

IMAGE MATTERS!

Deconstructing Kosovo's Image Problem

**This report has been prepared for Forum 2015 by IKS –
Kosovar Stability Initiative**

November 2008
Prishtina

EXECUTIVE SUMMARY

Kosovo has a serious image problem. In many European countries, the name 'Kosovo' still conjures up images of ethnic conflict and organized crime. This calls for a coordinated response by government institutions and civil society. Image matters; especially for a young state like Kosovo eager to become active in world diplomacy, attract investors and join Euro-Atlantic institutions. With international recognitions still hanging in the balance, the country's reputation is of greatest importance.

The purpose of this paper is to challenge international clichés and conventional wisdoms about Kosovo. To name a few, Transparency International labelled Kosovo the world's 4th most corrupt country. Freedom House ranked Kosovo the same as Chad in terms of political rights and freedoms. The US State Department describes Kosovo as a source and key destination country for human trafficking. Belgrade media writes that interethnic violence is rife. The Council of Europe warns that ethnic Albanian criminal groups pose a significant threat to the EU. Interpol claims Albanian drug traffickers control 80 percent of the heroin supply in Europe, and UNDP warns that there are more than 300,000 weapons kept illegally in Kosovo homes. What is the truth?

As we looked closer, we discovered a wide gap between perceptions and realities on the ground. Kosovo is no longer a country emerging from conflict; the murder rate is about the same as in Sweden and there are more police officers per capita in Kosovo than in Singapore. By comparison, Northern Ireland has 960 percent more violent crime than Kosovo. A UNDP study revealed that only 15 percent of respondents base their assessment of corruption on personal experience; according to the Council of Europe most sex workers in the Balkans nowadays work voluntarily. With 18 firearms per 100 inhabitants compared to 69 in Finland, one wonders why Kosovo and not Finland is described as a gunner's paradise. In fact, Kosovo and the Balkan region is one of the safest in Europe.

With this paper, we want to offer a reality check and hereby stimulate a debate. But, we also call on Kosovo institutions to work harder to reform the judiciary, combat corruption in government and business, equip the police forces and cooperate with lawmakers in Europe to fight against organized crime. The judiciary is certainly the weakest link in Kosovo's public administration. This cannot be changed with an image campaign; it requires hard work and political focus.

To rebrand a nation, it certainly takes more than a television spot on CNN. First, Kosovo must understand the origin of its image problem and how it differs in different countries. Secondly, Kosovo must assess carefully what is behind international clichés and perceptions. This may require facing uncomfortable truths and addressing them head-on. Kosovo does not need to reinvent the wheel; there are lessons to be learned from other countries that have successfully changed their image. One thing is for certain; to succeed Kosovo needs to build alliances across the political spectrum, involving non-governmental organizations, the media and business. Kosovo's image cannot be changed by the Ministry of Foreign Affairs alone – it takes partnerships and real dialogue with civil society.

EUROPE'S BLACK HOLE?

Kosovo suffers from a serious image problem. Across Europe the name 'Kosovo' conjures up images of ethnic conflict, political crisis and organised crime. Leading European newspapers, especially in countries with sizable Albanian migrant communities, describe Kosovo as a 'mafia state', a haven for criminals and drug traffickers, with weak institutions in the hands of corrupt family networks.

'A mafia society based on a capture of the state by criminal elements, and, a multi-million venture based on guerrilla experience and espionage expertise' is how Kosovo is described in a recent report by a German institute.¹ As supporting evidence the report lists 40,000 unresolved court cases, the paucity of corruption-crime investigations and the sprawl of petrol stations serving as fronts for brothels and money laundering. The report does not even spare the NGO community, arguing that a bulk of Kosovo's 2,400 NGOs exist for shady purposes only.²

The 'Columbia' of Europe is another common allegation referring to Kosovo's alleged role as major drug supplier of Europe. The Guardian speaks of Kosovo as a smuggler's paradise supplying up to 40 percent of the heroin sold in Europe and North America. It quotes Marko Nicovic, a New York lawyer and narcotics officer, arguing that 'it is the hardest narcotics ring to crack because it is all run by families.'³

Apart from headline-seeking media, serious international publications have also reinforced the negative image of Kosovo. To name a few, in 2007 Transparency International ranked Kosovo as the fourth most corrupt country worldwide.⁴ In terms of political rights and civil liberties, Freedom House placed Kosovo equal to Sudan or Chad. In a 2007 US State Department Report Kosovo features 'as a source, transit and destination location for women and children trafficked transnationally and internally for the purpose of commercial sexual exploitation.'⁵

Given the depth of Kosovo's image problem abroad, it is tempting for policymakers and civil society to simply shrug shoulders in despair. This paper, however, argues that Kosovo cannot afford to sit back and do nothing. The international reputation of a country affects its ability to engage internationally, to attract investments, business and tourists. For Kosovo to turn around its economy, to be granted membership in international institutions and to realise its Euro-Atlantic aspirations – image matters.

1 *Kosovo- a Mafia society*, by David Binder, *Balkananalysis*, 23 February 2008, quoting from a report titled 'Operationalizing of the Security Sector Reform in the Western Balkans, published by the Institute for European Policy and commissioned by the German Bundeswehr, Mathias Joop & Sammi Sandawi

2 *Kosovo- a Mafia society*, by David Binder, *Balkananalysis*, 23 February 2008, quoting from a report titled 'Operationalizing of the Security Sector Reform in the Western Balkans, published by the Institute for European Policy and commissioned by the German Bundeswehr, Mathias Joop & Sammi Sandawi

3 *Kosovo drug mafia supply heroin to Europe*, *The Guardian, World News*, 13 March 2000

4 'Report on the Transparency International Global Corruption Barometer 2007,' Released by Transparency International – December 06, 2007

5 *Trafficking in Persons Report*, US State Department, June 2007, p.180

In the case of Kosovo it is of even greater importance. As of today, Kosovo has only been recognised by 52 out of 192 UN member states.⁶ Five members of the European Union, including Spain, Greece, Cyprus, Romania and Slovakia, have so far refused to recognise Kosovo's independence. The newly established Foreign Ministry faces an uphill struggle to persuade its counterparts in Bucharest or Madrid that Kosovo deserves a seat on the European table. To succeed, the new Ministry must not only understand the political realities in critical countries, but also know how to sway public opinion in its favour. If it fails, Kosovo's Euro-Atlantic aspirations will remain a distant dream.

IKS believes that Kosovo's future lies in Europe; this is why we take Kosovo's bad image seriously. This paper is meant to take a close look and test some of the most common allegations. It does not claim to be comprehensive; we decided to focus on the most common clichés concerning human and drug trafficking, illegal weapons, corruption, the general lack of rule of law and interethnic crime – the usual 'ingredients' of 'organised crime.'

As a starting point we collected available data and crime statistics. This already proved a challenge due to the astonishing lack of reliable data and weak data collection systems. Competing mandates and institutional gaps between the UN police and Kosovo Police complicated this task further. Secondly, we focused on what the 'experts' in the field had to say and looked at various assessments by well-known international agencies including the World Bank, Freedom House or Transparency International. Thirdly, we zoomed in on the institutional capacity of existing Kosovo institutions to effectively provide the rule of law and tackle organised crime. Is Kosovo moving forward or backsliding, are there positive trends and where are the gaps and remaining challenges? These are some of the questions we hope to address.

There is no doubt that Kosovo needs a lot more research and evidence-based discussion about the root causes of crime and best ways to tackle it. Ignoring the problems only makes it worse. On the contrary, to increase the number of countries recognising Kosovo, to sway public opinion in Europe and to operate effectively on the international stage, Kosovo's government and civil society need to better understand its image problem and develop a new 'national brand.' Rebranding a nation is a challenge that sometimes involves facing uncomfortable truths.

Other countries have succeeded in the past to improve their image. Kosovo can do it as well. The purpose of this paper is first and foremost to challenge some of the clichés and hereby stimulate a debate.

⁶ www.kosovothanksyou.com, 6 November 2008

NOT FOR SALE

Under the veiled promises for legitimate jobs, Vladimir Ukaj, Robert Sylaj and Sabri Islami lured a 16 year-old Albanian girl and another victim to Kosovo from Albania. Their final destination: a coffee bar in Prizren. Their 24-hour job: forced prostitution.

Since summer 1999, an otherwise 'small-scale local market for prostitution was transformed into a large-scale industry based on trafficking run by organized criminal networks.⁷ Amnesty International estimated that the number of venues in Kosovo where trafficked women and girls may be exploited had increased tenfold from 18 in 1999 to 200 in 2003.⁸ Peacekeepers – who at the time comprised 2 percent of Kosovo's population – constituted 20 percent of those using the services of trafficked women and girls.⁹ A report published by ODIHR in 2002 estimated that the percentage of international customers was as high as 40 percent.¹⁰ In 2003, when Ukaj, Sylaj and Islami came into Kosovo from Albania to get their share of the lucrative business, law enforcement was in the hands of UN police officers.

In the early years, according to UNMIK sources, 98 percent of all victims trafficked in Kosovo were from South East and Eastern Europe. Research in 2004 showed that victims from Moldova and Romania provided the bulk of trafficked victims – 53 percent and 23 percent respectively.¹¹ According to law enforcement agencies and human rights organizations criminal networks in Serbia and Macedonia supplied demand of Kosovo brothels. The majority of trafficked women, some 62 percent, entered Kosovo through Serbia and 22 percent came in through Macedonia. Traffickers benefited from lax border crossings and unbeaten tracks, rarely patrolled by the police or peacekeepers.¹² Seventy-nine percent of women who came into Kosovo until 2004 were lured here through false job promises, while 8 percent were kidnapped.¹³ This is how UNMIK described the situation in 2004, but what about today?

7 Amnesty International. *Kosovo: International peacekeepers fuelling explosion in sexual exploitation, trafficking and human misery*. May 2004

8 Amnesty International. *Kosovo: International peacekeepers fuelling explosion in sexual exploitation, trafficking and human misery*. May 2004

9 Amnesty International. *Kosovo: International peacekeepers fuelling explosion in sexual exploitation, trafficking and human misery*. May 2004

10 *Economically Motivated Crime Within Kosovo*, Briefing Paper, 2004, quoting an UNICEF/OSCE – ODIHR report, published in June 2002.

11 UNMIK. *Combating Human Trafficking in Kosovo: Strategy & Commitment*. May 2004

12 Amnesty International. *Kosovo: International peacekeepers fuelling explosion in sexual exploitation, trafficking and human misery*. May 2004

13 UNMIK. *Combating Human Trafficking in Kosovo: Strategy & Commitment*. May 2004.

It is also important to note that Kosovo was certainly not the only country struggling to combat human trafficking. Accounts of underage women smuggled, kidnapped and drugged have given the Balkans the epithet of the “epicentre of human trafficking.”¹⁴ Alarming reports by human rights organisations and the media have fuelled speculations of the number of women and children trafficked every year through the Balkans.¹⁵ For years, the ‘official’ number of trafficking victims was put as high as 120,000.¹⁶

As one looks closer, there is little evidence supporting this claim. IOM, the same organisation that once published the official estimate of 120,000 trafficking victims, has recently stated that it “no longer endorses this number, cannot say how it was originally generated and cannot currently provide an updated or alternative estimate.”¹⁷ In fact, IOM dissociated itself from its previous estimate ‘on the grounds that the figures are outdated.’¹⁸ In 2006, the Council of Europe also concluded that ‘sound statistics or figures hardly exist.’¹⁹ But, what do we really know about human trafficking today?

The most recent estimate was published in 2004 and draws on data collected in 15 key European destination countries. It puts the number of annual trafficking victims at approximately 25,000.²⁰ If IOM’s earlier assessment was ever close to the truth, this would imply a dramatic decrease in human trafficking.

Several region-wide studies confirm an overall drop in numbers; a shift from forced prostitution to voluntary sex work; an increase in internal trafficking and an increase in micro-brothels.

A 2004 Europe-wide study had revealed that 59 percent of detected victims were Romanian, 35 percent were Bulgarian and only 6 percent were victims of other nationalities. In other words, 94 percent of detected victims no longer need to be ‘smuggled’ as they themselves originate in EU member states and are free to travel without visa restrictions to Western Europe on their own free will.²¹ The Council of

Europe in its situation report on organised crime noted recently that in the Balkans women in the sex business ‘appear to be working on their own free will’ with most of those involved in prostitution now in possession of ‘valid documents and employment contracts.’²²

¹⁴ *Crime and its impact on the Balkans and affected countries*, United Nations Office on Drugs and Crime, March 2008, p.75

¹⁵ *IOM Report*, 2001

¹⁶ *Europol, Trafficking of Women and Children for Sexual Exploitation in the EU: The involvement of Western Balkans Organized Crime 2006*, Hague, Europol, p.4-5

¹⁷ *Crime and its impact on the Balkans and affected countries*, United Nations Office on Drugs and Crime, March 2008

¹⁸ *Personal communication from Sarah Louise Craggs, Researcher in the Counter-Trafficking division, IOM, 15 October 2007.*

¹⁹ *Council of Europe. 2006 Situation Report on Organized and Economic Crime in SEE*

²⁰ *Crime and its impact on the Balkans and affected countries*, United Nations Office on Drugs and Crime, March 2008

²¹ *Crime and its impact on the Balkans and affected countries*, United Nations Office on Drugs and Crime, March 2008

²² *Council of Europe. 2006 Situation Report on Organized and Economic Crime in SEE*

This trend is backed by data provided by Italy, a key destination country and once a haven for trafficking victims from Albania. In Italy during the 1990s, a great majority of sex workers, about 40 percent, were believed to be of Albanian nationality. By 2003, only 15 percent of trafficked women were Albanians. The share of Albanian women trafficked dwindled further and by 2006, only 2 percent of registered victims of human trafficking were Albanian.²³

Public outrage against a crime as heinous as human trafficking and prostitution has triggered a robust response from donors, governments and NGOs in the region. Human trafficking from Southeast Europe has also received more media attention than any other trafficking problem in the world. As a result, combating human trafficking became a declared priority also in Kosovo.

The United Nations Mission in Kosovo took the first steps to address human trafficking in late 2000, by setting up the "Trafficking and Prostitution Investigation Unit" (TPIU). In January 2001, UNMIK passed Regulation 2001/4 'On the Prohibition of Trafficking in Persons in Kosovo,' providing for the prosecution and punishment of perpetrators of trafficking in persons.

Other measures included a 2001 UNMIK police directive for off limits premises, which banned UNMIK personnel from frequenting suspicious bars or other entertainment venues. Additional regulations have been passed to prohibit unauthorized border/boundary crossings, protect injured parties and cooperative witnesses in criminal proceedings, and regulate surveillance and investigation measures.²⁴ Most of these regulations have been incorporated in the Provisional Criminal Code and Provisional Criminal Procedure Code of Kosovo, which entered into force on April 6, 2004.

Article 139 provides that a trafficker faces a penalty upon conviction of 12 to 20 years in prison. Anyone who procures or uses the sexual services of a person with the knowledge that that person is a victim of trafficking commits a criminal act and is liable to a penalty of up to 5 years in prison.²⁵ In its annual report on human trafficking, the US State Department commended Kosovo for its Criminal Code, as it prescribes sufficiently stringent penalties for human trafficking.²⁶

Aside from laws, in February 2002 the Department of Justice took a more victim-centred approach by creating the Victims Advocacy and Assistance Unit. UNMIK also participated in the Southeast European Cooperative Initiative (SECI), designed to coordinate investigation efforts into trafficking in human being in the region. The Trafficking Unit thus began to share intelligence on human trafficking with police from the participating SECI states. In December 2002, UNMIK on behalf of Kosovo signed the 'statement on commitments for legislation of the Status of Trafficked Persons.' All signatory states pledged to improve the identification of trafficked per

²³ *Crime and its impact on the Balkans and affected countries, United Nations Office on Drugs and Crime, March 2008, p.78*

²⁴ *UNMIK Combating Human Trafficking in Kosovo, Strategy & Commitment. May 2004.*

²⁵ *Kosovo Provisional Criminal Code. Article 139. April 2004.*

²⁶ *US State Department. Human Trafficking Report 2008. June 2008.*

sons, refrain from their immediate expulsion, refer victims to shelters, grant temporary residence permit, develop witness protection programs and appoint guardians in cases of trafficked children. Another such document was signed by UNMIK on December 10, 2003. The 'Commitments for Legislation of the Status of Trafficked Persons' binds signatory countries to develop laws on the protection of victims who testify and provides for rights such as testimony by video conferencing to prevent a second trauma during trial.

As competencies were gradually transferred from UNMIK, local authorities picked up the fight against human trafficking. In late 2003, the Kosovo government appointed an Inter-ministerial Coordinator to Combat Trafficking in Human Beings. This was followed by the establishment of an Inter-Ministerial Working Group to Combat Trafficking in Human Beings.²⁷ The group organized an international conference in Prishtina with over 300 participants. As a follow up to the conference, in May 2005 the government launched the Kosovo Action Plan to Combat Trafficking in Human Beings.

In 2005 and 2006, four major awareness campaigns were organized. From January through June 2006, the Anti-Trafficking Coordinator and Secretariat, with financial support of IOM, developed a web page about anti-trafficking measures in Kosovo. In November 2005, UNMIK's Department of Justice, the Victims Advocacy and Assistance Unit and the Ministry of Education, OSCE and the US Office launched the *Not for Sale* campaign.²⁸ In 2005, the Ministry of Education with assistance from IOM and UNICEF redesigned the curricula for grades 6-11 to incorporate human trafficking within existing courses and textbooks. The same year, the Ministry of Justice and Kosovo telecom set up a toll-free helpline for victims of human trafficking. Meanwhile, three new Victims' Advocate Offices were set up in various regions of Kosovo.²⁹ As of today, there are five shelters for trafficking victims in Kosovo.³⁰ In July 2007, the Prime Minister declared October to be national trafficking awareness month. Throughout the years, donors funded numerous programs to train prosecutors, judges and teachers about human trafficking and their victims.

²⁷ Members include representatives from the prime minister's office, the ministry of education, ministry of culture, social welfare, health and public services.

²⁸ Kosovo Law Center. http://www.kosovolawcenter.org/english/traffic_monitoring.html

²⁹ European Commission. *Kosovo 2006 Progress Report*

³⁰ Open Society Institute. *Violence Against Women: Does the government care in Kosovo?*

Chronology of measures taken to combat human trafficking

October 2000	Trafficking and Prostitution Investigation Unit established
January 2001	Regulations 2001/4 "Prohibition of Trafficking in Persons" UNMIK Police Directive "Off-Limits" Premises
February 2002	Department of Justice creates "Victims Advocacy and Assistance Unit" UNMIK participates in SECI
December 2002	UNMIK signs "statement on commitment for legislation of Status of Trafficked Persons"
October 2003	Inter-ministerial Working Group to Combat Trafficking in Human Beings International conference on human trafficking (300 participants)
May 2005	Kosovo Action Plan to Combat Trafficking in Human Beings
2005-2006	Several awareness campaigns & various initiatives Human Trafficking included in school textbooks
August 2005	Toll-free helpline for victims
2008	Five shelters for victims operating in Kosovo

One night in late 2003, KFOR Military Police officers suspicious of the activities in "Pashtriku" bar in Prizren, alerted the Trafficking and Prostitution Investigation Unit. The same night, the 16-year old Albanian trafficking victims were rescued and Ukaj, Sylaj and Islami arrested. The raid in "Pashtriku" was one of 2,386 searches conducted by police and peacekeepers in the second half of 2003 and the first half of 2004.³¹ On July 20, 2005 the three traffickers from Albania were facing a panel of two international judges and one local judge sitting in the District Court of Prizren. The tables had turned and the victims were helping prosecutors to build up a case on charges of trafficking of human beings, facilitation of prostitution and falsification of documents. Ukaj and Sylaj were sentenced to 12 years in prison, while Islami was imprisoned for 10 years. This verdict represented the highest ever prison sentences in a human trafficking case in Kosovo.³²

As it appears, the official response in Kosovo to combat human trafficking has been quite effective; Kosovo Police data confirms a steady decline in the number of victims.³³

³¹ US State Department Human Trafficking reports from June 2003 to June 2008

³² UNMIK Press Release 1396. Kosovo Court renders highest-ever prison sentences for human traffickers. July 2005.

³³ State Department. Human Trafficking Report 2004.

Year	Number of assisted victims
2001	172
2002	89
2003	70
2004	58
2005	55
2006	65
2007	32

Source: Kosovo Police statistics

A ranking of victims by their nationalities indicates a gradual decrease of cross-border human trafficking, with so-called 'internal trafficking,' or the use of local women in the sex market, picking up.³⁴

Year	Kosovar	Moldovan	Romanian
2001	5	94	46
2002	3	32	19
2003	0	13	3
2004	39	16	4
2005	28	12	1
2006	18	30	N/A
2007	18	3	N/A

Source: Kosovo Police

As the table shows, in 2001, the majority of the trafficking victims were Moldovan, 55 percent; followed by Romanian women, 27 percent, while Kosovo Albanian women comprised 3 percent of trafficked victims. By 2006, 28 percent of victims were Kosovar and by 2007, the share of Kosovar women had nearly doubled to 56.2 percent.³⁵ A look at data from 2001 to 2007 also shows a police force more capable of building cases that win convictions in courts:³⁶

Year	Number of cases	Number of convictions
2001	n/a	15
2002	234	27
2003	69	17
2004	85	16
2005	70	22
2006	68	16
2007	58	24*

* Figure of convictions for 2007 is taken from State Department's Human Trafficking Report 2007.

³⁴ Kosovo Police Service data

³⁵ Kosovo police data, A similar trend of raids was upheld in 2005 when the trafficking unit carried out 2,000 raids, while in 2006, 99 anti-trafficking operations were recorded. In the first quarter of 2008, police managed to close 27 suspected brothels in Kosovo.

³⁶ Kosovo Police Service data

Kosovo is certainly no exception in the region; and its reputation as a source, transit and destination country for trafficked women and children does not seem to reflect realities on the ground.

EUROPE'S WILD WEST

Since the end of the hostilities in Kosovo, several surveys have assessed that the proliferation of illegal weapons in Kosovo had reached alarming numbers. Most reports and intelligence gathered on the gun culture in Kosovo depict it as trigger-happy society, fearful to give up a tradition that stretches centuries back.

'There are more than 300,000 weapons outside the boundaries of the law in Kosovo.' With this statement, UNDP resident representative Robert Piper greeted a crowd of distinguished guests at the National Theatre in Prishtina on 9 July 2003. The occasion was to mark the beginning of a three-month long campaign to raise awareness against small arms in Kosovo. Four years later, current UNDP chief Frode Mauring, declared once more that 'there are 300,000 illegal pieces of weapons in Kosovo.'³⁷ For years now, this has been the conventional wisdom. Kosovo is Europe's Wild West.

The much-repeated, and rarely challenged magical number of '300,000' illegal weapons made us curious. In search of its origin, we came across a 2003 study titled 'Kosovo and the Gun,' commissioned by UNDP.³⁸ According to this study, there are an estimated 330,000 - 460,000 civilian small arms in Kosovo today. The four-person team drafting the study arrived at this number assuming that 60-70 percent of households in Kosovo keep on average 1.4 - 1.7 weapons in their homes.³⁹ The source: 'informed estimates of people working in various branches of the security sector in Kosovo.' The report is silent on who these 'informants' are; but it concluded that 'guns have become part of the fabric of Kosovar culture.'⁴⁰

Another influential study on small arms in Kosovo also relied on so-called 'key informants.' According to a survey published in June 2006 by the South Eastern and Eastern European Clearing House for the Control of Small Arms and Light Weapons (SEESAC) at least 317,000 firearms were believed to be in the illegal possession of individual citizens and other groups.⁴¹ The report's estimates again rely on the assessment of key informants who report that either 'each household in Kosovo has a weapon' or that 'there are two weapons for every household in Kosovo.'⁴² Assuming one weapon for all 357,100 households, if one subtracts the total number of registered civilian weapons and handguns held by police officers, the report argues, there must be 317,000 unregistered firearms currently in circulation throughout

37 25 May 2007 article on <http://www.kosovo.undp.org/?cid=2,26,197>

38 *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo, study commissioned by UNDP, June 2003*

39 *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo, study commissioned by UNDP, June 2003, p.2*

40 *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo, study commissioned by UNDP, June 2003, p.31*

41 *SALW survey of Kosovo, Southeast and Eastern European Clearing House for the Control of Small Arms and Light Weapons (SEESAC), June 2006*

42 *SALW survey of Kosovo, Southeast and Eastern European Clearing House for the Control of Small Arms and Light Weapons (SEESAC), June 2006*

Kosovo.⁴³ Assuming a resident population of 1.9 million inhabitants, this means that there must be one illegal gun for every six persons in Kosovo, or, put differently, one illegal gun for every two adult men older than 15 years.⁴⁴

In fact, the research team used a variety of tools including a Kosovo-wide household survey of 1,258 respondents, focus group discussions, interviews with key officials and a review of official data and media reports. Surprisingly, however, the authors decided to ditch the results of their own 'household survey' because they 'do not correspond with informed estimates offered by key informants.' The authors argue that Kosovo's unresolved status and a general reluctance to reveal information mean that the household surveys 'do not provide a reliable basis for estimating levels of illegal SALW possessions.' Sweeping observations by unidentified 'key informants' claiming that 'each household in Kosovo has a weapon' are thus treated as the only authoritative source.

Contrary to this claim, no more than 11,406 weapons have been collected in the course of weapons seizures and amnesties offered in 1999, 2001, 2002 and 2003.⁴⁵ Less than one percent of random vehicle searches result in the seizure of weapons. During the 2003 weapons amnesty, UNDP even offered more than US\$ 225,000 in development funds for municipalities handing in more than 300 illegal weapons. Despite this incentive, not one municipality achieved the minimum of 300 weapons; in total only 155 weapons were voluntarily returned to KFOR and police collection points.⁴⁶

According to UNMIK records, police seized a total 4,026 weapons in 2004 and 2005, yielding an average of 167 weapons per month. Pistols accounted for nearly 40 percent of all small arms seized in 2004 and 2005; Prishtina and Peja region account for more than half of all small arms seized. Mitrovica region has the lowest seizure rates, which may be due to international reluctance to search for weapons in Serb-inhabited areas for fear of provoking unrest.

Estimates and official figures of illegal weapons in Kosovo

# Illegal weapons		100%
# weapons collected (1999-2003)	11,406	3.6%
# weapons seized by police (2004-2005)	4,026	1.2%
Total of weapons seized/collected	15,432	4.8%

⁴³ *SALW survey of Kosovo, Southeast and Eastern European Clearing House for the Control of Small Arms and Light Weapons (SEESAC), June 2006, pg.9*

⁴⁴ *This calculation takes into account Kosovo's total adult population of 1,362,300, excluding children from 0-14 years of age. The age group 0-14 averages 28.3 percent among the Albanian, Serb and non-Serb communities.*

⁴⁵ *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo, study commissioned by UNDP, June 2003*

⁴⁶ <http://mirror.undp.org/kosovo/news/news.htm>

Getting to the bottom of illegal weapons possession is a difficult task in Kosovo. 'There are major gaps in the production, collection and analysis of small-arms related statistics by Kosovo health and law enforcement institutions,' the SEESAC report confirms.⁴⁷ But, given these poor rates of returns, one can only conclude that either international efforts to collect weapons have failed completely, or, maybe there just are not as many illegal guns as is commonly assumed?

There are actually strong indications that the situation is not as out of control as figures of 317,000 or 460,000 illegal weapons imply. The media is partly to blame; besides the sexy 300,000 plus figure of illegal weapons, little attention is paid to what else different reports have to say about trends and recent developments.

The SEESAC report actually contains some good news: Kosovo is no longer a transit place or market for illegal weapons smuggling. 'The research team were presented with no evidence of any transit or transshipments of SALW through Kosovo at this time,' and, the authors argue, due to improved border control and law enforcement, 'gun smuggling is not a major activity on the Kosovo borders.'⁴⁸

As one digs deeper, the 2003 UNDP study also reveals a much more nuanced picture of gun-ownership and gun culture in Kosovo. Contrary to the study's conclusion that Kosovo is awash with illegal weapons, the face-to-face household survey revealed that 'Kosovans are not as attached to their guns as commonly believed.'⁴⁹ In fact, 'only a total of five percent believed that almost all, most, or every other household owned a gun.'⁵⁰ And, 54 percent of respondents replied they would not choose to own a gun even if it were legal.⁵¹ These answers seem to contradict the perception of Kosovo as a gunner's paradise.

A different report, published earlier this year by the UN Office on Drugs and Crime Control, equally confirms that Kosovo is no longer a conflict-ridden society where everyone keeps an illegal firearm under their pillow. According to the UNODC study, 'per capita firearms ownership remains lower in Southeast Europe than in many West European countries.'⁵² With 18 firearms per 100 Kosovo actually ranks better than many EU member states, notably Finland (69) and Sweden (40).

47 *SALW survey of Kosovo, Southeast and Eastern European Clearing House for the Control of Small Arms and Light Weapons (SEESAC), June 2006, p.v*

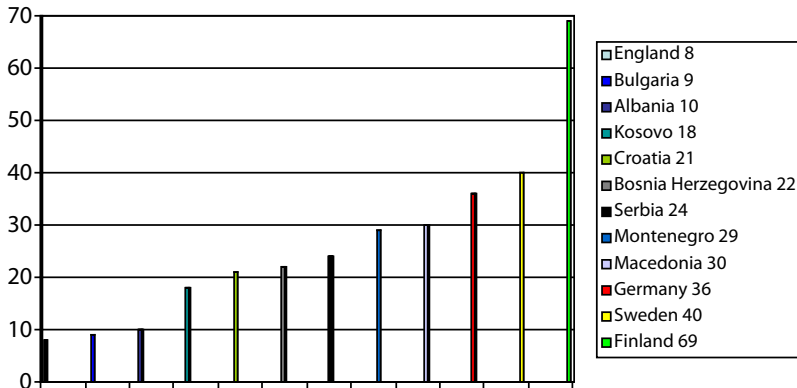
48 *'Kosovo and the Gun', 2003, Khakeet and Florquin*

49 *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo, study commissioned by UNDP, June 2003, pg.32*

50 *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo, study commissioned by UNDP, June 2003, pg.17*

51 *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo, study commissioned by UNDP, June 2003, pg.33*

52 *UNODC, 2008*



Source: UNODC report, 2008 ⁵³

In 1989, official Yugoslav data on firearm ownership indicated that Kosovo had a total of 65,540 legally owned guns.⁵⁴ This ratio of 4.1 guns per 100 inhabitants was the lowest average of all the regions of Yugoslavia. At the same time, federal police estimated that 400,000 small arms were possessed illegally in Kosovo. 'It is hard to judge to what extent these statements represent political propaganda rather than truth,' the authors of the 2003 study caution their readers.

It seems that prevailing prejudices among internationals working in Kosovo have come into play to inflate the estimates on illegal weapons. The UNDP study itself alludes to this. 'Among international personnel serving in Kosovo, references to Albanian gun culture and, specifically, to the *Kanun* are common in explaining Kosovo Albanians' (mis)usage of attachment to the gun,' the study reads.⁵⁵ This is as if one were to try and explain German culture with reference to the *Nibelungenlied* or recommend visitors to read Geoffrey Chaucer's *Canterbury Tales* to understand modern-day British society.

⁵³ Elaborated from *Small Arms Survey 2007 and SEESAC 2006*, UNODC, p.16

⁵⁴ Gorjanc, 2000, quoted in *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo*, study commissioned by UNDP

⁵⁵ *Kosovo and the Gun: a baseline assessment of small arms and light weapons in Kosovo*, study commissioned by UNDP, June 2003, p.31

THE ALBANIAN THREAT

'It is the Colombia of Europe,' Marko Nicovic, vice-president of the international association of narcotics enforcement officers, told *The Guardian* in 2000. "When Serb police were burning houses in Kosovo they were finding it [heroin] stuffed in the roof." *The Guardian* article then argued that Kosovo supplies 'up to 40 percent of heroin sold in Europe and North America.'⁵⁶ Nicovic used to be the former chief of the Yugoslav narcotics force; his statement was never challenged for accuracy.

An estimated 100 tons of heroin crosses South East Europe annually, with a market value of US\$ 25-30 billion.⁵⁷ Drug trafficking is an important source of income for Balkan organised crime. For decades, the 'Balkan route' has been the main trafficking route supplying Europe. The bulk of heroin is believed to transit through Bulgaria.

Geographically Kosovo lies on the so-called "Balkan drug route" connecting Afghanistan, where 90 percent of the world's heroin is produced, with Western Europe, the most lucrative market. There are three main routes criss-crossing the Balkans; the Northern path crosses Bulgaria, Romania, Hungary or Ukraine, Slovakia or Poland, with Austria and Germany as final destinations. The Central path leads from Bulgaria to Macedonia or Serbia, through Bosnia Herzegovina, to Croatia, passes through Slovenia and ends in Italy. The Southern path leads from Bulgaria to Macedonia or Kosovo, and continues to Italy via Albania. It is simply a geographic fact that Kosovo is on the transit route for heroin, but so are Bulgaria and Austria, two EU member states, and Turkey, a candidate country.

In 2000, the Assistant Director of Interpol testified before US Congress that Albanian networks control about 70 percent of the heroin market in Switzerland, Germany, Austria and Scandinavian countries. The basis for this claim is unclear; but it reflected a widely held conviction that Albanian criminal gangs are controlling the heroin supply to Europe. In the 1990s, it was argued, Albanians, had replaced Turkish networks that used to dominate European heroin markets. The wars in Yugoslavia, the state collapse in Albania and the fact that Albania is only a short boat-ride away from Italy, all helped to strengthen the competitive advantage of Albanian crime groups.

The fact that there are no more wars in Yugoslavia, no economic embargo, no more paramilitaries running profitable cartels and smuggling rings and Albania in the meantime has been invited to join NATO, has gone unnoticed in international reporting about ethnic Albanian drug trafficking. For years now, the belief that Albanians control heroin trafficking in Europe has been a conventional wisdom about the Balkans.

⁵⁶ *The Guardian*. Kosovo drug mafia supply heroin to Europe. March 13, 2000.

⁵⁷ *Crime and its impact on the Balkans and affected countries*, United Nations Office on Drugs and Crime, March 2008, p.59

A recent UN report published by the Office on Drugs and Crime describes 'Albanian heroin dealers as the single most notorious Balkan organised crime phenomenon.'⁵⁸ The Council of Europe in its 2005 Situation Report on Organised Crime warned that 'ethnic Albanian criminal groups pose a significant threat to the EU because of their involvement in drug trafficking.'⁵⁹ 'Ethnic Albanian Criminal Groups are also the only national group discussed in a 2006 Europol publication.

When IKS set out to test this allegation, we found that the image of the well-organised and brutal Albanian drug mafia controlling the Balkan drug routes is not confirmed by official data on drug seizures and arrests in key destination countries. In Switzerland Albanians are commonly blamed for trafficking 70-90 percent of heroin. In 2006, according to Swiss Federal Police data only 34 percent of heroin arrests involved an ethnic Albanian (in most cases small-scale drug retailers!) and only one Yugoslav was arrested for smuggling.⁶⁰

A similar trend is spotted in Italy where national authorities in 2005 reported that '40 percent of heroin is controlled by Albanian nationals' and only one year later, in 2006, authorities claimed that '80 percent of heroin trade is controlled by Albanian nationals.'⁶¹ This discrepancy between 40 and 80 percent is never explained. But in fact only 6 percent of heroin trafficking arrests in 2006 involved ethnic Albanians, while 65 percent were Italians and 19 percent North Africans.

Austria is no different; Austrian authorities reported that 'criminal groups of ethnic Albanians continue to be responsible for the transport of heroin... mainly from Kosovo to Austria.' However, only three out of 660 heroin arrests made were Albanians and since 2001 never more than 3 Albanians annually were arrested on drug related charges.⁶² In Germany out of 7,819 heroin seizures in 2006 only 15 Albanians and 164 'Yugoslavs' were arrested, The amount of drugs involved was 12kg out of a grand total of 879kg of heroin seized.⁶³

Even in countries like Slovenia and Hungary, with no Albanian Diaspora communities, the negative perception of Albanian drug dealers prevails. Slovenia's national crime assessment submitted to the UN office for Drugs and Crime Control asserts that 'organized criminal gangs of ethnic Albanians seem to be the greatest problem.' This is surprising, given that not a single Albanian was arrested out of all 51 drug trafficking arrests made. Of those arrested, only 2 percent were Yugoslavs – again, a notion that includes Albanians and people of other ethnicities that live in Kosovo,

⁵⁸ *Crime and its impact on the Balkans and affected countries, United Nations Office on Drugs and Crime, March 2008, p.65*

⁵⁹ *Update of the 2005 Situation Report on Organized and Economic Crime in South-eastern Europe, Council of Europe*

⁶⁰ *Crime and its impact on the Balkans and affected countries, United Nations Office on Drugs and Crime, March 2008, p.68*

⁶¹ *Crime and its impact on the Balkans and affected countries, United Nations Office on Drugs and Crime, March 2008, p.66*

⁶² *Crime and its impact on the Balkans and affected countries, United Nations Office on Drugs and Crime, March 2008, p.70*

⁶³ *ibid, p.69*

Montenegro and Serbia and are holders of Yugoslav passports.⁶⁴ In Hungary, authorities stated that 'the Albanian nationality group are still playing a leading role in illegal drug trafficking.'⁶⁵ However, no Albanian was arrested in Hungary in 2005 and 2006.

Perception and prejudice aside, what is the truth when it comes to the role of ethnic Albanians in drug trafficking? A 2004 study on drug trafficking conducted in 15 key European countries concluded that at most 6 percent of drug traffickers arrested were 'ethnic Albanians' – a term including Albanians from Albania as well as Kosovo Albanians and others who live outside the state of Albania. The label 'ethnic Albanian crime' makes no distinction between citizenship.

The 2004 study assessed a total of 18,749 arrests made related to drug trafficking in major drug markets including Italy, Germany or the Netherlands. It concluded that of those arrested on heroin trafficking charges 68 percent are West Europeans; 2 percent are Serbian/Montenegrin/Macedonian; 4 percent Albanians; 4 percent Turks; 10 percent Africans and 12 percent others.⁶⁶ Assuming that all heroin traffickers who come from Serbia, Montenegro or Macedonia are possibly ethnic Albanians, a total of 6 percent of drug trafficking arrests are 'ethnic Albanians.' A far cry from the perceived image of an 'Albanian drug mafia' controlling Western European markets.

This puts in question many 'official assessments' by European law enforcement agencies that tend to confirm the image of the 'Albanian threat.' There seems to be a wide gap between perception and reality.

This is still no excuse for Kosovo authorities to be lukewarm in their response to drug trafficking and local drug use. To date, Kosovo does not have a national strategy to prevent drug use. Internationally, due to its contested status, it is not a party to the 1988 UN Drug Convention. The latest US State Department report on narcotics lists a number of challenges that Kosovo's counter narcotics officers face; they lack basic equipment and resources, and undercover operations are complicated by Kosovo's tight-knit communities and technical issues, including an illegally operating Serbian mobile phone out of reach of the Kosovo Police Service.⁶⁷

But, there is progress; in May 2006, responsibility to investigate drug trafficking has been transferred to the Kosovo Police Service. The rate of drug seizures has since increased.⁶⁸ In 2006, the Kosovo Police Service destroyed 75,800 cannabis plants compared to 8,000 plants in 2004 when UNMIK was still in charge.

64 *ibid.*, p.71

65 *ibid.*, p.71

66 *ibid.*, p.72

67 *US Department of State International Narcotics Control Strategy, 2008*

68 *US Department of State International Narcotics Control Strategy, 2008*

Drug seizures per year in kilograms**:

Year	Heroin	Cocaine	Marijuana
2001	0.81	0.034	30.71
2002	6.10	1.40	48.04
2003	46.78	8.48	30.81
2004	23.28	0.010	23.28
2005	36.47	3.78	55.30
2006	14.64	1.72	66.63
2007	47.76	1.92	32.12
Total	175.84	17.34	286.89

Source: Kosovo Police Service report on drug seizures

Kosovo police has also become better in compiling cases and bringing perpetrators to court. The steady increase of heroin seizures in Kosovo was matched with an increasing number of cases that investigators were able to complete and hand over to courts.⁶⁹

Year	Heroin Seizure	Cases
2001	0.8 kg	N/A
2002	6.1 kg	N/A
2003	46.7 kg	N/A
2004	23.2 kg	213
2005	36 kg	232
2006	14.6 kg	284
2007	47.8 kg	306

On the eve of independence, Kosovo's assembly has adopted a new Law on the production, export and import of narcotics. The law foresees the creation of a commission to draft a counter narcotics strategy. It remains to be seen what the future will bring.

⁶⁹ Kosovo Police Service data. Only in 2007 police registered 538 suspects of which 197 were detained, while the other suspects were processed through a regular procedure. According to ethnicity, in 2007 95% of suspects in drug-related arrests were Albanian, 4% Serbs and 1% others. Out of the total number of suspect, 538, 96% (516) were male and 4% (22) female.

PERCEPTION AND REALITY

In 2007, Transparency International labelled Kosovo the world's 4th most corrupt country. According to Transparency International's Global Corruption Barometer, 67 percent of 500 respondents claim to have paid a bribe to obtain public services.⁷⁰ This places Kosovo rock bottom. Only three countries fare worse; in Cameroon 79 percent of respondents claim to have paid a bribe, in Cambodia 72 percent and in Albania 71 percent. A devastating conclusion and one that seems to confirm all existing prejudices about Kosovo's corruption-prone political class, its weak institutions and half-hearted efforts to combat corruption.

What many had forgotten was the fact that the same institution, just one year earlier found that only 12 percent of citizens surveyed had paid a bribe in Kosovo. The Transparency International Global Corruption Barometer of 2006 placed Kosovo among countries such as Bulgaria, Luxembourg, Croatia and Hong Kong.⁷¹ Transparency International never explained the huge discrepancy that its own polls revealed. Both local and international media outlets were happy to be fed with such a sexy headline and the 'negative image' of Kosovo as the world's 4th most corrupt place seemed set in stone.

In an effort to shed light on Kosovo's corruption paradox, we compared various international surveys produced by respected institutions and 'corruption' experts. Corruption is usually measured through citizen surveys; but results differ greatly. Different polls conducted between 2001 and 2007 have placed Kosovo among the best in the region to the bottom of the pile.

In a study funded by USAID in 2003, Kosovo scores best among 9 countries in the region. The authors conclude that 'corruption does not appear to be as widespread among public officials, the demands of rent-seeking behaviour by public officials are lower and the extent of citizen involvement in corrupt transactions is lower than in neighbouring countries.'⁷²

A comprehensive study on corruption commissioned by UNDP in 2004 found striking discrepancies between perception and actual experience of corruption. According to this study, only 15 percent of respondents based their assessment of corruption in public institutions on real personal experience.⁷³

⁷⁰ Transparency International Global Corruption Barometer Survey; 2007

⁷¹ Transparency International Global Corruption Barometer Survey; 2006

⁷² MSI Corruption Survey. USAID, May 2003. Survey conducted with 505 respondents in addition to interviews with government staff, media representatives, civil society, donors and businessmen.

⁷³ UNDP., *Combating Corruption in Kosovo: A citizen's perception survey in support of Kosovo's Anti-corruption Strategy*, April 2004

Institutions	Perception	Experience
Central Government	43 %	11 %
Customs	66 %	17 %
Energy Company (KEK)	76.3 %	17 %

UNDP interviewed 1,136 Kosovars about perception and experience with corruption⁷⁴

To measure the importance of corruption for the Kosovo public, we also turned to UNDP's Early Warning Reports, conducted regularly since 2001. Throughout the years, when asked what constitutes the greatest problems in Kosovo, on average only 5 percent of respondents listed corruption as most important. The three main problems topping the list were final status (40 percent), unemployment (26 percent) and poverty (15 percent).⁷⁵ Also in the first quarter of 2008, only 2.4 percent of respondents considered corruption 'an important problem,' while 32 percent worried about final status, followed by unemployment with 17 percent and poverty with 15 percent.⁷⁶

These other, more nuanced assessments of levels of corruption stand little chance against Transparency International's public relation machinery. Once the claim that Kosovo is the 4th most corrupt place in the world is out in the public, it is extremely difficult to correct. Especially, if serious international organisations like the World Bank simply 'copy paste' such claims.

In 2006, the World Bank published a major report ranking more than 212 countries in terms of good governance. For the purpose of the study, governance was defined as 'the traditions and institutions by which authority in a country is exercised.' The Global Ranking was performed on the basis of six components, including freedom of expression and accountability, political stability, government effectiveness, regulatory quality, rule of law and control of corruption.

Kosovo scores badly on all accounts; it has the worst scores of all countries of Eastern Europe and the Baltic's; and it ranks bottom if one looks at single indicators – rule of law or control of corruption – in comparison to its neighbours in Southeast Europe.

⁷⁴ UNDP. *Combating Corruption: A citizen's perception survey in support of Kosovo's Anti-corruption Strategy*. April 2004.

⁷⁵ *Early Warning Reports, 2001- 2008*

⁷⁶ *Early Warning Report, 2008, Quarter I*

World Bank Governance Indicators 2007⁷⁷

Governance Indicator	Kosovo average	Regional Average	# of sources
Voice & Accountability	26.9%	64%	4*
Political Stability	No data	55.1%	0
Government effectiveness	44.5%	62%	1**
Regulatory Quality	No data	68.1%	0
Rule of Law	22.9%	54.4%	2***
Control of Corruption	25.6%	56.9%	3****

* Freedom House, Gallup World Poll, International Research and Exchanges Board Media Sustainability Index, Reporters Without Borders Press Freedom Index

** Gallup World Poll

*** Freedom House, Gallup World Poll

**** Transparency International Global Corruption Barometer Survey

Control of corruption

Country	% Rank	# of sources
Slovenia	78.3%	13
Slovakia	65.2%	13
Croatia	58.9%	14
Romania	55.6%	17
Bulgaria	53.1%	16
Macedonia	50.7%	12**
Serbia	46.4%	13
Bosnia Herzegovina	44.9%	13
Montenegro	44.4%	8
Albania	36.7%	12
Kosovo	25.6%	3*

* Sources on Kosovo: Freedom House, Gallup World Poll & Transparency International Global Corruption Barometer Survey

** Sources on Macedonia: Bertelsmann Transformation Index, Business Enterprise Environment Survey, Economist Intelligence Unit, Freedom House, Gallup World Poll, Global Insight Business Conditions and Risk Indicators, Global Insight Global Risk Service, IFAD Rural Sector Performance Assess-

⁷⁷ www.govindicators.org

ments, Merchant International Group Gray Area Dynamics, Transparency International Global Corruption Barometer Survey, World Bank Country Policy and Institutional Assessments, World Economic Forum Global Competitiveness Report

Rule of Law

Country	% Rank	# of sources
Slovenia	75.1%	16
Slovakia	60.5%	16
Croatia	55.2%	16
Bulgaria	51.4%	18
Romania	50.5%	19
Montenegro	48.1%	10
Macedonia	41.4%	14
Bosnia Herzegovina	39.5%	15
Serbia	34.8%	14
Albania	28.1%	14
Kosovo	22.9%	2*

*Freedom House & Gallup World Poll

As we looked closer, we discovered that the World Bank's assessment of something as complex as good governance in Kosovo is based on two sources only. Other countries in the region, which fare much better than Kosovo, draw on between 14 and 19 different sources. Kosovo stands out by the paucity of sources; and this striking lack of comparative data clearly works against Kosovo.

Countries	Control of Corruption	Rule of Law	Sources
Slovenia	78 %	75 %	16
Slovakia	65 %	61 %	16
Croatia	59 %	55 %	16
Romania	56 %	50.5 %	19
Bulgaria	53 %	51.4 %	18
Macedonia	51 %	41 %	14
Serbia	46 %	35 %	14
Bosnia-Herzegovina	45 %	40 %	15
Montenegro	44 %	48 %	10
Albania	37 %	28 %	14
Kosovo	26 %	23 %	2*

Sources on Kosovo: Freedom House and Gallup World Poll

The two sources on which the World Bank based its ranking were Freedom House and the Gallup World Poll. The *Freedom in the World* survey provides an annual evaluation of the state of global freedom in 193 countries and 15 select territories. Freedom is measured in terms of political rights and civil liberties. The survey findings are based on an analysis and evaluation by a team of regional experts and scholars. Each country is ranked on a scale of 1 to 7; 1 indicates the highest degree

of freedom and 7 the least amount of freedom. On the basis of these ratings, a country is classified as Free, Partly Free, or Not Free.

According to the 2007 report, Kosovo is ranked as 'not free' and received scores of 6 for political rights and 5 for civil liberties. Kosovo thus ranks the same as Sudan, Chad and Egypt in terms of political rights and civil liberties. If this were true, then UNMIK must have failed disastrously in its efforts to introduce democratic standards and human rights. Such a ranking blatantly ignores the fact that Kosovo does indeed have free and fair elections, freedom of press and a military presence of NATO. Quite a contrast to Sudan's dictatorship, ongoing violence in Chad and the military's eternal grip on power in Egypt.

Freedom House 2007*

Countries	Status	Political Rights	Civil Liberties
Sudan	Not free	7	7
Chad	Not free	6	6
Kosovo	Not free	6	5
Egypt	Not free	6	5
Oman	Not free	6	5
Macedonia	Partly free	3	3
BiH	Partly free	3	3
Serbia	Free	3	2
Switzerland	Free	1	1

* *Freedom House ratings are based on a scale of 1 to 7, with 1 representing the highest and 7 the lowest level of democratic progress*

The World Bank's second source is Gallup International. In 2007 Gallup asked 1,000 respondents in Kosovo if they believe that 'corruption is widespread' in government and business. This poll makes no distinction between citizens' perception of corruption and actual experience. According to Gallup, Slovakia is plagued by significantly more corruption in government than Kosovo, while Romanian business seems particularly corruption-prone. Slovenia does not fare much better either.

Gallup International 2007 *

Is corruption widespread in ...?

Country	Government	Business
Montenegro	66	49
Albania	68	73
Slovenia	69	43
Kosovo	72	84
Slovakia	82	84
Serbia	82	71
Croatia	83	77
Romania	83	86
Macedonia	86	74
Bosnia	86	81

In the first government meeting on January 11, 2008, Kosovo's Prime Minister Hashim Thaci pledged "zero tolerance" on corruption and warned his cabinet: 'We will be careful on how we use the budget of our country, giving explanations for every spent cent... The bad management and abuse of the budget will be punished by me as the prime minister and it will be prosecuted by law.'⁷⁸ This is easier said than done.

Most of Kosovo's institutions to combat corruption are newly established, and mirror the challenges faced by all institutions – low salaries, lack of experience and an unclear mandate. First anti-corruption measures were taken in response to international pressure, most significantly the UN-sponsored "Standards before Status" process. One of the benchmarks that Kosovo had to meet was the establishment of an anti-corruption agency and passage of a law on the suppression of corruption. Kosovo has made cautious progress since in establishing tools and institutions to eradicate corruption.

October 2002	Office of Auditor General established
February 2003	Financial Inspection Unit established (Guardia di Finanza)
December 2003	Anti-Corruption Inter-ministerial Working Group established
March 2004	"Fighting corruption" included in the Standards for Kosovo
March 2004	Anti-Corruption Strategy launched
May 2005	Law on Suppression of Corruption passed in the assembly
Early 2006	Anti-Corruption Action Plan
April 2006	Anti-Corruption Agency (KAA) Council constituted
July 2006	Director of KAA appointed
June 2007	Law on Internal Auditing
July 2007	Law on Public Procurement Revised

⁷⁸ Kosovo's PM Hashim Thaci. Speech at the constitution of Kosovo's government. 11 Jan. 2008.

The Anti-Corruption Agency has a staff of 30 and an annual budget of 456,000 Euro, equivalent to 0.04 percent of Kosovo's budget.⁷⁹ As one of its first steps, it established a toll free number where citizens can report corruption confidentially. It already submitted 47 cases to prosecutor's office. In 2007, its investigations saved Kosovo's budget 7 million Euro. In the first 6 months of 2008, the agency reported 68 cases of alleged corruption, of which 21 were sent to the prosecutor's office. The estimated damage induced to Kosovo's budget hovers around 6 million Euro.⁸⁰ There are concerns that the anti-corruption agency is a politically charged organization, and so far its impact has been limited.⁸¹ It is still too early to declare victory, but the fact that the Anti-Corruption Agency is now up and running is an important step in the right direction.

To battle corruption effectively, Kosovo authorities must embark on a major 'fact finding' mission and generate facts, figures and comparative data that would allow a realistic assessment of corruption. Without a better grasp of the situation on the ground, measuring the performance of public institutions in fighting corruption is practically impossible. As we have shown, the lack of studies, surveys and thorough research on corruption only helps to reinforce Kosovo's negative image.

⁷⁹ IKS Interview with Anti-corruption Agency officials; June 2008

⁸⁰ IKS Interview with Anti-corruption Agency officials; June 2008

⁸¹ The current composition of the Board of the Anti-Corruption Agency foresees three representatives from the assembly; one from the president's office; and one representative each of the government, the Supreme Court, the Public Prosecutor's Office, local authorities and civil society.

KOSOVO'S ACHILLES HEEL

Interethnic crime is by far one of the most sensitive issues in post-war Kosovo. Protecting Kosovo's minority communities, especially Serbs who constitute about 7 percent of the population, has become the sole *raison d'être* of UNMIK. International recognition of independence also hinges on Kosovo institutions upholding their commitment to a multi-ethnic society. Given the importance of interethnic crime and interethnic relations, it is surprising how little we actually know.

There is much speculation, but there are no reliable figures on interethnic crime. Distinguishing between crimes as such and ethnically motivated crime is extremely difficult. Available crime statistics do not specify the respective victim and perpetrator's ethnicity; we do not know if a Serb has actually been killed by an Albanian or by a fellow Serb. Statistics also do not specify the motives of a crime; whether a murder was indeed ethnically motivated or caused by a personal dispute, jealousy or economic reasons. Most surprisingly, however, there are striking inconsistencies between data provided by UNMIK itself.

Given the singular nature of murder, at least homicide figures tend to be reliable in most countries – except for UN-administered Kosovo. According to UNMIK police data, broken down by the victims' ethnicity, there were 882 homicides in the period 2000 to 2006. The total murder rate according to UNMIK police for the same period, but not broken down by ethnicity, is 770 – a striking difference of 112 murders.⁸² How is this possible? Has UNMIK deliberately inflated homicide rates broken down by ethnicity? Or, is it just a sloppy mistake that has gone unnoticed by successive police commissioners?

There are also contradictions between UNMIK and Kosovo Police data; according to Kosovo Police data, in 2000 for example, there were 226 murders in total. According to UNMIK's Police Crime Analysis & Operational Information, the total number of murders in 2000 was 267- again, a significant discrepancy of 41 murders

Murders	Albanian	Serbian		Total*	Total KPS data**	UNMIK Police***
2000	187	56	24	267	226	267
2001	138	23	15	176	185	185
2002	93	8	7	108	88	88
2003	85	18	10	113	70	70
2004	79	11	5	95	78	75
2005	56	3	3	62	67	68
2006	52	6	3	61	61	58
	690	125	67	882	775	770

⁸² UNMIK Police Crime Analysis & Operational Information, Annual Crime Activities offences by victims' ethnicity

- * UNMIK Police Main Headquarters Operations, Crime Analysis & Operational Information, Annual Crime Activities, offences by victims' ethnicity
- ** Kosovo Police Service, Directorate of Crime Analysis, Statistics Office, Crime Variation Yearly Report
- ***UNMIK Police data Annual Crime Activity, based on data provided by Kosovo Police Information System

Despite these inconsistencies, there are a number of facts that we do know for certain. All data confirm that murder rates in general have dropped dramatically since 2000. The homicide rate has decreased by two-thirds, from 226 murders in 2000 to 65 murders in 2007.⁸³ We also know that grenade mine and explosive attacks have decreased by 93 percent over the period 2000 to 2007. Theft of motor vehicles has declined by 90 percent over that same period. These dramatic improvements reflect Kosovo's post-war normalisation. In 2006, Kosovo had on average 3 murders per 100,000 citizens compared to 2.4 murders in Sweden, 4 per 100,000 citizens in Bulgaria and 5.5 murders in the US.

of homicides per 100,000 citizens

Albania	179	5.68
USA	16,204	5.47
Bulgaria	240	4.1
Kosovo	61	3.05
Sweden	215	2.38
Germany	809	0.98

When Kosovo's violent crime statistics are compared to those of Northern Ireland, Northern Ireland has 960 percent more incidence.⁸⁴ Kosovo actually has few murders, robberies and car thefts than most countries in Western Europe; it is no longer a country emerging from conflict. Overall, Kosovo has a very low crime rate, half that of the European average.⁸⁵

This is true for Southeast Europe in general; surprising as it may be, the Balkan region is one of the safest in Europe. Levels of crime against people and property are lower than elsewhere in Europe and the number of murders is falling in every Balkan country.⁸⁶ The United Nations Office on Drugs and Crime in its recent report on crime in the Balkans confirmed that most of the region is safer than Western Europe. 'Even if only half the murders in these countries were being recorded,' the

⁸³ Kosovo Police Service, Directorate of Crime Analysis, Statistics Office, Crime Variation Yearly Report

⁸⁴ These estimates are based on 2002 crime figures, quoted in *Economically Motivated Crime in Kosovo – Briefing Paper, 2004, EU Pillar of UNMIK*

⁸⁵ Crime Information Centre, UNMIK, quoted in *Economically Motivated Crime in Kosovo – Briefing Paper, 2004, EU Pillar of UNMIK*

⁸⁶ *Crime and its impact on the Balkans and affected countries, United Nations Office on Drugs and Crime, March 2008, p.5*

report argued, 'they would still be low by international standards.' West Europe has twice the burglary, over four times as much assault and 15 times as much robbery as South East Europe.⁸⁷

In terms of interethnic crime, there are striking differences in the perception of security among Kosovo's communities. Whereas Albanians worry most about unemployment and poverty, 84 percent of Kosovo Serbs fear they may become a victim of crime in the future.⁸⁸ One out of five Kosovo Serbs perceives ethnic violence as the biggest security risk. As long as most Serbs rely on oftentimes false reporting on interethnic violence by Belgrade media, and as long as the police fail to provide reliable facts and figures, fear will prevail. To reduce fear and ease tensions, reliable data and a proactive communication strategy are urgently needed.

⁸⁷ *Crime and its impact on the Balkans and affected countries, United Nations Office on Drugs and Crime, March 2008, p.9-10*

⁸⁸ *Kosovo Internal Security Sector Review, UNDP, 2006*

BATTLING THE REAL CHALLENGES

In all transition countries and new EU member states, reforming the judiciary proved one of the most difficult tasks. For one, there is no 'clear' EU blueprint to follow and secondly, most judicial systems are plagued by bureaucratic inertia, weak oversight, lack of accountability and incentives for reform. Kosovo is no exception. Whereas the Kosovo customs or police service have been created from scratch after the war, the judiciary reconfigured itself almost untouched, drawing on old personnel and bad habits. The overall assessment is that despite all efforts the legal system in Kosovo is still one of the weakest pillars of Kosovo's public institutions.

A recent OSCE report 'provided a long list of unresolved problems such as violation of fair trial standards, an increasing backlog of cases and political interference.'⁸⁹ Human Rights Watch earlier this year warned of the 'failure of the authorities to bring perpetrators to justice.'⁹⁰ The latest EU Commission Report also stresses the weakness of the judiciary and warns of the 'low level of trust in the judiciary among the population.'⁹¹

For the past nine years, there was no shortage of reforms. A lot of money has been spent on retraining judges, repairing courtrooms, drafting a new penal code and raising awareness. Donors like USAID, SIDA and EAR attempted to reform and rebuild the entire structure of the judicial system. Projects included a USAID-funded programme for legal professional development and programmes run by the National Centre for State Courts. The American Bar Association and SIDA focused on training judges, prosecutors and defence lawyers.⁹² The European Commission has also pledged another 83.5 million Euro for the coming three years.

The institutional structure is in place; there are 55 courts operating in Kosovo, including municipal, minor offence courts, district courts and commercial courts and a supreme court.⁹³ By late 2007, there have been 308 serving judges, 274 of them Albanian, 15 Serbian and 19 from other minority communities.⁹⁴ Until February 2008, 12 percent of judicial staff belonged to members of ethnic minorities, including 8 percent Serbs.⁹⁵ UNMIK regulations passed since June 1999 have helped bring the legal system up to speed with today's human rights standards and criteria. The problems, however, lie deeper.

In 1999, UNMIK scrambled to establish an Emergency Judicial System; a Joint Advisory Council composed of Kosovar and international representatives appointed a

⁸⁹ OSCE Background Report; Human Rights, Ethnic Relations and Democracy in Kosovo; Summer 2007 – Summer 2008, pg.3

⁹⁰ 'Kosovo Criminal Justice Scorecard,' Released by Human Rights Watch – March 2008

⁹¹ Kosovo 2008 Progress Report, 5 November 2008, p. 13

⁹² Kosovo – Technical Background Paper, Rule of Law Sector, July 01, 2008

⁹³ Kosovo courts of all levels and jurisdiction is 55; Kosovo's court system is composed of 26 municipal courts, 24 courts of minor offenses, 5 district courts, the Commercial Court of Kosovo and the Supreme Court.

⁹⁴ Ibid, pg. 19 – please note inconsistency in total number of serving judges 310 v 308

⁹⁵ 12% of the staff of all judicial institutions is members of ethnic minorities and around 8% are Kosovo Serbs, only 1% of judges belong to a minority group and 0.5% belong to the Serbian minority. Only six of 88 persecutors belong to minority group.

first batch of 55 judges and prosecutors.⁹⁶ For lack of alternatives, these judges were chosen from a pool of judges that had served under the old system. In the past, judges and prosecutors in Kosovo were used to follow whatever the 'official line' was at the time. After all, Tito's Yugoslavia was an authoritarian state where the notion of judicial impartiality existed on paper only. During the 90s, the judiciary became part of Milosevic's oppressive state machinery; the majority of Albanian judges and prosecutors were dismissed.

The lack of new 'blood' and trained personnel is one of the biggest problems the judiciary in Kosovo is facing. The latest EU Commission Report also noted the high average age of serving judges.⁹⁷ A new round of appointments, vetting and re-appointments of judges was due to start in 2006. But, as the Progress Report noted, almost no new judges and prosecutors have been recruited since 2001; vacancies have only been filled by relocating judges and prosecutors.⁹⁸

The lack of judicial training and education is another big problem. Many serving judges may have never passed a bar exam, even though article 14 of the Law on Courts states that 'a judge must: have successfully completed the bar exam and have passed the special exam for judges.'⁹⁹ As a stop-gap measure, an Independent Judicial and Prosecutorial Commission has been set up to 'conduct a one-time, comprehensive, Kosovo-wide review of the suitability of all applicants for permanent appointments.'¹⁰⁰ All candidates are also required to pass an exam on the Code of Ethics.

The rule of law is also hampered by the legal confusion caused by the existence of parallel sources of legislation; former Yugoslav laws continue to be applicable besides UNMIK Regulations and laws passed by the Kosovo assembly. UNMIK's policy to remain strictly status-neutral implies that it does not recognise laws passed by the Kosovo assembly that are not promulgated by the Special Representative of the Secretary General.¹⁰¹ This only makes matters worse. Ethnic minorities have also been reluctant to use Kosovo courts, for fear of not being treated fairly. As a result, parallel courts continue to operate in Serb-inhabited areas and the Kosovo government has limited authority over police and courts.¹⁰² Municipalities in northern Kosovo have recently begun to implement Serbian legislation. In a territory as small as Kosovo's there are thus four competing sets of legislation.

⁹⁶ Michael E. Hartman, 'International Judges and Prosecutors in Kosovo', *Special Report 112*, United States Institute of Peace, October 2003, p. 8, <http://www.usip.org/pubs/specialreports/sr112.pdf>

⁹⁷ *Kosovo 2008 Progress Report*, 5 November 2008, p. 13

⁹⁸ *Kosovo – Technical Background Paper, Rule of Law Sector, July 01, 2008*

⁹⁹ *Law on Courts; Article 14 (5), (6); Assembly of Kosovo, 2008*

¹⁰⁰ *UNMIK Administrative Direction No. 2006/18; December 28, 2006*

¹⁰¹ *Commission of European Communities, Kosovo 2008 Progress Report; November 05, 2008*

¹⁰² *Commission of European Communities, Kosovo 2008 Progress Report; November 05, 2008*

The backlog of cases represents another serious problem in the judicial system. As of today, more than 100,000 civil cases and over 36,000 criminal cases are pending. The Supreme Court has a backlog of more than 2000 cases. The number of unresolved civil cases pending in municipal courts stood at 160,477.¹⁰³ There is also a backlog of several hundred domestic war crime cases. The management capacity in courts is clearly insufficient; there is also no operational system for the execution of civil judgments.¹⁰⁴ Prevailing poor working conditions and low salaries do not help to improve the performance of judges and prosecutors. Salaries of judges and prosecutors range from 350 to 620 Euro per month - a little less than a monthly wage of an UNMIK janitor.¹⁰⁵ Lastly, but crucially, prosecutors' offices are seriously understaffed and lack basic equipment and specialised training. In terms of technology and expertise, criminals are far better equipped than the judiciary.

For Kosovo to properly fight organized crime and corruption, it really needs a transparent, independent and effective judiciary. Judicial reform is also a precondition for Kosovo's progress towards European integration in the near future. The government, with the help of donors and the new EU rule of law mission, must do all it can to ensure that courts are impartial, effective and free from political influence, that the backlog of unresolved cases is reduced, legal education improved and public prosecution strengthened. Paying lip service to reform the system is not enough; there must be visible improvements.

Kosovo Police

One thing is certain; there is no shortage of police in Kosovo. Per capita, Kosovo has a higher number of police officers than Singapore. The United Nations Office on Drugs and Crime estimated that 'Kosovo probably has the highest concentration of security personnel in the world.'¹⁰⁶ At present there are a total of 26,233 security personnel in the whole of territory of Kosovo, including 15,900 KFOR troops, 1,499 UNMIK Police and 8,834 Kosovo Police officers.¹⁰⁷ In other words, there is one security officer for every 22 adult male inhabitants.

On the eve of independence, the Kosovo Police Service was a respected, multi-national institution. The share of police officers belonging to minority communities was above 14 percent, including 822 Serb officers or 9.3 percent and 413 or 5 percent non-Serb minorities. There were 1,351 female officers, an impressive rate of 15 percent.¹⁰⁸

Unlike the judiciary, the Kosovo Police has been built from scratch. Only a short sentence in UNSC Resolution 1244 referred to the establishment of a local police force. UNSC 1244 called for maintaining civil law and order, establishing a local police

¹⁰³ *Commission of the European Communities Progress Report 2008*, pg. 14

¹⁰⁴ *Commission of the European Communities Progress Report 2007*, pg. 12

¹⁰⁵ *UNMIK janitor gets approximately 700 Euro per month*

¹⁰⁶ *UNODC Report, May 2008: www.unodc.org*

¹⁰⁷ *UNMIK Fact Sheet February 2008 & Interviews with senior KFOR officials.*

¹⁰⁸ *UNMIK Factsheet, February 2008*

force and deploying international police personnel to serve in Kosovo.¹⁰⁹ The main responsibility for setting up the police force of Kosovo rested with UNMIK Pillar I; it took six years. In December 2005, UNMIK Regulation 2005/54 legally established the Kosovo Police Service.

Back in September 1999, the OSCE-run Kosovo Police Service School in Vushtrri opened its doors for the first class of recruits.¹¹⁰ As of today, it has trained 35 generations of police officers. In 2007 the executive authority of the school was transferred to the Kosovo Police Service and the school was renamed Academy for Public Safety and Development.¹¹¹ International donors have spent an estimated 66.11 million Euros on setting up a police force in the years 1999 to 2004; with the largest single contributors being the USA and Canada.¹¹²

A new Law on Police entered into force on 15 June 2008, but the mandates and responsibilities of the Kosovo Police, UNMIK police and EULEX remain blurred and confused; Kosovo Police is still not fully in charge. The new Law on Police provides for the police service to be under the direction, control and supervision of the General Director, responsible for all of Kosovo.¹¹³ In UNMIK's view, Kosovo Police is still under the direct authority of the SRSG and controlled by an international UNMIK Police Commissioner.¹¹⁴ The department for crime investigation, organized crime, counter terrorism and crime analysis remains under the supervision of UN police officers. The regional command for Mitrovica region has still not been transferred from UNMIK to Kosovo Police; law enforcement in the North of Kosovo thus remains the exclusive responsibility of UNMIK.

Kosovo lacks an overall national strategy to combat organized crime, an action plan and a crime reduction strategy. There are gaps in the legal infrastructure; there is no law regulating visa policies, no law on data protection or witness protection.¹¹⁵ There is also no central database connecting regional commands and border points; at present, Kosovo Police does not have access to Interpol or Europol databases which greatly hampers effective cross-border cooperation in fighting organised crime.¹¹⁶ To combat high-tech crimes like money laundering or cyber crimes, the police lack specialised personnel.

The single biggest threat to security and regional stability, however, is the total absence of the rule of law north of the Ibar River. Following independence, Serb police officers refused to cooperate with Prishtina. In Serb-populated areas, police officers of the Serbian Ministry of Interior (MUP) continue to operate clandestinely. At present, MUP has an estimated strength of 375 officers and 160 reserve officers in Kosovo. Another 130 Serb officers within the Kosovo Police also work for MUP, including senior officers with access to intelligence records. This affords MUP a high degree of control over large parts of Kosovo and advance warning on planned

¹⁰⁹ UNSC Resolution 1244 (1999); 11 (i), June 10, 1999

¹¹⁰ OSCE Mission in Kosovo, www.osce.org/publications/

¹¹¹ F. Harris, 'The Role of Capacity-Building in Police Reform,' OSCE Mission in Kosovo publication, 2005 Prishtina

¹¹² MEF, 'Annual Report on Donor Activities in Kosovo,' Jan 2004 – Dec 2005, pg.4

¹¹³ Kosovo Assembly Law on Police, Chapter III, Article 31 (1) and 32 (1)

¹¹⁴ UNMIK Regulation 2005/54, On the Framework and Guiding Principles of the Kosovo Police Service

¹¹⁵ IKS interview with high ranking KP officer; Prishtina, June 2008

¹¹⁶ IKS interview with high ranking KP officer; Prishtina, June 2008

Kosovo Police activities.¹¹⁷

The orchestrated burning down of custom and border posts by Serb mobs in March 2008 has created a smuggler's paradise and a haven for criminals north of the Ibar River. For the past eight months, UNMIK has failed to step in and restore customs and border control. The fact that the price for fuel in Northern Mitrovica is a third below prices in the rest of Kosovo, testifies to the activities of smugglers and the absence of police. The current status quo in Northern Kosovo seriously undermines the rule of law; it is also a slap in the face of the European Union about to deploy its largest ever rule of law mission. News of uncontrolled borders, fuel smuggling and criminal activities north of the Ibar River will certainly not help Kosovo to improve its image abroad; on the contrary, unless EULEX delivers on its promise to deploy throughout Kosovo, the image of Kosovo as Europe's black hole will persist in the future.

WHAT NOW? (CONCLUSION)

Kosovo must act and take its image problem seriously. Rhetoric and PR is simply not enough; the responsible institutions must first understand the problem, analyse it carefully and in partnership with civil society develop a sound strategy to rebrand Kosovo's image abroad and reform Kosovo's institutions at home. These two processes are closely inter-twined; without far reaching reforms at home the brand 'Kosovo' cannot be sold internationally. But for reforms to succeed, Kosovo needs a clear European perspective and not just a vague promise of distant membership. We also call on Kosovo's friends and partners in Europe to help tackle prejudices and clichés that no longer reflect the realities on the ground. Much has happened since the 1990s, it is time that the image of Kosovo abroad reflects these dramatic changes and positive developments of recent years. This paper is our contribution to stimulate a much-needed debate.

¹¹⁷ IKS interviews with high ranking officials in Prishtina; July 2008

ABOUT FORUM 2015

Forum 2015 is a project of Kosovo SOROS Foundation and RIINVEST Institute that offers expertise and advocates development issues in Kosovo. Forum 2015 through its activities stimulates the debate on different topics and promotes the development of an advanced political culture. In broader perspective, Forum 2015 aims to prepare Kosovo for Euro-Atlantic integration.

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