sovereignty%20in%20Practice.pdf>
- International Crisis Group 2012, *Setting Kosovo Free: Remaining Challenges*. Europe Report No. 218, viewed 7th March 2014, <http://www.crisisgroup.org/~media/Files/europe/balkans/kosovo/218-setting-kosovo-free-remaining-challenges.pdf>
- International Crisis Group 2013, *Serbia and Kosovo: The Path to Normalisation*. Europe Report No. 223, viewed 14th March 2014, <http://www.crisisgroup.org/~media/Files/europe/balkans/kosovo/223-serbia-and-kosovo-the-path-to-normalisation.pdf>
- Innovation for Successful Societies 2012, *Building the Police Service in the Security Vacuum: International Efforts in Kosovo, 1999-2011*. Princeton University.
- EULEX Programme Report 2012, *EULEX: Rule of Law beyond the Headlines*, http://www.eulex-kosovo.eu/docs/Accountability/2012/EULEX_Programme_Report_2012-HighQuality.pdf
- OSCE 2001, *Assessment of the Situation of Ethnic Minorities in Kosovo*, Prishtina.
- Kosovar Center for Security Studies 2013, *Kosovo Security Barometer*. Third edition, Kosovar Center for Security Studies, Prishtina, viewed 21st January 2014, http://www.qkss.org/repository/docs/Kosovo_Security_Barometer_Third_Edition_20786.pdf
- Saferworld and FIQ 2008, *Policing in Kosovo*, Forum for Civic Initiatives, Saferworld, viewed 26th February 2014, <http://www.saferworld.org.uk/downloads/pub-docs/English.pdf>
- Green, M, Friedman, J & Bennet, R 2012, *Building the police service in a security vacuum: International Efforts in Kosovo 1999-2011*, Princeton University, https://www.cimicweb.org/cmo/ComplexCoverage/Documents/Kosovo/Current%20Documents/200_serb_integration_in_kosovo___taking_the_plunge_2009.pdf

www.princeton.edu/successfulsocieties/content/data/policy_note/PN_id121/Policy_Note_ID121.pdf

- Emini, D 2013, *Inclusion or Exclusion? Minorities in the Security Sector in Post-Independence Kosovo*, Kosovar Center for Security Studies, Prishtina.
- Malazogu, L *et al.* 2014, *Integration or isolation? Northern Kosovo in 2014 Electoral Limbo*, Central European Policy Institute (CEPI), Belgrade Centre for Security Policy (BCSP), Democracy for Development, Polish Institute of International Affairs (PISM).
- Bassuener, K & Weber, B 2013, *Not Yet a Done Deal: Kosovo and the Prishtina-Belgrade Dialogue*. Democratization Policy Council (DPC), Berlin.
- Jureković, P 2013, “Kosovo Agreement – Implementation as Litmus Test”, *IFK Monitor International*, Austrian National Defence Academy, Vienna.

Newspaper Articles:

- Andrić, G, “Serb to Run Police in North Kosovo”, *Balkan Insight*, 6th December 2013, viewed 10th February 2014, <http://www.balkaninsight.com/en/article/belgrade-pristina-reach-deal-on-kosovo-north-police>
- Belgrade – “Kosovo Agreement Text Published”, in *Serbia, Independent News*, 19th April 2013, viewed 10th February 2014, <http://inserbia.info/news/2013/04/belgrade-kosovo-agreement-text-published/>
- Delić, P, “Policajci idu u penziju, a onda u KPS”, *Akter*, 15th December 2013, viewed 10th February 2014, <http://akter.co.rs/weekly/34-bezbednost/65427-policajci-idu-u-penziju-a-onda-u-kps.html>
- Zejneli, A, “Nejasnoce iz sporazuma komplikuju integraciju policije”, *Radio Slobodna Evropa*, 13th December 2013, viewed 10th February 2014, <http://www.slobodnaevropa.org/content/nejasnoce-iz-sporazuma-komplikuju-integraciju-policije/25199654.html>
- Živković, R, “Integracija Srba u bezbednosne strukture”, *Akter*, 3rd November

2013, viewed 10th February 2014, <http://akter.co.rs/weekly/33-politika/59426-integracija-srba-u-bezbednosne-strukture.html>

- Petković, J “Rampa za Srbe u kosovskoj policiji”, *Vesti online*, 13th December, viewed 20th March 2014, <http://www.vesti-online.com/Vesti/Tema-dana/367376/Rampa-za-Srbe-u-kosovskoj-policiji>
- RTS 2013, “Integracija bivših srpskih policajaca u KPS”, *RTS*, 14th December, viewed 20th March 2014, <http://www.rts.rs/page/stories/sr/story/9/Politika/1470483/Integracija+biv%C5%A1ih+srpskih+policajca+u+KPS.html>
- First Agreement of Principles Governing the Normalization of Relations (Brussels Agreement), 19th April 2013, available at: http://www.danas.rs/danasrs/politika/prevod_sporazuma_koji_je_danas_parafiran_u_briselu.56.html?news_id=259487
- Implementation Plan, 22nd May 2013, available at: <http://euobserver.com/media/src/0807580ad8281aefa2a89e38c49689f9.pdf>
- Standardi.info 2013, “Sfide verifikimi i MUP-ve serb dhe integrimi ne policin e Kosoves”, 6th December, viewed 25th March 2014, <http://standardi.info/index.aspx?SID=13&LID=2&AID=140697&Ctype=1&ACatID=11>.
- Zëri 2013, “Thaçi: Nga nesër mund të fillojë integrimi i serbëve në PK”, 6th December, viewed 25th March 2014, <http://www.zeri.info/artikulli/22302/fillon-takimi-thaci-daciq-ne-bruksel>

Annex 1. Interviews

- Besim Jonuzaj, Acting Director of the Department of Civil Registration, Kosovo Civil Registration Agency (CRA), in Prishtina, February 25, 2014.
- Shpresa Mulliqi, OSCE Mission in Kosovo, in Prishtina, February 26, 2014.
- Carsten Twelmeier, OSCE Mission in Kosovo, in Prishtina, February 26, 2014.
- Agron Rukiqi, Director of the Kosovo Police Human Resources Department, in Prishtina, February 26, 2014.

- Ismajl Smakiqi, Director of the Kosovo Academy for Public Safety, in Vushtrri/Vučitrn, February 27, 2014.
- Avni Istrefi, Head of the Office for Development, Planning and Foreign Relations, Kosovo Academy for Public Safety, in Vushtrri/Vučitrn, February 27, 2014.
- Shpresa Muharremi, Kosovo Academy for Public Safety Advisor, OSCE Mission in Kosovo, in Vushtrri/Vučitrn, February 27, 2014.
- Interviews with two police officers, Gračanica/Graçanicë Police Station, February 28, 2014.
- Ahmet Isufi, Chair of the Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, Kosovo Parliament, March 3, 2014.
- Goran Marinković, Deputy Chair of the Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, Kosovo Parliament, in Prishtina, March 5, 2014.
- Alessandro Tedesco, Programme Manager, EULEX Planning, Coordination and Compliance Office, in Prishtina, March 6, 2014.
- Nenad Djurić, acting Regional Commander for North Kosovo, in Mitrovica/Mitrovicë, March 7, 2014.
- Predrag Djordjević, Head of the Independent Syndicate of Police [*Nezavisni sindikat policije*, not to be confused with the *Samostalni sindikat policije*], in Prishtina, March 7, 2014.
- Interview with a former MUP officer from the North, now integrated into the Kosovo Police, in Leposavić, March 10, 2013.

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ABOUT ORGANISATIONS

BELGRADE CENTRE FOR SECURITY POLICY [BCSP] **Serbia**

The Belgrade Centre for Security Policy [BCSP] is an independent think tank founded in 1997 to publically advocate national and human security based on democracy and respect for human rights. The BCSP works towards consolidation of security sector reform [SSR] and security integration of Western Balkan states into Euro-Atlantic community by creating an inclusive and knowledge-based security policy environment. It achieves these goals through research, public advocacy, education, bringing together relevant stakeholders and creation of networking opportunities

KOSOVO CENTRE FOR SECURITY STUDIES [KCSS] **Kosovo**

The Kosovar Centre for Security Studies [KCSS] is a non-governmental and non-profit think tank established in 2008 with the main aim of developing research studies in the security sector. KCSS conducts research and organizes conferences and seminars in the related fields of security policy, rule of law, justice, and monitoring of the security sector. KCSS activities contribute to strengthening the principles of democratic oversight of security institutions in the Republic of Kosovo.

ABOUT PROJECT

The Security Research Forum is a joint project of three independent think tanks from Belgrade [BCSP], Prishtina [KCSS] and Tirana [IDM] specialized in research of security issues. The Security Research Forum is meant to foster balanced debate among think-tank community, academia, public policy and media in order to provide research-based alternative solutions to ongoing challenges of cooperation among Serbia, Kosovo and Albania.

