

MANAGING PUBLIC SAFETY IN KOSOVO

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ABSTRACT

In principle, security is a condition in which States consider that, there isn't any risk of possible military attack, political pressure or economic coercion. Depending on the general circumstances, understanding and perception of phenomena, the needs of the country or region, or even general international circumstances can be built in various forms of accepting security. Certain circumstances can help increasing the level of security or otherwise. But the same circumstances which affect a country in increasing the level of security to another country that help increase the level of uncertainty. The same circumstances which in a certain time help increase the level of security in another time would help increase the level of uncertainty. Therefore security or insecurity is considered as a relative concept of abstraction, largely to its concrete meaning only gets in concrete circumstances, place and time specified.

With Public Safety, is meant the function of government to ensure the protection of citizens, organizations, and institutions against threats to their well-being and the prosperity of their communities. In the Republic of Kosovo security sector it is guaranteed as normative legal terms respectively as well as institutional. Apart from the risks arising from human actions, there are always various risks which are a consequence of the natural phenomena and of course source of these risks is the nature. Within these risks, are meant various natural disasters such as earthquakes, floods, fires, avalanches, drought, etc.

In normative terms in Kosovo, the security sector in general, but also public safety in particular is regulated by these legal acts: constitutions, laws, bylaws, public policies, standard operating procedures etc.

Some of the institutions that have primary mission of providing security services in Kosovo are: Security Council Security Force, Kosovo Police, Kosovo Intelligence Agency, Correctional Service, the Probation Service, Customs Service, Civil Aviation Authority, Emergency Management Agency, and Institutions of Justice such as Prosecutors office, Court etc. To perform these activities, security institutions have certain authorizations which in some cases may result with restriction of individual and collective freedoms and elementary rights, only in cases very specifically set by law. Any restrictions or actions of security institutions all times must be in compliance with the legal norms and the principles based on the respect for human rights and fundamental freedoms.

Keywords: security, public safety, institutions, norms.

INTRODUCTION

Safety is a relative concept and does not allow room for absolutism. National needs and international security should be viewed as relative matters (United Nations, Concept of Security, 1986). Safety is a concept that relates to the risk, while the risk is the potential possibility of losing a thing with a certain value. Values can be such that they have an importance to the loser of that value. These values can be the most varied as health, material or financial wealth, social emotional or status. Risk is a phenomenon that affects these values and can be won or lost, when taking the risk that results from one or more specific actions or inaction, which may be provided or not. Risk can be defined as the interaction of intended or unintended uncertainty. Uncertainty is an unpredictable potential, without controllable and measurable results. So risk means the effect of the action taken in the context of uncertainty. Risk can be defined as the probability of threat of injury, injury, liability, loss, or any other negative phenomenon that is caused by the weakness of external or internal, and that can be avoided through preventive action (Business Dictionary, <http://www.businessdictionary.com/definition/risk.html>).

The concept of safety has a close linkage with threat and threat is an act of communication or coercion for the purpose of causing damage or loss to another person. Threat represents a punishable crime foreseen in the penal jurisdiction. Threat was seen especially in a ritual form, mainly to avoid physical violence that can lead to physical injuries or death of both sides in the conflict. Some of the most common types of threats are banned those made with a purpose to get an advantage or to force a person to act against his or her own. For example, by threatening to use deadly weapons against another person, injury or damage to property, damage to the reputation of another, etc.

Security is one of the fundamental function of the government, without a certain level of security, it is impossible a normal functioning of the state, law and social stability. Security is one of the basic prerequisites for the functioning of all other areas of the system. The concept of security is very complex and therefore it involves a host of issues, phenomena that make up the overall security. The term safety in overall means the elimination of all forms of risk to human society in general.

Public safety as concept generally joins the notion of public order. A difference between them from conceptual standpoint is difficult to be made, because the two terms are used mainly as a synonym of each other. Public safety is the security of people's life, the everyday activity of individual economic and social. Public order as a term is very complex, the concept is of the evolving nature, is fickle in time and place. With public order an overview of course, is guaranteed a social order, based on the values declared by the constitution, it is the guarantee of institutions and prevent turbulence as for example uprisings, riots, which are capable of threatening or even to overthrow public order.

THE NOTION PUBLIC SAFETY

Public safety is a function of government, is meant to ensure the protection of citizens, organizations and institutions from threats to their well-being and the prosperity of their communities. Public safety is related to a public place and also means security for all citizens in public places. During the research can be found different options as: public safety is a department which has the primary goal of protecting the public and keeping them safe. Countries may arrange in their structures a public safety department as part of the government, as can states or even local governments. Colleges and other large organizations can also have public safety divisions. In many cases, a public safety division is comprised of individuals from many other organizations, including police, EMS, and public transportation officials (Business Dictionary, "Public Safety", Available from World Wide Web: <http://www.businessdictionary.com/definition/public-safety.html>).

Public safety is related with crime prevention functions as well and crime very much affects the level of public safety and security in a country. Security institutions should ensure that their activities are directed to the prevention of crime. And crime prevention affects in:

- Increasing the feeling of security among the citizens and the community in general.
- Perception among citizens constructed by measuring the level of fear of crime.
- Crime problems are very complex and they affect very much freedom and human rights, any criminal offense attacks one or more rights or freedom of citizen.

Society as such and security institutions as well are aware that crime cannot disappear, nor can be fought or prevented entirely, but it is important that security institutions engage in the prevention and reduction of crime in the largest extent. Reduction of crime affects in the direction of elimination or at list minimizing the number of criminal activities. Crime prevention can be performed through different actions which may be preventive measures, investigative, technical, physical tools, etc.

A very important aspect in the field of public safety is the respect of freedom and basic human rights. When people struggle to meet their most basic needs – for food, shelter, safety, belonging – they can be pushed to a breaking point that can result in harming them self or others in a struggle for escape or survival, which will become a public safety issue (American Society for Public Administration, <http://patimes.org/human-rights-work-public-safety/>). Human rights are the basis of the legal order in a democratic and society. Public safety means respecting and ensuring the rights of citizens. Public safety generally means respecting respectively guaranteeing rights and freedoms of citizens such as: The right to life, Human Dignity, The right to personal integrity, Prohibition of torture, cruel, inhuman or degrading, Prohibition of slavery and forced labor, The right to liberty and security, The rights of the accused, The right to a fair and impartial, The right not to be tried twice for the same offense, Freedom of Movement, The right to privacy, The right of marriage and family, Freedom of belief, conscience and religion, Freedom of expression, Freedom of Media, Freedom of assembly, Freedom of Association, Electoral rights and participation in elections, Protection of property etc. A new Rasmussen Reports national telephone survey finds that 28% of

American Adults think the U.S. legal system worries too much about protecting individuals rights, while 24% say it worries too much about public safety. Twenty-nine percent (29%) believe the balance is about right, while a sizable 20% are not sure (Rasmussen Reports, http://www.rasmussenreports.com/public_content/business/econ_survey_questions/april_2013/questions_surveillance_april_22_23_2013).

TYPES OF THREATS AND RISKS TO PUBLIC SECURITY

Governments can reduce the vulnerabilities of threats, but the main problem appears to be identification of threats. Threats are difficult to quantify, some threats may not even be noticed at all. It is evident that there are threats that are visible to security such as the invasion or attack from outside, blockade, various occurrences of natural disasters and so on. Threats can be classified in four different categories; direct, indirect, veiled, conditional.

- A **direct threat** identifies a specific target and is delivered in a straightforward, clear and explicit manner.
- An **indirect threat** tends to be vague, unclear and ambiguous. The plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal.
- A **veiled threat** is one that strongly implies but does not specifically threaten violence.
- A **conditional threat** is the type of threat often seen in extortion cases. It warns that a violent act will happen unless certain demands or terms are met. (University of Arkansas at Little Rock, <http://ualr.edu/safety/home/campus-safety-links/emergency-management-plan/threat-assessment-team/types-of-threats/>)

All threats attacking public safety in Kosovo, just like in any other country can be classified into two large groups: internal and external risks. Internal risks are those risks that have sources of the risk and cause consequences which are within the territory of Kosovo. In this category are included all the risks arising from internal factors such as: crime, danger from traffic, domestic catastrophes, terrorism etc. External risks are mainly those risks where the source of the risk is outside the boundaries of the country, namely the danger comes through state border. In today's conditions of globalization there is no state which is immune to external threats, sometimes it is difficult to distinguish whether the threats are external or internal. Mainly on external threats are included the threats that come in various forms such as: external aggression, trans-border crime, the international financial crisis, terrorism etc.

Measuring the risk is associated with threats to public safety, and that is made by analyzing the possibility of submission of a threat in terms of time, and the relationship with the consequences that may occur, if an occurrence or an event occurs. Thus some of the threats to public safety can be quite frequent, as example: theft, traffic accidents etc. However, the consequences of these phenomena cannot be very large and with very big consequences. On the contrary there are phenomena which are rarely but the consequences can be very large for example terrorist acts or other violent acts such as riots and violent demonstrations.

REGULATION IN THE FIELD OF PUBLIC SECURITY IN KOSOVO

In normative and legal terms, in Kosovo security sector in general, but also public safety in particular is regulated by these legal acts: Constitution, Laws, Regulations, Public Policy, Operating procedures etc.

The right to liberty and security of person is a fundamental and basic right guaranteed by the Kosovo Constitution, which everyone enjoys. This right can be limited only in exceptional cases provided by law. Liberty and security guaranteed by international law. Constitution of Republic of Kosovo is guarantying the right to liberty and that no one may be deprived of liberty except in the cases provided for by law and by the decision of the competent court. Kosovo Constitution also provides for the promulgation of laws in specific areas of security. As well as, approval of special laws for most security institutions (Kosovo, Constitution, 2008).

The legislation has a special importance in the field of safety and security, it provides the procedural aspect, of regulated respectively provided security issues. Legislation indicate, which are the areas of security that need to be regulated formally through the law and what should be regulated with other legal acts. Authorizations of the staff who work in public security institutions, mean imposing reasonable control over people and property within their jurisdiction for the protection of public order and safety. Regarding the powers of the institutions of public security on which law governs issues dealing with certain restrictions or even to what extent will extend the power of the public security institutions in the practical application of their authority. Legislation provides respectively guarantees the practical application of duties and responsibilities of all public security institutions in Kosovo. In this way through legislation are foreseen duties and responsibilities of each institution in this field but also legislation enables the coordination and cooperation of institutions in the field of public safety.

The hierarchy of legislation in the Republic of Kosovo starts from the Constitution which generally regulates the security issues in general, than laws which can be divided into two basic groups: Laws that directly regulate public safety issues such as: law on weapons, law on the Kosovo Security Council, Law on public gatherings, Law on public order, Law on civil use of explosives etc. In this category, there are also laws on establishment of security institutions. On the second group are laws that regulate not public safety issues, however indirectly regulate matters related to public safety. Such laws are: spatial planning Law, Health Law, Law on Safety at work, Law on health and working environment, Law on protection of air from pollution etc.

Besides Laws, there are other legal acts which regulate the safety and arising from certain laws. These acts are: administrative instructions, regulations, standard operating procedures, public policy or different strategies.

PUBLIC SAFETY INSTITUTIONS IN KOSOVO

Public safety institutions in Kosovo were established in different periods of time. Some of these institutions have been established since 1999, after the establishment of the United Nations Administration and North-Atlantic Alliance Forces mission in Kosovo. Some other institutions have been established after Kosovo declaration of independence in 2008. (Kosovo Declaration of Independence, <http://www.assembly-kosova.org/?cid=2,128,1635>) . Although some of these institutions have been established since the end of war in 1999 (NATO, <http://www.nato.int/kosovo/history.htm>). Kosovo in spite of this fact with the issuance of the country's Constitution in 2008, which envisaged provision of establishing such institutions. Thereafter by special laws which were adopted after the country's independence it is determined the issue of establishing these institutions respectively the new Laws - establishing such institutions as the independent state institutions with independent powers.

Based on the Kosovo legislation, Security institutions in Kosovo are: Kosovo Security Council, Kosovo Security Force, Kosovo Police, Kosovo Intelligence Agency, Correctional Service, Kosovo Customs, Civil Aviation Authority, Emergency Management Agency, Police Inspectorate of Kosovo, Kosovo Forestry Agency. Kosovo security institutions depending on the tasks and responsibilities that they perform can be divided in the institutions with armed personnel and their personnel does not carry weapons. Armed are considered those institutions which are authorized to have in possession weapons as a means of work, so their personnel is authorized to use the weapons. While not the armed institutions perform their functions without the use of weapons so they are not authorized to have weapons.

Security institutions in Kosovo are mandated to provide services, respectively to perform tasks in order to provide public safety for citizens. Some of these services are: collection, analysis and exchange of information on the occurrences that may concern citizen, especially criminal matters; Assessment of security threats; Management and control of the state border; Control of hazardous materials; Control and supervision of legal weapons and explosives; Management of natural and other disasters; Supervision and control Traffic; Crime prevention and investigation of all types, in particular organized crime, terrorism and other forms of criminal activities etc. Based on the legal system security institutions in Kosovo, in order to carry out their duties in providing public safety may undertake certain activities, such as: Physical and technical control of people and infrastructure; Blocking and checking of persons and premises; Collect, analyze and exchange information on possible attacks; use of technical means or the power to use deadly force; Preventive measures and necessary control of public places; Supervision of the public in physical or technical security measures; ensuring protection measures during work, etc.

During the state of emergency in Kosovo, is the Security Council, who shall exercise executive authorities and responsibilities on behalf of the Government for the actions, deemed necessary to deal with the emergency situation. Kosovo Security Council is entrusted with executive authority after the declaration of state of emergency by the President of the Republic of Kosovo. Kosovo Security Council may delegate authority to different bodies to deal with situations during a state of emergency. During the period of declared state of emergency, the President of the Republic of Kosovo shall Chair the Kosovo Security

Council. If the President of the Republic of Kosovo is unable to call the meeting, meetings of the Kosovo Security Council may be called at any time during a State of Emergency by the special request of the Government or the Assembly by a majority vote of MPs present.

Although, security institutions are independent bodies, they will not be able to perform their function effectively unless there is coordinated cooperation line with executive or other governmental institutions. Because, executive or governmental institutions are mandated in creating and defining security policies, strategies and legal aspect. Another very important part is the international cooperation. Also in the security sector it is important to have the democratic oversight institutions. In this context it is important that the Assembly to play its role. Kosovo Assembly has established certain committees in order to oversight security institutions.

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