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The
Assessment
of the

First 100 Days

of Government



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Introduction

The current Prime Minister, Ramush Haradinaj, committed himself to accomplish numerous substantial promises during the electoral campaign. After the certification of the election results, forming a functional Government required some heavy bargaining that only succeeded at the eleventh hour. It has been a hundred days since he managed to form the Government. So, how has his Cabinet performed thus far and what should we expect in the future?

Prior to delving into that, it is worth focusing on the campaign, the promises set forth by the Prime Minister, as well as the Government structure. The official campaign started on May 31st and lasted only for 10 days.¹ In order to attract voters, most candidates came up with grandstanding promises such as quick visa liberalization, immediate and significant increases in wages and pensions, and, amongst others, revitalization of the Trepça mines.² The election results were inconclusive; the PDK-led coalition came out first with 33.74% of the ballots but not enough votes to form the Government.³ Vetëvendosje and an LDK-led coalition were second and third respectively, effectively leaving a hung parliament. After three months of stalemate, a backroom deal was reached between the leading coalition and AKR, at that time part of the second coalition, which unblocked the situation.

The Government that was sworn on September 9, 2017, being the result of a difficult compromise, is quite heterogeneous. It is formed by 21 Ministries, in which over 70 Deputy Ministers have been nominated thus far. This represents 2 new ministries and 2 less Ministers without portfolio compared to the last government as well as twice as many Deputy Ministers, whose number is expected to increase further.⁴

This gargantuan government can be counted among the largest in Europe, since it is constituted by 23 parties and one independent member, which represent a substantial change from Mustafa's Government. It is composed of parties that pertained to the previous Government, such as PDK, Lista Srpska, two non-Serb coalitions, and a number of smaller parties, joined by AAK, NISMA, and AKR.⁵

- 1 European Union Election Observation Mission (2017). Final Report Kosovo Legislative Elections 2017. Prishtina. Available at: https://eeas.europa.eu/sites/eeas/files/final_report_eom_kosovo_june_2017.pdf.
- 2 Kosova Info (2017) "Top premtimet e Ramush Haradinajt, çfarë kishte thënë gjatë fushatës" [Online] Available at: <http://www.kosova.info/top-premtimet-e-ramush-haradinajt-çfare-kishte-thene-gjate-fushates/> [Accessed: November 30, 2017].
- 3 Central Election Commission (2017) Rezultatet për Kosovë. Available at: http://www.kqz-ks.org/Uploads/Documents/2.%20Rezultatet%20e%20p%C3%ABrgjithshme%20sipas%20Subjekteve%20-%20General%20Results%20by%20Party_knawhjqcix.pdf

- 4 Telegrafi (2014) "Kuvendi voton Qeverinë e re: Ja emrat e Kabinetit Mustafa!" [Online] Available at: <https://telegrafi.com/kuvendi-voton-qeverine-e-re-ja-emrat-e-kabineti-mustafa/> [Accessed: December 1, 2017]; Radio Evropa e Lire (2017) "Emrat e ministrave të Qeverisë së re të Kosovës" [Online] Available at: <https://www.evropaelire.org/a/28726123.html> [Accessed: December 1, 2017]; Telegrafi (2017) "Sa do të "kushtojë" Qeveria Haradinaj?" [Online] Available at: <https://telegrafi.com/sa-te-kushtoje-qeveria-haradinaj/> [Accessed: December 2, 2017]; Kosova Info (2017) "Haradinaj e shkarkoi një zv. ministër, emëroi menjëherë tre të tjerë" [Online] Available at: <http://www.kosova.info/haradinaj-e-shkarkoi-nje-zv-minister-emeroi-men-jehere-tre-te-tjere/> [Accessed: December 5, 2017].
- 5 Central Election Commission (2017) Rezultatet Perfundimtare nga QNR: Zgjedhjet per Kuvendin e Kosoves 2017. Prishtine.

PDK, which in the previous government controlled nine ministries, is now down to six; it lost Foreign Affairs, Economic Development and Education, although it managed to retain the Ministry of European Integration and the one of Justice, while gaining some other core departments, such as Finances and Health. Thus, even though it is managing fewer ministries with a far reduced budget, it now controls key positions within the Government, including budgeting, relations with the EU, and the justice administration.

Lista Srpska is one of the parties that retained the ministries it administered in the previous Government and gained one more significant Ministry, after taking over the Ministry of Agriculture from PDK. Given that this Ministry is one of the largest in Kosovo, it implies a significant gain in power, even if the party remains a junior partner. The non-Serb minority parties remain with two other Ministries.

Three new parties are represented in the Government; AAK, AKR and Nisma, plus the independent minister. First, AAK, apart from Haradinaj himself, is managing the Ministry for the Kosovo Security Forces, and Infrastructure which is one of the largest budgeted ministries. Second, AKR, whose participation was critical to form the government, obtained the four most prestigious Ministries; Foreign Affairs, Internal Affairs, Economic Development, and Environment and Spatial Planning. Third, Nisma

controls the Ministry of Labour, the largest budgeted Ministry in the entire government, as well as the one of Education and that of Trade and Industry, which are quite substantial in competences. The biggest surprise was the nomination of an independent candidate for the Minister of Diaspora and Deputy Prime-minister, Mr. Dardan Gashi.

This said, the aim of this Policy Analysis is to provide an assessment of the new Government's first 100 days, and evaluate its performance based on its campaign promises and program. It is intended to be the first of a series of analysis to be followed throughout Haradinaj's mandate. The analysis will be structured as follows: Section II will provide an analysis of Government decisions and their content. Section III will offer detailed analysis of the legislative program; more precisely, the laws processed, adopted, and new legislative initiatives. The following section will highlight the main developments and challenges regarding Kosovo's diplomacy, the recognition/revocation of the independence, membership to different international organizations, and the foreign policy in general. Section V will focus on the degree of transparency shown by the government during this period regarding all the decisions taken thus far. The last section will highlight the main findings of the study.

The 'Remarkable' Government Decisions

This section will elaborate on the decisions taken by the Haradinaj Government since the first plenary session of September 10, 2017. Until December 18, Government's 100th day, the Government has held 19 meetings and issued 202 decisions; an average of 10 decisions issued per meeting.

Some strategic planning was already introduced after a week of taking office, with the approval of a Governmental Program for the period 2017 to 2021, with the corresponding Legislative Program for 2017, which covers the remainder of the year. The latter includes 74 different draft laws, mostly foreseen by the previous government. Of them, by December 18, 36 draft laws, including 3 unforeseen draft laws, had been approved and sent to the Assembly for consideration. On this note, unlike the Legislative Program, the Governmental one has neither been published nor discussed by the Assembly, and it is unavailable for the public without prior request.

19
meetings

—
202
decisions

At the same time, the organigram of the Government itself remains fluid, as Deputy Ministers are nominated and dismissed without any clear purpose or explanation, which often takes place in such a short period that they do not even have time to settle in. The effects of this practice in the efficiency of the respective departments has not been measured, but most certainly cannot be considered positive.⁶

During this period, 8 by-laws, 22 international initiatives, mainly regarding financial loans; 9 expropriation decisions, 11 dismissals and seven appointments to public agencies' boards have been passed. In total, the Government has allocated 3.6 million euros from the contingency funds. While most of these undertaken actions can be considered routine, there have been some significant developments and initiatives that are worth further examining.



3.6 Million

euros allocated

⁶ Kosova Info (2017) “Haradinaj e shkarkoi një zv. ministër, emëroi menjëherë tre të tjerë” [Online] Available at: <http://www.kosova.info/haradinaj-e-shkarkoi-nje-zv-minister-emeroi-menjehere-tre-te-tjere/> [Accessed: December 5, 2017].

Border Demarcation with Montenegro

Considering that this matter was crucial in bringing down the previous Government, it is not surprising that Haradinaj considered it a priority. In fact, in the first Cabinet meeting, the sole decision taken was to dismiss the entire State Commission for Demarcation and Maintenance of State Borders, with the support of all ministers but two, both belonging to Lista Srpska.⁷

Some sectors of the opposition, especially linked to the previously ruling LDK, criticized Haradinaj's decisions by considering it unlawful and presumed to make a show of force rather than fulfil the general interest.⁸ In fact, and according to the Law on State Border Control and Surveillance and its developing regulation (No. 17/2013), the members of the Commission can only be dismissed by the Government in a number of determined cases, such as being convicted by a competent Court and at the request of either the institution that nominated the members in the first place or the Commission itself. None of these provisions are applicable in this instance for any of the

affected members. Therefore, the legality of this decision remains dubious at best, irrespective of its political convenience. Nonetheless, by the end of September, the Government appointed new members of the Commission, and tasked them to compile a new report on the Border Demarcation with Montenegro.⁹ This report was presented to the Government for approval on December 4, after which it is expected to be discussed in the Assembly.¹⁰ According to the Chairman of the Commission, his team was not responsible to set the border between Kosovo and Montenegro, rather to assess the performance of the former Commission. Consequently, the Assembly will not be voting the new report, but the previous one.¹¹

This said, despite being criticized and publicly opposed by his coalition members, the approach chosen by Haradinaj to handle the matter shows that his intention was just to prove his point, given he was strongly against the Demarcation Agreement with Montenegro from the beginning.¹²

7 Government Decision No. 01/01, September 9, 2017. Available at: www.kryeministri-ks.net/repository/docs/Vendimi_i_Mbledhjes_së_parë_të_Qeverisë_së_Republikës_së_Kosovës_2017.pdf

8 Portali Online (2017) "Shkarkimi i Komisionit të demarkacionit nga kryeministri Haradinaj, akt antiligjor? (Dokument)" [Online] Available at: <http://portalionline.com/shkarkimi-i-komisionit-te-demarkacionit-nga-kryeministri-haradinaj-akt-antiligjor/> [Accessed: December 4, 2017].

9 Government Decision No. 01/04, September 22, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_së_4-të_të_Qeverisë_së_Republikës_së_Kosovës_2017..pdf

10 Klan Kosova (2017) "Raporti i plotë i Shpejtim Bulliqit për demarkacionin (DOKUMENT)" [Online] Available at: <http://klankosova.tv/raporti-i-plate-i-shpejtim-bulliqit-per-demarkacionin-dokument/> [Accessed: December 8, 2017].

11 Koha Net (2017) "Bulliqi: Nuk votohet raporti ynë, votohet ai i ish-komisionit shtetëror" [Online] Available at: <http://www.koha.net/arberi/61680/bulliqi-nuk-votohet-raporti-ynë-votohet-ai-i-ish-komisionit-shtetëror/> [Accessed: December 7, 2017].

12 Kosova Sot (2017) "PDK-ja ia përgatit "ku-lacin" Haradinajt" [Online] Available at: <http://kosova-sot.info/lajme/230594/pdk-ja-ia-pergati-ku-lacin-haradinajt/>

Even though the Assembly will discuss about the new report, the already signed Agreement with Montenegro will still be put into the voting procedure. If the Assembly decides to change the agreement altogether based on new information provided by the report of the new commission, then prior discussions should take place between Kosovo and Montenegro. Nonetheless, it is still uncertain how the Government will proceed with this issue causing further confusion for the general public.

Dismissal of several independent agencies' board members

In an effort to depoliticize the boards of the Publicly Owned Enterprises, in its 5th meeting, the Government decided to fire 10 of the 19 board members of public enterprises that were listed on a report of the Anti-Corruption Agency as unlawfully holding office. That report considered that the process of appointment was in contradiction with the Law no. 03 / L-087 on Publicly Owned Enterprises, which forbids the appointment of individuals who held positions in political parties or who have run for elected positions in the three previous years.¹³

However, as commendable as this decision may appear, it utterly fails to address the root of the problem,

i.e. the politicization of these boards. There are two main reasons on why this decision is in itself politicized, and as such represents a partial and interested application of the law. First, the Assembly is in charge of dismissing these individuals, not the Government. Second, there are specific legal procedures that should take place in order to replace the dismissed individuals. Hence, the procedures followed by the Government in tackling this issue ignored and disregarded both of these points at issue.¹⁴

Debt waiver for water bottling corporations

In the beginning of October, the Government decided to waive the debt owed to the Kosovo budget since 2008 by all water dispensers (bottling corporations) amounting to 51 million euros.¹⁵ This decision can only be considered unlawful, unfair, and harmful, on different grounds.¹⁶

tit-quot-kulacin-quot-haradinajt/ [Accessed: December 5, 2017].

13 Government Decision No. 06-15/05, September 29, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_s%C3%AB_5-t%C3%AB_t%C3%AB_Qeveris%C3%AB_s%C3%AB_Republik%C3%ABs_s%C3%AB_Kosov%C3%ABs_2017.pdf

14 Indep, Gap, and Group for Legal and Political Studies (2017) "Request to review the decision for partial implementation of the Opinion of Anti-Corruption Agency for depoliticization of Publicly Owned Enterprises boards". Available at: http://indep.info/wp-content/uploads/2017/10/letter_to_prime_minister-1.pdf

15 Government Decision No.13/06, October 3, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_s%C3%AB_6-t%C3%AB_t%C3%AB_Qeveris%C3%AB_s%C3%AB_Republik%C3%ABs_s%C3%AB_Kosov%C3%ABs_2017..pdf

16 Indep, Gap, and Group for Legal and Political Studies (2017) "Falja e borxheve nuk mund të bëhet pa aprovimin e Kuvendit të Kosovës". Available at: <http://indep.info/sq/falja-e-borxheve-nuk-mund-te-behet-pa-aprovimin-e-kuvendit-te-kosoves/>

First, water resources are considered property of the Republic of Kosovo as well as assets that serve the general interest.¹⁷ The moment this decision serves the interest of only a small group, it is in contradiction with this principle. Second, it violates two of the principles that, according to the Law on Waters, shall direct the action of the institutions. Those are the principles of “user pays” and stakeholder participation. The former, established on article 6, paragraph 7 of the Law, states that “the users of water will pay all expenses arising from the provision of services which will also include the costs for water resources utilization, and costs for the environment”. As for the latter, stemming from paragraph 11 of the same article, it obliges the institutions to take into consideration the interest of all stakeholders when adopting provisions, strategic documents, programs, and decisions.¹⁸

Therefore, the decision of debt waiving for water dispensers is not only unreasonable and unjustified but it also conveys a negative and undesirable message to the private sector, creating a reasonable expectation of ulterior tax condonations, thus harming the state budget. Consequently, such a decision must be approved by the Assembly alone. Not only the Assembly was disregarded altogether, but also no internal governmental procedures were properly followed. As admitted by the Prime Minister himself, this decision

was taken in an expedited procedure without the preceptive assessment of the Ministries of Environment and Finances.

Compensation for Deputies (MPs) of the 1990 legislature

The Government took the decision to offer a one-off compensation to 111 individuals, or their successors, where applicable, who served on the Assembly that declared the independence from Serbia in 1990, as a compensation for their sacrifices during the conflict it triggered. This decision, according to the Prime Minister, is considered a moral obligation and the fulfillment of a right long overdue.¹⁹ This decision was hailed by some of the affected individuals, who stated that they are grateful for this compensation given that some among them are facing very serious health problems and lacking financial means.²⁰ On this note, the compensation can be perceived as a gratitude towards a group of individuals who have been committed and dedicated to their country and their people in a very perilous era, when each one of them could have been imprisoned. Furthermore, this decision can also be regarded as an

17 Law No. 04/L-147 on Waters of Kosovo, article 1.

18 Law No. 04/L-147 on Waters of Kosovo, article 6 (1.7 and 1.11). available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8659>

19 Government Decision No. 04/13, November 10, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_s%C3%AB_13-1%C3%AB_1%C3%AB_Qeveris%C3%AB_s%C3%AB_Republik%C3%ABs_s%C3%AB_Kosov%C3%ABs_2017_...pdf

20 Index Online (2017) “Delegatët e 2 korriku i gëzohen vendimit të Qeverisë” [Online] Available at: <http://indexsonline.net/old/en/news/delegatet-e-2-korrikut-i-gezohen-vendimit-te-qeverise-146361> [Accessed: December 1, 2017].

acknowledgement of their contribution in the initiation of the Kosovo's state-building process.

Compensation for the families of those involved in the shutout in Kumanovo

This decision, taken in the same meeting as the previous decision, follows a similar structure. It targets the families of those Kosovar citizens involved in the two days long shutout, including both those who died and those convicted by Macedonian Courts. Each family will receive €10,000 as compensation, amounting to a grand total of €290,000.²¹

Compensating individuals who took part in a conflict outside the country is reckless, given that such an attitude violates the Law No. 05/L-002 on Prohibition of Joining the Armed Conflicts Outside State Territory, regardless of the affinity their cause may produce. Consequently, to all purposes, the Government, through its decision, is rewarding what amounts to committing an illegal act under Kosovar Law. Moreover, considering the current delicate political situation in Macedonia and the fact that Macedonian Courts considered those individuals as terrorists when ruling their conviction, this decision has a significant potential to destabilize the relations with the

neighboring country, even if that was not its original purpose. Once again, treating an international question as purely internal constitutes an irresponsible and imprudent behavior that only sends a mixed message to the Government of the neighboring country, with which dialogue on this same topic is taking place in parallel.

Allocation of public funds for the medical treatment abroad of certain public figures

On December 4, the Government agreed to allocate €30,000 to cover the costs of the treatment of Mr. Bujar Bukoshi, former Minister of Healthcare and one of the founders of LDK, whose condition forced him to seek treatment abroad.²² While the decision of providing for the best possible treatment of a Kosovar citizen is not reprehensible on itself, it poses a question of equal treatment for all citizens.

More specifically, while the merits of Mr. Bukoshi's case are not questioned, the fact remains that this decision is legally baseless and an act of grace, while several thousand other Kosovars could benefit from the same kind of assistance. It is arguable that providing expensive foreign healthcare for certain figures linked to politics, while disregarding the needs of the broader population, only exacerbates

21 Government Decision No. 09/13, November 10, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_s%C3%AB_13-t%C3%AB_1%C3%AB_Qeveris%C3%AB_s%C3%AB_Republik%C3%ABs_s%C3%AB_Kosov%C3%ABs_2017_...pdf

22 Government Decision No. 02/18, December 6, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_s%C3%AB_18-t%C3%AB_1%C3%AB_Qeveris%C3%AB_s%C3%AB_Republik%C3%ABs_s%C3%AB_Kosov%C3%ABs_2017.pdf

inequalities in Kosovo. Consequently, at the very least, such a decision should be based on objective, previously specified criteria that are accessible for everyone.

Consideration of special status for Hade and Shipitullë

Hade and Shipitullë lay on a coal seam whose extraction is expected to start shortly. However, that will require the expropriation and reallocation of the local residents, an act that caused some resistance in both villages. To overcome it, the Government committed to undertake a number of actions. On the one hand, it reviewed the method of calculating the compensation during the expropriation process to satisfy landowners. On the other hand, it granted priority for long-term residents in both villages to participate in any employment opportunity stemming from the extraction of coal and the production of electricity.²³

These Government decisions managed to solve the problematic expropriation of residents' property, which was prolonged for years now. However, by granting priority in employment to the individuals' residing in that area, the Government creates an unfair situation by depriving the other qualified and experienced individuals around the country to have fair access to these job opportunities.

General remarks

This selection of topics shows two things; first, that the priorities of the Prime Minister and its Cabinet have not corresponded with the pre-electoral promises. Neither is Kosovo closer to obtain a visa-free regime from the EU nor have pensions and salaries risen significantly. In fact, these questions, like the revitalization of Trepça, have not even been considered thus far. Second, it shows that the Government acts on impulses and seeking media attention rather than working with a strategic purpose and good governance in mind. Of the 7 highlighted issues, 2 were at best baseless, and 4 were in contradiction with the legislation in force. If this is to be the tonic of the term, approving reckless decisions without proper consultation and utter disregard to the authority of the institution actually entitled to take them, it does not bode well for the future of Kosovo. The Government's hastiness to take decisions without a second thought is prone to continue if not checked expeditiously.

²³ Government Decision No. 04/02, September 15, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_mbledhjes_se_dyte_Qeveris%C3%AB.pdf

The Ambitious Legislative Program

The Haradinaj Government approved a new legislative program in late September, shortly after coming into power, which was amended in November, barely one month afterwards. This program contains 74 draft laws that are expected to be processed until the end of the year. Of those, 50 (67.56 percent) are inherited from the previous Government whereas only 24, or 32.43 percent are new legislative initiatives. Until now, out of 74 draft laws projected, only 33 have been sent to the Assembly for discussion, suggesting an efficiency rate of only 44.59 percent. Hitherto, the government has failed to process 26 of the remaining 41 expected draft laws, which are overdue. It is worth noting that other 15 draft laws are planned to be processed after the 18th of December until the end of the year. In addition, a Draft Law on the State Prosecutor, Ratification of the Agreement for the Establishment of the Regional School of Public Administration (ReSPA), and the Ratification of the Agreement on the State Border between the Republic of Kosovo and Montenegro which were not foreseen by the current legislative program have been proposed by the Ministry of Justice, Ministry of Public Administration, and Ministry of Foreign Affairs, respectively, and processed to the Assembly for discussion.

On the other hand, the previous legislative program foresaw the processing of 80 draft laws. As stated above, 50 of them were incorporated in the new program. Among the other 30, 5 were presented to the Assembly in the last term, whereas the remaining have been dropped from the new

legislative program, at least for the time being. Since two thirds of the legislative program are inherited from the previous one, it does not introduce much novelty. Some crucial draft laws which failed to be processed by the former government were discarded altogether. Amongst others are the draft laws on Promotion of the Rights of Communities and their Members, Investment Funds, Bar Examination, Public Property, Fire Protection, Firefighting and Rescue, Administrative Disputes, Health Insurance, and Noise Protection. Similarly to the former Government, the new one continues to postpone the processing and approval of draft laws of utmost importance such as Health Insurance.

In terms of institutional achievements, the Office of the Prime Minister managed to process 4 out of 10, or 40 percent of the draft laws foreseen for this year; with 2 others lagging behind schedule and 4 more expected to be sent to the Assembly by the end of the year. Thus far, the Office has given higher priority to varied questions, some as important as Freedom of Religion or the harmonization of Normative Acts; others far less consequential, like amending the Law on the President to extend for life the provision of working space and staff after leaving office. Other documents, such as Child Protection, or Personal Data Protection have not been given such priority.

The Ministry of Finance outperformed the rest with a 90 percent (9/10) success rate of processing the draft laws, including the amendment of the current budget and next year's forecast. The

other draft law is overdue. The Ministry of European Integration successfully managed to obtain the approval of an IPA Agreement with the EU from the Assembly, the only action foreseen by the legislative program, and which the previous government had already tried unsuccessfully. It is important to state that the Ministry of Justice has been prompt in sending the draft laws to the Assembly for discussion. More precisely, thus far they have processed 7 out of 12 laws, or 58.3 percent; the remaining 5 are planned to be processed during the last week of December. All of these pending Draft Laws were already in the previous legislative program. Except for a new Civil Code, all others were long overdue by September; while the others have been programmed by the new government, even if the Ministry had already commenced working on them during the previous term.

Moreover, the Ministry of Internal Affairs demonstrated an efficiency rate of 60 percent (3/5), mostly related to the transposition of European Directives on the field of Border Control, Foreigners and Asylum; the other 40 percent is behind schedule. The draft Law on Ratification of the Agreement on the State Border between the Republic of Kosovo and Montenegro was been proposed by the Ministry of Foreign Affairs and processed to the Assembly, although it was not foreseen by the legislative program. Only 71.4 percent (5/7) of the draft laws in the jurisdiction of the Ministry of Trade and Industry were processed so far. The 2 unprocessed ones are behind schedule. All of them were already projected in the last term, and thus far priority has

been given to those resulting from the implementation of the Stabilization and Association Agreement. On a similar note, the Ministry of Labour has also been slow to act. Out of 3 ongoing projects, only 1 draft law on Social Enterprises has been sent to the Assembly and the other 2 are past due. The Ministry of Public Administration has processed one unforeseen draft law on the Ratification of the Agreement for the Establishment of the Regional School of Public Administration; however, it failed to process the only draft law included in the legislative program. The Ministry of Education, Science and Technology in its first 100 days has processed 1 draft law, failed to process another one, and is expected to process 1 more until the end of December. Furthermore, only 2 draft laws in the jurisdiction of the Ministry of Local Government Administration were foreseen by the legislative program, of which 1, regarding the status of Prishtina as the capital city, was processed, while the other is expected to be sent to the Assembly during the last week of December.

Lastly, among the least successful Ministries in processing the draft laws is the one of Environment and Spatial Planning. More precisely, only 2 out of 8 draft laws were processed, 4 of the unprocessed ones are already behind schedule, and 2 are expected to be proceed until the end of December. A poor performance was also shown by the Ministry of Economic Development since it managed to process only 1 out of 4 projected draft laws. The other 3 are long overdue. Nonetheless, the Ministries that in so far were

unsuccessful to send any draft laws to the Assembly for further discussion include the Ministry of Health, Security Forces, Agriculture, Forestry, and Rural Development, and the one of Diaspora. However, some of the draft laws pertaining to these Ministries are planned to take place during the last two weeks of the year.

General remarks

In general, the Government can be said to have been incapable of keeping up the pace with its own planning, even though it has not performed worse than the previous Mustafa Government. In fact, most of the Draft Laws that have been approved and sent to the Assembly are the result of work started during the previous term, which in many cases was stalled during the interregnum, with very few original initiatives. As stated, the new Government has opted to maintain continuity in the legislative field instead of outright rejecting old projects or introducing radical changes.

(Lack of?) Diplomacy

Given the particular situation of limited recognition of Kosovo, it can be argued that developing a successful diplomacy is of utmost importance for the country. Ensuring the recognition of as many UN Members as possible and the participation in international fora is critical to put an end to the isolation it currently faces. To that end, the performance of the Ministry of Foreign Affairs must be ensured at all times, and any intervention in the matter by other institutions needs to be conducive to the same end. Thus, strategic planning and cooperation between institutions are even more critical in this field.

On this note, the Minister of Foreign Affairs, Behgjet Pacolli, during his first 100 days received and paid some visits, both within Kosovo and abroad. More precisely, he welcomed the Macedonian Deputy Prime-Minister for European Affairs, the Norwegian and Belgian Ambassadors, and amongst others, the Head of the OSCE Mission in Kosovo. During their meetings, they exchanged experiences regarding the integration processes, Kosovo's membership in international organizations, visa liberalization, and enhancing the bilateral cooperation on various spheres.^{24,25} On the other hand, among other countries, the Minister visited France, Slovenia, United States, Malta, and Macedonia. During these

24 Koha Net (2017) "Norvegjia e interesuar të thellojë bashkëpunimin me Kosovën" [Online] Available at: <http://www.koha.net/arberi/48509/norvegjia-e-interesuar-te-thelloje-bashkepunimin-me-kosoven/> [Accessed: December 7, 2017].

25 Koha Net (2017) "Kosova kërkon përkrahje nga Belgjika" [Online] Available at: <http://www.koha.net/arberi/49881/kosova-kerkon-perkrahje-nga-belgjika/> [Accessed: December 15, 2017].

visits he met with presidents, prime ministers, presidents of Assemblies, and his counterparts, amongst others. It is worth noting that he acknowledged these countries' support during the integration and other important processes, committed to sign memorandums of understanding, and kindly asked for further support regarding the membership in the Council of Europe, Interpol, UNESCO, and other organizations, and strengthening Kosovo's international legitimacy through new recognitions.²⁶

On the other hand, the Prime Minister, in his first 100 days, made various visits abroad including two meetings in Albania, one of which was the joint meeting of the governments of Kosovo and Albania, and the ones that took place in Brussels with the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini and the Prime Ministers' of the Western Balkan

countries.^{27,28}

A concerning account came from the meeting that Haradinaj had with Federica Mogherini, the EU High Representative for Foreign Affairs, in Brussels on November 17. According to certain sources, the meeting was tense and Mogherini left the room after the Prime Minister required the EU to expedite the so-called visa liberalization and suggested that the US should be invited to take part in the Dialogue with Serbia as a facilitator. Both statements, according to those sources, would have been badly received in Brussels. Although this event could not be confirmed at the time, it is true that a joint press conference due to take place afterwards was unexpectedly cancelled by EU authorities. Shall the claim prove accurate; it would point towards a gross mismanagement of the situation by the Prime Minister, who would have singlehandedly created a diplomatic conflict where there was none.²⁹

26 Koha Net (2017) "Pacolli shkoi në SHBA, merr pjesë në një konferencë të Këshillit Atlantik" [Online] Available at: <http://www.koha.net/arberi/60169/pacolli-shkoi-ne-shba-merr-pjese-ne-nje-konference-te-keshillit-atlantik/> [Accessed: December 13, 2017]; Koha Net (2017) "Pacolli vizitë zyrtare në Slloveni, nis takimet me homologun e tij slloven" [Online] Available at: <http://www.koha.net/arberi/64441/pacolli-vizite-zyrtare-ne-sll-oveni-nis-takimet-me-homologun-e-tij-slloven/> [Accessed: December 20, 2017]; Koha Net (2017) "Pacolli në Paris, takon disa homologë në konferencën e Frankofonisë" [Online] Available at: <http://www.koha.net/arberi/59740/pacolli-ne-paris-takon-disa-homologe-ne-konferencen-e-frankofonise/> [Accessed: December 20, 2017]; Koha Net (2017) "Pacolli pritet nga presidentja e Maltës, i kërkon mbështetje" [Online] Available at: <http://www.koha.net/arberi/54609/pacolli-pritet-nga-presidentja-e-maltes-i-kerkon-mbeshtetje/> [Accessed: December 14, 2017].

27 Zëri (2017) "100 ditë të qeverisjes Haradinaj (Video)" [Online] Available at: <http://zeri.info/aktuale/176163/100-dite-te-qeverisjes-haradinaj-video/> [Accessed: December 20, 2017].

28 Telegrafi (2017) "Haradinaj udhëton për në Bruksel" [Online] Available at: <https://telegrafi.com/haradinaj-udheton-per-ne-bruksel/> [Accessed: December 20, 2017].

29 Koha Net (2017) "Blic" 'zbulon' prapaskenat e takimit të tensionuar mes Haradinajt e Mogherinit" [Online] Available at: <http://www.koha.net/arberi/58237/blici-zbulon-prapaskenat-e-takimit-te-tensionuar-mes-haradinajt-e-mogherinit/> [Accessed: November 30, 2017]; Bota Sot (2017) "Zbulohet arsyeja e anulimit të konferencës, Mogherini e ka lëshuar e nervozuar takimin me Haradinajn" [Online] Available at: <http://www.botasot.info/lajme/790886/zbulohet-arsyeja-e-anulimit-te-konferences-mogherini-e-ka-leshuar-e-nervozuar-takimin-me-haradinajn/> [Accessed: December 1, 2017]; Zëri (2017) "Mogherini e ka lëshuar e nervozuar takimin me Haradinajn" [Online] Available at:

On the other hand, the Government successfully organized and handled the State Visit of Zoran Zaev, Prime Minister of Macedonia, in which a number of mutually important questions were discussed, such as bilateral trade and the new highway between Prishtina and Skopje. Furthermore, both Premiers agreed on opening an international investigation on the Kumanovo case, to ensure that responsibilities are properly depurated.³⁰ The sensibility of the case for both Macedonian and Kosovar public invites to handle the issue with the utmost care. This joint approach is consequently a welcome development from the previous confrontational rhetoric.

With regard to the question of recognition, the Ministry of Foreign Affairs of Madagascar confirmed the establishment of diplomatic relations with Kosovo through the Twitter account in late November, which was also announced by their Kosovo counterpart, increasing the number of recognitions to 115.³¹ This event can be considered quite successful

since Serbia engaged in a substantial diplomatic offensive to prevent it.³² Surprisingly, Serbian media reported that two different countries, Guinea Bissau and Surinam, had decided to revoke Kosovo's recognition. That movement would be unprecedented and against all accepted practices of International Law. It is dubious whether one can derecognize a country by sending a diplomatic note to its very Ministry of Foreign Affairs without a sound and reasonable justification. The Government, however, stated that in international law the concept of revoking recognition does not exist, nor does a country called 'Kosovo and Metohija', as stated in the letter disclosed by Serbia, and thus far they did not receive an official letter from any of the countries confirming their revocation of recognition.³³

This said, despite repeated national and international meetings and constant lobbying, no fruitful results were achieved. Kosovo continued to fail in its bid for accession into a number of international organizations such as Interpol, UNESCO, and the WTO, amongst others. In the past, Kosovo's application to Interpol has been rejected twice, and in September it withdrew a new one to avoid another

<http://zeri.info/aktuale/172284/mogherini-e-ka-leshuar-e-ner-vozuar-takimin-me-haradinajn/> [Accessed: November 30, 2017].

30 Prishtina Insight (2017) "Macedonian PM visits Kosovo, announces international investigation on Kumanovo" [Online] Available at: <http://prishtinainsight.com/macedonian-pm-visits-kosovo-announces-international-investigation-kumanovo/> [Accessed: December 15, 2017].

31 Ministry of Foreign Affairs of Madagascar. 'Diplomatic letter to Behgjet Pacolli': Antananarivo, 24 November 2017; Telegrafi (2017) "Madagaskari konfirmon njohjen e Kosovës (Foto)" [Online] Available at: <https://telegrafi.com/madagaskari-konfirmon-njohjen-e-kosoves-foto/> [Accessed: November 30, 2017]; Ministry of Foreign Affairs. "Lista e Njohjeve". Available at: <http://www.mfa-ks.net/?page=1,259>.

32 Gazeta Express (2017) "Njohja e Kosovës nga Madagaskari, kryelajm në mediat serbe" [Online] Available at: <http://www.gazetaexpress.com/lajme/njohja-e-kosoves-nga-madagaskari-kryelajm-ne-mediat-serbe-466507/> [Accessed: December 7, 2017].

33 Balkan Insight (2017) "Kosovo Says Suriname Can't Revoke Independence Recognition" [Online] Available at: <http://www.balkaninsight.com/en/article/kosovo-claims-suriname-cannot-revoke-independence-recognition-10-31-2017> [Accessed: December 11, 2017].

refusal, since, according to Haradinaj, Kosovo was not able to secure the required number of votes.³⁴ At the same time, the PM announced a similar move regarding UNESCO, an application that had found a rabid opposition from Serbia.³⁵ Haradinaj's 'tactical move' can be considered comprehensible; it is irrational to waste that amount of political capital while being certain that the membership bid is prone to fail. On the other hand, the decision will have practical consequences for the country. Not being part of Interpol leaves rule of law institutions unable to fully cooperate, with most of the other member countries in terms of security matters, having to rely on bilateral relations instead, while belonging to UNESCO would grant access to a number of cultural programs and projects with direct economic effects.

General remarks

All in all, despite various meetings held by the Minister of Foreign Affairs and the Prime Minister no concrete results were achieved in terms of diplomacy. Only one recognition of independence was registered, as well as two claims of suspicious revocations of recognition which were highly negated by the Government. The latter did not manage in the first 100 days to undertake a proactive approach regarding Kosovo's accession into international organizations such as Interpol and UNESCO. Consequently, even after almost a decade after the declaration of independence, we continue to remain excluded from major international security organizations. Genuine lobbying by the Government is of utmost importance in order to be able to join these organizations.

34 Balkan Insight (2017) "Kosovo Abandons Bid to Join Interpol This Year" [Online] Available at: <http://www.balkaninsight.com/en/article/kosovo-abandons-bid-to-join-interpol-this-year-09-21-2017> [Accessed on December 12, 2017].

35 Gazeta Express (2017) "Kosovo gives up bid to join UNESCO" [Online] Available at: <http://www.gazetaexpress.com/en/news/kosovo-gives-up-bid-to-join-unesco-173051/> [Accessed: December 15, 2017].



recognition of
independence by

Madagascar

(Non) Transparency in Governance

In a democratic society, Government Transparency remains critical to ensure good governance and due accountability. If citizens are not properly informed on government actions and decisions, it is impossible for them to hold such a government accountable. Unfortunately, the issue has always been problematic in Kosovo. Traditionally, the Government has fallen far short of full public disclosure in a varied range of issues, such as contracts, agreements, nominations for public officials and even reasoning.

In this regard, the new Government has not represented any breakthrough when compared with those in the past. While most relevant documents tend to be available on the official webpages, there are significant slips. Some of them as important as the Government Program, arguably the cornerstone of governmental action, cannot reasonably be accessed only upon demand, which is currently the case. In general the Government is responsive to such requests, but it has adopted a mostly passive stance.

Furthermore, the justification of decisions is still completely disregarded. Although all official documents are expected to include an explanation behind the decisions taken, this is purely formalistic. The decisions do not contain a rationale behind such actions, just a catalogue of legal acts on which the institution bases its authority. Such pattern, practiced by the other administrations as well, is in contradiction with the principles of transparency and accountability, which are essential for a well-functioning democracy.

On this note, the Government is not being fully transparent regarding its policy of appointments for neither political advisors nor Deputy Ministers. Both categories amount to more than 100 public officials whose status is unclear. Regarding the former, 71 advisors have been identified thus far. However, 7 Ministries do not provide information on the matter, including the Office of the Prime Minister. Furthermore, even for those who have been properly identified, their exact role and field of expertise remain obscure in all cases, as no data has been made public at all. As for the latter, the available information implies that there are currently over 67 Deputy Ministers. Only 56 of them are publicly listed by the respective Ministries, with 4 Ministries (Justice, European Integration, Environment and Innovation) not providing any information, which leaves 11 people unidentified within the aforementioned Ministries. With this landscape, the fact that some Ministries, around a third of them, provide at least some basic information on their background and areas of responsibility can only be considered as a positive development. Another third has simply declined to do so, and the remaining have only partially complied with this requirement. Unfortunately, the only way to learn the name of the entire list of Deputy Ministers is by examining their wealth declaration forms, published by the Anti-Corruption Agency.

General remarks

To conclude, more than 3 months after the departmental reorganization that followed the formation of the Government, in which two new Ministries were created of which only one, Regional Development, has a functional, if basic, website. No decision regarding the appointment of the Deputy Ministers has been public so far, suggesting a lack of transparency during the entire process. Furthermore, a number of documents that have been repeatedly requested by the Civil Society remain undisclosed. The Haradinaj Government has not taken steps in its first 100 days to publish official documents that have been kept for years, such as the Memorandum of Homologation of Motorists, contracts for the construction of highways, and, amongst others, business listings benefiting from debt forgiveness.

Conclusion

Haradinaj made grand promises for his first 100 days when he came to power, and as it usually happens with such promises, he failed to deliver. Three months into his premiership, traveling to the EU still requires substantial previous paperwork to obtain a visa –if you are lucky to get one–, workers and pensioners keep struggling to earn a living and the conundrum of Trepça remains unsolved.

Furthermore, new problems have arisen, not from external factors or unforeseen circumstances, but from the very way in which the Prime Minister tends to handle his businesses. The management of the Demarcation issue has lacked any clear direction or strategy. After being the most vocal critic of the document, he had a Commission replaced in contradiction with the Law to present a report that suited him better, but was then forced to ignore it altogether and admit that the Agreement can only be changed if Montenegro convenes to sit again.

He has side-lined the Assembly and any due process to dismiss people who can only be fired by the Assembly itself and obtain a good headliner in the news, but rule of law can difficultly be enforced without the law. On the contrary, the actions of his Government have only served to weaken it even more. The Government continues to make irrational and reckless decisions even after the 100th day, which was demonstrated by the one on the ridiculous increase of the salaries of the Prime Minister, Deputy Prime Ministers, Ministers, and amongst others, Deputy Ministers.³⁶

All the while, the ministries are failing to deliver. The first legislative program of this Government has been executed only partially, to a negligible extent, and almost none of their proposals have been passed through the Assembly yet, leaving significant issues pending resolution. So far, Haradinaj's term can be described as all spin and no delivery.

36 Government Decision No. 04/20, December 20, 2017. Available at: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_mbledhjes_se_20.pdf

First 100 Days

21

ministries

70+

Deputy Ministers

71

advisors

100+

public officials

increased salaries

for Prime Minister, Deputy Prime Ministers,
Ministers, Deputy Ministers

All spin, no delivery



The
Assessment
of the

First

100 Days

of Government



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