PILLARS OF A VISIONARY PLAN: Some of the key priorities for Kurti II Government

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Introduction

Although in the second decade of its statehood, Kosovo is still not progressing adequately on its path to state-building and strengthening its recognition as a new entity in the international arena. The persistent lack of political stability has left Kosovo in a precarious cycle of governance, with no substantial reforms fully implemented.

The year 2020, like the rest of the world, has found Kosovo in the midst of a deep health crisis and a deadly virus. The COVID-19 pandemic has further exacerbated Kosovo’s health system fragility. Even 20 years after the war, Kosovo’s governments have failed to build an adequate health system for its citizens. Inevitably, the lockdowns due to the pandemic-related restrictions have been followed by a deep economic crisis leading many businesses to the brink of bankruptcy. Moreover, many reforms have stagnated and a significant portion of the Kosovo’s budget has been funneled into the pandemic management.

However, in the midst of the pandemic and through a motion of no confidence, the Kurti Government has been overthrown and replaced by Hoti, coming from the ranks of the LDK. Also, he has been a former coalition partner in the previous government. In the course of 2020 Kosovo’s citizens have experienced three different governments with the high turnover fully displaying the country’s political instability. In addition to that, the country’s ill-fated constellation has been confirmed by a decision of the Constitutional Court declaring the vote of the MP Etem Arifi invalid, following the final sentence accusing him of corruption and abuse of office.

In these 13 years following the declaration of independence, Kosovo has been constantly characterized by changes in government coalitions, megalomaniac growth of governmental departments to accommodate political appetites of coalition partners, politicization of boards and agencies, fragile rule of law, and a difficult and lengthy dialogue process with Serbia. Particularly, the latter has been accompanied by poor representation, lack of consensus, and a concrete platform.

This Note aims to provide solid recommendations for key priorities in seven policy-making pillars in Kosovo, GLPS believes they should be immediately included in the strategic plan of the new government. Furthermore, the report provides clear short- and long-term recommendations, where possible, as well as a few proposals on how to approach each of the suggested priorities. Most cases, these are linked with the political will of progressing on the necessary reforms to possibly join the European Union such as undertaking the public administration reform, setting up a vetting procedure for the justice sector, fostering economic development and foreign investments, improving citizens’ well-being, education and health, as well as promoting environmental protection. Inevitably, the first and undisputed emergency remains the COVID-19 management, the population’s immunization, and the economic recovery.

2The Haradinaj government, the 51-day Kurti government, and the Hoti government (June 2020-December 2020).
I. COVID-19 MANAGEMENT AND HEALTH REFORM

One of the key priorities of the new government should undoubtedly be an improved management of the COVID-19 pandemic. In the long run, a continuous upgrading of the health system in Kosovo through targeted reforms is a precondition for bettering the situation in this sector. The first measures against the pandemic have been taken immediately after the first COVID-19 registered cases in Kosovo.\(^4\) Although the situation has relatively been well under control at the beginning, Kosovo has ended up in an alarming situation in August 2020, ranking among the countries with the highest mortality rate due to COVID-19.\(^5\) In November of the same year, the daily cases have averaged to 715 per day.\(^6\) Moreover, Kosovo has continuously been providing an extremely low number of tests, compared to other countries in the region,\(^7\) while increasing frequency by the end of 2020 only. Thus, the pandemic has fully disclosed the country’s healthcare problems, including limited hospitalization capacity, lack of adequate services, and mismanagement.

During the peak of infections, the healthcare personnel have been lacking the basic tools to treat infected patients. This gloomy scenario is the consequence of insufficient investments in the healthcare system over the years. In most cases, pandemic-related management decisions have been met on an ‘ad-hoc’ basis. Eventually, politics-related interests, rather than a better pandemic management, have contributed to the current situation. Such an immature approach has resulted in the violation of the rights of thousands of patients receiving regular hospital services due to chronic diseases.\(^8\)

On the other hand, the European Commission 2020’s Country Report has confirmed that Kosovo has made little progress in crafting a healthcare strategy with a number of citizens having limited access to healthcare services.\(^9\) GLPS accounts for a worsening of the healthcare system’s current deficiencies unless the government undertakes the necessary actions. Therefore, GLPS recommends the following priorities to the Government of the Republic of Kosovo:

**Objective 1: Vaccinate at least 50% of the population**—Nothing remains more important and a top priority than the population’s immunization against COVID-19. The Government of Kosovo must act promptly to secure sufficient and regular vaccines for the coming months. To this end the support from the European Union, as well as its transatlantic partners willing to do so, is crucial. Additional efforts to secure vaccines should also be put forward by the Prime Minister Kurti, in addition to the respective ministry and the foreign minister. Also, the government should design and implement a vaccination plan with at least 50% of the population immunized by the end of

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\(^5\) “Europe’s Youngest Nation to Boost Testing amid COVID-19 Hit”, Bloomberg, J. Kuzmanovic & M. Savic, 29 August 2020. Link: [https://bloom.bg/2OukT9Q](https://bloom.bg/2OukT9Q)


In fact, Kosovo is the last country receiving vaccines across the region, while its neighbours have set clear plans in this regard.\(^{10}\)

For carrying out the vaccination smoothly, the Government must first ensure the prompt implementation of the vaccination action plan, by prioritizing the healthcare personnel, followed by other category groups at risk. Second, it should set in place the necessary infrastructure, including the digitization of data for vaccinated people. Third, the Government should guarantee a more transparent process, avoiding random selective vaccination. Fourth, while securing the quantity of vaccines, the Ministry of Health should simultaneously carry out an awareness campaign encouraging citizens to get the vaccine, while downsizing skepticism in this regard.

**Objective 2: Regular and increased testing** – Relying on examples across the region and the EU, the Government of Kosovo should provide increased and regular testing for all emerged variants of the virus, in order to prevent new infection outbreaks. Also, it should have a clear plan on how to promptly respond to such emergencies. Moreover, the Kurti II’s Government should provide all necessary equipment, including essential medicines, masks, and gloves, in the first quarter of its mandate. Finally, it should prioritize the identification of the new variants countrywide. For this purpose, relevant institutions are required to send as many samples as possible for further analysis abroad.

**Objective 3: Conduct a comprehensive assessment of pandemic consequences on the healthcare system in Kosovo** – Within the first six-month period, the Government of Kosovo should issue a detailed report providing an in-depth analysis of Covid-19’s related-consequences for Kosovo’s healthcare system. Such an analysis should serve as a guide for setting health priorities, and the necessary budgetary implications to address these issues on an ongoing basis.

**Objective 4: Protecting the rights of vulnerable patients** – It is crucial that the Government of Kosovo drafts a long-term strategy for the protection of vulnerable patients’ rights, those with chronic diseases, cancerous diseases, and all those in need of regular healthcare.

**Objective 5: Continuous building of healthcare capacities** - in clinics, hospitals, and healthcare centres at central and local level – Further decentralization of medical services is needed.

**Objective 6: Health insurance** – The 2014 Law on Health Insurance has never been implemented in the practice due to a lack of political and institutional will.\(^{11}\) This has heavily burdened Kosovo’s citizens’ pockets with hundreds of thousands of Euros spent in private clinics at home and abroad. Therefore, it is decisive to properly amend the 2014 Law, finalise the Health Insurance Fund’s draft with all relevant services, and provide health insurance to the citizens of Kosovo by 2021.

**Objective 7: Modernize healthcare services and functionalize the health information system** – A continuous modernization of the healthcare system in Kosovo should be one of the Government’s long-term goals. Concretely, it should assess the current capacities, and provide the budgetary means to ensure a constant improvement of the healthcare services, whether through innovative medical equipment or even digitalization, wherever possible.

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10“Kosovo, the only country in the Balkans that has not received any dose of vaccine,” Top Channel, 25 February 2021. Link: [https://top-channel.tv/2021/02/25/kosova-vendi-i-vetem-ne-ballkan-ge-ska-morre-asnie-doze-vaksine/](https://top-channel.tv/2021/02/25/kosova-vendi-i-vetem-ne-ballkan-ge-ska-morre-asnie-doze-vaksine/)

11“No health insurance in the pandemic,” L. Krasniqi-Veseli, Free Europe, 6 March 2021. Link: [https://www.evropaelire.org/a/31136913.html](https://www.evropaelire.org/a/31136913.html)
Objective 8: Avoid “brain drain” – regular investment in healthcare professionals – Over the years, Kosovo has been facing a disturbing migration of healthcare professionals to European Union countries, even during the pandemic. This is mainly due to the lack of adequate working conditions, employment opportunities in general, as well as the lack of a clear vision on continuous investment in healthcare professionals countrywide. It is, therefore, urgent that the Government undertakes the necessary actions to properly address this challenge within a noticeably short period of time. Also, it is recommended that it develops a strategy for preventing healthcare professionals’ departure. Failure to do so is likely to collapse the system in the near future.

Objective 9: Membership in the World Health Organisation (WHO) – One of the key objectives of the Government should be to undertake the necessary steps for joining the World Health Organisation (WHO) within its first year’s mandate. A WHO membership is essential for Kosovo, both in terms of support that would be provided, as well as for the country’s representation in relevant international mechanisms.

II. Economic Recovery and Development

In addition to managing the pandemic’s health-related issues, the Government of Kosovo must also undertake immediate measures for addressing the Covid-19’s economic impact in the country. For this purpose, an in-depth damage analysis needs to be done across all economic sectors, and a plan has to be drawn up for meeting the private sector’s immediate needs in particular. In fact, the pandemic has further widened the informal sector in Kosovo, while highlighting the importance of providing more secure employment contracts.

Kosovo continues to be one of the most underdeveloped countries with the lowest income per capita in Europe. At the same time, Kosovo continues to lack an economic identity and an in-depth analysis of sectors that have the highest development potential. Likewise, the country has failed to attract foreign direct investments (FDI), because of the previous governments’ failure at guaranteeing a sound political and economic setting to potential investors. Also, the country’s lack of competition for the international markets has further contributed to a downsizing of the trade balance. Given this ill-fated constellation, the Government is urged to design targeted policies for boosting economic development (i.e., export’s rise, small and medium enterprises’ empowerment, local production’s support).

By doing so, the Government will significantly contribute to the development of a functional economic setting likely to reduce high unemployment, while increasing the social welfare countrywide. GLPS asks upon the relevant institutions to actively engage in addressing substantial economic, fiscal, and financial reforms. Therefore, it proposes to the Government some key objectives:

Objective 1: Implementation of the Economic Recovery Package - The Economic Recovery Package was approved in August 2020 and has a total value of 365 million Euros. According to a

12 “Doctors are fleeing even during the pandemic, over 100 left Kosovo in 2020,” Insajderi, January 2021. Link: https://insajderi.com/mijeket-po-imet-gjate-pandemise-mbi-100-leshuan-kosoven-ne-2020-ten/
13 “Over 31% of Kosovo’s economy is informal”, Economy Online, 24 April 2018. Link: https://ekonomiaonline.com/ekonomi/mbi-31-e-ekonomise-se-kosoves-eshte-joforme/
14 Kosovo has the lowest GDP per capita in the region, Balkaneu.com, M. Pajaziti, 11 October 2018. Link: https://balkaneu.com/kosovo-has-the-lowest-gdp-per-capita-in-the-region/
report by the GAP Institute, during 2020, 250 million Euros have been distributed from the aforementioned total. That same report found that the implementation of this package has faced a lack of transparency and no criteria on which businesses were damaged the most, but were proportionally distributed instead, even for those who recorded increased performance during isolation. Of the total 365 million Euros of the Economic Recovery Package, approved in August 2020, 250 million Euros have been distributed, during 2020, according to a GAP Institute’s report. The document has denounced on the one hand, a lack of transparency of the implementation’s package. On the other hand, it has evidenced that no criteria have been used for disbursing the amount among the most damaged businesses, with those performing well – even during the isolation – benefiting most of this measure.

Therefore, the Government of Kosovo should ensure that the remaining funds are distributed in a fully transparent manner, while assisting the most affected sectors. At the same time, it should commit to making public the funds allocated by the previous government as soon as possible. Finally, the government’s key priority should be the proper implementation of the previous package, while possibly envisaging additional measures for the most affected sectors.

**Objective 2: Fight against Informality** - GLPS asks upon Kurti’s II Government to prioritize the fight against the informal economy in full coordination with all the relevant institutions and stakeholders. In fact, the private sector has been characterized by a high level of informality due to a lack of contracts and conditions, as set out in the relevant legislation, for years. COVID-19 further exposed the high degree of informality in Kosovo when it was made possible to withdraw 10% of the Trust Fund, as well as the allocation of aid from the government’s emergency package. The discrepancy between those employed and those able to withdraw the 10% funds was deeply unbalanced, due to the high informality and lack of contracts in the private sector. And, whether the then (2019) government has reviewed the strategy and action plan for the period 2019-2023 for the fight against informality, this has yet to be implemented.

Also, the cooperation between the Government, the Customs Service, and the Tax Administration of Kosovo (TAK), among others, should be boosted. Besides that, all the relevant institutions responsible for prosecuting and punishing informality practices (i.e., judges, prosecutors, police officers), while possibly detecting customs’ abuses, play a critical role.

Along with the priorities set out above, the Government should guarantee the proper implementation of the Labour Law, with a focus on the private sector’s contracts, while raising awareness among employers and employees on the importance of regular contract employment, and the benefits that come with it. Additionally, the Government should promote the transactions’ digitalization – to avoid cash payment, provide cash registers to the entire private sector, as well as endow the TAK with sufficient capacities for reducing tax evasion to a minimum.

**Objective 3: Restructure public enterprises** - Public enterprises have suffered continuous degradation in the post-war period. And some of them have been encountering significant losses, such as the Post of Kosovo, Infrakos, Telecom, and many others. Once state coffers these

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companies have become a burden for Kosovo’s economy. Therefore, their restructuring should be among Kurti’s II Government top priorities. Also, the Government should take concrete actions to revitalize Trepça, and similar enterprises, enabling for the utilization of the country’s natural resources benefiting, among others, its economic development. Equally important is the depoliticization of public enterprises countrywide.

**Objective 4: Sustainable capacity-building policies in Kosovo’s energetic sector** - Lack of regular electricity supply continues to be a long-standing concern in Kosovo. The new Government must commit to securing new energy capacities. First, it must develop a clear investment strategy solving electricity shortages’ problems, while complying with international and EU standards. Second, it should consider all possible alternative energy sources, while downsizing coal production, and in accordance with relevant EU’s environmental policies.

**Objective 5: Foreign direct investments and Diaspora** - The Government should develop a strategy for attracting foreign direct investments being a prerequisite for the country’s economic development. Likewise, it should empower the Diaspora’s vast potential to invest.

**Objective 6: Identifying and strengthening of strategic sectors** - The Government should identify strategic sectors with high development potentials, while further supporting them, either in the production or in the service delivery, through direct state’s aid. By doing so, it will foster Kosovo’s economy. Additionally, its commitment should also be oriented to sustain small- and medium-sized enterprises, as well as fair subsidizing of local producers, so that they can be competitive in the EU market.

**Objective 7: Review of economic permits and implementation of relevant strategies** - The Government should review all questionable economic licenses and permits that may have been issued on the basis of financial or political interest. Economic permits should be issued only on a merit basis, transparent principles, so as to avoid monopolies, as this has been the case so far. In the long run, regular attention should be paid to the implementation of the Economic Reform Program (2021–2023).

### III. Rule of Law and Fight against Corruption and Organized Crime

Kosovo’s justice system is fragile and inefficient. Over the years, various international and civil society reports have portrayed Kosovo as a country where the rule of law is in its early stages, inefficient, and deeply politicized. Even under the unconditional assistance of the international community in strengthening the justice sector, the country still faces persistent problems that undermine human rights and democracy. Although many reforms have been undertaken in this endeavour, none of them has either managed to improve the current situation or made a real impact. Rather, they have overlapped with each other most of the time.

High level corruption continues to be ever-present at the state and institutional level, while becoming a social norm. Also, it affects the country’s democratic and economic development, while being a key indicator for approaching the European Union, as well as for further consolidating its own statehood.

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18What are the biggest priorities of Kosovo’s new government?”, Euroactiv, D.Doli, 19 March 2021. Link: https://bit.ly/3mpUZAC
Kosovo has been ranked 2 points lower than the previous year, lagging behind along countries such as Ethiopia, Tanzania, etc., in the 2020 Transparency International’s Corruption Perceptions Index (CPI).

Whether the functioning of the rule of law remains a precondition for the fight against organized crime and corruption, the relevant institutions (i.e., the courts, the prosecution, the police, the Kosovo Anti-Corruption Agency, etc.) continue to show insufficient commitment in this sector. In the sixth edition of the Performance Index of Rule of Law Institutions in Kosovo compiled by Justice Today, the citizens of Kosovo continued to express their dissatisfaction with this sector. Survey data show that over 58% of citizens continue to think that the justice sector remains inefficient and without significant improvements. So according to RoLPIK data, more than half of the citizens think that politics is amnestied by justice, with the relevant institutions failing to prosecute and punish high-ranking officials. High-profile corruption cases continue to be a persistent concern and provide a very clear picture of how politicized this sector remains. The relevant legislation in Kosovo is well harmonized with the EU standards, implementation is an ongoing challenge in the practice. Therefore, GLPS proposes some of the main priorities as follows:

**Objective 1: Vetting in the justice system** – The first and most important reform to be immediately undertaken, for achieving meaningful results in this sector, is the justice system’s vetting process.

First, key procedures for concretely implementing the process itself should be designed and put in place, with a view at properly addressing the lack of professionalism, inefficiency and political influence dominating the justice sector.

Second, clear benchmarks for assessing concrete results, quality, effectiveness, independence, and impartiality should be established, and integrated into the vetting process. Concretely, officials should be vetted on key principles, such as ethical integrity, level of professionalism, proximity to criminal and/or political circles, and assets’ declaration. Third, the key categories to undergo the vetting process should be all staff of the justice sector such as judges, prosecutors, the police, and other core agencies’ officials (i.e., KAA, TAK, FIU, etc.).

For this purpose, Kurti II’s Government should immediately start engaging with the relevant stakeholders, and experts in the field, for designing the vetting reform and developing an implementation action plan. Also, vetting in the justice system should be an ongoing process, and be carried out on a regular basis. Finally, the Government of Kosovo should learn from the process taking place in Albania and thus avoid possible failures that could jeopardize the functioning of the justice sector during and after the vetting procedure.

**Objective 2: Reforming the disciplinary system for judges and prosecutors** – The entire system and the Law on Disciplinary Procedure for Judges and Prosecutors has been changed in 2018. But, this system encounters fundamental problems that make it impossible to discipline judges and prosecutors. To improve the situation in this regard, GLPS proposes to the Government to take some steps as follows:

- The concept of the party should be addressed, and it should be done in line with the international standards. At present, it denies the injured party to take part in the
proceedings (in particular, the injured party is denied the right to appeal the Council decision before the Supreme Court).

- The fact that the Supreme Court is the second and final instance in this procedure should be addressed. At the same time, it has this competence even when it comes to the judges of this court (i.e., colleagues evaluate the behaviour of their colleagues as the second and final degree).
- The lack of experience and knowledge of the disciplinary panels within the Councils should also be addressed.

**Objective 3: Strengthening of administrative justice** – The Administrative justice continues to be challenging, as this is best reflected in the European Union’s country reports published. Concretely, issues of regulation, organization, and cases’ backlog, ultimately resulting in poor judicial protection for the injured parties are alarming. Starting from 2016, steps have been undertaken on regulating the legal framework. At that time, the Ministry of Public Administration and the Ministry of Justice, in close cooperation with SIGMA/OECD, have finally issued the Draft Law on Administrative Disputes providing solutions to the justice’s administrative issues. Specifically, the draft law aims to guarantee the judicial protection of the concerned parties’ subjective rights and legitimate interests against illegal actions or omissions, while exercising their public functions. GLPS urges the Government to expedite all necessary procedures for the law’s approval before the Parliament of the Republic of Kosovo.

**a) Fight Against Corruption and Organized Crime**

The lack of institutional and political will to achieve concrete results in the fight against high-level corruption is a sign of the country’s stagnation to approach the European Union. Such a scenario prevents the country, because of some EU member states’ boycotting, from getting the visa liberalization for its citizens, even though it has managed to meet all the necessary criteria in this process. Also, it damages Kosovo’s image before the international community.

To address some of the key challenges in this regard, GLPS proposes to the Government some of the key priorities as follows:

- **Declaration of assets and confiscation of unjustifiable assets** – At present the proper assets’ declaration of public officials is still lacking in Kosovo. Besides that, the ACA does not have the necessary tools and resources to verify assets declared by public officials (EC Report 2020). Therefore, GLPS considers of utmost importance that the Government strengthens its infrastructure and human capacities to progress in this area. First, the Government should actively engage in fostering cooperation between the key institutions (i.e., judges, prosecutors, the police, KTA, Customs, FIU), and the relevant local structures with a view at better coordinating efforts for increasing transparency and accountability in the field of assets’ declaration.
- Second, it should immediately proceed with the **finalization and approval of the Draft Law on Confiscation of Unjustifiable Assets in civil-criminal proceedings**, so that any asset, which cannot be justified by the party (burden of proof), is confiscated by the court.
- Third, the Government **must be seriously committed to promoting actions to implement the Law on the Protection of Whistle-blowers, and the Law on the Prevention of Conflict of Interest**, among others.
Fourth, it should pay due attention to the **financing of political parties in Kosovo**. Local civil society organizations, as well international institutions, including the EU, have advocated for the urgent need to increase transparency and accountability regarding the financing of political parties in Kosovo, over the years.\(^{22}\) In 2019, the Office of the Prime Minister of Kosovo, with the assistance of the Venice Commission and the civil society, drafted the **Law on Financing of Political Parties**. If implemented, it will significantly increase political parties’ transparency and accountability. In fact, the draft law has been passed in the first reading. But it stalled in the Parliament, because of most political parties’ resistance for considering it too bureaucratic. GLPS considers that the current draft law covers all necessary areas of regulating the financing of political parties, and most importantly, provides high and implementable standards in terms of increasing their transparency and accountability. In this regard, GLPS recommends the Government of Kosovo to push forward this draft law, and that it is approved by the Parliament of Kosovo without any changes and in its original version. An especially important aspect regarding the accountability of political parties is the **audit of their financial expenses**. In the past, this process has been problematic, and even for a long time, the finances of political parties have not been audited at all. The last time this has occurred for consecutively 4 years, has been in 2017. Subsequently, the relevant parliamentary committee has failed to select a new auditor to provide this service, and there has been no change until present.\(^{23}\) Therefore, GLPS asks upon the Parliament of Kosovo to allocate a sufficient budget, which would guarantee that various companies may have an interest in bidding for providing such a service.

**IV. Communication with the European Union**

Integration into the European Union is Kosovo’s only perspective. But before that, the country must undergo several reforms for achieving the required standards. Currently, the key instrument on its path to the EU is the Stabilization and Association Agreement (SAA)\(^{24}\), the first and solely contractual agreement between Pristina and Brussels. Undoubtedly, it represents a crucial step for advancing Kosovo’s economy, as well as boosting its citizens’ well-being.

The SAA is part of the Stabilization and Association Process (SAP) being Brussels’ package, in terms of required reforms and policies to be met, for the Western Balkans before they can join the EU. Along with economic reforms, the SAA also requires political ones with a view at strengthening democracy, good governance and the rule of law. These are fund-backed reforms relying on the EU’s advice, support and cooperation. By signing the agreement with Kosovo, the EU has positively signaled that the country is ready for its European perspective, by embracing its economic and political standards. The implementation of some of the objectives set forth under the SAA has enabled Kosovo to undertake concrete economic reforms, with a gradual opening to

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the economies of some EU member states. But there is still a lot to do for the benefits being tangible.

In fact, unlike other countries in the region, Kosovo is last on its path to the European integration. This is mainly due to the lack of institutional and political will to advance with the necessary reforms. In the meantime, the new Enlargement Policy's tougher restrictions render Kosovo's European perspective a far-distant scenario.

Therefore, GLPS urges the Government of Kosovo to make the country's integration process one of its top priorities, by focusing on the following key objectives:

**Objective 1: The implementation of the European Reform Agenda (ERA) and the National Program for the Implementation of the SAA (NPISAA)** - In 2017 the then Government drafted and approved the National Program for the Implementation of the Stabilization and Association Agreement (2017-2021)\(^25\), serving as a five-year implementation plan for the objectives and measures required under the SAA. To further accelerate the implementation of the Agreement, the then Commissioner for European Neighbourhood Policy and Enlargement Johannes Hahn has initiated the European Reform Agenda (ERA). In principle, this is a document with short- to medium-term priorities. GLPS has continuously monitored the implementation of both the NPISAA and the ERA. But there has been a slow progress in terms of implementation of both strategic plans over the years.\(^26\) Concretely, there has been a lack of proper inter-institutional coordination, and most importantly, the political will to engage in their implementation has been missing.

Considering this, GLPS urges the Government to engage immediately on two levels. First, it should approve the ERA II’s action plan, which has not been voted by the previous government, as soon as possible. However, the ERA II must be approved in its original form as agreed with by the then Commissioner for Enlargement, and not unilaterally. Second, the Government should seriously engage in the implementation of the NPISAA (2020-2024)\(^27\), and coordinate the work of those institutions responsible for implementing the measures and objectives set out in this strategic plan, through the relevant ministry or department. Both the ERA and the NPISAA are two key plans, whose prompt implementation is urged for Kosovo’s path to the European Union.

**Objective 2: Contact with the European Parliament** – A structured and genuine dialogue with the European Parliament should be the epicenter of the Kosovo Government's relations with the European Union. In this regard, the Government should establish competent governmental structures engaging in the setup of a much-needed dialogue with the EU member states. This is even more important in relation to the five non-recognizing states, but also for those recognizing Kosovo as an independent entity, while showing, however, increased skepticism towards its European perspective. Similarly, Kosovo needs to act more intensively in the implementation of Chapter 2 of the SAA, which aims to build a genuine political dialogue between the two parties, achieving convergence in foreign policy. Specifically, the country should embed its foreign policy within the European External Action Service (EEAS)'s structure.

\(^25\) National Program for the Implementation of the Stabilisation and Association Agreement, Ministry of European Integration/OPM. Link: [http://mei-ks.net/repository/docs/1_pkmssa_miratuar nga_kuvendi_final_.pdf](http://mei-ks.net/repository/docs/1_pkmssa_miratuar nga_kuvendi_final_.pdf)


Objective 3: Visa liberalization – For many years now, Kosovo has met all the necessary criteria for visa liberalization\(^{28}\), which have been twice as many as those requested upon its neighbours. Despite this, the country still remains the only isolated entity in the region. Although, the European Parliament has supported the visa liberalization for Kosovo several times, the EU Council has still not given the green light. Also, in recent years, France’s skepticism has been increasing, notwithstanding Kosovo’s concrete steps in the fight against corruption and organized crime. Considering the above, GLPS urges the Government to draft a strategy for lobbying against skeptical member states, by making clear that all the necessary conditions have been met. For doing this, it must intensively engage in a dialogue with these countries.

Objective 4: Recognition by the five EU member states – Apart from internal issues on the EU integration, Kosovo needs to put additional efforts regarding the five (5) EU member states that have not recognized it officially yet (i.e., Greece, Slovakia, Cyprus, Romania and Spain). No progress has been made in this regard so far, with the previous governments lacking a clear strategy thereupon. GLPS asks upon the Government of Kosovo to immediately start building relations and a constructive dialogue with the 5. Without their recognition, the path to the European integration will be difficult and challenging.

   a. Public Administration Reform (PAR)

Another very important aspect of Kosovo’s European integration is the Public Administration Reform. Good governance and a professional, as well as efficient administration remain the key to the European integration process. Kosovo has been committed to achieving a non-politicized, efficient and transparent public administration for delivering the best possible services to its citizens over the years. Concretely, the country has managed – with the assistance of SIGMA/OECD – to identify six key areas of reform, including the strategic framework for public administration reform, policy coordination and development, public services and human resources management, accountability, offering services and public finance management. GLPS considers that this reform remains among the most important initiatives of Kosovo, in two aspects. First, internally, it enables the provision of better services by a professional and transparent administration. Second, externally, it enables the country to meet the standards in line with the EU requirements. However, Kosovo has not sufficiently progressed in this sector yet. According to the last EC’s country report (2020), Kosovo has made limited progress in terms of public administration reform, by clearly pinpointing the stagnation in the implementation of the 2019 legal package (i.e., the three main laws governing the public sector).\(^{29}\) Also, the report emphasizes the political influence in the recruitment of high official positions – which is not merit-based – having considerably downsized the civic trust in the public administration.

GLPS encourages, therefore, the Government of Kosovo to promptly act on the following key objectives:

Objective 1: Adoption of the Law on Government - Kosovo has seen the largest number of ministries, deputy ministers, and advisors in the entire region over the years. Besides that, employments in the public administration are, in most cases, not merit-based. Rather, they occur on political affiliations’ premises. In fact, the public administration has been considered the

\(^{28}\) Komisioni Evropian propozon heqjen e vizave për qytetarët e Kosovës, Komunikatë për shtyp, Komisioni Evropian, 4 maj 2016. Linku: https://ec.europa.eu/commission/presscorner/detail/sq/IP_16_1626

largest employer in the country for more than a decade. But this is a completely wrong concept. Moreover, each new government has discretionally increased the number of ministerial departments and the relevant staff, according to its own political needs. In practice, it has often hired party militants and close associates. In order to meet these challenges, and to ensure a professional and merit-based composition of the government, GLPS urges upon the current executive to speed up the process for adopting the Law on Government. This law regulates the composition of the government, including the number of ministries, deputy ministers, agencies, the Office of the Prime Minister, as well as other equally important aspects of the government’s structure. This law rules, among other things, the competence during the formation of the government, and it gives the Assembly of Kosovo an increased role in the establishment of governmental institutions, while not leaving such a task to the government in office only. Last but not least, this law should be adopted on the basis of the recommendations of the Venice Commission, and of the various civil society organizations in Kosovo.

Objective 2: Restructuring State Administration and Independent Agencies - The new Law on Organization and Functioning of State Administration and Independent Agencies (hereinafter: LOFSAIA) has created a legal basis for their organization and functioning, but its implementation has remained a challenge in the practice. Bearing this in mind, GLPS urges the Government to take the following actions:

- Completion of the restructuring of the Government and ministries. This process, starting almost a year ago, has not been fully implemented yet.
- Rationalization of executive, regulatory and independent agencies, in accordance with Article 53 paragraph 1 of LOFSAIA;
- Internal organization of the state administration and independent agencies, including the job classification section. This process should be carried out in compliance with the above law, in terms of dividing responsibilities, especially between the ministry, the agency and the public service administrations;
- Drafting performance plans for executive agencies, according to Article 30 of LOFSAIA and evaluating their performance.

Objective 3 - Public Service Reform (Civil) - The new Law on Public Officials (LPO) has established a good basis for the continuation of the necessary public service reforms which are characterized by both comprehensiveness and regulatory matter, and are in full compliance with the principles of SIGMA / OECD for public administration. Given that this law has been declared invalid by the Constitutional Court in relation to eight (8) constitutional institutions, it should urgently be supplemented and amended in accordance with Judgment no. KO203 / 19 of this Court. Like LOFSAIA, this law is also being challenged in the practice, therefore, the following proposed actions are necessary:

- Supplementation and amendment of the LPO according to Judgment no. KO203 / 19 of the CC as soon as possible (the deadline has been 3 months after the publication of the judgment. But this has expired last October 2020);
- Drafting and approving bylaws for the public service (i.e., education, health and culture), technical and support employees;
- Full functioning of the Public Officials Department;
- Functioning of the human resource management system (HRMIS);
- Conclusion of the process of job classification for civil servants;
• Start implementing the group recruitment system in the state administration, and other institutions;
• Filling in regular positions at the higher management level according to a merit-based principle. Currently most of these positions are filled in with replacements;
• Drafting and approving the Law on Salaries in accordance with Judgment no. K0219 / 19;
• Publication of all salaries and other salary supplements on a monthly basis, maintaining personal data according to the legislation on personal data protection.

Objective 4 - Reform on Public Administrative Services and E-Government - An open government and digitalization of services (E-governance) should be among the key priorities of the current Government. GLPS proposes three phases for implementing this process. First, through legal changes aiming at reducing the regulation on special administrative procedures and their harmonization with the Law on General Administrative Procedure (LGPA), when they are justifiable to exist. Concretely, this can be accomplished with a law supplementing and amending all existing laws and regulations. Second, by changing bureaucratic practices no requiring legal amendments. Third, through the digitalization of public administrative services, and the proper functioning of the E-Government. Since there have been many failed initiatives so far, following key proposals should be taken into account for achieving this objective:

• Approval, as soon as possible, of the draft law on electronic identification and services using electronic transactions, as a precondition for the services’ digitalization;
• Digitalization shall start with those administrative services, which do not need to be optimized and harmonized with LGPA;
• Digitalization shall be implemented at different stages, and for services that are most frequently used.

I. Foreign Policy and Dialogue with Serbia
In all these years since the declaration of independence, Kosovo still does not have a clear strategy on the further consolidation of its statehood internationally. In fact, the number of recognitions has stalled with some of them being even withdrawn, and Serbia, China and Russia still boycotting. On the whole, Kosovo has failed to stop Serbia’s ongoing campaign for non-recognition, being often successful, while some countries’ increased skepticism (i.e., such as Poland, Czech Republic) is worrying. Besides that, the persistent non-recognition of the EU-5 represents a de facto failure of Kosovo’s foreign policy. In addition to that, our institutions have missed to make a proper use of our allies’ precious support (i.e., US, UK, Germany, etc.) for persuading other countries to recognize Kosovo as an independent entity. Last but not least, the agreement on a one-year moratorium on membership in international mechanisms and new recognitions30 is a serious concern. Concretely, the failure to join UNESCO and Interpol, among others, inevitably undermines its statehood, and immediate action is needed in this regard. Whether, the recent move of Israel, as part of the agreement signed on the 4th of September in

Washington, leaves room for hope, the Government of Kosovo is urged to consider GLPS’s following objectives:

**Objective 1: Internal restructuring of the Ministry of Foreign Affairs and Diaspora (MFAD)** – Initiate an efficient and smooth fusion between the current MFA and the former Ministry of Diaspora. Concretely, the internal restructuring should be carried out in a way, so as to avoid overlaps of competences among the different departments, while establishing a clear hierarchical division.

**Objective 2: The review and re-evaluation of the Foreign Diplomatic Service (Vetting in Diplomacy)** – Reform the Foreign Diplomatic Service which, in its current structure, accommodates/hires partisan militants on the basis of nepotism and political interference. Therefore, its restructuring should pay due attention to a merit-based system, integrity and professionalism. Concretely, GLPS proposes the following actions:

- First and foremost, the Government of Kosovo should end any new recruitment in the MFA, in order to properly assess the current situation, and identify problems and needs. Concretely, it should carry out: a) an in-depth analysis of all diplomatic missions’ staff, their professional training, achievements/performances, needs, as well as the legality of their appointment by the previous governments
- Second, a review of all diplomatic ranks at several stages. Specifically, the process for attaining a diplomatic rank should be evaluated on whether it has been merit-based, or not. If the latter scenario materializes, the appointee should leave his/her office. And, the appointment procedure should be done in line with the preliminary decisions of the Evaluation Commission.

**Objective 3: Develop a proactive multilateral diplomacy** – The Government of Kosovo must undertake a proactive approach, and adopt the necessary actions to join international organizations, such as the Council of Europe (CoE), Interpol, UNESCO, the Agricultural Development Fund (ADF), and the World Health Organization (WHO). All in all, GLPS considers that the long-term goal for the government should definitely be Kosovo’s membership in the United Nations (UN). Further, Kosovo should aim for the membership in the Agricultural Development Fund and the World Health Organization, because the criteria set in these mechanisms have a lower passing bar compared to other international mechanisms. These processes can take years, but an adequate team with a clear lobbying strategy can succeed in this direction. For this purpose a clear lobbying strategy is needed.

**Objective 4: Strengthening bilateral diplomacy** – The Government should focus on further nurturing relations with its recognizing states, and not to consider them as for granted like the past governments have done. In fact, the failure of a UNESCO’s membership in 2015, because of Poland’s abstention in the voting procedure, is a clear demonstration of a myopic approach.

**Objective 5: To review the Law on Foreign Service of the Republic of Kosovo** – The current Foreign Service legislation, together with other regulations and administrative instructions, enables the manipulation of diplomatic positions for political favors and clientelism, as well as for possible abuses in the recruitment process. Moreover, the procedure for amending and supplementing the 2010 Foreign Service legislation has proved to be unproductive. On the one hand, a number of articles in this legislation contradict each other. Some others strengthen the politicization of the Foreign Service, by authorizing the appointment of candidates without a diplomatic and/or
consular rank, on the other hand. Almost every government in Kosovo has taken advantage of these legislative loopholes in the practice, while using its own power for recruiting party members in the various diplomatic missions. Under these circumstances GLPS considers crucial for the Government of Kosovo to review this law. Concretely, it asks upon the current Executive to make this piece of legislation tougher, while getting rid of all those articles leaving room for any possible manipulation in the diplomatic service’s recruitment process. The Dialogue with Serbia, which is not solely an international requirement but a state responsibility as well, is a key issue in the field of foreign policy, the Government should pay due attention to. The normalization of relations with Serbia, with an unreserved legal recognition and the establishment of diplomatic relations, is the final goal of Kosovo’s institutions for the completion of its own statehood. Concretely, the Government of Kosovo and the state’s highest political representatives should ask upon the EU and the US to lead the Dialogue together, without obstructing each other. For this purpose, GLPS recommends the Government to consider the following suggestions:

- Develop a state platform on the Dialogue setting forth the principles, objectives and topics of the talks. Specifically, the platform should reflect the views of all parliamentary political parties, as well as the consultations with other public actors, such as academia and the civil society. To be said otherwise, a key criterion for success is that the general political consensus must precede the final agreement. Therefore, and despite its considerable power in the Assembly, the new Government should insist on cross-party cooperation, and provide the necessary infrastructure enabling for a substantial involvement of the opposition in the Dialogue process. The reasons are two-fold. First, the Dialogue, while not being a common political goal, is decisive for the future of Kosovo and the consolidation of its own statehood. Second, Kosovo may face – throughout the Dialogue process – difficult issues asking for compromises, and, thus requiring a broad political consensus.

- The final agreement with Serbia must be in line with its declaration of independence in 2008. Therefore, the government must ensure that the agreement is implemented on the basis of two intangible key principles. First, the territory of the Republic of Kosovo cannot be the subject of any kind of negotiations in the Kosovo-Serbia Dialogue. This is not only a constitutional premise, but also a requirement for not setting a dangerous precedent, and second, mono-ethnic institutions on any basis should not be part of the dialogue, and it should be clarified that this is not done for issues of discrimination for any entity in Kosovo, but for reasons of the functionality of statehood. Second, the establishment of mono-ethnic institutions should not be part of the Dialogue in any form.

II. Education

Addressing the structural challenges, coped with the increased lack of quality, in the education sector remains one of the highest priorities requiring immediate action. The latest PISA results ranking Kosovo only before the Philippines and the Dominican Republic show the dire situation. Also, the EC 2020 report classifies Kosovo’s education being still in its initial stage. Concretely, this argues that Kosovo has made no progress in improving the quality of education at all levels for many years. Specifically, the lower and secondary level of education still continues to

operate without textbooks nationwide. Besides that, the country has moved away, several times, from international mechanisms, such as ENCA and EQAR, which are crucial in controlling and increasing the quality of education at the EU level. Also, nepotism, illegal recruitment and violations of the Law on Prevention of Conflict of Interest have considerably affected the quality of education in Kosovo, be it in the public or in the private sector. Particularly, the latter has been negatively impacted, with education becoming just a business serving private and political interests. In addition to that, the recent Covid-19 pandemic has severely affected this sector, as many others, adding to the already existing structural and institutional problems, and in need of urgent action. Considering all this, GLPS estimates that there is an urgent need to launch a genuine reform at all levels of education in Kosovo. In this regard, some key objectives are proposed as follow:

**Objective 1: Transformation of Regional Universities:** The Government of Kosovo should review the current structure of regional public universities, and finally, initiate the process of transforming these regional branches into universities with professional programs (i.e., Hochschule in Germany). This would help reduce the large gap that exists between the current demand and supply in the labor market. Also, such a reform would guarantee the launching of vocational training programmes for young people, while preparing them for entering the labour market.

**Objective 2: Strengthening professional schools and vocational training** – Kosovo has a young population ready to join the labor market. Similarly, it is one of the European countries with the highest number of students compared to the size of its population. At the same time there is a big gap between job-seekers’ needs and the job market’s demand. Such a worrying scenario is due to universities, be they public or private, preparing for some professions only (mainly social sciences), while neglecting the labor market’s effective demand. This ill-fated constellation is also due to a lack of an in-depth analysis on the labor market’s needs, while empowering certain education departments, by previous governments. Concretely, vocational schools have long been neglected in Kosovo, with former executives showing no willingness to focus on capacity-building in vocational training. Inevitably, such a change of direction would significantly downsize unemployment, while diversifying opportunities among the youngsters and equipping the private sector with key job skills. Therefore, GLPS considers that the Government of Kosovo should prioritize investment in vocational schools in Kosovo, which are currently facing fundamental problems such as lack of teaching materials, textbooks and proper infrastructure. GLPS also believes that the Government should be committed to establish a professional dialogue between vocational schools and the private sector, in order to create a bridge between companies’ and market’s demand on the one hand, and employees’ supply on the other hand.

**Objective 3: Adopt the new Law on Higher Education** – Kosovo has not adopted a new law regulating higher education yet. Failure to do so has prevented the country from joining key international mechanisms in this sector so far. Therefore, GLPS urges upon the current Government to adopt and implement this law as soon as possible. The purpose of such a piece of legislation would be that of strengthening the autonomy of academic institutions, while ensuring the advancement of academic quality and integrity.

**Objective 4: Re-membership in the European Association for Quality Assurance in Higher Education (ENQA)** – During its first year mandate, the Government of Kosovo should aim at regaining the membership of the Kosovo Accreditation Agency in the ENQA. Its revocation in
2019, classifying the country unworthy to adhere to the ENQA’s rules and standards, has been due to political interventions in the Agency at that time. Considering that Kosovo is eligible to apply for membership in the EQNA in 2021 (in case of exclusion one can not apply for 2 years), our government should immediately start the procedure for re-applying to this mechanism. To achieve this, the Executive must commit to strengthening the capacity of the Accreditation Agency and ensure its full independence.

Objective 5: Sustainable investment in the further professional advancement of educational staff in Kosovo - GLPS considers that in order to increase the quality of education, the Government should be continuously committed to upgrade the professional capacity of educational staff at all levels. Further professional development should not be limited to conventional training only. Rather, due attention should be paid to modern methods used in developed countries, while drafting ad hoc plans. Particularly, the COVID-19 pandemic told us about the key importance of digitalization (i.e., professional capacity-building through online methods). Concretely, it has fully disclosed the deficiencies of the education staff’s professional training in this regard. In fact, it has shown the extremely limited use of online methods among the educational staff, students and parents, as compared to developed countries. This turned to be a key challenge, still ongoing, during online classes. Therefore, GLPS urges upon the Government to further boost, along with the further development of professional capacities, educational staff’s digital skills. This is a necessity going beyond the current pandemic.

Objective 6: Increase budget for the education sector - In order to achieve significant improvements in this sector, the Government of Kosovo should consider an immediate increase in budget funds in order to implement the idea of deep reform in education, which remains extremely important, and the only way to improve the current situation. To do this, GLPS proposes the Government to conduct an in-depth analysis of the situation in the education sector, including the consequences of COVID-19, and thus identify the priority issues in need of a reform. Also, the Government should draft an action plan covering the budgetary implications, in order to provide a clear picture of the breadth of the reform, and the budgetary needs in this sector. This would result in a proper action strategy, which in the long run, aims to improve all levels of education in Kosovo. Considering all the above, GLPS estimates that the budget for education should at least be doubled.

III. Environment

A special focus should also be given to environmental protection. In fact, Kosovo is ranked at the top of the list of the countries with the poorest air quality worldwide. It has faced continuous environmental degradation over the years, and witnessed a lack of a genuine intervention by state institutions in this regard. Rather, these same institutions have enabled, in many cases, the further deterioration of the environment. On the one hand, they have allowed the construction of various hydropower plants, highways, residential and commercial buildings on fertile land, or land protected by law. On the other hand, they have been issuing illegal permits. The last EC’s country report (2020) states that Kosovo has not made progress in this regard, and that stronger political will is needed to address environmental degradation and the challenges posed by global warming.33 Considering this, GLPS urges an immediate intervention by the Government.

Objective 1: To engage in the approval and implementation of the National Energy and Climate Plan (NECP): The Government of Kosovo should approve and launch the implementation of the NECP as soon as possible. This plan should be in full compliance with the Green Agenda for the Western Balkans recently launched by the European Union, and signed at the Sofia Summit. At the same time, the Government should engage in the implementation of the current strategy for the environment (2011-2021), and simultaneously commit in its review, while drafting a new version. Meanwhile, the relevant ministry should conceptualize and implement an ongoing awareness campaign on the importance of environmental protection (i.e., improving air quality, protecting water resources, etc.), and the need for increased investment in renewable energy. Finally, the Government should be continuously committed to draft a plan aligned with the EU’s 'acquis', requirements, and standards for energy and climate, by bearing in mind that the adoption and implementation of the EU legislation on the environment is an obligation that Kosovo has undertaken under the SAA.

Objective 2: Air Quality and Protection of Water Resources: Air quality continues to be a major threat to the health and the life’s standards of citizens in general in Kosovo. As previously mentioned, is among the countries with the lowest air quality in the world, often ranking at the top of the list. Poor air quality is due to outdated power plants, inadequate household heating, heavy traffic, incineration of waste, other toxic materials, and even industrial emissions. Former governments have failed to take adequate measures and adopt concrete plans that would improve air quality countrywide. For this purpose, GLPS urges, on the one hand, the Government to design and implement a clear action strategy, aimed at downsizing coal’s usage as a method for household heating. On the other hand, it asks upon the Executive to undertake the necessary steps for an eco-friendly waste- and toxic materials’ management, while envisaging investments in renewable energy and alternative heating. Also, the Government should invest in inter-municipality cooperation, while introducing the concept of innovative collective transport alternatives, and providing the adequate infrastructure. In this way, citizens would be encouraged to use alternative ways of travelling, than cars. Simultaneously, the Government should stop any initiative directly or indirectly affecting the destruction of rivers and lakes in the country. In this regard, it should review all permits that have been issued so far, while immediately revoking those which are not compliant with the relevant legislation. Last but not least, the Government should increase its capacity to properly and continuously monitor protected water areas.

Conclusion

The Government of Kosovo should address some of the immediate priorities, such as the management of the COVID-19 pandemic and immunization, economic recovery and the establishment of a solid economic basis, the fight against corruption and organized crime, the public administration reform, the Dialogue with Serbia, the education reform, and environmental protection. The most urgent task upon Kurti’s II Government is the approval of the strategic plan by the end of April. In general, if there is a genuine institutional and political will to improve the situation in many sectors, the new government is expected to engage in numerous significant reform processes, which remain a prerequisite for further economic and social development.

Policy Notes

Policy Notes provide short, concise, timely, informative, and policy oriented analysis on specific issues. Policy Notes are short papers which outline the rationale for choosing a particular policy alternative of action in a current policy/issue debate. They are commonly published in response to a specific event and advocate for the professional stand of the Group for Legal and Political Studies. Indeed, the Policy Note is an action and advocacy-oriented document, which provides arguments for the adoption/amendment of a particular policy choice. Policy Notes aim to influence the target audience on the significance/implications/solutions of the current problem, and therefore brings recommendations to policy-makers, civil society and media, and the general public.