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**Legal Framework of Kosovo Institutions Responsible for Emergency
Management**

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1. Introduction

The necessity to establish appropriate mechanisms responsible for emergency management is essential for every country. Nevertheless, for countries that have experienced war or conflict it becomes fundamental to put in place the emergency infrastructure as soon as possible due to the high presence of the risks and destroyed emergency capabilities.

This paper analyzes the current legal framework of Kosovo's institutions responsible for emergency responses and management. The main aim of the paper is to provide an overview of formal and technical legal basis for the functioning of Kosovo's institutions responsible for emergency management for the benefit of all stakeholders interested in this area. In particular, the paper serves to the Kosovo Parliamentary Committee on Security to better understand the current state of affairs in the area of emergency response and it will contribute to public debates, and hence ultimately for the provisions of security to the people of Kosovo.

Kosovo's national coordination needs to be developed at all levels. Emergencies necessitate national command and coordination, hence there is a need for clear distribution of responsibilities and tasks and a central organization that works smoothly. Thus, the paper analyses also the importance of coordination

The necessity to establish appropriate mechanisms responsible for emergency management is essential for every country

considering that emergency response and management is very complex and implies the involvement of many players. Therefore, the paper briefly touches upon the role played by some of Kosovo institutions, which are directly or indirectly involved in this area. In the end, the paper briefly analyses some of the development plans and policies that are considered of great importance to further improve the situation in the area of emergency response.

The paper argues that recently there has been a significant progress made in setting up an adequate legal framework on emergency response, however, there is space for further improvements in this area. Drafting the legislation is becoming a long process while the implementation even more difficult. Some of the fundamental laws (the law on protection against natural disasters and the law for protection against fire) that regulate the area of emergency response have been just recently promulgated. Hence, no assessment about their implementation in practice can be made.

The paper also highlights the necessity of looking at and make the best use of European Union (EU) laws that regulate the area of emergency responses. Considering the EU integration as a goal that Kosovo is pursuing the legislation of Kosovo should be compatible with EU laws regulating the area of emergency response.

2. Chronology of the Establishment of the Department for Emergency Management

In the aftermath of the war Kosovo was in urgent need to put in place adequate mechanisms for civil security and emergency preparedness. Thus in 2000 the Special Representative of the Secretary-General (SRSG) pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999 promulgated the Regulation No 2000/61 for the purpose of establishing the Administrative Department of Civil Security and Emergency Preparedness. According to the regulation the department was an executive organ of the Kosovo's Interim Administration Council¹. The department was responsible for overall coordination of matters relating to the emergency prevention and response services in Kosovo including, but not limited to, the Kosovo Protection Corps (KPC), fire and emergency services and the long-term arrangements for mine clearance (UNMIK Regulation No 2000/61). At that time, the department consisted of four sectors: 1) the office of the Kosovo Protection Corps (KPC); 2) preparedness and emergency reaction; 3) administration and 4) the centre for alarming and emergency coordination. The challenges faced by the department during this period were numerous, however the most urgent priority was to provide the vehicles and equipment required for reconstruction and road building; fire-fighting and emergency medical equipment; snow clearance equipment; specialized decontamination, water treatment, mountain rescue, flood relief equipment; and life support equipment.

The Department was responsible for the overall coordination of matters relating to the emergency prevention and response services in Kosovo

With the establishment and development of the Kosovo institutions the Administrative Department of Civil Security and Emergency Preparedness was renamed into a Directory of Civil Protection, but remained a reserved power operational within UNMIK Pillar II for Civil Administration. The Directory had two main sectors: a) the office of the KPC and b) the division for emergency management (UNMIK Pillar II, 2002). Although the regulation on the establishment of the Executive Branch of the Provisional Institutions of Self-Government (PISG) was promulgated in September 2001 the competencies of UNMIK over the Department of Civil Protection were not transferred to the Ministry of Public Services (MPS) until January 2003. Further on, the MPS promulgated the Administrative Direction for the purpose of reorganizing the internal structure of the ministry and decided to turn the Division for Emergency Management into Department for Emergency Management (DEM) (Administrative Direction No 2004/06). The DEM took responsibility for the

¹ The Interim Administrative Council was created in 2000 and its role was make recommendations to the Special Representative of the Secretary-General for amendments to the applicable law and for new regulations.

emergency management at the governmental level and to impose standards on the work of civil preparedness and emergent reaction in Kosovo as well as the coordination of municipal authorities in charge for emergency preparedness depending on the nature of disaster. Finally, Regulation No 2005/53 established the Ministry of Justice (MoJ) and the Ministry of Internal Affairs (MIA) to which transferred all the competencies related with the functions of the emergency preparedness (UNMIK Regulation No 2005/53).

3. Legal Provisions of the Department for Emergency Management

Applicable law in Kosovo is composed of UNMIK Regulations and subsidiary instruments, and the law that was in force in Kosovo on March 22, 1989-the last day on which Kosovo enjoyed autonomy within the Socialist Federal Republic of Yugoslavia (SFRY). This body of law includes the federal provisions of the former SFRY, Kosovo's former provincial legislation, as well as some provisions of the law of the former Socialist Republic of Serbia. Applicable law in Kosovo after 1989 may be applied only on matters not covered by the legislation mentioned above

The law applicable in Kosovo is very complex and this complexity is expressed in the legislation regulating the work of the DME

and even then if it is not discriminatory. UNMIK Regulations and subsidiary instruments as well as laws, which are adopted by the Kosovo Assembly and promulgated by the SRSG, take precedence over any prior laws.

Paradoxically, Kosovo's legislation is complex but at the same there is a legal vacuum in many areas. This complexity of laws is expressed also in the legislation regulating the functioning of the DEM. As a matter of fact, the operation of the DEM is based on Chapter V, Article 5.5 of the Constitutional Framework which regulates the work of the PISG; on the Regulation No 2000/61; Regulation No 2001/19 on the Executive Branch of the PISG annex IX; and the Regulation No 2000/45 on the self-government of the Kosovo's municipalities (DEM Report, 2006). In addition, the work of the DEM is regulated with SFRY laws used prior the 1989, which consists of: a) the law on the fire protection and b) law on the explosive materials, blazing liquids and gas. Based on these laws, the DEM is using additional technical applicable regulations on:

- Standards about constructing liquid gas of petrol reserves and maintaining reservoirs of blazing liquids;
- Standards about constructing gas stations and liquid gas of petrol reservoir;
- Technical standards on fire hydrants network;
- Technical standards on the fire stations systems;
- Technical standards on automatic and manual fire alarming systems;
- Standards on the circulation of equipments under pressure;
- Standards on constructing high buildings;
- Standards on the execution of electrical installations in buildings;
- Technical standards on the protection from atmospherics/flash protectors.

In addition to these laws, the Kosovo Assembly last year drafted and approved two important laws to fill the legal vacuum in the area of emergency response. The law on protection against natural disasters and other disasters, and the law for protection against fire have been promulgated by the SRSG this year and DEM officials expects from “these laws to increase significantly the efficiency and protective measures, thus to reduce potential risks” (DEM public hearing, 2006).

Promulgation of the law on protection against natural disasters and the law on fire protection have significantly filled the legal vacuum in the area of emergency response

Kosovo’s Constitutional Framework provisions do not regulate much in the area of emergency. The Constitutional Framework of Kosovo, Chapter 5, point 5.5 states that the Provisional Institutions of Self-Government shall also have the following responsibilities in the field of emergency preparedness: a) developing and implementing a strategy for emergency planning and civil protection services; and b) directing and coordinating fire and rescue services in close cooperation with the municipalities.

In the aftermath of the war Kosovo has faced many problems in many areas including the emergency services. Hence, the UNMIK Regulation No 2000/61 established the DEM in response to the necessity of creating a department for civil protection and emergency preparedness. This regulation made the DEM the main authority in charge of emergency response at the central level. The main functions attributed to the department among others stipulate as follows:

- (a) Implement the strategy and policies for the development and maintenance of emergency prevention and response services within the framework of designated donor grants and the Kosovo Consolidated Budget;
- (b) Implement and support the processes of hazard identification and evaluation in regions and municipalities;
- (c) Implement, support and supervise fire prevention measures;
- (d) Initiate, implement and coordinate other emergency prevention measures in cooperation with relevant administrative departments and the municipalities;
- (e) Promote public awareness activities in the field of emergency prevention and response;
- (f) Develop, maintain and supervise the operational capacity of a coordinated emergency response system throughout Kosovo, in cooperation with relevant administrative departments, the municipalities, police, KFOR, health authorities and ambulance services;
- (g) Under the overall authority of, and in accordance with policies and priorities established by, the Special Representative of the Secretary-General, implement, finance, support and supervise the establishment and operations of the Kosovo Protection Corps in cooperation with KFOR;
- (h) Implement, finance, support and supervise the establishment and performance of tasks of the fire and emergency services in cooperation

with relevant administrative departments and the municipalities (UNMIK Regulation No 2000/61, Article 2).

At the local level, municipalities are responsible for the emergency services. Within its territory, each municipality shall be responsible among others also for public services including fire and emergency services (UNMIK/REG/2000/45, 11 August 2000). In addition, according to the new law on protection against natural and other disasters municipalities have additional competences in the area of emergency response and preparedness. Article 31 of this law among others stipulates as follows:

- i. Survey, information and alarming of population concerning the risk;
- ii. Organization and maintenance of alarm equipment in accordance with the unique system of alarming;
- iii. Organization and functionality of the communication system for protection, rescue and aid in accordance with the unique system of intercommunication;
- iv. Planning and accomplishment of protection measures and rescue;
- v. Risk assessment and protection planning from natural and other disasters;
- vi. Establish the Committee for protection and rescue from natural and other disasters, organization of Committees, units and services of forces for protection from natural and other disasters and other forces of protection, rescue and aid;
- vii. Providing of emergency equipment for temporary shelters in case of natural and other disasters (Law No. 02/L-36, Article 31).

In addition, according to the law on protection against fire (Article 5) municipalities are responsible for organizing fire protection within its territory, take care for the implementation and the advancement of fire protection measures.

Municipalities are responsible for organizing fire protection within their territory, implementation and the advancement of fire protection measures.

Another important law that has strong implications in the area of emergency response is the law on Medical Emergency Services (MES), which was promulgated in February 2006. The main aim of this law was to establish legal basis for regulation, advancement and improvement of medical service. Basic provisions of this law among others stipulate as follows:

- a) Medical Emergency Service shall be exercised at the primary and secondary level, at referral Centers in Kosovo, at the University Clinical Center of Kosovo, including the Emergency Service within the Kosovo Protection Corps (KPC);
- b) Medical Emergency Service is ensured through medical emergency activities performed at the public and private sector;
- c) Medical emergency activities are organized in order to provide proper medical emergency care to the citizens, during ordinary and/or states of emergencies;

d) Medical Emergency Service provides and implements the unique system of intercommunication within the Medical Emergency Institutions as well as intercommunication with other institutions with emergency activities: KPC, KPS, KFOR and Fire Department (Law No.02/L-50).

The law also regulates the role of MES and the situations in which medical emergency services are provided for all in cooperation with other institutions in case of any natural or other disaster. These provisions are stipulated under Article 14.8 and Article 36 as follows:

Medical Emergency Service takes care of citizens, population or part of the population in states of emergency in cooperation with Fire Department, Police, and KPC:

a) During mass disasters; b) during fires, floods; c) during earthquakes, landslides; d) during big avalanches; e) during mass injuries and poisonings; f) in case of bio-terrorism; g) in case of epidemics and possible pandemics

Article 36

36.1. Medical Emergency Service, in all its levels of organization, cultivates close cooperation with other emergencies in the region and in the world.

36.2. Cooperation with KPC, respectively 40th Medical Battalion is widely developed both for peace and extraordinary situations.

36.3. Cooperation with Kosovo Police Service is done in all levels especially in traffic accidents, other injuries and extraordinary situations.

36.4. Cooperation with Fire Department is done in outpatient level not only during fires but also help each other with training and staff.

The legal tools above have regulated the area of emergency while the promulgation of the law on protection against natural and other disasters and the law on protection against fire is expected to further improve the situation in this area once the implementation begins. The law on the protection against natural and other disasters promulgated in January 2007 by the SRSG regulates in details all the legal provisions concerning protection and rescue of people, animals, property, cultural and natural inheritance against any natural and other disasters. In addition, the law regulates tasks and competences of all stakeholders as well the coordination among them in case of natural or other disasters. The essential tasks of the system for protection and rescue against natural and other disasters, according to this Law, are the following:

The law on protection against natural and other disasters regulates tasks and competences of all stakeholders and the coordination among them

- i. Detection, observation and investigation of risks that derive from natural and other disasters;
- ii. Inhibition (prevention) of natural and other disasters;
- iii. Reviewing, notification, alarming and informing the citizens for possible risks and giving instructions for protection, rescue and assistance;

- iv. Education and training for protection, rescue and assistance;
- v. Organizing of Protection and Emergency Preparedness and other ways of protection, rescue and assistance;
- vi. Self-protection, self-assistance and mutual assistance;
- vii. Activation of forces for protection and rescue, and means for implementing protective measures;
- viii. Rescue and assistance;
- ix. Avert of consequences from natural and other disasters and providing elementary life conditions;
- x. Supervising the implementation of regulations for protection and rescue from natural and other disasters;
- xi. Management of international aid in case of natural and other disasters (Law No.02/L-68, 2007).

Of fundamental importance are the legal provisions regarding the competences of the central government and municipal government in case of disasters. In this aspect, the highest responsibility is vested on the central government and its subordinated tasks groups established for this purpose. This law makes the government responsible for organization of the Kosovo protection system which includes also the development projects and research activities; and organization of

According to the law, the DEM is responsible for accomplishing all foreseen tasks for MIA (foreseen under Article 28)

monitoring and alarming in central and municipal level and establishing of the unique alerting system (112). Furthermore, the government is in charge of organizing the international cooperation in the field of protection against natural and other disasters; and decides on engagement of human and

material potentials in case of natural and other disasters. Finally, Article 26 of the law stipulates that the government establishes Inter-ministerial Committee for Protection and Rescue (IMCPR) and determines the composition of this committee. According to the law, the IMCPR shall perform the following tasks:

- i. In case of natural and other disasters nominates the leader of the operation (incident commander),
- ii. Coordinates the activities of protection and rescue forces against natural and other disasters,
- iii. Coordinates the management of state resources and determines the manner of using them,
- iv. Determine manners and procedures on using material and financial resources in Emergency cases,
- v. Preliminarily discusses and decides on assessment of damages caused by natural and other disasters,
- vi. Evaluates rebuilding and rehabilitation from natural and other disasters, for the purpose of protecting and rescue human life and health, animals, property, cultural environment heritage, and preventing possible damages in the future and providing elementary life conditions,
- vii. Performs other tasks that derive from this law and special tasks determined by the Government in order to face natural and other disasters (Law No.02/L-68, Article 26).

The responsibilities of the DEM are affected significantly according to this law also. The Ministry of Internal Affairs (Article 28) shall be responsible for drafting and implementation of plan for protection and rescue against natural and other disasters. According to the law, the DEM is responsible for accomplishing all foreseen tasks for MIA (foreseen under Article 28). Finally, for the purpose of alarming and coordination in case of natural and other disaster, the law stipulates the provisions about the unique system for alarming and emergency coordination. Article 40 reads as follows:

- 40.1. The Unique System for Alarming and Emergency Coordination (hereinafter USAEC), shall be ensured warning and efficient and timely information of the citizens regarding natural and other disasters;
- 40.2. USAEC provides correct and timely information of all emergency services (KPC, KPS, hospital and prehospital emergency centers and municipal services, municipal fire brigade and hospital emergency centers in municipalities) as well as humanitarian local and international associations, agencies and specialized associations in the field of emergency;
- 40.3. USAEC has the identification number 112, and is unique for the whole Kosovo territory;
- 40.4. USAEC is organized in central and municipal level;
- 40.5. USAEC shall provide communication and coordination in case of natural and other disasters, with neighboring countries, regions and wider.
- 40.6. Functional organization and the scope of USAEC shall be regulated with Administrative Instruction approved by the Government.

With the intention to protect human lives and property from fire as well as to organize and put into function systems dealing with fire protection and protection of people and property, Kosovo Assembly has adopted the law on protection against fire (Law No.02/L-68, 2006). Even according to this law, the DEM remains the highest governmental authority to planning and developing strategy for civil protection and emergency preparedness.

Laws and the regulations explained above represent the current legal framework in the area of emergency response. What follows is an overview of coordination among main stakeholders in the area of emergency response.

4. Coordination and Emergency Management Stakeholders

Emergencies often bring uncertainty, shortage of information, demand fast decisions and rapid response. To deal effectively with emergency situations, the DEM should have clear powers and responsibilities. In addition, effective emergency management is dependent on extensive cooperation among agencies concerned. Although the DEM has been in existence since 20002, the coordination of emergency management as a

Effective emergency management is dependent on extensive cooperation between agencies concerned

function was assumed by the PISG only since June 2004. To serve this purpose, a coordination body for crisis management was created in the form of the Office for Public Safety (OPS), established by UNMIK Administrative Direction 2004/16. The OPS was established within the Office of the Prime Minister (OPM) with the mandate to provide information to the OPM and PISG on incidents affecting public safety, serve as a point of contact between UNMIK and OPM on incidents related to security, coordinate work of the Crisis Action and Emergency team, and serve as a liaison between the OPM and the DEM (UNMIK Administrative Direction 2004/16).

Aiming to increase cooperation in cases of emergencies, the Prime Minister decided to establish the Crisis Control Room/Situation Centre to function as the Point of Contact for receiving information from law and order institutions, briefing the Prime Minister and the PISG, as well as for drafting reports and exchanging information on the security related matters. At this stage, the centre is not yet operational (Prime Minister's Decision No 102, 20th December 2005). While the Crisis Control Room remains non-operational, it is mainly

The coordination of DEM with municipalities in the area of emergency management is not satisfactory due to the mixture of arrangements and lack of hierarchy

the DEM, that is responsible for emergency management in the governmental level and coordination of emergency management at the municipal level. The coordination of DEM with municipalities is essential to respond to emergency crisis on time. The coordination of DEM and municipalities is not satisfactory due to the confusion caused in naming municipal directors in charge for emergency management. As result, in some municipalities they have been constituted as directories whereas in others as offices being under the supervision on any other directory. Furthermore, the municipal assemblies are selecting the directors of directories for civil protection and emergency preparedness without any significant consultation with DEM. This sort of arrangement has a negative impact on overall coordination and consequently the degree it occurs in practice remains within individual's preferences.

According to the director of DEM, "the DEM has invested on training and equipments for the needs of the personnel in charge for emergency management on the municipal level, but it happens very often that they are selected, appointed and replaced based on the political preferences" (Zyrapi 2006). Coordination problems also appear as a result of unclear hierarchy between the DEM and municipal directories. Although UNMIK regulation No 2001/19 provides that directors of directories in charge for emergency management should be accountable to the DEM in practice this rarely occurs. In any case, it should be emphasized that present regulations about emergency management are vague and as such leave legal vacuum that is subject of different interpretation. Therefore, rightfully the DEM expects from the Kosovo Government and Kosovo Assembly to adopt and pass other laws in order to fill the existing vacuum in this area. Nevertheless, coordination has improved since the establishment of Regional Centres for Alarming and Emergency Coordination. In particular, introduction of a special number 112 for communication line, both landline and mobile has

improved coordination significantly. In most of the cases, citizens are those who make phone calls and notify about various disasters. Upon receiving such calls, the very first step undertaken by the officials from the DEM confirm whether the announcement is true because it happens very often to receive false alarms.

Once the confirmation is complete, resulting with a true alarm, then immediately the information reaches to the Alarming Coordination Centre. This centre alarms all relevant services, which usually consist of the Kosovo Police Service, fire-fighters and the medical service. At the same time, the information goes to the Post Command that is in charge to send experts and evaluate the ground situation in order to determine if there is a need for additional services. The risk evaluation is to be conducted based on the structure of the DEM for this purpose. There are five levels of risks:

1. First level – municipal intervention;
2. Second level - KPS and other services;
3. Third level - DEM with all means in disposal;
4. Forth level and the
5. Fifth levels represent actions undertaken by central governmental institutions (DEM 2006).

This chain of reaction in case of emergency response may look good on paper but it does not always occur in practice. The DEM alone is not in charge for

This chain of reaction in case of emergency response may look good on paper but it does not always occur in practice

emergency response and coordination. Legal tools need to be created to regulate the response of municipal directories in line with DEM. The deputy minister of internal affairs stressed “there are shortcomings in the course of actions because the above mentioned structure represents only an internal procedure put in place by the director of

DEM but the same rules and procedures might not be valid for the local level”. Hence, according to him “it was necessary to have the law on natural disasters being drafted and approved” (Kuqi 2006). Coordination becomes even more important considering other stakeholders involved in this area among which the Kosovo Protection Corps and the Kosovo Police Service play a crucial role.

4.1 Kosovo Protection Corps

From other important stakeholders involved in emergency response no doubt that Kosovo Protection Corps (KPC) plays a very important role. The Constitutional Framework, Chapter 7 regulates their mandate as follows:

The Kosovo Protection Corps is a civilian emergency organization, established under the law, which carries out in Kosovo rapid disaster response tasks for public safety in times of emergency and humanitarian assistance (Constitutional Framework, UNMIK Regulation No. 2001/9).

Main duties of the KPC are clearly defined with the UNMIK Regulation no 1999/8. Based on this regulation the Kosovo Protection Corps shall be established as a civilian emergency service agency, the tasks of which shall be to:

- (a) provide disaster response services;
- (b) perform search and rescue;
- (c) provide a capacity for humanitarian assistance in isolated areas;
- (d) assist in demining; and
- (e) contribute to rebuilding infrastructure and communities.

The Regulation No 2006/3 promulgated by the SRSG on January 2006 further amended this regulation. As of the date on which the new regulation entered into force, UNMIK Regulation No. 1999/8 was amended as follows:

1.1 The Kosovo Protection Corps shall be established as a civilian emergency service agency, the tasks of which shall be to:

- (a) Provide disaster response services;
- (b) Perform search and rescue;
- (c) Provide a capacity for humanitarian assistance in isolated areas;
- (d) Assist in demining;
- (e) Contribute to rebuilding infrastructure and reconstruction for communities, including monitoring unoccupied reconstructed homes of minority communities and other humanitarian tasks taking into account section 1.2; and
- (f) Perform ceremonial duties within its scope as a civilian emergency service agency, in accordance with directives of the KPC Coordinator and KFOR.

3.1 The Kosovo Protection Corps shall operate under the authority of the Special Representative of the Secretary-General. KFOR shall provide day-to-day operational direction to the Kosovo Protection Corps in accordance with policies and priorities established by the Special Representative of the Secretary-General.

Until now, the cooperation between the DEM and KPC has been satisfactory. Recently, officials of the MIA (together with representatives of DEM) and KPC signed a memorandum of understanding in order to (a) provide an effective reaction in case of civil emergency; (b) to organize and train their human resources for a joint rapid reaction in case of civil emergency; (c) to involve other organizations and agencies involved in prevention services and emergency reaction

Table 1. KPC Structure

General Headquarters in Prishtina
Zone I - Skenderaj
Zone II - Prizren
Zone III - Peja
Zone IV - Mitrovica
Zone V - Prishtina
Zone VI - Gjilan
Guard of Kosovo - Prishtina
Training and Doctrine Command - Prishtina
Logistics Command - Prishtina
Civil Protection Brigade - Prishtina
Mechanics Brigade - Ferizaj
Medical Battalion - Prishtina
Communication Battalion - Prishtina
Air Battalion – Vrella village (near the Airport)
Inspectorate Battalion - Prishtina

Source: KPC, 2007

(Technical agreement, 2006). On this occasion, both the Prime Minister and the KPC Commander said that “coordination of work among various institutions will help citizens to overcome possible crisis which might be caused as result of various disasters”.

The KPC has achieved important results in various aspects of its development. In the area of emergency response they have completed the assessment of potential natural and industrial risks and based on that all the Protection Zones have compiled their plans for emergency responses. According to these plans, respective zones within the scope of their responsibility have 25% of their staff within the 24h in the state of readiness in case of any emergency response, while there is another unit for de-mining working every day of the week for 8 hours, ready to intervene in case of faced with any unexploded devices (KPC, January 2007).

The KPC consists of central Headquarters (HQ) in Pristina, and six Regional Protection Zones/HQ spread over Kosovo, each with a Task Group for planning. There is one Guards Unit and a Ceremonial Unit; there are seven central support/service support groups, a training academy and several training colleges. The KPC is a reserved power under the SRSG, or operates fully under his authority. He has final authority over the members of the KPC and can dismiss them if

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necessary. KFOR is responsible for the day-to-day supervision of the KPC, and the Commanders of the four KFOR multinational brigades exercise supervision over the KPC within their respective region. Furthermore, there is a KPC Development Group co-chaired by the Commander of

KFOR, and the SRSG, with members including the UNMIK KPC Coordinator, the Prime-Minister of Kosovo, the representative of the European Unions High Representative for the Common Foreign and Security Policy (CFSP), the European Commission, the KPC Commander, the Contact Group countries (USA, Germany, United Kingdom, Italy, and France), and since recently the Netherlands – although not as member of the Contact Group (Petersen 2005).

Of all KPC's structure, the Civil Protection Brigade (CPB) is mainly designed to respond to emergency crisis if the KPC Headquarter require their services. The main tasks of this brigade are:

- Provide emergency rescue services during natural disasters or others caused by human factor (earthquakes, floods, plane crash, chemical);
- Conducting cleaning after disasters;
- Provide humanitarian assistance (temporary shelter) and other relief services;
- Provide medical help and food distribution;
- Provide control in the zones effected by epidemics;
- Undertaking projects for humanitarian assistance;
- Provide Search Rescue Teams in the whole Kosovo;
- Demine the unexploded devices.

Professionalism and strong motivation of the KPC's members is a great asset however not sufficient in cases of emergency response. According to the Commander of the brigade, the main problem faced is the lack of sufficient professional equipments for emergency response and bad infrastructure. Existing supplies are insufficient and old, therefore effective intervention is not granted (Geci, 2007).

The issue about the KPC has gained new relevance in light of the ongoing status talks for Kosovo. The United Nations special Kosovo envoy Martti Ahtisaari's on February 2, 2007 presented his long-awaited proposal on the future status Kosovo. The aim of the Comprehensive Proposal for the Kosovo Status Settlement is to define the provisions necessary for a future Kosovo that is viable, sustainable and stable (UNOSEK 2007). In the area of security sector in Kosovo, the proposal stipulates that "the current KPC, having accomplished its goals, including the facilitation of Kosovo's post-conflict recovery, will be disbanded within one year. The International Community will develop a Demobilization and Reintegration process for the KPC retirees" (UNOSEK 2007). Although the final decision on the future status of Kosovo has to be taken in the UN Security Council, the common understanding is that the current KPC is to be disbanded but with the expectation that a good number of them will be enlisted at the Kosovo Security Force (KSF). Nevertheless, in both cases the mandate of the KPC will change soon consequently leaving a huge vacuum in the area of emergency response and preparedness. Hence, the government must consider all options and develop plans in order to avoid institutional and capacity vacuum in the area of emergency response as result of these developments.

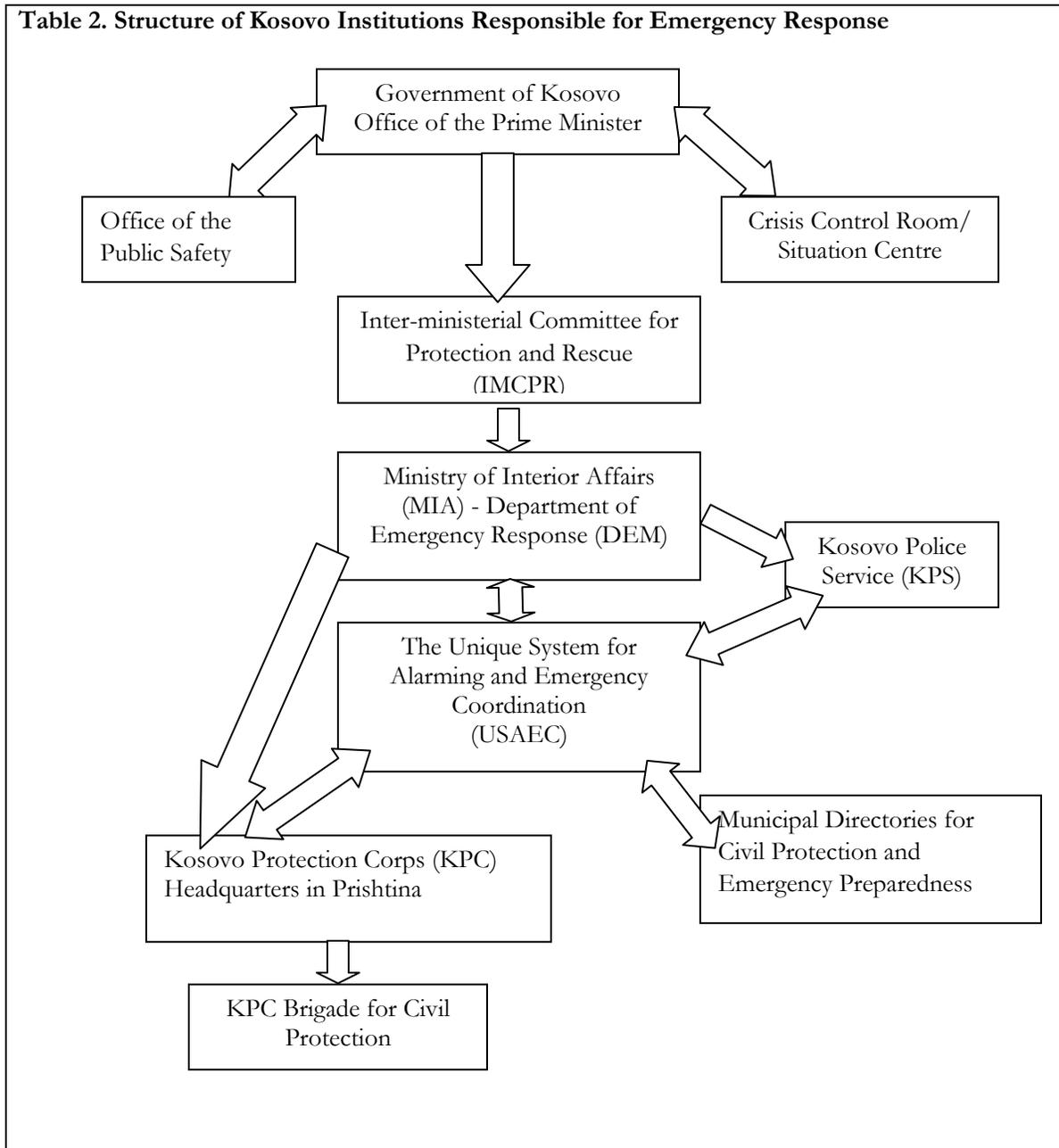
The current KPC either will be transformed to the future Kosovo Security Force or it will be disbanded. In both cases it will create an institutional and capacity vacuum in the area of emergency response

4.2. Kosovo Police Service

Alongside KPC, the Kosovo Police Service (KPS) represents another important institution playing an important role in the area of emergency response. KPS's mandate in the area of emergency response is to ensure that law and order is maintained, that emergency services can work in an unrestricted, and that the normal policing duties related to crowd control, traffic movement and evacuation are executed. Article 60 of the law on protection against fire stipulates that "the KPS is in charge of keeping public order, peace and safety in case of natural and other disasters in affected regions."

As it has been already explained, the DEM currently operates within the MIA and perhaps this represents an advantage as far as concerning the coordination between the KPS and DEM. However, as a part of the long-term strategy, there is a need to put in place proper regulations, which clarify in more details the responsibilities of the KPS in case of the emergency response. Probably this clarification will happen once the new law on police will be approved. Finally, we should not underestimate

the important role that might be played by different ministries in cases of emergency response dependent on the type of emergency. Their role can be very significant only if there is good coordination and effective information flow between all governmental institutions. The following table² represents the current institutional set up in the area of emergency response.



² This table has been prepared for the purpose of this paper and does not represent the Government official structure.

5. Development Plans of the Department for Emergency Management

Developing adequate plans and strategies in the area of emergency response is fundamental for the overall improvements in this area, and in particular to advance the capabilities and resources of the DEM for emergency response. In this respect, the DEM has drafted a five-year strategic plan (2005-2010) named “Kosovo Is Ready” (DEM 2005). This plan determines individual and collective responsibilities needed to achieve the aim and complete the vision of the DEM. The mission of this plan is to initiate necessary efforts in order to make Kosovo ready to undertake preventive measures, and rapid emergency response in case of any disaster. The main aims of the plan consist on:

1. reducing the losses of human beings and of property;
2. reducing the grievances and other disorders caused as result of disasters;
3. preparing the country to address to any of the consequences of the global terrorism;
4. to establish a central overview on information flow for the purpose of emergency management;
5. make the DEM resemble other similar organization world wide (DEM 2005).

Main issues related to the course of work according to this plan consist on: installing and putting in place computer network, establishing and providing training about the use of equipments in the operational emergency centres at the national and regional level, establishing a structure for DEM according to the international standards, filling in job vacancies with adequate personnel on both national and local level, establishing a Join Centre for Exercises and Training in order to exercise all functions and emergency policies related to:

The strategic development plan of the DEM has not provided any calculation regarding the costs needed to implement the 5-year strategy

- a) Overall evaluation of weaknesses in relation with all risks;
- b) Plans of emergency management;
- c) Manuals about emergencies and disasters;
- d) Guidelines about field operations;
- e) Operational standard procedures (DEM, 2005).

The strategic plan further details the practical implementation of the aims identified above, however it gives no strict time frame for the achievement of these objectives. Further on, the strategic development plan has not provided any calculation regarding the costs needed to implement the 5-year strategy. It does not say anything about other stakeholders involved in compelling this plan and their role along the implementation process. Nevertheless, it is very important that the DEM has put forward this development plan, which needs to be implemented until 2010. However, it seems that Government attention to make this plan work is not satisfactory and challenges of the DEM remain numerous (DEM 2006).

6. Conclusions

Institution building process in Kosovo is in the process while talks on the future political status are not completed yet. This means that the legal framework of the Kosovo institutions remains still far away from being completed. In this context, even in the area of emergency response and management there is a need to do more in order to prepare Kosovo to face various emergency situations. The legal framework of Kosovo on emergency response and management has improved recently (e.g.: promulgation of the law on natural and other disasters, and the law on fire protection) and it represents a solid base for setting up necessary mechanisms to ensure the implementation of the law into practice. Furthermore, the competences of the DEM have strengthened and providing for DEM strong tools to run effectively the area of emergency response and management. Yet, the biggest challenge for the DEM remains poor budget, which limits the capabilities to get hold of necessary technical and other supplies.

The effectiveness of response during emergencies depends on the amount of planning and training. Management must show its support for planned safety programs and the importance of emergency planning. The five-year plan prepared by DEM needs to be implemented into practice in order to improve the situation in the area of emergency response and management. In addition, the DEM must establish standing channels of cooperation and coordination firstly with all Kosovo institutions, and secondly with regional countries to increase preventive measures and response capacities in case of natural or other disaster.

Kosovo Government must prepare adequate plans in order to avoid the creation of any legal or capacity vacuum in the area of emergency response as a potential consequence of dissolution or transformation of the KPC as result of the creation of the new Kosovo Security Force.

Finally, the DEM and other stakeholders in the area of emergency response and management need to increase their efficiency in emergency planning; coordination on national and municipal level; public awareness etc – as key conditions to be able prevent and respond to any emergency situation threatening the people and the country.

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