

**2007 Project Fiche Kosovo
IPA centralised programme**

1. Basic information

1.1 CRIS Number:

1.2 Title: Strengthening the Rule of Law

1.3 Sector: 01.24

1.4 Location: Kosovo

Implementing arrangements:

1.5 Contracting Authority: The European Commission Office in Pristina.

1.6 Implementing Agency: The European Commission Office in Pristina.

1.7 Beneficiary Institution

Project activity	Beneficiary (institutions, target group etc)	Contact point responsible for project coordination
1. Border and Boundary Police	Border and Boundary Police of the Kosovo Police Service	Head of the Kosovo Border and Boundary Police
2. Anti-Corruption	Kosovo Anti-Corruption Agency	Director of the Kosovo Anti-Corruption Agency
3. Housing/ holding facility for asylum seekers	Ministry of Internal Affairs (MIA)	Director of the Department for Border/Boundary, Asylum and Migration, MIA
4. Feasibility study prisons	Ministry of Justice (MoJ)	Commissioner of the Kosovo Correctional Service

1.8 Overall cost: €7.4 million.

1.9 EU contribution: €7 million

This contribution also incorporates, on an exceptional basis for this annual programme, the entire IPA 2007 allocation of €2.6 million to Component II – Regional and Cross-Border Cooperation (CBC). The 2007 CBC allocation will support the development of Kosovo’s border regions, specifically through assisting the further reform of the Border and Boundary Police (activity 1 in this fiche)¹.

1.10 Final date for contracting:

Three years after the signature of the financing agreement between the European Commission and the Kosovo Authorities.

1.11 Final date for execution of contracts:

Two years after the final date for contracting.

¹ EC assistance for Kosovo under the CARDS programme (totalling €0.9 million) will be used to build the capacity of the Kosovo authorities to put in place the necessary structures for the preparation, implementation and management of a Kosovo Cross-Border Cooperation Programme to be funded under the CBC component of the IPA 2008 and 2009 programmes for Kosovo.

1.12 Final date for disbursements:

One year after the final date for the execution of contracts.

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To strengthen the rule of law in Kosovo, including increased respect for minority rights, gender equality and the principles of non-discrimination, through further reform of the Kosovo Police Service including the border/boundary police; fighting corruption; and furthering alignment with and implementation of the *acquis* in the area of Justice and Home Affairs.

2.2 Project purpose:

1. The border police within Kosovo Police Service is more effectively structured and administered to: implement Integrated Border Management (IBM) policies; enhance the efficiency of the flow of persons and goods through the borders/boundaries; advance adherence to EU human rights standards; fight cross-border/boundary crime; and enforce laws related to the management of Kosovo's borders.
2. The development and enforcement of anti-corruption policies and a legal framework, in line with EU standards, together with increased public awareness, to effectively and systematically combat corruption in Kosovo's institutions.
3. The establishment of a reliable system, in accordance with EU standards and best practices, for the reception and maintenance of migrants, asylum seekers and refugees through the construction of a housing/holding facility.
4. The completion of preparatory studies for the construction of a high level security prison

This project has been designed in cooperation with the EU Planning Team in Kosovo, which is preparing for the future EU European Security and Defence Policy (ESDP) mission in Kosovo. The project will be implemented in close coordination with the ESDP mission.

2.3 Link with: European Partnership; Stabilisation and Association process; Proposal for the Kosovo Status Settlement

The European Partnership calls for:

- ‘strengthening cooperation between border and boundary management agencies’, which is essential for the development of an integrated border and boundary management system.
- ‘to pursue a policy of zero tolerance against corruption, organised crime and financial crime such as strengthening of the ability to the fight against trafficking in human beings, money laundering and drugs trafficking.’
- ‘to implement the law on the suppression of corruption; fully establish the Kosovo Anti-Corruption Agency; and implement the anti corruption plan.’

The *Comprehensive Proposal for the Kosovo Status Settlement* describes the role of the European Security and Defence Policy Mission, which this project aims to enhance. The Proposal also states that ‘Kosovo shall have authority over law, enforcement, security, justice, public safety, intelligence, civil emergency response and border control on its territory’. In particular, this project aims to assist Kosovo's institutions to meet its responsibilities for border control.

2.4 Link with the Multi-Annual Indicative Planning Document (2007-09) for Kosovo (MIPD)

A key objective of the MIPD is ‘to consolidate the rule of law through strengthening the wider judicial system, police reform, supporting the fight against corruption – in close cooperation with the future ESDP mission.’ The project is linked to IPA Component I and II. Under Component I, the priority "Consolidating the rule of law" of the Political Requirements and under Component II priorities "Addressing the institutional shortcomings" and "Improving infrastructures in cross-border regions" will be addressed.

2.5 Link with National Development Plan

The *Kosovo Development Strategy and Plan* contains the following objectives that are linked to this project:

- Improve capacity of the customs administration to combat corruption and cross border crime;
- Support to anti-corruption and public accountability and transparency;
- Strengthening cooperation between border/boundary management bodies;
- Promote cross border cooperation to ensure viable regional coexistence and cooperation of Kosovo with other neighbouring countries.

2.6 Link with national/ sectoral investment plans

This project will assist Kosovo’s institutions to strengthen implementation of: the *Strategy for Integrated Border Management* and the *Action Plan for Anti-Corruption in Kosovo*.

3. Description of project

3.1 Background and justification:

Border and Boundary Police

The Border and Boundary Police in Kosovo is a part of the Kosovo Police Service (KPS) under the authority of the Ministry of the Interior. Together with the Customs Service and other public agencies, including the Ministry of Agriculture, Forestry and Rural Development (MAFRD), the Border and Boundary Police is in charge of managing the flow of persons and goods through Kosovo’s borders and boundaries.

Memoranda of understanding have been signed between the Border and Boundary Police, the Customs Service, MAFRD as well as the Ministry of Culture Youths, Sports to facilitate integrated border management. Working protocols have been established in key areas, with working groups for intelligence, operations, and administration/logistics.

The Law on Police is in the draft stage to replace previous UNMIK legislation and better reflect the current responsibilities of the KPS. The drafting process is being supported with EC assistance. The law should include various responsibilities of the Kosovo Police service, including border and boundary issues. A key legislative priority is the drafting and adoption of secondary legislation on Border and Boundary Police. This process is also underway, supported through EC assistance under CARDS.

UNMIK will have ultimate responsibility for border and boundary issues until the end of its mandate. The EU Planning Team is preparing for the possible future European Security and Defence Policy (ESDP) mission. This mission is expected to support the Kosovo institutions to meet its responsibilities in the rule of law arising from a future status agreement for Kosovo.

Kosovo is facing the growing challenge of tackling organised crime. There is a crucial need to support Kosovo’s specialised border and boundary personnel to fight organised crime. A key

priority for the Border and Boundary Police is to enhance the level, effectiveness and transparency of inspection and border/boundary controls to address the issues of human trafficking, money laundering, the smuggling of drugs, weapons and cigarettes, and prevent the emerging risk of transboundary environmental crimes. The professional skills the border/boundary police also need to be improved.

The government's *Strategy for Integrated Border Management*, drafted with the support of EC assistance, aims at tackling such issues as uncoordinated approaches at crossing points, unnecessary duplication of control activities, and delays in processing legitimate traffic. The Border and Boundary Police required further EC institution building assistance to effectively implement the strategy in line with EU standards and best practice approaches.

Kosovo's border/boundary agencies, particularly the Border and Boundary Police, require urgent investments in new equipment, including the replacement of old and out of date equipment, in order to have the capacity to effectively conduct controls along the green borders with Albania, Montenegro and FYR Macedonia as well as the blue border in the North of Kosovo. Currently, the Border and Boundary Police have insufficient vehicles to carry out patrols of the green border and extremely limited capacity to patrol the blue border. Despite the limited area covered by the blue border its mountainous terrain and lakes has made it a major artery for smuggled goods in and out of Kosovo.

Anti-Corruption

The Commission's 2006 Progress Report for Kosovo states that progress in implementing the preventive and control measures under the "Suppression of Corruption Law"² has been slow. Corruption in Kosovo is widespread and little progress has been made in tackling it.

The following steps have been taken by the Provisional Institutions of Self-Government (PISG) in building a legal and institutional infrastructure in the area of combating corruption:

- Anti-Corruption Inter-ministerial Working Group established in December 2003.
- The Office of the Prime Minister Office, with EC assistance, prepared the *Anti-Corruption Strategy of Kosovo* which was adopted by the Kosovo Government in March 2004. The Strategy sets out a comprehensive set of recommendations to strengthen the legislative and institutions frameworks to tackle corruption.
- The Assembly of Kosovo adopted the Suppression of Corruption Law in 2004, subsequently promulgated by UNMIK in May 2005. The law set the legal basis for establishing the Kosovo Anti-Corruption Agency (KAA), and obliges the KAA to amend the Anti-Corruption Strategy, and allows for additional measures to be undertaken to prevent and fight corruption.
- The Kosovo Anti-Corruption Agency was established in February 2006.
- The *Anti-Corruption Action Plan* was approved by the government in February 2006. The plan outlines a number specific measures to prevent and fight corruption, which will be pursued by the KAA.
- Director of the KAA appointed in July 2006; the Agency begins operations.

According to the Law the KAA should be:

- Independent: of political interference in its activities; professional staff are not to be influenced by political parties and special interests. The authority on which the KAA exercises its activity, should be separate from other governmental bodies and there must be no conflict of interest in its implementation of the law.

² Law No. 2004/34, promulgated by UNMIK Regulation 2005/26

- Professional: KAA staff must be well trained, well prepared and should have professional knowledge of the legal system. The KAA should systematically suggest changes to the legal system and, by proposing these changes, decrease or prevent corruption. The KAA should also take part and provide advice while drafting the *Ethical Code for the Public and Private Sector*.

The work of the KAA is overseen by a Council, a supervisory body consisting of nine representatives from the Assembly, President's Office, government, judiciary, municipalities and civil society. It sets the policy guidelines, approves the budget, and proposes the candidates for the Director of the Agency.

The Law on Anti-Corruption represents a good start in setting a sound legal basis for tackling corruption in Kosovo's institutions. The KAA has identified some gaps in the law and aims to propose necessary revisions for an amended law. In addition to an amended law, the KAA has proposed the drafting of a new Law on Declaration of Possessions to further strengthen the legal basis for the fight against corruption.

The *Anti-Corruption Action Plan* outlines several measures, chiefly preventative, to be implemented by identified stakeholders and institutions that are expected implement the Plan. The Plan contains:

- Specific anti-corruption measures;
- Legislative anti-corruption measures;
- Judicial and law enforcement measures;
- Measures to reform public administration;
- Measures in the field of public finance and economy;
- Media, civil society and public participation;
- Capacity building and education measures; and
- Other measures of institutional reform.

However, given the level of overall weak capacity in Kosovo's institutions, the implementation of the Plan is already considerably behind schedule.

The KAA is currently understaffed. Of the envisaged 35 posts only 15 positions have been filled. The KAA expects that the shortage of staff would be resolved through the Kosovo Government budget revisions, planned to be completed in June 2007. Considering that this agency is new, and that such institutions have not previously existed in Kosovo, the KAA would benefit from the experiences of its neighbours and the EU Member States that have passed through a similar stage and have possibly established similar institutions.

Housing/holding facility for asylum seekers

The swift and effective handling of asylum seekers, illegal immigrants and refugees is a key element of EU policy and an integral part of border management. The handling of these persons must adhere to the EU *acquis* requirements³ and standards set out in international human rights instruments applicable in Kosovo⁴.

³ The main EU legal instruments on asylum include: the Reception Conditions Directive; the Asylum Procedures Directive; the Qualification Directive; and the Dublin Regulation. These instruments aim to lay the foundation for a Common European Asylum System.

⁴ International conventions include: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination, and the European Convention on Human Rights.

The Ministry of Internal Affairs (MIA) is responsible for implementing the applicable law⁵ on the movement of persons into and outside of Kosovo. The MIA assists, in coordination with UNHCR, in the adjudication of asylum claims⁶. At present, UNHCR carries out refugee status determination under its mandate. However, this responsibility is expected to be eventually assumed by the Kosovo authorities. In line with the transition process from UNMIK to the Provisional Institutions of Self-Government (PISG), the MIA has initiated since April 2007 the drafting of the Law on Asylum. It is expected that the law will replace the UNMIK regulation with regard to asylum and temporary protection procedures.

There have been some 44 applications for asylum since 2005. The asylum-seekers typically arrive at Pristina Airport from such countries as India, Bangladesh, Pakistan, Iraq, Cameroon, and Sri Lanka. UNHCR has granted refugee status to 21 refugees from Iraq, Cameroon and Ethiopia.

There is no reception capacity for asylum seekers in Kosovo. Asylum seekers arriving to Kosovo are usually destitute and without any supporting community network. UNHCR on an exceptional basis addresses their basic human needs, including shelter, through a temporary arrangement with a local NGO. However, a permanent solution is required.

In view of the transition of responsibility from UNMIK to PISG in the area of asylum (international protection) and the international obligations integrated also in the reception related provisions in the draft Law on Asylum, the MIA will have to ensure reception capacity and a local reception arrangement for asylum seekers.

The construction of a housing/holding facility for asylum seekers, refugees and illegal immigrants is necessary to strengthen the accommodation capacity of the Department for Border/Boundary, Asylum and Migration within the Ministry of Internal Affairs to meet its responsibilities for the processing and housing of these groups in accordance with the acquis, EU best practice approaches and international human rights instruments.

The centre may also be used, particularly during its initial period of operation, to assist any necessary processing, reception or screening of returned refugees, including non-voluntary returns from the EU Member States and other countries.

Feasibility study for a high level security prison and an analysis of the situation of the detention facilities

There are two prisons in Kosovo: Dubrava prison in Istok (Pejë/Peć region) for sentenced male prisoners which includes a prison hospital; and Lipjan/Lipljan prison (Pristina region) for females, juveniles and detainees with short sentences. In addition, there are six detention centres for pre-trial detainees in Pristina, Lipjan/Lipljan, Pejë/Peć, Gjilan/Gnjilane, Prizren and Mitrovica. The Lipjan/Lipljan detention centre is currently closed.

The four main codes related to the management of imprisonment are: the provisional criminal procedure code; the provisional criminal code; the law on execution of penal sanctions; and the juvenile justice code.

There are currently some 1,420 inmates in Kosovo prisons, including 1,346 adult men and 36 adult women. Dubrava prison is reaching its maximum holding capacity of 1,000. Ethnic Serbs detainees are currently housed at the Mitrovica/ Mitrovicë detention centre which is not appropriate for this purpose. Pristina requires a bigger detention centre as the current capacity of 66 is insufficient. The prison population is growing rapidly; up 26% since May 2002. A further

⁵ Regulation 2005/16 on the Movement of Persons into and out of Kosovo of both regular/irregular migrants and asylum-seekers. http://www.unmikonline.org/regulations/2005/RE2005_16.pdf

⁶ Regulation 2005/53 amending the Regulation 2001/19 for the establishment of the Ministry of Internal Affairs.

rise is expected with a need of up to 2,000 places⁷ in the long run as a result of extended and more efficient policing and court activity.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

The impact of the border and boundary police component within this project is expected to result in:

- Strengthened management capacity.
- More efficient trade flow and flow of persons through the streamlining the work-flow of the border/boundary police and approximating to EU legislation and best practices
- Raise the capacity to fight cross-border crime, particularly through the cooperation between the Kosovo Police Service (KPS) and the ‘twinning’ European police services. This includes but is not limited to, increased awareness of border management ethnic minority and gender related issues; such as illegal immigration and trafficking in human beings, notably women and children.
- Greater effectiveness to intercept and seize smuggled goods and trafficked persons through the supply of appropriate equipment for this purpose.
- Improved capacity in meeting its responsibilities for the processing of non-voluntary returns from the EU Member States.

The anti-corruption actions within this project are expected to result in a better policy, legal and enforcement environment for systematically addressing corruption across all of Kosovo’s institutions, supported with strong public awareness on the need to fight corruption. The project is also expected to result in greater effectiveness in investigating, prosecuting and convicting corruption cases through improved cooperation between all relevant law enforcement agencies and actors in the justice system with a role in the fight against corruption. The project will help lay the foundation for further promoting high ethical standards of conduct in public life, particularly in areas exposed to corruption, and among the high-level public officials. The project aims to ensure the sustainability of its results through ensuring greater public awareness (and action) on corruption and building the capacity of the Kosovo Anti-Corruption Agency to continue to develop and implement anti-corruption strategies and measures after the completion of the EC support

The construction of a housing/holding facility for asylum seekers, illegal immigrants and refugees will enable Kosovo to begin to properly process, manage and house asylum seekers and refugees, fulfilling some of the more basic criteria in the *aquis communautaire* and its obligations under international human rights instruments.

The feasibility study to construct a high level security prison will lay the basis for enhancing Kosovo's capacity to deal with an increasing number of sentenced persons.

3.3 Results and measurable indicators

Border and Boundary Police service.

Expected Results:

- a. Improved legal framework, management and operational capacity of the border and boundary police.
- b. Improved coordination with other agencies and neighbouring countries on Integrated Border Management (IBM).
- c. Improved ability to intercept and seize contraband and prevent illegal border crossings.

⁷ Figures estimated by UNMIK Penal Management Division.

- d. Feasibility study for necessary investments at the borders completed which serves as a basis for developing and protecting Kosovo's borders/boundaries in line with EU standards.

Measurable indicators:

- a. Relevant secondary legislation developed for the implementation of the Law on Police
- b. Short and medium term management plans for the border and boundary police are developed and implemented.
- c. Memoranda of understanding with relevant services and neighbouring countries are drafted.
- d. An initial increase in intercepted contraband and prevented illegal border/boundary crossings.
- e. Equipment supplied and upgrading works (if required) completed
- f. Feasibility study submitted to European Commission, MIA and KPS.

Anti-Corruption

Expected Results:

- a. An assessment of the anti-corruption legal framework, and a strategic assessment of the causes of corruption in the public service;
- b. Improved operational effectiveness of the Kosovo Anti Corruption Agency (KAA), including enhanced inter agency cooperation in investigating and prosecuting corruption cases in close cooperation with the future ESDP mission;
- c. Improved public awareness of all forms of corruption.

Measurable indicators:

- a. Number and quality of assessments completed and the level of acceptance of the findings and recommendations by the KAA ;
- b. Number and scope of anti-corruption measures proposed by the KAA and implemented by the government. Number of cases managed/addressed by the KAA and the time (work hours) spend processing of cases.
- c. Number and scope of public awareness campaigns carried out.

Housing/holding facility for asylum seekers

Expected Results:

- a. A housing/holding facility for asylum seekers, illegal immigrants and refugees is constructed and equipped with the capacity to house at least 50 persons with family, single male and single female accommodation.

Measurable indicators:

- a. Construction and equipping of the housing/holding facility is completed in line with in line with EU and international standards. The site and constructed building allows for expansion of the facility should that prove necessary.
- b. The responsible agency in Kosovo uses the facility to temporarily house illegal migrants and asylum seekers.

Feasibility study to construct a high level security prison

Expected Results:

Plans prepared for the construction of a high security prison and analysis of the capacities of the regional detention facilities.

Measurable indicators:

- a. A feasibility study for a high security prison submitted to the Ministry of Justice

3.4 Activities:

Activity 1: Border and boundary police service

This activity involves institution building, legal drafting, equipment supply and/or minor infrastructure works to strengthen the organisational, management, inter-agency cooperation and operational capacity of the border and boundary police. The activities will be implemented through a Twinning with a comparable institution from an EU Member State. Indicative activities include:

- Development of training programmes to strengthen the professional capacities of the staff in the Border and Boundary police, including management, administration and organisation skills;
- Improving knowledge on the national and international public law;
- Development of a human resource policy with special attention to fair and non-discriminatory policies and practices;
- Advice on strengthening the organisational structures of the border police service;
- Recommendations for more efficient management and workflow among all the divisions of border police;
- On-the-job training in order to deepen and specialise the knowledge in tackling cross border crime;
- Improve structures of co-operation with other state bodies in order to set up IBM;
- Assesses and draft primary and secondary legislation needed in the area of border police. This activity will be closely lined to the 2007 institution building project (see the relevant project fiche for more details), which includes an activity to support ministries to draft specific laws and regulations, including specific provisions to support legislative drafting in the rule of law area;
- Upgrading works and repairs at border and boundary crossings e.g. upgrading buildings/offices and repairs to approach roads to the crossing points.
- Technical specification for the Procurement of 20 four by four cross-country vehicles, for operational patrol purposes on the green border/boundary;
- Training on the new equipment purchased;
- Carry out a feasibility study for investment needs at the borders/boundary in order to strengthen border management at the border posts as well as at the green and blue borders.

Activity 2: Anti-Corruption

The activity will consist of the following indicative inter-linked components, in line with the Anti-Corruption Action Plan in Kosovo. All activities will have to be closely coordinated with the future ESDP mission/ the DoJ. The specific activities will be further defined during the inception phase of the project:

2.1 Assessment of current situation and of the anti-corruption legislation framework.

- Produce a detailed report for public dissemination of the nature and scale of corruption in Central institutions.
- Assess Kosovo's legislative framework, including criminal legislation and produce a series of proposals for improvement of the Kosovo legal framework aimed at achieving greater effectiveness in investigating, prosecuting and convicting corruption cases and present them to the government. The value of non legislative measures such as codes of conduct or ethical codes for all public officials will also be considered.

2.2 Development of policy and measures to systematically tackle corruption and increase public awareness:

- Deliver a series of proposals for changes to the organisational structure of the network of organizations involved in the fight against corruption, using the strategic assessments (produced under this activity) as a starting point. The objective is to develop proposals that will achieve greater effectiveness in investigating, prosecuting and convicting corruption cases of this anti-corruption network as a whole. The proposals should be presented to the Government;
- Design an independent monitoring programme to assess the progress being made in the fight against corruption by all the agencies and Ministries with competencies in that field. This could include (but is not limited to): improvements to inter-agency cooperation by creating trusted channels of communication and identifying bottlenecks; the role of all security and intelligence agencies in the fight against corruption; the administrative and political independence of all government actors involved in the fight against corruption; means of increasing the availability of actionable intelligence on acts of corruption from alternative sources such as economic operators, banking and financial institutions;
- Conduct a consultation of all the relevant stakeholders in the fight against corruption and on the basis of this input form a Steering Group on public awareness of corruption to agree on the main messages to be contained in the public awareness campaign on anti-corruption; and
- Implement a public awareness campaign.

2.3 Building the institutional and operational capacity of the Kosovo Anti-Corruption Agency (KAA):

- Develop and implement a training programme to meet the needs of all the KAA staff so that the capacity to fulfil their responsibilities is enhanced;
- Develop and implement proposals in order to improve the KAA's working practices so that effectiveness is improved; and
- Create a KACA working methodology.

Activity 3: Housing/holding facility for asylum seekers

- Assisting the Ministry of Interior to identify a site for the housing/holding facility for asylum seekers.
- Tendering for infrastructure works and possibly the supply of necessary equipment for the facility.
- Construction of the housing/holding facility for asylum seekers, and the possible supply of equipment
- Purchasing relevant equipment for the housing facility
- Carrying out training for the staff to run the facility

Activity 4: Feasibility study for the construction of a high level prison

Technical assistance will be provided to conduct out a feasibility study for the construction of a high level security prison, including the identification of the relevant location, probably near Pristina. The feasibility study should also include an analysis of the capacities of the regional detention centres.

Contracting arrangements

Activity 1: Border and boundary police service

- Twinning covenant. Standard twinning procedures are to be used. The Resident Twinning Advisor (RTA) is expected to be a professional border police officer. The RTA will be assisted by EU MS short and medium-term experts.
- At least one supply contract for the supply of equipment and possibly one service contract for supervision and training.
- As least one service contract to draw up the feasibility study on needs assessment at the borders.
- At least one works contract for any infrastructure upgrading actions.

Activity 2: Anti-Corruption

- At least one service contract is envisaged to implement the actions described under this activity.

Activity 3: Housing/holding facility for asylum seekers

- One service contract is envisaged to develop the technical specifications for the works.
- At least one works contracts are envisaged to for the construction activities.
- At least one supply contract is envisaged for any essential equipment required by the facility.
- One service contract is envisaged for the supervision of the works

Activity 4: Feasibility study for the construction of a high level prison

- One service contract is envisaged to complete the needs assessment.

Project management and administration

The European Commission Office in Pristina will manage the procurement, implementation, quality control, reporting and coordination with other donors of the development assistance and of the financial and technical cooperation related to the actions described in this project fiche, taking remedial actions if and when needed. The European Agency for Reconstruction's operational centre in Pristina will assist the Commission Office in preparing for the initial implementation phase of this project through such actions as the drafting of project Terms of References and helping to prepare the IPA tender dossiers.

Project Steering Committees will be responsible for the overall direction of the project and comprise of representatives from the beneficiary institutions and the Commission Office.

Monitoring will be performed centrally by the Commission. The project may be evaluated at the interim or ex-post stages under the supervision of Commission's Evaluation Unit. The project may be audited by Court of Auditors - in line with the standard European Commission procedures.

3.5 Conditionality and sequencing:

The project includes the following conditionalities:

- The Ministry of Interior continues to ensure that the Border and Boundary Police has sufficient resources to derive full benefit from the implementation of the Twinning Project.
- The KAA receives the originally foreseen budgetary resources for 2008 and 2009.
- Endorsement by all key stakeholders of Call for Proposals, as well as the individual contracts to be engaged;
- Participation by the beneficiary in the tender process as per EU regulations;
- Organisation, selection and appointment of members of steering and coordination committees, seminars and study visits by the beneficiaries as per the project work plan;
- Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan.

In the event that conditionalities are not met, suspension or cancellation of the project or specific activities will be considered.

3.6 Linked activities

This project will be closely linked to the IPA 2007 institution building project (see the relevant project fiche for more details), which covers targeted support to ministries and the Assembly to draft specific laws and regulations, including specific provisions to support legislative drafting in the rule of law area. Activities will also link to the Council of Europe's work in the legislative field

Key donors with significant on-going or planned activities in the Rule of Law sector include USAID, OSCE and UNDP. Regular meetings have been organised with representatives of these organisations to assure coordination and agreement on this rule of law project. In particular, the EC funded project will be coordinated with and the planned USAID assistance to the justice sector in Kosovo, which includes the following projects:

- The development of a judicial inspection and audit function within the Judicial Inspection Unit (JIU) of the Kosovo Judiciary.
- Support to the Kosovo Judicial Council and the JIU to develop a judicial code of ethics and well-functioning disciplinary system.

The project will be coordinated with the Justice and Home Affairs, Integrated Border Management and the Customs and Taxation actions under both the on-going CARDS Regional, and planned IPA Multi-Beneficiary programmes.

This project builds-on previous EC assistance to the Rule of Law sector, particularly the following projects funded under the CARDS instrument

Name of project (Amount €million)	Start End	Activities/Results
<i>Ministry of Internal Affairs, Police, Border Police, IBM</i>		
Ministry of Internal Affairs (MoAI) and the Kosovo Police Service (€4.4 million)	June 06 April 09	Training and technical support will be provided to build the institutional capacity of the Ministry and police in formulating policies, drafting legislation and participating in international and regional frameworks to fight organised crime, corruption and human trafficking. Support for human rights, gender and minorities also play an important role in the project. Construction of a new main office building for the MoIA (€1.6m)
Training of the Kosovo Police Service to combat trans-national crime (€1.0 million)	June 06 May 07	The project is helping to set up a Border/Boundary Police Training Unit in the Kosovo Police Service Academy. Border police officers are being trained by experts in the use of modern surveillance equipment, techniques to examine documents and security tactics.
Building a modern border management system compatible with EU standards (€1.5 million)	Mar 06 Sept 07	Capacity building for border management agencies (Police, Customs, Phytosanitary) involving the design of a border management strategy, the review of relevant legislation, the preparation of technical specification for the construction of border police stations, and in-depth training needs analysis in order to improve border management and control systems, and establish harmonised border controls (based on the Schengen acquis).
Upgrading of Border Posts (€2.7 million)	April 06 May 08	Construction two new border police station buildings located at border points with Albania; refurbishment border police station at another border crossing with Albania; upgrading of building, road and rail at crossing with FYROM; and upgrading of building at one crossing with Montenegro
Supply and installation of border police equipment (€2.2 million)	May 06 May 07	Equipment includes microwave links, fixed VHF stations and mobile (vehicle) radios.
<i>Tackling economic, financial crime and corruption</i>		

Assisting the Financial Information Centre to combat economic crime (€1.3 million)	May 07 Nov 08	Technical assistance and training to combat money laundering, counter the financing of terrorism, address the effects of financial and economic crime and confiscate the proceeds of crime.
Combating Fraud and Financial Crime in Kosovo (€3.4 million)	Sept 04 June 07	Support the UNMIK Financial Investigation Unit (FIU) which investigates corruption and other economic crime in public and publicly-funded entities.
Anti-Corruption strategy (€0.5 million)	03	Assisted the Office of the Prime Minister to develop an initial Anti-Corruption strategy for public institutions and launch a public-awareness campaign on corruption.
<i>Ministry of Justice, Judiciary, Courts</i>		
Ministry of Justice, Office of the Public Prosecutor and the Kosovo Judicial Council (€3.0 million)	May 06 April 09	The project will draft legislation and amendments to laws and by-laws related to the structure and role of the judicial institutions. Provide strategic advice on the structure and coordination among judicial bodies. Training for civil servants, judges and prosecutors.
Kosovo Special Prosecutor's Office (€1.0 million)	April 05 April 08	Assisting the KSPO to tackle corruption, terrorism, organised crime and trafficking in human being cases.
Reform of the Juvenile Justice System in cooperation with UNICEF (€1.2 million)	Feb 07 Fed 09	The project aims to reform of the juvenile justice system based on the rights of children/adolescents, develop alternatives to detention and promote a juvenile crime prevention programme and social rehabilitation of juveniles in conflict with the law.
Modernisation of courts (€2.9 million)	Oct 01 June 07	Improve efficiency of the courts in Kosovo through the provision of a case management information system that will connect all courts. Successfully piloted at the Pristina District Court and being rolled out to all minor offence, municipal and district courts;
<i>Detention centres and prisons</i>		
Rehabilitation of Dubrava prison facility (€4.6 million)	Aug 2003 Dec 2006	Enhanced capacity and conditions of prisons in order to directly help the local administration in performing day-to-day work and bringing it closer to EU standards for prisons.
Construction of 'Quick Build' prison (€ 2.8 million)	May 2002 June 2005	A 'quick build' prison constructed to enhance prison capacity in the Lipjan/Lipljan Detention Centre.

3.7 Lessons learned

Although impact realised through the previous assistance overall is satisfactory, a number of challenges remain:

- *Ownership*: The Ministry of Internal Affairs has already gained some experience following the implementation of CARDS 2005 and 2006 projects. However increasing local institutional ownership of EC assistance to Kosovo is essential for the effective targeting of that support and achieving the agreed results in line with EU standards. The relevant Kosovo institutions will chair the Steering committees and Working Groups related to this IPA 2007 project to reinforce their ownership of the project and commitment to achieving the agreed results.
- *Legal Reform in the sector*: Initial timelines for the adoption of legal instruments are not always honoured, leading to delays in implementation and causing difficulties in project implementation. Agreed legal instruments are commonly subject to significant change prior to adoption. The delays in the adoption of laws and regulations continue to have significant impact on the planning and practical delivery of reform projects. This will be reflected in the conditionalities for this project.

- *Enforcement*: There has been large focus on establishing the legal frameworks in Kosovo. The capacity to enforce the law, however, has received insufficient attention. While legal reform has been advanced, law enforcement and implementation has not followed. This creates a widening gap between the formal legal situation and ‘on-the-ground’ practice. The project activities aim to taken this issue into account.
- *Balance between different measures*: The provision of technical assistance for capacity building remains a very high priority. However, TA will not be effective if the working environment of the counterparts is not up to standards. Therefore a balanced approach with both technical advisory support and material support is essential to realise the expected impact of the projects;

4. Indicative Budget (amounts in € million)

Activities	TOTAL COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
1.1 Border and Boundary Police**	2.6	2.6		2.0	0.6							
1.2 Equipment for Border and Boundary Police and/or upgrading of boundary/border posts	1.1	1.1		0	1.1							
2. Anti-Corruption	1.0	1.0		1.0	0							
3. Housing/ holding facility for asylum seekers	2.0	1.6	80	0	1.6	0.4	20	0.4				
4. Prison feasibility study	0.7	0.7		0	0.7							
TOTAL	7.4	7.0	95	3.0	4.0	0.4	5	0.4				

* expressed in % of the Total Cost

Activity 3 includes parallel co-financing of approximately €0.4m from the MIA for the asylum facility

** Note: The border and boundary Police activity (1.1) is funded under the IPA 2007 Component II – Regional and Cross-Border Cooperation (CBC) – see section 1.9 for more details.

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Border and Boundary Police	Q2 2008	Q3 2008	Q1 2010
Equipment for Border and Boundary Police and/or upgrading of boundary/border posts	Q2 2008	Q3 2008	Q4 2008
Anti-Corruption	Q2 2008	Q3 2008	Q1 2010
Housing/ holding facility for asylum seekers	Q2 2008	Q3 2008	Q1 2009
Prison feasibility study	Q2 2008	Q3 2008	Q4 2008

Q = quarter

6. Mainstreaming of Cross-cutting issues

Human rights and in particular minority rights and participation, as well as gender issues will be mainstreamed within all activities and project deliverables. Planning and policy development in

the Rule of Law sector planning must encompass the protection of human rights, the fight against corruption, trafficking in human beings, and discrimination.

6.1 Equal Opportunity (gender mainstreaming)

In order to tackle social discrimination of women a number of measures (notably training on equality legislation etc.) for the promotion gender equality will be integrated within project design and implementation. The project will aim to address, in particular, the situation of women who are subject to multiple discriminations or who face violence and/or sexual exploitation. Particular attention must also be given to accommodate and encourage women's participation in project activities.

6.2 Minorities' inclusion/participation

Failure to integrate Kosovo's minorities can lead to further violations of human rights and political destabilisation. Therefore, this project will aim to contribute to the establishment of multi-ethnic representation in the institutions benefiting from the project, which will address the ethnic groups fairly and equitably under the law. Equal opportunities of minorities will also be addressed through:

- Participation in Kosovo's institutions as stipulated under relevant regulations, and in the terms of the expected Status Agreement for Kosovo;
- The active support of the central structures in Kosovo to recruit and appoint minority members in any and all new structures created or enlarged as a consequence of this project;
- The use of Kosovo's official languages as stipulated in the applicable law;
- The particular requirements of dealing with minority issues in strategic, tactical and operational police matters – mainstreaming minority issues throughout the policy and implementation sequence.

6.3 Environment

The project is expected to have a neutral impact on environment. For the construction works, environmentally sound construction methods will be encouraged.

ANNEXES

ANNEX I: Log frame in Standard Format

ANNEX II: Amounts contracted and Disbursed per Quarter over the full duration of Programme

ANNEX 1: Logical framework matrix in standard format

Project Title: Strengthening the Rule of Law		Programme name and number:	
Sector: Justice and Home Affairs		Contracting period expires three years after the signature of the financing agreement between the European Commission and the Kosovo Authorities.	Disbursement period expires: 1 year after the final date for the execution of contracts.
		Total budget : €7.4 million	IPA budget: €7 million
Overall objective	Objectively verifiable indicators	Sources of Verification	
To strengthen the rule of law in Kosovo, including increased respect for minority rights, gender equality and the principles of non-discrimination, through further reform of the Kosovo Police Service including the border/boundary police; fighting corruption; and furthering alignment with and implementation of the Schengen acquis.	<ul style="list-style-type: none"> • More crimes are successfully prosecuted • Less interethnic crime is committed (provided the amount of individuals in all communities remains the same in Kosovo over the period measured and compared) • Less gender related crime is committed • Legal framework and work procedures are amended to reflect the Schengen acquis. • The amount of illegal goods entering and/or passing Kosovo decreases • The amount of illegal border and boundary by persons in Kosovo decreases 	<ul style="list-style-type: none"> • Crime statistics • Legal framework • BBP and Custom statistics 	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
<ol style="list-style-type: none"> 1. The border and boundary police within Kosovo Police Service is more effectively structured and administered to: implement Integrated Border Management (IBM) policies; enhance the efficiency of the flow of persons and goods through the borders/boundaries; advance adherence to EU human rights standards; fight cross-border/boundary crime; and enforce laws related to the management of Kosovo's borders. 2. The development and enforcement of policies and a legal framework, in line with EU standards, together with increased public awareness, to effectively and systematically combat corruption in Kosovo's institutions. 3. The establishment of a reliable system, in accordance with EU standards and best practices, for the reception and maintenance of illegal immigrants and asylum seekers through the construction of a housing/holding facility. 4. The completion of preparatory studies for the construction of a high level security prison. 	<ul style="list-style-type: none"> • Time spent at the border/boundary for goods and people is reduced. • Less complains and observation in regard to human rights violations are noted from the public and international and national human rights actors. • More border/boundary related crimes are detected by the BBP • More corruption cases are being reported by the public to the KAA • More corruption cases are successfully prosecuted • A housing/holding facility is constructed in Kosovo that meets EU and international human rights standards applicable in Kosovo • Complete and accurate preparatory studies in regard to the construction of a high level security prison have been delivered to the EC liaison office in Kosovo 	<ul style="list-style-type: none"> • Study of work efficiency of BBP and Customs before the project • PISG statistics and open reports • Crime statistics • A housing/holding facility is located in Kosovo and fully operational • Studies delivered 	<ul style="list-style-type: none"> • Effective transfer of competencies and set up of arrangements as identified in the Status Proposal (UNMIK/EU/IRO) • Political stability and commitment • Competencies fully clarified • Absorption capacity of KPS to respond to the training. • Willingness to systematically enforce the law by responsible actors within government
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p><u>Border and Boundary Police service.</u></p> <ul style="list-style-type: none"> • Improved legal framework, management and operational capacity of the border and boundary police; • Improved coordination with other agencies and neighbouring countries on Integrated Border Management (IBM); • Improved ability to intercept and seize contraband and prevent illegal border crossings. • Feasibility study for necessary investments at the borders completed. <p><u>Anti-Corruption</u></p> <ul style="list-style-type: none"> • An assessment of the anti-corruption legal framework, and a strategic assessment of the causes of corruption in the public service; • Improved operational effectiveness of the Kosovo Anti Corruption Agency (KAA), including enhanced inter agency cooperation in investigating and prosecuting 	<ul style="list-style-type: none"> • Secondary legislation developed for the implementation of the Law on border and Boundary Police • Management plans for the border and boundary police are developed and implemented. • Memoranda of understanding with relevant services and neighbouring countries are drafted. • An initial increase in intercepted contraband and prevented illegal border/boundary crossings. • Feasibility study submitted to European Commission, MIA and KPS. • Number and quality of assessments completed and the level of acceptance of the findings and recommendations by the beneficiary ; • Number and scope of anti-corruption measures proposed by the KAA and implemented by the government. Number of cases managed/addressed by the KAA and the time (work hours) spend processing of cases. • Public awareness campaigns carried out. 	<ul style="list-style-type: none"> • Legislation promulgated • Newly developed management plans adopted by the BBP • MoU with relevant services and neighbouring countries signed and in place • Crime statistics • Vehicles and boast operational and in use with the BBP • Studies delivered • Assessment delivered • Previous work record of the KAA • Time study of cases managed/addressed • Public awareness campaigns delivered 	<ul style="list-style-type: none"> • Envisaged legislation enacted. • Good cooperation offered from neighbouring countries and agencies on Integrated Border Management (IBM). • Extent of retention of trained/ qualified personnel at BBP and KAA • Capacity building and training ready for newly recruited staff has taken place • New procedures for legislation proven to be effective. • Speed with which the post status legislation implemented. • Social stability maintained • Appropriate land is secured by the PISG for

<p>corruption cases; and</p> <ul style="list-style-type: none"> Improved public awareness of all forms of corruption. <p><u>Housing/holding facility for asylum seekers</u></p> <ul style="list-style-type: none"> A housing/holding facility for asylum seekers is constructed and equipped with the capacity to house at least 50 persons with family accommodations as well as single male and female accommodations. <p><u>Feasibility study - prisons</u></p> <ul style="list-style-type: none"> Feasibility study completed for the construction of a high security prison. 	<ul style="list-style-type: none"> Construction and equipping of the housing/holding facility is completed in line with EU and international standards, The responsible agency in Kosovo uses the facility to temporarily house illegal migrants and asylum seekers. Needs Assessment Survey 	<ul style="list-style-type: none"> A housing/holding facility is located in Kosovo and fully operational and in use by the PISG Needs assessment survey delivered 	<p>the asylum facility.</p>
Activities	Means	Costs	Assumptions
<p>Border and boundary police service</p> <p>Equipment for boarder police</p> <p>Housing/holding facility for asylum seekers</p> <p>Anti-Corruption</p> <p>Feasibility study for a high level security prison</p>	<ul style="list-style-type: none"> ➤ Twinning covenant. Standard twinning procedures are to be used. The Resident Twinning Advisor (RTA) is expected to be a professional border police officer. The RTA will be assisted by EU MS short-term experts. ➤ At least one supply contract for the supply of equipment and possibly one service contract for supervision and training. ➤ At least one service contract is envisaged to implement the actions described under this activity. ➤ One service contract is envisaged to develop the technical specifications for the works. ➤ At least one works contracts are envisaged to for the reconstruction activities. ➤ At least one service/supply contract is envisaged for any essential equipment required by the facility. ➤ One service contract is envisaged for the supervision of the works. ➤ One service contract is envisaged to complete the needs assessment 	<p>€2.6 Million</p> <p>€1.1 Million</p> <p>€1.0 Million</p> <p>€1.6 Million</p> <p>€0.7 Million</p>	<p>Beneficiaries allocate sufficient staff and office space to the project</p>

Pre conditions:

- The Ministry of Interior continues to ensure that the Border and Boundary Police has sufficient resources to derive full benefit from the implementation of the Twinning Project.
- The KAA receives the originally foreseen budgetary resources for 2008 and 2009.
- Endorsement by all key stakeholders of Call for Proposals, as well as the individual contracts to be engaged;
- Participation by the beneficiary in the tender process as per EU regulations;
- Organisation, selection and appointment of members of steering and coordination committees, seminars and study visits by the beneficiaries as per the project work plan;
- Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan.

ANNEX II: Indicative planning of the amounts (in EUR million) contracted and disbursed by quarter for the project (cumulated)

	2007	2008				2009				2010			
Contracted	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Border and Boundary Police				2.6									
Equipment for Border and Boundary Police and possible upgrading of boundary/border posts				1.1									
Anti-Corruption				1.0									
Housing/holding facility for asylum seekers				1.6									
Prison feasibility study				0.7									
Cumulated Total				7.0									
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Disbursed													
Border and Boundary Police				0.2	0.4	0.5	0.4	0.3	0.4	0.4			
Equipment for Border and Boundary Police and possible upgrading of boundary/border posts				0.1	0.5	0.5							
Anti-Corruption				0.1	0.1	0.1	0.2	0.1	0.1	0.3			
Housing/holding facility for asylum seekers				0.5	1.0	0.1							
Prison feasibility study				0.1	0.6								
Cumulated Total				1.0	3.6	4.8	5.4	5.8	6.3	7.0			