

Republika e Kosovës

Republika Kosova-Republic of Kosovo

Kuvendi - Skupština - Assembly

Law No. 03/L-046

LAW ON THE KOSOVO SECURITY FORCE

The Assembly of the Republic of Kosovo,

On the basis Article 65(1) of the Constitution of the Republic of Kosovo,

And for the purpose of regulating the responsibility and competences of the Republic of Kosovo's institutions in the field of security,

Hereby adopts:

THE LAW ON THE KOSOVO SECURITY FORCE

CHAPTER I GENERAL PROVISIONS

Article 1 Application of Law

This Law applies to the Kosovo Security Force including its uniformed (active and reserve) component, civilian members and its recruits.

Article 2 Territorial areas of activity

- 2.1 Members of the Kosovo Security Force are authorized to serve within the territory of the Republic of Kosovo, and to be deployed abroad on operations only when mandated by the Assembly of the Republic of Kosovo and with the agreement of the recipient country, or upon invitation by international organizations to which the Republic of Kosovo is or aspires to be a member of, or under a UN Security Council Resolution.
- 2.2 Members of the Kosovo Security Force may participate in education, training and exercises beyond the territorial limits of the Republic of Kosovo without consult of the Assembly of the Republic of Kosovo only upon invitation by international organisations to which the Republic of Kosovo is or aspires to be a member of or on a bilateral basis with members of those organisations and following Ministerial authorisation.

CHAPTER II COMMAND AND CONTROL

Article 3 General Principles

- 3.1 The Assembly of the Republic of Kosovo, President, Prime Minister, and Minister for the Kosovo Security Force comprise the chain of civilian oversight of the Kosovo Security Force, as set out in the Constitution, this law and other relevant laws.
- 3.2 The Government of the Republic of Kosovo shall exercise transparent, democratic and civilian control of the Kosovo Security Force and shall be answerable to the Assembly of the Republic of Kosovo.

Article 4 Kosovo Assembly

- 4.1 In accordance with the law, the Assembly of the Republic of Kosovo, shall have the competence to:
- a) exercise democratic parliamentary control over the Kosovo Security Force,
- b) oversee and investigate all matters related to the organisation, funding, manning, equipping, and basing of the Kosovo Security Force,
- c) legislate all matters related to the organisation, funding, manning, equipping, and basing of the Kosovo Security Force,
- d) adopt the annual budget and the rolling ten-year plan for the Kosovo Security Force:

- e) approve the deployment of the Kosovo Security Force during a state of emergency or to peace support operations overseas.
- 4.2 The Assembly of the Republic of Kosovo shall establish a Parliamentary Committee which must have the competence to:
- a) require the Commander of the Kosovo Security Force to submit an annual report and to answer questions personally as required. The report shall be sent to the President and the Prime Minister.
- b) demand the presence of the Commander of the Kosovo Security Force at their meetings and to answer any questions,
- c) review the budget for the Kosovo Security Force prior to its submission to the Assembly of Kosovo for approval,
- d) review all equipment projects of a value higher than €1 million, both those to be funded by the Government of Kosovo and those to be funded by donors, prior to their submission to the Assembly of Kosovo for approval,
- e) make available to the International Military Presence all the information needed to identify all sources of funds and equipment provided to the Kosovo Security Force.

Article 5 President

- 5.1 The President is the Supreme Commander of the Kosovo Security Force.
- 5.2 The President shall have the competence to authorise deployment of the Kosovo Security Force on operations during a state of emergency or to peace support operations abroad when approved by the Assembly of the Republic of Kosovo.
- 5.3 In accordance with the Constitution of the Republic of Kosovo and other appropriate laws the President must have the competence to:
- a) appoint the Commander of the Kosovo Security Force upon the recommendation of the Government
- b) approve all promotions into the rank of General Officer on the joint recommendation of the Commander of the Kosovo Security Force and the Minister responsible for the Kosovo Security Force,
- c) approve all changes of appointment of General Officers on the joint recommendation of the Commander of the Kosovo Security Force and the Minister for the Kosovo Security Force,
- d) confer decorations, medals, honours and awards.

Article 6 Prime Minister

6.1 The Prime Minister shall have the competence to exercise effective oversight and control of the Kosovo Security Force through the Minister for the Kosovo Security Force.

- 6.2 Pursuant to authority from the Kosovo Assembly, the Prime Minister must have the competence to:
- a) authorise the Minister for the Kosovo Security Force to order employment and deployment of the Kosovo Security Force,
- b) commit the Kosovo Security Force to assist civilian authorities in responding to natural and other disasters or accidents,
- c) determine and alter the structure of the Kosovo Security Force (see article 14 of this Law) as necessary, in consultation with the President and subject to confirmation by the Assembly,
- d) determine the minimum representation of all communities within the Kosovo Security Force, based on the latest census.

Article 7 Kosovo Security Council

- 7.1 The Kosovo Security Council, pursuant to the Law on the Kosovo Security Council, shall consider and advise on all matters relating to the security of the Republic of Kosovo, including the use of the Kosovo Security Force.
- 7.2 In considering security matters, the Kosovo Security Council may request the assistance of personnel from the Kosovo Security Force as appropriate.

Article 8 Minister for the Kosovo Security Force

- 8.1 In accordance with the Law on the Ministry for the Kosovo Security Force:
- a) The Minister for the Kosovo Security Force shall be appointed by the Prime Minister subject to the approval of the Assembly of Kosovo,
- b) The Minister for the Kosovo Security Force shall have the competence to exercise general control and administration of the Kosovo Security Force, including any powers vested in the Commander of the Kosovo Security Force.
- c) The Minister for the Kosovo Security Force shall act as the international representative of Kosovo in Kosovo Security Force related matters at the ministerial level but may delegate this function for specific activities.

CHAPTER III KOSOVO SECURITY FORCE

Article 9 General

- 9.1 The Kosovo Security Force shall be an all-volunteer force drawn from all strata of society in accordance with this law.
- 9.2 The official languages of the Kosovo Security Force shall be Albanian and Serbian; in communication with international organisations the English language shall also be used.
- 9.3 The Kosovo Security Force will be designed and prepared to fulfil security functions not appropriate for the police or other law enforcement organisations, which shall be authorised in accordance with a benchmarked, monitored process to be established by the International Military Presence in coordination with the International Civilian Representative.

Article 10 Missions and Tasks

- 10.1 The mission of the Kosovo Security Force, as an instrument of Security, is to support the Government of the Republic of Kosovo.
- 10.2 The Kosovo Security Force shall be lightly armed and possess no heavy weapons, such as tanks, heavy artillery or offensive air capability. Any changes will be determined by the International Military Presence, in coordination with the International Civilian Representative. A full review of these limits to be conducted no earlier than 5 years from the date this Law enters into force. The initial tasks of the Kosovo Security Force shall be:
- a) to participate in crisis response operations, including peace support operations. This will include operations outside the territory of the Republic of Kosovo where invited to do so;
- b) to assist civil authorities in responding to natural and other disasters and emergencies, including as part of a regional or international response effort,
- c) to conduct explosive ordnance disposal,
- d) to assist civil authorities through civil protection operations.

Article 11 Political Impartiality, Integrity and Standards

- 11.1 The Kosovo Security Force may not be used for political purposes or political activities.
- 11.2 Members of the Kosovo Security Force may not be members of political parties nor may they display overt signs of support for any political party although this Article shall not infringe on the right to vote of individual members.
- 11.3 Members of the Kosovo Security Force are required to conform to the code of conduct prescribed by the Minister for the Kosovo Security Force.

Article 12 Applicable Law

- 12.1 All members of the Kosovo Security Force are subject to the applicable laws of Kosovo.
- 12.2 When serving beyond the limits of the territory of the Government of the Republic of Kosovo members of the Kosovo Security Force are subject to the laws of the Republic of Kosovo and the host nation unless agreed otherwise in a Status of Forces Agreement.

Article 13 Membership

- 13.1 All citizens of the Republic of Kosovo having attained the age of 18, are eligible to apply for membership of the Kosovo Security Force.
- 13.2 Citizens may enrol in the Kosovo Security Force upon satisfying the screening criteria. Selection will be based on medical and physical fitness, merit, the needs and priorities of the Kosovo Security Force and successful completion of the approved vetting procedure. This enrolment is to be confirmed following completion of the necessary basic training during which time citizens will be classified as recruits.
- 13.3 The Kosovo Security Force shall be composed of professional security personnel, reserve personnel, civilian personnel and recruits.

Article 14 Organisation

- 14.1 The Kosovo Security Force shall initially comprise an active component of a maximum of 2500 personnel and a reserve component of a maximum of 800 personnel.
- 14.2 The Kosovo Security Force shall initially consist of a Land Forces Command, a Rapid Reaction Brigade, an Operations Support Brigade and a Training and Doctrine Command. Selected uniformed members of the Kosovo Security Force shall also be required to serve periods of duty in the Ministry for the Kosovo Security Force.
- 14.3 The emergency response component of the Kosovo Security Force shall comprise search and rescue, demining, hazardous materials, fire fighting and other humanitarian assistance capabilities.

Article 15 Rank Structure

- 15.1 The officer service of the Kosovo Security Force shall be composed of nine ranks in ascending order: Second Lieutenant, Lieutenant, Captain, Major, Lieutenant Colonel, Colonel, Brigadier General, Major General, and Lieutenant General. Not all of these ranks must, necessarily, be used.
- 15.2 The non-officer service of the Kosovo Security Force shall be composed of six ranks in ascending order: Private, Corporal, Sergeant, Staff Sergeant, Sergeant Major and Sergeant Major Class 1.
- 15.3 At any given time, there shall as a maximum be only one Lieutenant General and two Major Generals in the Kosovo Security Force.

Article 16 Commander of the Kosovo Security Force

- 16.1 The Minister responsible for the Kosovo Security Force shall recommend a suitable candidate to be appointed as the first Commander of the Kosovo Security Force by the President. To be eligible for consideration, subsequent candidates for this position must have held the rank of Major General for at least twelve months.
- 16.2 The Commander of the Kosovo Security Force is accountable to the Minister for the Kosovo Security Force.
- 16.3 The Commander of the Kosovo Security Force shall exercise full command of the Kosovo Security Force and its reserve element and is responsible for:
- a) the direction, training, oversight and activities of the Kosovo Security Force,
- b) submitting an annual report to the appropriate Parliamentary Committee and answering that Committee's questions personally as and when it may require,
- c) overseeing and ensuring the execution of all lawful orders upon instruction by the Minister for the Kosovo Security Force,
- d) planning and implementation of the employment of the Kosovo Security Force,
- e) proposing to the Minister for the Kosovo Security Force the manning and structure of the Kosovo Security Force,
- f) acting as the key adviser on Kosovo Security Force related issues to the President, Prime Minister, and Kosovo Security Council, which he shall be a member of,
- g) ensuring the operational readiness of the Kosovo Security Force and approving all operational plans,
- h) recommending promotions of personnel to General officer, and confirming other promotions in accordance with the Law on Service in the Kosovo Security Force,
- i) acting as Kosovo's international representative in KSF related matters at the level of Chief of Defence Staff.

16.4 The Commander of the Kosovo Security Force shall, as a maximum, hold the rank of Lieutenant General and shall be the highest-ranking officer in the Kosovo Security Force.

Article 17 Oath

A person entering the Kosovo Security Force for the first time shall take the following oath:

"I do solemnly swear (or affirm) that I will be faithful and bear true allegiance to Republic of Kosovo; that I will obey the orders of the President of Kosovo and the officers appointed above me, in accordance with the law; and that I will carry out my duties with diligence, honour and dignity. I will at all times be a firm protector of human rights and freedom and I will not allow discrimination of any sort including language, ethnicity or religious belief. I do solemnly swear (or affirm) that I will never misuse my position, rank, or influence for material benefit or personal gain."

Article 18 Flag, Anthem and Insignia

- 18.1 The flag and anthem of the Kosovo Security Force shall be the flag and anthem of the Republic of Kosovo.
- 18.2 The insignia of the Kosovo Security Force shall be the flag of the Republic of Kosovo, and shall be worn by all members of the Kosovo Security Force.
- 18.3 The insignia of the units of the Kosovo Security Force shall be approved by the President on the joint recommendation of the Commander of the Kosovo Security Force and the Minister for the Kosovo Security Force.
- 18.4 No person shall be authorized to reproduce or use any insignia of the Kosovo Security Force without the written authorization of the Minister for the Kosovo Security Force.

Article 19 Entry into Force

This Law shall enter into force after its adoption by the Assembly of the Republic of Kosovo and its promulgation in the Official Gazette of Kosovo.

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President of the Assembly of the Republic of Kosovo

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