



FILLING THE BLACK HOLE

BRINGING KOSOVO INTO INTERNATIONAL POLICE
COOPERATION ORGANIZATIONS

MARCH 2015

This publication has been produced with the assistance of the European Union. The content of this publication are the sole responsibility of GLPS and BIRN and can in no way be taken to reflect the views of the European Union.



Prepared by: *Lowell West, **Emma Founds, ***Albana Merja

© Group for Legal and Political Studies and Balkan Investigative Reporting Network, Prishtine, March 2015.

The opinions expressed in this document do not necessarily reflect those of the Group for Legal and Political Studies and Balkan Investigative Reporting Network donors, their staff, associates or Board(s). All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without permission. Contact the administrative office of the Group for Legal and Political Studies and Balkan Investigative Reporting Network for such requests.

Published by:



Group for Legal and Political Studies
"Rexhep Luci" str. 10/5
Prishtina 10 000, Kosovo
Web site: www.legalpoliticalstudies.org
Email: office@legalpoliticalstudies.org
Tel/fax: +381 38 227 944

Balkan Investigative Reporting Network
"Mensa e Studenteve" 1st Floor,
Prishtina 10 000, Kosovo
Web site: www.kosovo.birn.eu.com
Email: kosova@birn.eu.com
Tel/fax: +381 38 227 944

* International Research Fellow, Group for Legal and Political Studies, Prishtinë

** Research Fellow, Group for Legal and Political Studies, Prishtinë

*** Research Fellow, Group for Legal and Political Studies, Prishtinë

ABOUT GLPS

Group for Legal and Political Studies is an independent, non-partisan and non-profit public policy organisation based in Prishtina, Kosovo. Our mission is to conduct credible policy research in the fields of politics, law and economics and to push forward policy solutions that address the failures and/or tackle the problems in the said policy fields.

ABOUT BIRN

The Balkan Investigative Reporting Network (BIRN) is the leading investigative and analytical journalism organisation in Kosovo. Its award-winning media products include the TV programmes "Life in Kosovo" and "Justice in Kosovo", the English-language newspaper Prishtina Insight, and the web portals Gazeta Jeta ne Kosove and KALLXO.com. BIRN also has ongoing monitoring projects covering the court system and the implementation of the Kosovo-Serbia agreements. BIRN Kosovo is part of the regional BIRN network, which puts out Balkan Insight and other media products in the region.

CONTENT:

01 INTRODUCTION

16 ACCESSION PROCEDURE FOR
JOINING IPCOS

03 THE NEED FOR KOSOVO TO
JOIN IPCOS

18 CONCLUSION AND
RECOMMENDATIONS

12 IPCOS THAT KOSOVO
SHOULD JOIN

I. INTRODUCTION

In the rapidly globalizing world of the 21st century, international police cooperation organisations (IPCOs) have become more vital. Improvements in technology and transportation make it easier for criminal syndicates, terrorist groups or individual criminals to flout geographical borders. National police agencies' abilities and information cannot be limited to their state borders to fight these threats. However, political considerations of sovereignty prevent these agencies from gaining a broad perspective on transnational crime, thereby limiting their ability to locate and apprehend criminals.

IPCOs fill in these gaps. They provide a wider perspective on transnational crime not available to national police services by pulling data from multiple sources to get a complete picture of criminal activity. They provide a neutral, trusted hub for the hosting and transmission of information, reducing states' mistrust of one another in an area where they often prefer sovereignty over cooperation when tackling such problems. IPCOs provide goals, principles, and harmonization of transnational security, thereby reducing uncertainty for states to negotiate agreements. They study, pool and transmit best practices to improve policing in all member states. IPCOs are able to suggest joint investigations without the baggage of political relationships. Finally, their broad sources of information allow them

to more quickly identify developing problems compared to a fractured patchwork of national police agencies that would take much longer to identify such threats. IPCOs provide vital services that otherwise do not exist.¹

Kosovo, however, does not have membership or formalized access to these services². While approximately 40 regional initiatives address issues in the areas of police cooperation, the judiciary and security, Kosovo's membership to such organisations is limited. Although Kosovo's level of regional cooperation is increasing, it is currently a member of only a few regional police and law enforcement cooperation efforts including the Southeastern Europe Cooperation Process (SEEC), the Regional Cooperation Council (RCC), and the International Law Enforcement Coordination Unit (ILECU)³. This is problematic for the IPCOs that require universal, active participation in order to be truly effective. This also

1 For the theory behind the benefits of international police cooperation, see Nadia Gerspacher, "The roles of international police cooperation organisations," *European Journal of Criminal Law and Criminal Justice* 13, no. 3 (2005): 413-434. For the benefits of international organisations generally, see Kenneth W. Abbot and Duncan Snidal, "Why states act through formal international organisations," *The Journal of Conflict Resolution* 42, no. 1 (1998): 3-32.

2 Statute of the Regional Cooperation Council. Available at <http://www.rcc.int/docs/240/consolidated-statute-of-the-regional-cooperation-council>.

3 Kosovar Center for Security Studies (KCSS). *Kosovo's Membership and Representation in Regional Security Initiatives*, March 2014. Available at http://www.academia.edu/8281500/Kosovar_Center_for_Security_Studies_Kosovos_Membership_and_Representation_in_Regional_Security_Initiatives

poses a problem for Southeastern European states that face transnational crime problems with limited resources, including Kosovo. While this analysis is not blind to the international political realities facing Kosovo, international police cooperation requires compromise for the greater benefit of rule of law in the Western Balkans, Europe and the international system. There are two main hurdles to Kosovo's membership in these organisations: There is a lack of political will despite the urgent need for cooperation to ensure security in the region, Serbia continues to block Kosovo's membership in IPCOs despite the "footnote agreement," which was intended to allow Kosovo's direct participation in regional organisations, rather than merely representation through international bodies, such as the European Union Rule of Law Mission in Kosovo (EULEX).

The remainder of this analysis is divided into three sections. The first section details why IPCOs should include Kosovo as full and active members, and details Kosovo's current participation in regional security organisations. The section also addresses specific rule of law issues that Kosovo can only address through help from IPCOs.

The second section discusses five specific IPCOs with which Kosovo should seek a relationship: the International Criminal Police Organisation (Interpol), the European Police Office (Europol), the Police Cooperation Convention of Southeast Europe (PCCSEE), the Southeast European Law Enforcement Centre (SELEC) and the Southeast Europe Police Chiefs Association (SEPCA). This section will detail the nature of each organisation, Kosovo's current relationship with each organisation, and how the organisation would benefit from either Kosovo's membership or a more formal relationship (in the case of Europol).

The third section discusses the accession procedures for each organisation and Kosovo's prospects for fulfilling such requirements. While each section notes the political problems facing Kosovo in joining the organisations, what will be apparent is how many tools already exist to facilitate this process. Given the many interests that all sides have in Kosovo's membership in IPCOs, lack of political will to seek full and active participation should be effectively addressed by the Kosovo government.

II. The Need for Kosovo to Join IPCOs

Kosovo faces tremendous rule of law challenges that are exacerbated by exclusion from IPCO membership. By being blocked from full-fledged membership in regional security organisations, Kosovo is prevented from taking on the responsibilities and benefits of joint operations and activities regarding justice and security. Membership in IPCOs will place Kosovo on equal footing with other countries in the region, and will aid in the normalization of relations with Serbia. In addition, it is essential to Kosovo, the region, and EU member states that Kosovo establish a relationship with EU law enforcement in light of future accession. Furthermore, communication with Interpol and Europol is one of the criteria for Kosovo to achieve visa liberalization⁴.

Not only will Kosovo benefit from full and active membership in IPCOs, but in order for IPCOs to reach their full potential, they must include Kosovo, as it has become easier for goods and people to cross international borders and criminals exploit their ability to cross borders more easily in order to commit serious crimes. Therefore, it is important for IPCOs to support Kosovo's membership, thereby enabling them to better apprehend and prosecute criminals in the region, and leaving no safe harbour for such criminals. States in Southeast Europe also need Kosovo to join if they are to address the

rule of law problems that currently frustrate their bids to join the European Union. This section will examine Kosovo's present involvement in regional security organisations, before addressing why it is important for other states in the region to include Kosovo as a member.

A. Kosovo's Current Participation in IPCOs and Key Barriers

Kosovo is a member of very few IPCOs, including the SEECP, the RCC, and has the ability to communicate with IPCOs via Kosovo's ILECU. Such progress toward the integration of regional security organisations has been limited, despite expectations that Kosovo's membership in the RCC, and Kosovo and Serbia's agreement known as the "footnote agreement," would increase Kosovo's access to such organisations.

Membership in the SEECP represents an important step in Kosovo's participation in regional organisations. The organisation's goal is to strengthen regional cooperation in the interest of creating an atmosphere of trust, good relations, and stability. The initiative was established to promote cooperation in a number of areas, including security, stability, and justice. The SEECP stated that "Regarding the request of Kosovo* to join SEECP, given the commitment to further enhance the role of SEECP on the basis of regional ownership and all-inclusiveness and recognizing the his-

⁴ Report From the Commission to the European Parliament and the Council on progress by Kosovo* in fulfilling the requirements of the visa liberalisation roadmap. 2013. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013DC0066>.

toric agreements reached in the framework of the EU facilitated dialogue, namely the First Agreement on principles governing the normalization of relations and arrangements regarding regional representation and cooperation, we welcomed the participation of Kosovo in SEECP activities over the last year and we decided to invite Kosovo to participate on a permanent basis in the SEECP activities and meetings, at all levels and on equal terms. The Annex of the Charter of the South-East European Cooperation Process is to be interpreted and applied accordingly, in order to allow the participation of Kosovo in the SEECP activities and meetings, at all levels and on equal terms. We acknowledge that such participation greatly contributes to the strengthening of the regional cooperation, stabilization and security in the region.⁵ Kosovo's full and active participation in the SEECP is essential to both the organisation itself and to Kosovo, but it is important for Kosovo to have access to membership to all relevant IPCOs.

Kosovo became a member of the RCC in October 2013, which is considered the main umbrella organisation for cooperation in South-eastern Europe. Kosovo views membership in the RCC, along with 45 other member states, as an avenue not only for regional stability, but also as a main instrument for pre-EU accession⁶. Although Kosovo was granted membership in the RCC, this status has thus far been a mere formality, and Kosovo is not in-

cluded in any of the 14 RCC initiatives⁷. Kosovo would benefit from inclusion in RCC activities aimed at improving the rule of law, such as the Southeastern Europe Prosecutors' Network, a professional network aimed at fighting organised crime and other serious crimes. While formal membership in IPCOs is important, active participation and inclusion in these organisations is also essential. Unfortunately, key barriers remain, including lack of political will and exclusion from such organisations due to Kosovo's status.

Kosovo's active and full membership and access to regional security organisations has been restricted despite dialogue between Serbia and Kosovo. The EU facilitated Kosovo-Serbia dialogue, resulting in part in an agreement, known as the "footnote agreement", which was intended to increase Kosovo's participation in regional organisations. However, this agreement has failed to meet its goals. The "footnote agreement" allowed Kosovo to be an independent actor, as opposed to represented by UNMIK or other international organisations. Kosovo and Serbia agreed that Kosovo's official name would be changed from the "Republic of Kosovo" to "Kosovo*" with a footnote that would state "This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence⁸". Unfortunately, the "footnote agreement" has been ineffective.

5 SEECP Bucharest Summit Declaration. 25 June 2014. Available at http://www.mae.ro/sites/default/files/file/pdf/2014.06.25_summit_declaration.pdf.

6 Ministry of Foreign Affairs. Kosovo becomes full-fledged participant of Regional Cooperation Council. Available at <http://www.mfa-ks.net/?page=2,4,1603>.

7 KCSS

8 Curry, Fatmir and Mimika Loshi, KCSF. Monitoring Regional Cooperation in South East Europe: Country Report- Kosovo. Available at http://www.kcsfoundation.org/repository/docs/03_03_2014_5956800_KCSF_2013_Monitoring_Regional_Cooperation_in_SEE_Kosovo_Report.pdf

In concluding the footnote agreement, Serbia and Kosovo had different understandings with regard to its implementation and did not receive guidance on how to implement the agreement. This left the agreement open to differing interpretations. While Serbia was under the impression that Kosovo was to be represented by both an asterisk and the text of the footnote, Kosovo believed that it would only be represented by the asterisk on nameplates and the footnote was to be included only in written documents. In the absence of a consensus on what had been agreed upon, Kosovo continues to be unable to gain membership to most security organisations in the region⁹.

Most notably, Kosovo has established the ILECU as a centralized organisation within the Kosovo police force that connects Kosovo police to Interpol, Europol, Frontex and Eurojust. ILECU's main objective is to coordinate the efforts of law enforcement agencies to fight terrorism and organised crime¹⁰. Kosovo's ILECU facilitates communication with Interpol through the UN Mission in Kosovo (UNMIK), while EULEX represents Kosovo in relations with Europol. Kosovo's relations to IPCOs such as INTEROPL and EUROPOL remain largely informal, and do not confer the full rights and obligations that Kosovo would have as a member. This is problematic not only for Kosovo but also for the IPCOs that require universal, active participation to be truly effective,

B. IPCOs Need Kosovo to Become a Full Member

As noted in the introduction, IPCOs have unique advantages that are absent from national police agencies. However, they also have unique disadvantages that, if exacerbated, can render the advantages useless. First, member states' participation in IPCOs is strictly voluntary and the amount that states invest in their capabilities varies widely. This skews databases, as most information only comes from a handful of states. It also skews cooperation and information exchanges, as member states that share information and cooperate observing states are excluded from accessing the same information such as working group documents¹¹. States that do not actively participate become "black holes" where transnational criminal organisations can move with less detection. An extreme version of this effect occurs when a state, like Kosovo, is not a part of the organisation at all, as it is unable to provide information to the databases and cannot communicate with other states in a structured manner. Cooperation must be ad hoc and, in Kosovo's case, requires communication through an intermediary such as UNMIK or EULEX. This makes cooperation more difficult and creates a haven for transnational criminal organisations that have less to fear from a state that is cut off from traditional means of cooperation and communication.¹² This problem neutralizes IPCOs' advantages in providing a broad perspective on organised crime, suggesting joint investigations through formal, trustworthy procedures, and identifying emerging problems.

9 Ibid.
10 Ibid.

11 Interpol. Rules of Procedure of the ICPO-INTERPOL General Assembly.

12 Gerspacher, "The roles of international police cooperation organisations"

The second major disadvantage IPCOs have is that they have only limited capacity to train national limited police agency officials to use standardized channels of communication and unified databases¹³. They rely on national member police agencies to train most of their officers to use the communication channels and databases. This is often neglected, leading to oversights such as the unrecognized use of stolen passports on Malaysian Airlines Flight 370.¹⁴ If police do not know how to interact with their foreign counterparts through IPCO channels or use IPCOs' databases, membership in the organisations serves no purpose, as cooperation cannot actually be achieved. If a state lacks access to the databases and communication channels provided by IPCOs, training on how to use these resources effectively becomes impossible. The relationship between Kosovo and various IPCOs has been ad hoc and a standardization process is not trivial. The rules that IPCOs provide allow members to trust the organisation as neutral storage and transmission site for information, and establish principles that alleviate distrust between states. IPCOs serve their member states poorly if they cannot grant them consistent, trustworthy access to information that they need.

Third, IPCOs' broad perspective and early warning capabilities are only successful if their input is broad and accurate. Broadness and accuracy in information gathering is dependent on the organisations' success to information from all states in the area. If IPCOs fall short of this universal membership in its region—globally in the case of Interpol—the broadness and accuracy of their inputs will suffer, meaning that their outputs will be less reliable¹⁵. Analyses may cause false alarms or, worse, miss emerging threats. Universal membership, thus, is key in order for IPCOs to maximize the services that they are intended to provide. Excluding Kosovo will create gaps that undermine the goals of IPCOs, compromising entire organisations and lessening their usefulness. If IPCOs are to effectively counter transnational crime with transnational efforts, they need Kosovo to be granted full membership.

13 Ibid.

14 Bill Chappell, "Stolen passports used for Malaysia flight, Interpol confirms," NPR, 9 March 2014, available at <http://www.npr.org/blogs/thetwo-way/2014/03/09/288130218/stolen-passports-used-for-malaysia-flight-interpol-confirms>

15 Gerspacher, "The roles of international police cooperation organisations"

C. Southeast European States Need Kosovo to Join IPCOs

All five of Kosovo's fellow Western Balkan candidates and potential candidates for EU membership face transnational rule-of-law issues, which they must address with the full collaboration with their neighbours in the region. Four countries—Albania, Bosnia-Herzegovina, Montenegro and Serbia—continue to struggle with transnational organised crime.¹⁶ Macedonia has made advances in the fight against organised crime but remains a major transit point for international drug trafficking.¹⁷ Albania also struggles with drug trafficking, though mostly as a source country, with its illegal drugs passing through the rest of the region.¹⁸ Bosnia-Herzegovina has had difficulty containing arms trafficking from its territory to the surrounding region.¹⁹ All five states have problems to varying degrees with trafficking in human beings and are all origin, transit, and destination countries.

All of these issues involve transnational crimes that require a transnational approach. Fittingly, these states have had the most success in these areas when they cooperate across national boundaries. It is notable, though not necessarily causal, that the state that cooperates the best with IPCOs, Macedonia, has made the most progress against organised crime.²⁰ International police cooperation has

helped Serbia make several important arrests.²¹ While these points are anecdotal, they point to the ability of cross-border cooperation to counter the criminal threats that pose a hurdle to state's EU candidacy.

Therefore, from a purely practical perspective, it is disadvantageous for IPCOs to deny membership to Kosovo. The ability to share information and cooperate with Kosovo would strengthen the response to both internal and transnational criminal threats. Refusing to cooperate with Kosovo will continuously hold back the candidacies of all five states, as they are forced to combat criminal enterprises that have a regional neighbour that provides safe haven from investigation and arrest. Because the problems affecting these states also affect Kosovo, all parties have an interest in Kosovo becoming a full member in IPCOs.

D. Kosovo Should Join IPCOs

While IPCOs and regional states have definite interests in Kosovo becoming a member of these organisations, Kosovo would be the clearest beneficiary. Kosovo faces a dual problem of organised crime that takes place within its territory as well as problems of drug trafficking, human trafficking and weapons trafficking which transport illegal assets and human beings to Kosovo or other destination countries. Both of these distinct, but interlinked organised crime problems take on transnational dimensions. First, there is an organised crime threat throughout most of the country mainly from ethnic Albanian criminal groups. These groups' activities range from small-scale extortion, such as dealing in illegal drugs, to large scale and more serious crimes including smuggling, bribery of high-level officials, human trafficking, weapons, and drugs. These groups work with a variety of international organised crime groups within the Balkans and

16 European Commission, "Commission Staff Working Document: Albania 2013 Progress Report," SWD(2013) 414 final (16 October 2013); European Commission, "Commission Staff Working Document: Bosnia and Herzegovina 2013 Progress Report," SWD(2013) 415 final (16 October 2013); European Commission, "Commission Staff Working Document: Montenegro 2013 Progress Report," SWD(2013) 411 final (16 October 2013); European Commission, "Commission Staff Working Document: Serbia 2013 Progress Report," SWD(2013) 412 final (16 October 2013)

17 European Commission, "Commission Staff Working Document: The Former Yugoslav Republic of Macedonia 2013 Progress Report," SWD(2013) 413 final (16 October 2013)

18 European Commission, "Albania 2013 Progress Report"

19 European Commission, "Bosnia and Herzegovina 2013 Progress Report"

20 European Commission, "The Former Yugoslav Republic of Macedonia 2013 Progress Report"

21 European Commission, "Serbia 2013 Progress Report"

throughout Europe to expand and protect their activities.²² The second organised crime problem is concentrated in the north of the country, in the form of Serb-organised crime gangs. These groups do not operate exclusively apart from ethnic Albanian groups and, indeed, the groups often cooperate. Serbian criminal organisations also have benefitted from limited rule-of-law in the north, which allow them to operate with a significant degree of freedom. These groups also have extensive transnational organised crime links, mostly with Serbia.²³ Both sets of groups contribute to multiple problems that plague Kosovo, which international police cooperation can help to ameliorate: drug trafficking, human trafficking weapons trafficking, and fighting activities that help to fund organised criminal groups.

i. Drug Trafficking

In the specific area of drug trafficking, Kosovo is an established transit country for Afghan heroin and Albanian cannabis,²⁴ with the potential to become a major transit country for Afghan cannabis.²⁵ Afghan heroin, after traveling from Afghanistan to Turkey, enters the Balkans through Bulgaria or Greece, and will flow through Macedonia and/or Albania into Kosovo. From Kosovo, it enters either Serbia or Montenegro on its way to the target European market. This path is referred to as the “Balkan Route.” Albanian cannabis either enters Kosovo directly from Albania or through Macedonia, though Kosovo has some local cultivation that may contribute to the amount of cannabis in transit. The cannabis is then transported to Serbia or Montenegro on its way to the EU market.²⁶ Although Albanian police staged a successful anti-drug operation in July 2014, in which police seized more than 62 tons of marijuana and destroyed 133,000 cannabis plants²⁷, it remains unclear what impact such actions have had on the flow of Albanian cannabis through Kosovo. While Afghan cannabis has not been noted as a specific threat to Kosovo, its market share in the European market is increasing and travels through the previously mentioned “Balkan Route” for drugs and other contraband. Given the contacts that organised criminal groups in Kosovo may have made through the trade in Afghan heroin and their extant trade in cannabis, the potential for Afghan cannabis to mix and compete with Albanian cannabis is high.²⁸

22 Government of the Republic of Kosovo, National Strategy and Action Plan of the Republic of Kosovo Against Organized Crime: 2012-2017, June 2012, available at http://www.mpb-ks.org/repository/docs/Strategy_against_Organized_Crime_2012-2017_eng.pdf

23 International Crisis Group, “North Kosovo: dual sovereignty in practice,” Europe Report no. 211 (14 March 2011)

24 ArtanDuraku, IlirBegolli, ShabanMecinaj, PashkBuzhala, BahriShala, Edona Deva and SafetBlakaj, “Country overview: Kosovo” European Monitoring Centre for Drugs and Drug Addiction, last updated October 2013, available at <http://www.emcdda.europa.eu/publications/country-overviews/xk>

25 European Police Office (Europol), Europol SOCTA 2013: EU Serious and Organised Crime Threat Assessment, 2013, available at <https://www.europol.europa.eu/sites/default/files/publications/socta2013.pdf>

26 Duraku et al., “Country Overview: Kosovo”

27 EriMurati, “With anti-drug operation in Lazarat, Albania signals readiness for EU membership” Southeast European Times Tirana, 14 July 2014, available at http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2014/07/14/feature-01

28 Europol, Europol SOCTA 2013

ii. Kosovo has a relatively low drug-use rate of its own

While there are many organisations in Kosovo that gather information on drug use, there are no studies at the national level regarding drug use among the general population.²⁹ However, the drug trade does have an insidious effect on Kosovo. The drug trade, especially in heroin, often forms the lifeblood of ethnic Albanian criminal syndicates in Europe. They use the large diaspora in Western Europe as a cover to recruit members and transit drugs into rich markets.³⁰ The drug trade also helps to sustain ethnic Serb criminal groups in the north of Kosovo. Neither set of groups is as particular about ethnicity as the general population, allowing for cooperation and granting both funds and flexibility.³¹ Both work across national boundaries with little respect for Kosovo's sovereignty or its rule of law institutions. Thus they are both sustained by the drug trade and at least partially immune to any efforts by the Kosovo government to curb

29 Duraku et al., "Country Overview: Kosovo"

30 Europol, Europol SOCTA 2013

31 International Crisis Group, "North Kosovo"

their activities. In the broader fight against organised crime, Kosovo needs to interrupt the drug trade flowing through its territory. Given the trade's transnational character, this is impossible without cooperation with other states' police forces in gathering intelligence, issuing warrants and interrupting shipments. All of the IPCOs discussed in the next section specifically target the drug trade, and many provide the services that Kosovo needs to interrupt this and other forms of organised crime.

iii. Human Trafficking

Unlike the drug trade, whose effects on the rule of law in Kosovo are seen in its secondary activities, human trafficking directly affects the state's population and territory. Heavy international presence also makes it a destination point for sex trafficking, both for foreign nationals and citizens.³² The state's weak economy, impoverished population, and proximity to the EU make its citizens targets for sex

32 European Commission, "Kosovo* 2013 Progress Report"; MIA, National Strategy and Action Plan against Trafficking in Human Beings

trafficking and forced labour.³³ Children are often enlisted into forced begging.³⁴ Victims of trafficking are often moved illegally across borders, but can be trafficked within a country's borders as well. Regional cooperation is a pre-condition for effectively responding to, and combatting, trafficking in human beings. Currently, Kosovo's approach to dealing with human trafficking has been insufficient due to the absence of cooperation between the Kosovo police and IPCOs. In particular, there is a complete absence of communication between Kosovo and Serbia on this matter. As a transit and destination country, Kosovo's lax visa regime makes it an ideal destination and transit point for sex trafficking and forced labour. Furthermore, high unemployment causes Kosovars to illegally exit the country in order to seek work in Europe. Criminal organisations profit from smuggling these illegal migrants. It is possible for such human smuggling situations to morph into an incidence of human trafficking. While human smuggling is a mutual illegal agreement between the smuggler and illegal immigrant, human trafficking occurs where the trafficker seeks to exploit the migrant for profit. Force, fraud and coercion all play a role in human trafficking situations³⁵.

Human trafficking does not only affect Kosovo; the entire region is impacted by this crime. Both Serbia and Kosovo lie at the heart of the Balkan Route, whereby illegal goods can be moved from as far away as Turkey into Western Europe³⁶. Each country must take steps independently to fight human trafficking, such as reintegrating its nationals into society.³⁷ However, Kosovo requires help from other states to address this issue, and cooperation in the region is essential for all states to combat such crimes. Currently, Kosovo lacks two key tools for disrupting human trafficking in transit: access to global information on stolen travel documents often used in people smuggling, and access to data on known and suspected human traffickers.³⁸ As it cannot add data nor retrieve data from IPCO databases, Kosovo becomes a "black hole" for human trafficking. In addition, the availability of false identification documents in Kosovo allows traffickers and other criminals to evade the authorities. In the 1990s it was easy for criminals to obtain false identities in Kosovo, and as a result, some ethnic Albanian criminals have up to 40 aliases. Such availability of illegal documents increases the risk that other fugitives might attempt to obtain false identities. Joining international police organisations will help Kosovo and the region to more effectively address this issue.

33 Republic of Kosovo Government Ministry of Internal Affairs (MIA), National Strategy and Action Plan against Trafficking in Human Beings, 2011-2014, May 2011, available at <http://www.mpb-ks.org/repository/docs/TQNJAnlisht.pdf>

34 European Commission, "Commission Staff Working Document: Kosovo* 2013 Progress Report," SWD(2013) 416 final (16 October 2013)

35 The Human Trafficking and Smuggling Center. Fact Sheet. April 2006, available at <http://www.state.gov/documents/organisationorganisation/90541.pdf>

36 Graham, Patrick. Drug wars: Kosovo's new battle. National Post, 13 April 2000.

37 European Commission, "Kosovo* 2013 Progress Report"

38 Interpol, "Trafficking in human beings: Interpol tools," Interpol, accessed 25 April 2014, available at <http://www.interpol.int/Crime-areas/Trafficking-in-human-beings/INTERPOL-tools>

iii. Weapons Trafficking

Another problem in Kosovo with which IPCOs can help is weapons trafficking. Once an acute public security threat, weapons trafficking declined in Kosovo as the 1998-1999 war faded into history and the weapons used in the war were disbursed. However, this availability of weapons has evolved into a chronic, destabilizing threat. The Kosovo Government has recognized the need to reduce local demand and to improve its data on weapons within the country and those that cross its borders.³⁹ These are the first steps in local efforts to effectively suppress weapons trafficking, though they may not meet European Commission expectations. However, Kosovo's ability to stop the flow of weapons relies on effective border policing on both sides of its borders. International police cooperation could prevent problems in weapon flows in two ways. It would allow Kosovo and its neighbours to coordinate responses to traffickers moving weapons across borders by sharing police intelligence and forming agreements on issues such as active pursuits around Kosovo's relatively porous borders so that traffickers can be apprehended and prosecuted. Secondly, if and when Kosovo officials are successful in reducing demand and improving data on the weapons present in Kosovo, the ability to communicate easily and effectively with neighbours can help to reduce the number of weapons flowing throughout the region, as Kosovo officials can alert their counterparts in other regional states about potential weapons sales and targets.

v. Vehicle Fraud

Kosovo must further curb illegal activities, and prevent the movement and sale of illegal goods within the country that help to fund organised criminal groups. For example, profits derived from the false registration of cars in Kosovo have been shown to contribute to funding for criminal organisations. In November 2013, Kosovo police found 964 falsified car registration files in the home of a human-trafficking suspect. In 2011 and 2012, Serbs were given the option to register their vehicles in Kosovo free of registration customs or taxes. Such fees amount to approximately 2,000 euros per vehicle. However, many cars were registered without previous verification. As a result, criminal organisations have benefitted at the cost of Kosovo citizens. Cooperation with Serbian authorities could have ensured proper verification. Kosovo should seek to build a mutually beneficial relationship with Serbian police forces to tackle all forms of organised and transnational crime. In order to combat transnational criminal activities on a number of fronts, Kosovo should seek full membership and participation in IPCOs.

Given these needs, it is important to identify which IPCOs Kosovo needs to join. While Kosovo is a member of some regional organisations, including the SEECP, RCC and ILECU, it is essential that Kosovo become a contributing member to additional regional organisations with a focus on transnational crime. The most evident and most necessary is Interpol, as Interpol provides the widest membership for information sharing and covers the widest variety of crimes countered by IPCOs. After Interpol, Kosovo needs to establish a relationship with Europol. While Kosovo cannot join Europol—it is open only to EU member states—establishing a relationship with the European policing force can greatly aid Kosovo in its struggle against organised crime and its various manifestations. Finally, Kosovo should join the PCCSEE, SELEC and SECPA, the three southeast European regional organisations with states that have the highest stakes in Kosovo improving its policing capabilities and with whom Kosovo must cooperate to fight its various rule-of-law ills.

³⁹ Republic of Kosovo Government, National Small Arms Light Weapons Control and Collection Strategy and Action Plan of the Republic of Kosovo: 2013-2016, 2013, available at http://www.mpb-ks.org/repository/docs/Strategjia_per_Arme_Anglisht.pdf

III. IPCOS THAT KOSOVO SHOULD JOIN

A. Interpol

The best-known organisation for international police cooperation is the International Criminal Police Organisation, better known as Interpol. While not a policing authority on its own, Interpol provides many valuable services. It manages an international alert system of color-coded notices, the most important of which are: red for wanted persons, orange for threats to public safety and yellow for missing persons.⁴⁰ It also manages large databases of stolen documents, art and vehicles; fingerprints; firearms; DNA profiles; and profiles of known international criminals.⁴¹ Member states' participation in these notices and databases is voluntary, but they provide a deep well of information that member states can use if criminals cross state boundaries. Interpol also houses a data exchange centre for member states to share information, a coordination centre to help states manage crises and training programs to boost member countries capacities. Use of these programs is again voluntary, but they do provide powerful tools to deal with criminals and evolving situations in an international sense.⁴² Finally, Interpol provides criminal intelligence analysis to support member countries in fighting criminal activity and lower uncertainty.⁴³

Technically speaking, Interpol has no formal relationship with the Kosovo government or its police forces. The UN Mission in Kosovo (UNMIK) handles all interactions with the agency. UNMIK serves as a de facto national central bureau (NCB)—Interpol's national contact points in its member countries—in Kosovo. It has access to Interpol's databases, but must request this information. It holds the same rights to exchange information with other NCBs as member states. It can request the General Secretariat to issue notices to other Interpol members. It may even attend the General Assembly of Interpol, though only as an observer.⁴⁴ UNMIK originally handled this relationship through its police force, but with independence and the entrance of the EU rule of law mission (EULEX), UNMIK communicates through its Rule of Law Liaison Office, which passes information and requests from Interpol to EULEX and the Kosovo government and vice versa.⁴⁵ Interpol restricts UNMIK in what information it can pass on, but the extent of these restrictions is unclear.⁴⁶ One area of cooperation between Kosovo's ILECU and Interpol is the reporting and tracking of lost and stolen travel and identification documents⁴⁷. Historically, however, Interpol has been slow in supplying the relevant Kosovo institutions with the requested information.

40 Interpol, "Notices," Interpol, accessed 25 April 2014, available at <http://www.interpol.int/INTERPOL-expertise/Notices>

41 Interpol, "Databases," Interpol, accessed 25 April 2014, available at <http://www.interpol.int/INTERPOL-expertise/Databases>

42 Interpol, "Overview," Interpol, accessed 25 April 2014, available at <http://www.interpol.int/INTERPOL-expertise/Overview>

43 Interpol, "Intelligence analysis," Interpol, accessed 25 April 2014, available at <http://www.interpol.int/INTERPOL-expertise/Intelligence-analysis>

44 Memorandum of Understanding between the International Criminal Police Organisation/Interpol and the United Nations Interim Administration Mission in Kosovo (UNMIK) on Cooperation in Crime Prevention and Criminal Justice, Articles 1-6 available at <http://www.interpol.int/content/download/9519/69777/version/1/file/UnitedNationsInterimAdministrationMissionKosovo.pdf>

45 United Nations Mission in Kosovo (UNMIK), "Rule of Law Liaison Office," UNMIK Online, accessed 25 April 2014, available at <http://www.unmikonline.org/Pages/rollo.aspx>

46 Memorandum of Understanding between Interpol and UNMIK, Appendix

47 Ministry of Internal Affairs. Information Bulletin 2013. Available at http://www.mpb-ks.org/repository/docs/ang-list_19022014.pdf

B. Europol

The European Police Office (Europol) is the main police information and intelligence sharing body of the European Union. It seeks “to support and strengthen action by the competent authorities of the member states and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more Member States.”⁴⁸ This work covers a variety of criminal activities, listed in the annex of the EU Council decision creating Europol, that include fighting organised crime, drug trafficking, human trafficking, and weapons trafficking. Europol’s basic tasks include the collection, analysis and sharing of information; the notification of member states of information that may be helpful in the investigation of a crime; the preparation of threat assessments, especially regarding organised crime and terrorism; and suggesting issues that need to be investigated, preferably jointly. It also provides support and advice for technical training of European police officers.⁴⁹

While only EU member states may be members of Europol, the organisation has extensive contractual relationships with non-EU member states. Kosovo is the only current or potential candidate country for EU membership that does not have either a strategic agreement—allowing for the exchange of all information related to suspected criminal activity except for personal data—or an operational agreement—allowing for the exchange of all information related to suspected criminal activity including personal data.⁵⁰ This is not to say that Europol has no involvement related to international criminal activities in Kosovo. Europol was instrumental in breaking up a human-trafficking ring that included suspects in Kosovo. However, Europol cooperated with

a combined EULEX-Kosovo Police force, not Kosovo Police alone on these arrests, working within the EU network.⁵¹ Representatives from Kosovo Police are welcomed at Europol conferences on particular issues such as drug trafficking, but systematic information sharing, training and cooperation has not been formalized.⁵²

It would be in the best interest of both the EU and Kosovo for the Council of Europe to propose Kosovo as a candidate for membership in Europol. Europol relied on EULEX in the past, but the likely scaling back of EULEX’s mission after June 2016⁵³ will create a gap in Europol’s capabilities in Kosovo.⁵⁴ An information-sharing agreement, either strategic or operational, will allow Kosovo to better coordinate with Europol investigations and fight transnational issues. Since much of the trafficking through Kosovo is destined for EU member states and many of the organised crime groups active in Kosovo have links to groups in the rest of Europe, Kosovo and the EU have a definite interest in Kosovo being able to access Europol information and Europol being able to access, analyse and contextualize information gathered by the Kosovo police. Kosovo’s inclusion in Europol would be advantageous to both entities.

C. Regional IPCOs

In Southeastern Europe, there are three IPCOs

51 Europol, “Major people smuggling criminal network dismantled across Europe-103 suspects arrested,” Europol, 30 January 2013, available at <https://www.europol.europa.eu/content/major-people-smuggling-criminal-network-dismantled-across-europe-103-suspects-arrested>

52 Europol and European Monitoring Center for Drugs and Drug Addiction, *New Drugs in Europe, 2012, 2013*, available at https://www.europol.europa.eu/sites/default/files/publications/new_drugs_in_europe_2012_report.pdf

53 Edona Peci, “Kosovo Extends EU Rule-of-Law Mission Mandate” *Balkan Insight*, 22 April 2014, available at <http://www.balkaninsight.com/en/article/kosovo-urged-to-approve-war-crime-tribunal>

54 Bodo Weber and Lowell West, “EULEX-Towards an integrated exit strategy: Strengthening the rule of law through EU integration,” Group for Legal and Political Studies and Democratization Policy Council, released April 2014, http://democratizationpolicy.org/uiimages/EULEX%20Exit%20Strategy_DPC-GLPS%20Policy%20Report%20%2804-14%29_ENG.pdf

48 Council Decision No. 2009/371/JHA, 2009, O.J. L 121/37, available at https://www.europol.europa.eu/sites/default/files/council_decision.pdf

49 Ibid.

50 Ibid.

of special significance: the Secretariat of Police Cooperation Convention for Southeast Europe (PCC-SEE Secretariat), the Southeast European Law Enforcement Centre (SELEC) and the Southeast Europe Police Chiefs Association (SEPCA). These three organisations have a close working relationship with the RCC, include many of the same member states, and address the areas of justice and home affairs. However, they are distinct from each other in terms of targeted agencies and goals.

An ambitious project for police cooperation, the PCC-SEE is still in its infancy. The Convention, signed in 2006 and now including eleven members, sets out principles for cooperation in sharing vehicle information, supplying suspect information, identifying bodies, establishing the origins of contraband, providing crime scene information, engaging in hot pursuit and protecting witnesses. The convention also sets rules for liaison officers, cross-border surveillance, evidence transfers, undercover investigations, joint investigations and the classification of sensitive information crossing state borders. While seemingly comprehensive, the convention lacks any teeth and has been slow in developing.⁵⁵ The PCC-SEE Secretariat was created in order to organize and monitor the implementation of the PCC-SEE.⁵⁶ Member states have adopted some bilateral agreements to implement various provisions,⁵⁷ and performed some exercises in areas needing cooperation.⁵⁸ The convention itself can boast some progress in ensuring the protection of personal data in information exchanges,⁵⁹ a common manual to serve as guidelines for police forces when encountering cross-border issues within the convention

states⁶⁰ and a series of draft agreements on hot pursuit, cross-border surveillance, liaison officers, mixed patrols at borders, and technical cooperation.⁶¹

Currently, the PCCSEE and its various bodies and working groups have no relationship with Kosovo. Accession to the PCCSEE would be of both symbolic and practical significance for Kosovo. Symbolically, it shows faith in the region's police integration efforts. As noted above, the PCCSEE is more of a statement of intent and end goals than a practical, binding treaty for police cooperation. Joining the organisation shows faith that the convention will mature and that Kosovo would like to implement the PCCSEE. More practically, it provides a defined forum for Kosovo to negotiate bilateral and multilateral police cooperation agreements with principles upon which both sides already agree. It would facilitate the process of building police cooperation between Kosovo and other regional states. For the PCCSEE, Kosovo's accession would help it better achieve its goal to "effectively combat cross-border threats to public order and security and international crime."⁶² It would also make it much easier for Kosovo's neighbours to coordinate police activities against organised criminal activity by facilitating simpler agreements with Kosovo.

The Southeast European Law Enforcement Centre (SELEC) is the main body for law enforcement information sharing in Southeastern Europe. Its nature and functions are a blend of Europol and Interpol. Like both larger police organisations, it provides a database for pooled information, researches and promotes best practices in policing, furnishes a forum for information sharing and encourages cross-

55 Police Cooperation Convention for Southeast Europe, available at <http://www.pccseesecretariat.si/index.php?page=documentspcc&item=35>

56 <http://www.pccseesecretariat.si/libs/download.php?file=/f718d76b2e298aea1dfc69810a5df4b5>

57 <http://www.pccseesecretariat.si/libs/download.php?file=/39d99772ead3fc9c4a6f51ce84b9d633>

58 <http://www.pccseesecretariat.si/libs/download.php?file=/f718d76b2e298aea1dfc69810a5df4b5>

59 <http://www.pccseesecretariat.si/libs/download.php?file=/07ed56b5fb15da91e1c08942ad7a57b2>

60 <http://www.pccseesecretariat.si/libs/download.php?file=/32c03b31917c7d683634ec1b574df2fa>

61 <http://www.pccseesecretariat.si/index.php?page=documentspcc&item=38>

62 Police Cooperation Convention for Southeast Europe, Preamble

border police cooperation⁶³. SELEC operates through task forces that focus on particular issue areas, namely drug trafficking, human trafficking, financial and computer crime, fraud, vehicle theft, terrorism, contraband shipping and environmental crime.⁶⁴ Like Europol, it encourages joint investigations between national police units. However, its information database is much more similar to Interpol in its dependence on voluntary contributions and usage. It is also organised much like Interpol, using national contact points—Liaison Offices—to transmit and request information.⁶⁵

SELEC's relationship with Kosovo works mostly through UNMIK. UNMIK is an observer at SELEC and has participated as an observer at meetings of task forces in the past.⁶⁶ There is no indication of a relationship with the Government of Kosovo, though when Kosovo is mentioned in a 2013 press release, the footnote upon which Kosovo and Serbia agreed for Kosovo's representation in regional organisations is used.⁶⁷ Kosovo's participation in SELEC is vital for the simple reason that neither SELEC's nor Kosovo's goals can be accomplished without it. Kosovo creates a "black hole" in the middle of the region where SELEC does not have information and in which its joint investigations cannot be conducted.

None of the threats it seeks to address can be adequately countered without comprehensive coverage of the region.

The Southeast Europe Police Chiefs Association (SEPICA) is the narrowest and smallest—in terms of membership⁶⁸—of the region's three police cooperation organisations. Its most important and most detailed objective is to help member states collaborate to meet EU standards for policing and police cooperation. It also seeks to improve member states' capacity in fighting regional organised crime, mostly by introducing investigators to new approaches and improving the integrity of police services.

⁶⁹ Kosovo's interaction with SEPICA has been greater than for other regional police organisations, though it is hardly comprehensive. Kosovo's participation in the organisation has been discussed, though it has yet to amount to anything concrete.⁷⁰

63 Southeast European Law Enforcement Center (SELEC), "About SELEC," Southeast Europe Law Enforcement Center (SELEC), 25 March 2013, available at <http://www.secicenter.org/m106/About+SELEC>

64 SELEC, "Operational Activities-Task Forces," SELEC, accessed 28 April 2014, available at http://www.secicenter.org/m115/Operational_Activities

65 Convention of the Southeast European Law Enforcement Center, Articles 3, 15 and 17, available at [http://www.secicenter.org/p521/Convention+of+the+Southeast+European+Law+Enforcement+Center+\(SELEC\)](http://www.secicenter.org/p521/Convention+of+the+Southeast+European+Law+Enforcement+Center+(SELEC))

66 SELEC, "5th Anti-Terrorism Task Force Meeting and Regional Workshop on Countering Terrorist Financing," SELEC, 4 July 2011, available at <http://www.secicenter.org/p504/04+July+2011>

67 SELEC, "Operation 'South'—a successful operation carried out with the support of SELEC," SELEC, 17 May 2013, available at <http://www.secicenter.org/p530/17+May+2013>

68 It has 1- member police services, two of which are from the separate entities in Bosnia and Herzegovina.

69 Southeast Europe Police Chiefs Association (SEPICA), Strategy & Action Plan (2011-2013), 15 April 2011, available at http://www.sepca-see.eu/images/stories/SEPICA_Strategy_2011-2013.pdf

70 SEPICA, "Austria, Vienna: 24TH January 2012 / Conference of Police Chiefs members of SEPICA and Chiefs of ILECU in the Western Balkans within the ILECU project," Southeast Europe Police Chiefs Association, 24 January 2012, available at <http://www.sepca-see.eu/events/286-austria-vienna-24th-january-2012-conference-of-police-chiefs-members-of-sepca-and-chiefs-of-ilecus-in-the-western-balkans-within-the-ilecus-project->

IV. ACCESSION PROCEDURE FOR JOINING IPCOS

Each of these organisations has a clear incentive seek to bring Kosovo into the fold, and Kosovo has a clear motivation to join each IPCO. The sub-sections that follow describe the accession process to each of these organisations for Kosovo. However, political reality forces consideration of the political barriers to Kosovo joining the IPCOs discussed above. Therefore, while this section discusses the procedure for Kosovo's accession to Interpol, Europol, PCCSEE, SELEC and SEPCA, it will also consider the likelihood of Kosovo joining each organisation, given the political environment surrounding such an accession.

A. Interpol

Interpol's accession procedure has few requirements. A country desiring to join must submit an application to the Secretary General, who, in turn, presents the application to the General Assembly, a body where each member country holds one vote. A two-thirds majority of members present and voting must approve a new member. There are no other requirements beyond the member country designating an official police body whose activities are included in those of Interpol's to be a part of the organisation. Statehood, an issue that comes up repeatedly in Kosovo's other applications to international organisations, does not apply for Interpol. Aruba, Curacao and St. Maarten—all Dutch territories—hold full membership even as Interpol is specific that its members are countries.⁷¹ This distinction may be enough to cause states that do not recognize Kosovo to abstain and not reject Kosovo's membership

⁷¹ Constitution of the ICPO-Interpol, Articles 4 and 13, available at <http://www.interpol.int/About-INTERPOL/Legal-materials/The-Constitution>

in Interpol. Currently, 106 members recognize Kosovo and 84 do not. Were all the members that recognise Kosovo to vote for its membership and 31 members not recognising Kosovo to abstain, Kosovo could join Interpol. Though this scenario remains unlikely—it requires many small island states to attend the General Assembly and more than a third of non-recognizers to not vote—it is a possibility to pursue.

B. Europol

As noted above, only EU states can join Europol. Other states must enter into contractual relationships with Europol for the sharing of information. The Council of Ministers approves a list of entities, non-EU states and international organisations, with which Europol should seek agreements.⁷² For Kosovo to enter into such an agreement with Europol, a member of Europol's Management Board—a body of supervisors for Europol composed of representatives from each of the member states and the European Commission—must propose adding Kosovo to the list, outlining why Kosovo should be added to the list as well. The Management Board must then decide to propose Kosovo's membership to the Council of Ministers, who must amend the list by qualified majority voting to include Kosovo.⁷³ The importance of such a relationship for law enforcement in Europe should overcome any political qualms that states might have.

⁷² Council Decision No. 2009/371/JHA

⁷³ Council Decision No. 2009/935/JHA, 2009, O.J. L 325/12, available at https://www.europol.europa.eu/sites/default/files/rules_determining_the_list_of_third_states_and_organisations_with_which_europol_shall_conclude_agreements.pdf

C. Regional IPCOs

In theory, Kosovo should be able to join all regional police cooperation organisations in Southeast Europe without much political acrimony due to the previously discussed footnote agreement. Unfortunately, this has not been the case. Broadly speaking, Serbia has done everything within its power to keep Kosovo out of regional organisations dealing with security.⁷⁴ Discussing Kosovo's accession prospects for these organisations must, therefore, account for continued Serbian intransigence. This should not be the case and regional states along with the EU should press Serbia to accept Kosovo's membership in these organisations for the region's practical gain in policing as well as for proper implementation of the February 2012 Agreement. The remainder of the section, however, will assume that Serbian intransigence is insurmountable.

It is unclear whether this would affect Kosovo's accession to the PCCSEE. Accession to the convention is an opaque process. According to its text, it is open to unilateral accession, and Austria, Bulgaria, Hungary and Slovenia have all accessed to the PCCSEE this way.⁷⁵ Kosovo's accession could also be unilateral, in theory, but it is unclear how much good that would do. Implementation and cooperation within the convention is voluntary. While it has mostly served as a platform for bilateral agreements, the PCCSEE has also drafted several agreements for membership-wide implementation, which may fall apart if Kosovo joins and Serbia withdraws from participation. The organisation that Kosovo wants to join may no longer exist upon accession, replaced by a useless husk draining Kosovo officials' time and resources without providing any benefit.

For SELEC, however, Kosovo's membership prospects are hopeless without Serbia relent-

ing and applying the February 2012 agreement. SELEC requires any potential members to have an interest in law cooperation in Southeastern Europe, to be dedicated to the goals of the organisation and meet the SELEC Council's criteria for admission, which is determined on a case-by-case basis. The new member must finally be approved by a consensus of all the members.⁷⁶ Kosovo's request for membership to SELEC was rejected, as Kosovo authorities did not meet the procedural aspects of the request.⁷⁷ However, Kosovo has a clear interest in regional law cooperation and should persist in seeking membership to SELEC. However, without Serbian approval, these points are irrelevant, as Kosovo's membership application would never gain consensus approval without it.

Accession to SEPICA is a less daunting, but not much more encouraging proposition. A new member must submit an application to the organisation's President, which then passes the application to its Executive Board, made up of three members' representatives. The Executive Board must then approve the applicant before passing the application to the General Assembly, where each member has one vote. At this point, the procedure becomes unclear. The Statute for SEPICA only indirectly indicates that General Assembly votes require a majority by stating that the Executive Board must break any ties. Unfortunately for Kosovo, if all the members of SEPICA vote, the numbers of recognizers and non-recognizers⁷⁸ are equal, meaning Kosovo will have to depend on the composition of the Executive Board, where two of the three members could easily be non-recognizers. The vote would also likely be so contentious and so divisive that recognizing states, unless pushed hard by the EU and Kosovo, may try to avoid it.

⁷⁴ European Union Office in Pristina, interview with the author, 20 September 2013

⁷⁵ Police Cooperation Convention for Southeast Europe, Article 29

⁷⁶ Convention of the Southeast European Law Enforcement Center, Article 40

⁷⁷ Curry and Loshi,

⁷⁸ Southeast Europe Police Chiefs Association, Articles of Association, Articles VII and IX, available at http://www.sepca-see.eu/images/stories/files/sepca_legal_document.pdf

V. CONCLUSION AND RECOMMENDATIONS

The increasing integration of the world, especially of Europe, requires police cooperation across national borders to counter transnational criminal threats. Facing steep threats from transnational organised crime groups as a whole and in the specific trafficking of drugs, people and weapons, Kosovo stands to gain from IPCOs. Kosovo's neighbours, facing similar threats that cross national boundaries, also stand to gain from Kosovo joining IPCOs. The IPCOs themselves, in need of comprehensive sources of information and cooperation, need Kosovo to join. These motivations should bring Kosovo and IPCO member states to a place where all three can realize the potential of Kosovo's membership.

However, so far that has not occurred. Kosovo is not a member of Interpol, which has only an indirect presence through the UNMIK Rule of Law Liaison Office. Kosovo has no information-sharing agreement with Europol, making it the only current or potential candidate country not to have one. Kosovo is not a member of PCCSEE, SELEC or SEPCA, all Southeastern European organisations that need Kosovo's membership to be effective and all that could help Kosovo. Converging interests, hazy definitions and extant political agreements should make political difficulties surrounding Kosovo's membership in these organisations trivial. Southeast European states, the EU and the broad membership of Interpol need to see what can be achieved by Kosovo's membership in these IPCOs and take action to make that membership happen.

RECOMMENDATIONS

- 1.** The Kosovo Government, through the Ministry of Internal Affairs, with close cooperation with the Kosovo police and other government agencies, should create a unified plan for regional cooperation in the area of security. Seeking membership in regional organisations should be sought in a deliberate and strategic manner.
- 2.** The Kosovo Government needs strong political will and must take all steps to prepare and actively participate when membership is achieved.
- 3.** The Kosovo Ministry of Internal Affairs should request that the EU Council of Ministers include Kosovo to the list of third states and outside organisations with which Europol should seek strategic and operational agreements, for the sake of international police cooperation, for the security of Europe, and to put Kosovo on equal footing with other candidate and potential candidate countries.
- 4.** For the sake of regional police cooperation, the EU and other Southeast European states must place pressure on Serbia to abide by the February 2012 footnote agreement and allow for Kosovo's representation in PCCSEE, SELEC and SEPICA.
- 5.** In light of the likely winding down of the EULEX mission and its status as a potential candidate country for EU accession, Kosovo should request to begin the negotiation of a strategic agreement between Kosovo Police Services and Europol.
- 6.** Kosovo should accede to the Police Cooperation Convention of Southeast Europe (PCCSEE) and apply for membership to the Southeast European Law Enforcement Centre (SELEC) and the Southeast Europe Police Chiefs Association (SEPICA) in the February 2012 agreement.
- 7.** Interpol and Kosovo (through the Ministry of the Interior and relevant agencies) should seek a more formal relationship so that Kosovo Police Services can directly access Interpol databases and directly send out notices, improving international law enforcement.
- 8.** The Council of Europe should propose Kosovo as a candidate for membership in Europol.

**FILLING
THE BLACK HOLE:
BRINGING KOSOVO
INTO INTERNATIONAL POLICE
COOPERATION ORGANIZATIONS**

Group for Legal and Political Studies

“Rexhep Luci” str. 10/5

Web site: www.legalpoliticalstudies.org

Email: office@legalpoliticalstudies.org

Tel/fax: +381 38 227 944

Rrjeti Ballkanik i Gazetarisë Hulumtuese - BIRN (Kosovë)

Mensa e Studentëve, kati i parë, 10 000 Prishtinë, Kosovë

Tel. & Fax: +381 38 22 44 98

E-mail: kosova@birn.eu.com

Web: <http://www.birn.eu.com>



AN EU FUNDED PROJECT MANAGED
BY THE EUROPEAN UNION OFFICE IN KOSOVO

Design by **red⁹**