

# REFLECTING ON THE THIRD YEAR OF KURTI II

Setbacks and Achievements in Rule  
of Law, Public Administration and  
Foreign Policy

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## INTRODUCTION

On March 22, Kurti II Government marked three years in power. Posing a huge political shift, Kurti II secured an unprecedented popular vote of 50.28%, underscoring his strong mandate from the electorate back in 2021. With a multitude of electoral promises igniting public optimism, the government was perceived as being committed to effecting transformative changes across various sectors, notably in the realms of rule of law, good governance, proactive foreign policy, and economic development.

As the government led by PM Albin Kurti enters its final year in power, the question arises: Is it delivering on the promises it made? The final two years of a government's term should effectively showcase concrete achievements, with noticeable progress in sectoral reforms. This analysis seeks to offer a comprehensive assessment of the government's performance across key sectors, encompassing rule of law, public administration reform, foreign policy, with a particular emphasis on EU integration and the normalization of relations with Serbia.

The next section of this analysis focuses on significant rule of law advancements, including the vetting process, strides in implementing the national rule of law strategic framework, initiatives aimed at reforming the legislative framework of the prosecutorial system, and efforts in combating corruption and organized crime. The third section elaborates on the government's approach and endeavors concerning public administration reform, with a particular focus on the pivotal legal package governing the civil service and salary system. The analysis then delves into Kurti II's Government efforts and performance in foreign policy, EU integration, and the ongoing process of normalization of relations with Serbia. The final section concludes.

### **1. RULE OF LAW: A transformed vetting process, back and forth processes with Venice Commission, and a delayed national strategy to fight corruption**

Rule of law reforms continued to be at the top of the government's agenda throughout the third year. Emphasis was placed on enhancing vetting procedures, implementing pivotal legislative amendments to reform the prosecutorial system, and a delayed drafting process of a national strategy for fighting corruption. Throughout this year, prevalent criticism centered on the government's perceived inclination towards interference in the justice system.<sup>1</sup> Consequently, relations between the Executive and justice sector remained fragile for the majority of the time, reflecting the concerns over perceived interference. On a positive note, these clashes seemed to have been eased when the Minister of Justice, Ms. Albulena Haxhiu and the main institutions of the justice system signed a Joint Commitment Declaration on justice reforms.<sup>2</sup> While numerous meetings were held and several pieces of legislation were presented on the behalf this initiative, tensions seem still present with a recent declaration of the representatives of the justice sector

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<sup>1</sup> Radio Free Europe, Cubolli K., "Transparency International: There is no political readiness in Kosovo to refrain from interfering in the judiciary", 30 January 2024. (Last accessed on 9 March 2024). Available at: <https://www.evropaelire.org/a/kosova-ska-gatishmeri-politike-nderhyrje-gjyqesor-transparency-international/32796616.html>

<sup>2</sup> Koha.net, "Justice institutions sign pledges for reform", 14 March 2023. (Last accessed on 21 March 2024). Available at: <https://www.koha.net/en/arboretum/369631/justice-institutions-sign-pledges-for-reforms/>

for a possible withdrawal from the commitments, due to constant disagreements.<sup>3</sup> As for strategic documents to fight corruption and organized crimes, efforts were put in the drafting process of the National Strategy for Fight Against Corruption which was significantly delayed, while the Strategy Against Organized Crime remains outdated.

### 1.1 Rule of Law Strategy 2021 – 2026: slow progress, coordination challenges and limited capacities

One of the flagship initiatives of the Ministry of Justice (MoJ) remains the National Strategy on Rule of 2021-2026 (*hereinafter*: the Strategy), approved in August 2021<sup>4</sup>. Its approval marked an important milestone to support Government's promises voiced during the electoral campaign on increased efforts in strengthening of institutions that are responsible of upholding rule of law in Kosovo, including the judiciary, prosecution, and other law enforcement bodies. Designed into four main objectives, this Strategy retains its importance in fortifying the judicial and prosecutorial systems, enhancing the criminal justice framework, facilitating access to justice, and achieving tangible outcomes in the fight against corruption. Main objectives are further deconstructed into 15 specific chapters supporting the overall strategic goal, nevertheless, as GLPS previously has noted, this Strategy largely overlooks the civil, administrative and juvenile justice.<sup>5</sup> In September 2023, the MoJ published its latest biannual report that covers the first six months of 2023, released its most recent biannual report, encompassing the initial six months of 2023. The annual report is anticipated to be issued by the conclusion of March 2024. As per this report<sup>6</sup>, out of 361 activities planned for the first half of 2023, 118 are fully implemented, 175 partially, while 68 lack implementation. In simpler terms, during this period, only 33% of the planned activities have been carried out, which is less than half of what was expected. The highest ratio of implemented activities compared to number of activities foreseen are under Objective 4 – Strengthening fight against corruption, while the lowest ratio of implementation remains with Objective 2 – strengthening the criminal justice. The latter primarily encompasses specific indicators related to enhancing the integrity of judges and prosecutors, elevating professionalism, combating high-profile corruption and organized crime, refining the enforcement of criminal penalties, and ensuring the integrity of the Kosovo Police.

Their recent report highlights various issues, as briefly outlined above, which hinder the implementation process. Specific challenges were identified concerning activities that require the involvement of multiple institutions responsible for implementation. In addition, lack of human resources and financial restraints were mentioned as well. As rightfully noted by the latest EC Country Report, implementation this Strategy and its Action Plan remains slow, and additional efforts are needed to ensure proper impact<sup>7</sup>.

Given its significance, the Government – and MoJ specifically – must show a strong commitment to speeding up the implementation of the priorities and actions outlined in this Strategy. Additionally, efforts should be directed towards addressing the underlying causes that

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<sup>3</sup> Kosovo Prosecutorial Council, the reaction of the Prosecutorial Council of Kosovo, 21 March 2024, (Last accessed on 22 March 2024). Available at: <https://prokuroria-rks.org/kpk/lajm/10967>

<sup>4</sup> Rule of Law Strategy 2021-2026, Ministry of Justice, Government of the Republic of Kosovo, August 2021. (Last accessed on 9 March 2024). Available at: <https://shorturl.at/cigrW>

<sup>5</sup> Group for Legal and Political Studies,

<sup>6</sup> Biannual Report on the Implementation of the Rule of Law Strategy Action Plan, Ministry of Justice, September 2023. (Last accessed on 18 March 2024). Available at: <https://md.rks-gov.net/page.aspx?id=2,90>

<sup>7</sup> EC Country Report 2023, European Commission, November 2023. (Last accessed on 9 March 2024). Available at: <https://shorturl.at/quBD2>

are hindering progress. To achieve this, the Government should focus on allocating adequate resources, enhancing inter-institutional coordination, and promoting mechanisms aimed at overcoming the systematic challenges identified thus far. The significance of increased institutional efforts in implementing this Strategy cannot be overstated. It's important to remember that this framework plays a crucial role in guaranteeing proper access to justice, delivering the rule of law, and fostering social development in Kosovo.

### **1.2 Vetting Reform in Kosovo: from an overarching in-depth reform to getting stuck in its initial phases**

In its program, Kurti II Government has prioritized strengthening of the judicial and prosecutorial systems, alongside the verification and confiscation of illicit wealth, as two of its main reform processes in the rule of law sector. Transformative reforms were proclaimed due to persisting corruption, lack of transparency and mishandling of high-profile corruption in Kosovo, among others. In that same program, Kurti pledged to finalize the necessary legal framework for implementing the vetting reform in Kosovo. Along the same lines, civil society organisations voiced their support on the necessity of an in-depth vetting reform in order to ensure higher integrity, accountability and transparency within the justice sector. In this regard, GLPS pushed forward for constitutional changes as the best option, although far-fetched due to the current political situation within the Assembly of Kosovo, given the need for qualified majority in cases of constitutional amendments. Earlier, GLPS expressed concerns regarding the Kurti-led Government's inadequate efforts in initiating a meaningful dialogue with opposition parties, especially focusing on non-majority MPs. This dialogue is crucial to ensure the necessary votes for passing these Constitutional amendments.

During its third year, the Government remained steadfast in its commitment to advance the Vetting process, but the bumpy road ahead did not allow for a fast-tracked progress in this regard. Following the Venice Commission's final opinion which gave the 'green light' for a vetting reform, the Government committed in two main directions. First, the vetting of high-level positions, and second, regular vetting of all judges and prosecutors. The former was proposed with Constitutional Amendments, while the latter is set to be achieved through changes in the legislative framework. For the regular vetting of judges and prosecutors, the Government moved with a somewhat fast-tracked approach, as recommendations and final reports were submitted during May 2023. In this regard, the Government signed a Joint Declaration on the Justice Reform for Commitment with the heads of the judicial and prosecutorial systems, further elaborated in the following section. Commitments undertaken under this Joint Declaration directly support the legislative reform needed to ensure a comprehensive regular vetting of judges and prosecutors, by strengthening the existing integrity check mechanisms within the justice sector.

However, the process for vetting the heads of the judicial and prosecutorial systems was slowed down. In March 2023, the Speaker of the Assembly, Mr. Glauk Konjufca sent the proposed Constitutional Amendments to the Constitutional Court, requesting an overall assessment and clarifications whether these changes are compliant with Chapter 2 on Fundamental Rights and Freedoms of the Constitution<sup>8</sup>. Nine months later, the Constitutional Court came forward with a Judgment KO 55/2023<sup>9</sup>, undertaken on December 2023 and

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<sup>8</sup> Koha.net, "Konjufca submits the vetting amendments to the Constitutional Court", 2 March 2023. (Accessed on 05 March 2024). Available at: <https://shorturl.at/ABDGY>

<sup>9</sup> Constitutional Court of Kosovo, Judgment KO 55/2023, published on 5 January 2024. (Last accessed on 10 March 2024). Available at: [https://gjk-ks.org/wp-content/uploads/2024/01/ko\\_55\\_23\\_agj\\_shq.pdf](https://gjk-ks.org/wp-content/uploads/2024/01/ko_55_23_agj_shq.pdf)

published in January 2024, providing the green light for most amendments, apart from the criteria on “vulnerable integrity” which cannot be applied to dismiss judges and prosecutors as it is incompliant with Chapter 2 of the Constitution of Kosovo. Although delayed, the Court’s Decision was positively evaluated by civil society and other supporting actors, recognizing it as a crucial step that paves the way for subsequent actions. Immediately after, on 15 February 2024, these Amendments have been proposed for approval in the Assembly, and are stuck there since at that time. The government’s attempt to pass them failed. For constitutional changes, a minimum of 14 MPs from non-majority communities are required to be present. However, on that day, only 8 out of the required 14 were present, despite a total of 84 MPs being in attendance.<sup>10</sup> In her address to the Assembly, Minister Haxhiu stated that there is a persistent trend to undermine the Government’s endeavors in justice reform.<sup>11</sup> On the other hand, the opposition declared open to vote these constitutional changes, while noting that it remains impossible without the non-majority communities vote, pointing particularly at Serbian List MPs.

Entering its final year, Kurti II has failed to ensure – what it once pledged – an overarching in-depth Vetting Reform that would cleanse the judicial and prosecutorial systems of judges and prosecutors that lack integrity and professionalism. The current political situation, compounded by the absence of the Serbian List in plenary sessions, makes it nearly impossible to secure the qualified majority necessary to pass these Amendments. At the time Kurti II undertook Government, they pledged to finalize the whole legal framework for the vetting reform in Kosovo. Entering its fourth and final year, this seems unrealistic and unlikely to happen, yet it remains to be seen by the end of its mandate.

### **1.3 Confiscation of Unjustified Assets in a Civil Procedure: establishing of the State Bureau on hold**

In conjunction with the Vetting Reform, the establishment of the State Bureau of Confiscation of Unjustifiable Assets was a key electoral pledge of the Kurti II Government. This initiative makes a significant contribution to the fight against corruption, organized crime, and illicit wealth. The MoJ has initiated the draft law on the State Bureau for Confiscation of Unjustifiable Assets, which passed the second reading at the Assembly of Kosovo on February 9, 2023.<sup>12</sup>

However, just weeks later, the Democratic Party of Kosovo (PDK) challenged this draft law at the Constitutional Court.<sup>13</sup> Although more than a year has passed since this draftlaw was sent for constitutionality assessment, it remains pending at the Constitutional Court. This approach surely delays the process of establishment of the State Bureau for Confiscation of Unjustified Assets, while putting on hold any governmental efforts to proceed further in this aspect. The State Bureau aims to scrutinize the assets of public officials when discrepancies arise between their

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<sup>10</sup> Kosova Press, “The Assembly fails to vote constitutional amendments for the vetting process”, 15 February 2024. (Last accessed on 4 March 2024). Available at: <https://www.youtube.com/watch?v=JWfOh4zHiF0>

<sup>11</sup> Klan Kosova, “Haxhiu: We were hindered in the justice reform efforts”, 15 February 2024. (Last accessed on 20 March 2024). Available at: <https://klankosova.tv/haxhiu-jemi-penguar-ne-reformen-e-sistemit-te-drejtisesise/>

<sup>12</sup> Koha.net, “The Law on the Bureau of Unjustified Asset Confiscation is approved”, 9 February 2023. (Last accessed on 4 March 2024). Available at: <https://www.koha.net/arberi/365049/miratohet-ligji-per-byrone-e-konfiskimit-te-pasurise-se-pajustificueshme/>

<sup>13</sup> Kallxo.com, Hoti I., PDK sends the Law on the State Bureau for asset confiscation to the Constitutional Court”, 21 February 2023. (Last accessed on 4 March 2024). Available at: <https://kallxo.com/lajm/pdk-e-dergon-ne-kushtetuese-ligjin-per-byrone-shteterore-per-konfiskim-te-pasurise/>

reported income and accumulated wealth. Additionally, the verification and confiscation process of illicit wealth, initiated by the State Bureau, will be handled by the courts.<sup>14</sup>

As an institution, the Bureau is anticipated to reflect impartiality and focus on the verification and confiscation of unjustifiable assets as a main approach to the fight against corruption and organized crime in Kosovo. Since its inception, GLPS provided inputs and recommendations on this reform process. A paper published by GLPS back in 2022 argued that Venice Commission recommendations should be fully addressed, and are crucial, in ensuring that legal certainty is guaranteed.<sup>15</sup>

#### 1.4 Rare synchronicity among the Executive and the Judiciary: Joint declaration of commitment for a justice system reform

On a more positive note, this year resulted in a joint initiative among the Government and justice sector institutions. Despite their frequent clashes in communication<sup>16</sup>, last March found the heads of the of MoJ, KJC and KPC and other state institutions. where a joint Declaration of Commitment to reform the justice system was signed. More specifically, on 13 March 2023, the abovementioned institutions, including the Supreme Court and the Chief State Prosecutor have reached an agreement to sign the so-called “Joint Declaration of Commitment” to reform the justice system.<sup>17</sup> By signing the Declaration, these institutions joined forces in continuing the justice reform through joint efforts and working groups for assessment, conceptualization and drafting of legal initiatives that contribute towards strengthening the legal framework in several areas.<sup>18</sup> A coordination group and several working groups were established.

These areas include performance evaluations, recruitment processes, disciplinary mechanisms, verifications and due diligence, professional development, asset declaration and status of judges and prosecutors, drafting of the Law on Civil Servants in the Administration of Courts and Prosecutor's Offices, implementation of recommendations from the TAIEX mission to combat organized crime and corruption, and other aspects related to the justice reform. For this purpose, a Coordination Group and six working groups were established for the implementation of the legal initiatives deriving from this Declaration. During the period March 2023 - March 2024, several meetings were held, resulting in draft reports, finding, intervention proposals, and analysis in areas mentioned above. In a recent workshop held in February 2024, the Coordinating Group and the Working Groups have agreed to continue working on the necessary legal changes related to performance evaluation, appraisal procedures, disciplinary mechanisms, and all other aspects that this Declaration builds upon.

GLPS assesses that the "Joint Declaration of Commitment" document is a significant initiative for strengthening the mechanisms of accountability, discipline and transparency in the judicial and prosecutorial system, provided that through these legal changes initiated, the independence of the judiciary is not infringed in any way by the executive side.

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<sup>14</sup> Office of the Prime Minister, Draft law on the State Bureau for Verification and Confiscation of Unjustified Assets. (Last accessed on 24 February 2024). Available at: <https://shorturl.at/cfAEY>

<sup>15</sup> Group for Legal and Political Studies, Hoxha Rr., “Civil Confiscation Procedure in Kosovo: What did the Venice Commission say?”, October 2022. (Last accessed on 6 March 2024). Available at: <https://shorturl.at/ilq39>

<sup>16</sup> Dukagjini.com, Mehmeti B., “Haxhiu: There are constant obstacles from the justice institutions on the reform process”, 14 February 2024. (Last accessed on 6 March 2024). Available at: <https://www.dukagjini.com/haxhiu-ka-pengesa-te-vazhdueshme-per-reforme-nga-institucionet-e-drejtetise/>

<sup>17</sup> Kosovo Judicial Council, Declaration of Joint Commitment is signed, 14 March 2023. (Last accessed on 6 March 2024). Available at: <https://shorturl.at/CDFI6>

<sup>18</sup> *Ibid.*



## 1.5 Prosecutorial system at spotlight: Undergoing legal initiative to reform the KPC, and two new laws enforced on the Kosovo Special Prosecution and the State Prosecutor

Government's efforts to continue the prosecutorial system reform were noted during this third year as well, through the Ministry of Justice, and on the basis of Judgments for cases KO 100/22 and KO 101/22, published by the Constitutional Court on April 2023.<sup>19</sup> On the basis of this Judgment, the draftlaw that had foreseen the amendment of the basic Law on the KPC was fully abolished. Following this, on 12 July 2023, the Government approved the proposal of the MoJ for the approval of the new draftlaw on KPC, which was processed for approval in the Assembly of Kosovo on July 20, 2023, by the Legislation Committee. But, at the request of the EU Office in Kosovo and other actors who have followed the drafting phase, the Speaker of the Assembly Glauk Konjufca sent the draftlaw for an opinion to the Venice Commission.<sup>20</sup>

In December 2023, the Venice Commission issued an Opinion, serving as a follow-up to two previous opinions published in 2021 and 2022.<sup>21</sup> In its recent Opinion, the Venice Commission highlighted and criticized the government for neglecting previous recommendations and expressed disapproval of the proposal to increase the number of KPC members from 13 to 19 during the transitional period (until January 2024), echoing GLPS's stance. Furthermore, they were hesitant over the idea of the involvement of Ombudsperson Institution of Kosovo in having a role for proposing the non-prosecutorial member coming from the civil society sector. With regards to the Law on KPC, GLPS argued that the Venice Commission recommendations should be fully incorporated and the independence of the KPC must be guaranteed.

While GLPS maintained that the right approach in this situation was for the MoJ to address the latest recommendations provided by the Venice Commission, this did not occur. On 15 February 2024, the Government decided to send this draftlaw for approval at the Assembly. Due to lack of quorum, it failed to pass that day, only to be voted in the first reading in the plenary session of March 7, 2024.<sup>22</sup> In an announcement issued by the MoJ, it is stated that the Committee on Legislation will address these recommendations in due time, and before its enforced<sup>23</sup>, following the reaction of the EU Office in Kosovo.<sup>24</sup> Subsequently, in March 2024, the Committee on Legislation established a working group tasked with further reviewing and addressing the latest recommendations put forth by the Venice Commission..

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<sup>19</sup> Constitutional Court of Kosovo, Judgement KO 2152/23 issued on 5 April 2023. (Last accessed on 6 March 2024). Available at: <https://shorturl.at/pwQV0>

<sup>20</sup> Nacionale.com, Ramadani A., "Konjufca sends the new draftlaw on KPC to the Venice Commission", July 2023, (Last accessed on 6 March 2024). Available at: <https://shorturl.at/qHY14>

<sup>21</sup> Council of Europe, Venice Commission, Follow-up Opinion to the previous opinions concerning the amendments of the Law on the Kosovo Prosecutorial Council", 18 December 2023. (Last accessed on 9 March 2024). Available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)043-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)043-e)

<sup>22</sup> Ministry of Justice, The Assembly approved the new version of the Draftlaw on the Prosecutorial Council, 7 March 2024. (Last accessed on 9 March 2024). Available at: <https://md.rks-gov.net/page.aspx?id=1,15,3255>

<sup>23</sup> Ministry of Justice, Announcement, 7 March 2024. (Last accessed on 9 March 2024). Available at: <https://www.facebook.com/photo/?fbid=810494104454512&set=a.338571648313429>

<sup>24</sup> Dukagjini.com, Zeqiri A., "EU expects that the draftlaw on KPC is aligned with the recommendations issued by the Venice Commission", 7 March 2024. (Last accessed on 9 March 2024). Available at: <https://www.dukagjini.com/be-ja-pret-qe-projektligji-per-kpk-ne-te-perputhet-me-rekomandimet-e-komisionit-te-venecias/>

On a positive note, two important laws that were approved and enforced during the third year of the Kurti II Government, which are the Law on the Special Prosecution Office of the Republic of Kosovo (SPRK)<sup>25</sup> and the Law on the State Prosecutor (SPO).<sup>26</sup>

Among the main novelties of the Law on the SPRK are the establishment and operation of the special investigative unit for the follow-up of cases of corruption and organized crime; enabling the creation of joint investigation teams within the SPRK, and the power to pursue criminal offenses of money laundering, without necessarily being related to a criminal offence.

As for the Law on the State Prosecutor, it regulates the organization, jurisdiction, operation, powers and duties of the State Prosecutor and brings innovations in terms of the appointment of Chief Prosecutors, Deputy Chief Prosecutors and Heads of Departments. It is worth noting that the drafting and approval of these two laws was characterized by a wide political and institutional consensus. Both of these laws continue to be pivotal in advancing the prosecutorial system in Kosovo. It is essential to dedicate serious efforts to ensure their effective implementation in practice.

### 1.6 Fight against corruption and organized crime

The latest EC Country Report 2023 noted that Kosovo remains between an early stage and some level of preparation in fight against corruption. Corruption still remains a persisting issue. While significant anti-corruption legislation has passed, enforcement in practice remains concerning. The government must prioritize efforts to push forward the implementation of policies, while the oversight role of the Assembly should be strengthened. This remains specifically important when it comes to implementation of the fairly advanced legislation in fight against corruption and organized crime, such as the Law on asset declaration, criminal confiscation, the Law on whistleblowers, enforcement of integrity plans and other similar legislative pieces that adhere to required standards but implementation remains erratic.

Similarly, the latest Corruption Perception Index (CPI) 2023 provides for a stagnation for Kosovo. According to this latest Transparency International CPI assessment, Kosovo has the same overall score at 41 points as in the previous year, ranking 83<sup>rd</sup> of the world ranking of 180 countries.<sup>27</sup> While TI notes ongoing efforts, it puts emphasis that reforms that are key to ensure justice system independence and efficiency are progressing in a slow pace. In addition, it also noted Government's interference and tendencies to control the justice system in several cases.<sup>28</sup>

To increase anti-corruption efforts, in its second year, Kurti-led government enforced a new Law on the Agency for Prevention of Corruption.<sup>29</sup> The new law specifies the status and competences of the Agency with regards to measures and sanctions that may be imposed in order to prevent corruption and strengthen institutional integrity, as well as monitoring the implementation of the National Strategy which is still in the drafting phase. Provisions of this law apply to public and private persons, in the prevention of corruption, conflict of interest, protection of whistleblowers, as well as the origin and control of wealth and gifts. Considering that the new

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<sup>25</sup> Official Gazette of the Republic of Kosovo, Law No. 08/L-168 on the Special Prosecution Office, 23 November 2023. (Last accessed on 9 March 2024). Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=84236>

<sup>26</sup> Official Gazette of the Republic of Kosovo, Law No. 08/L-167 on State Prosecutor, 17 May 2023. (Last accessed on 9 March 2024). Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=74943>

<sup>27</sup> Transparency International, Corruption Perception Index 2023 Kosovo, 2023. (Last accessed on 10 March 2024). Available at: <https://www.transparency.org/en/cpi/2023/index/ksv>

<sup>28</sup> Telegrafi.com, "TI: There is no political readiness in Kosovo to give up interference in the judiciary", January 2024. (Last accessed on 10 March 2024). Available at: <https://shorturl.at/axzW5>

<sup>29</sup> Official Gazette of the Republic of Kosovo, Law No. 08/L-017 on the Agency for Prevention of Corruption, 21 July 2024. (Last accessed on 12 March 2024). Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=60591>

law expands the scope and responsibilities of the Agency for Prevention of Corruption, the Government must allocate additional resources in terms of budget and staff to enhance their capacities. Otherwise, their role to carry out their new duties in an effective way might be hampered.

The third year of Kurti II was also characterized by the initiative of drafting the National Anti-Corruption Strategy and Action Plan (2024 - 2027). Although both documents were anticipated to be finalized by December 2023, the process was initiated with major delays.<sup>30</sup> The structures consist of the Ministerial Commission, the Coordinator and the Working Group, including representatives from the judiciary, embassies, independent agencies and civil society.

Despite the considerable number of workshops and meetings organized by the working group with the involved stakeholders in the Strategy, there is still no structured final draft of either the Strategy or the Action Plan available. This delay in the process is long overdue. GLPS considers that the government should put more efforts in ensuring a proper coordination of this process. The current draft of the Strategy incorporates pertinent strategic objectives nor actions aimed at improving cooperation or addressing capacity gaps among various intelligence, law enforcement, and prosecutorial agencies. As per the current draft, it primarily focuses on the digitization of systems through e-government initiatives, enhancing the legal and institutional framework to systematically prevent and combat corruption, improving transparency in public institutions via electronic communication systems, with particular emphasis on the judiciary. Reinforcing integrity, accountability, and transparency within public institutions, fostering citizen trust in these institutions, enhancing efficiency in detecting and prosecuting corruption-related criminal offenses are among objectives foreseen under this strategic document. Upon approval, the responsibility for monitoring the implementation of the Strategy rests with the Agency for Prevention of Corruption.

In August 2023, a corruption affair with state reserve goods surfaced the publication of audio recordings by the media outlet 'Nacionale'.<sup>31</sup> In the morning of 18 August 2023, the Police seized the offices of the Ministry of Industry, Entrepreneurship and Trade (MIET) and arrested three officials for 'misuse of duty' and 'provision of help in the misuse of duty' in purchasing state reserve goods. A businessman allegedly related to the case was arrested as well. As per the indictment issued by the prosecution, the amount of goods purchased and paid in advance by the government, were not fully provided. The prosecution emphasized that the state budget was damaged by over 600 thousand euros given that the contraction authority received 52.5 tons less than what was contracted and fully paid by the Ministry of Finance, while oil and sugar were not delivered at all.<sup>32</sup> Officials arrested, allegedly driven by self-profit motives, facilitated this process without following an open public procurement procedure. Article 20 of the Law on State Reserves of Goods specifies that "The purchase of any item of state reserves of goods under this law must be specifically provided for in the annual budget allocation law. In addition, any procurement activity for the purchase of these items must be conducted through open procurement procedures as specified in the Public Procurement Law. If the procurement contract is of significant value, the contract notice is published in accordance with the Public Procurement

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<sup>30</sup> Office of the Prime Minister, Decision of the Government of Kosovo No.06/130 (pg. 7), 22 February 2024. (Last accessed on 12 March 2024). Available at: <https://shorturl.at/cjorA>

<sup>31</sup> Nacionale Facebook Videos, 27 July 2023. (Last accessed on 13 March 2024). Available at: [https://www.facebook.com/watch/?ref=embed\\_video&v=1464279697668138](https://www.facebook.com/watch/?ref=embed_video&v=1464279697668138)

<sup>32</sup> Kallxo.com, Peni B., "The states reserves scandal", 19 August 2023. (Last accessed on 27 February 2024). Available at: <https://kallxo.com/lajm/afere-me-rezervat-shteterore-cka-thote-dosja-e-prokurorise-per-zyrtarin-e-mint-hafiz-gara/>

Law, and in English in a prestigious international newspaper or magazine."<sup>33</sup> Based on this legal provision, the supply of oil was supposed to be foreseen in the budget law of the Republic of Kosovo. Additionally, the procurement activity for the purchase of the goods was supposed to be conducted according to the open procurement procedures specified in the Law on Public Procurement. Furthermore, considering the significant amount involved, the Ministry of Finance was supposed to publish the contract notice in accordance with the law. The activity was not carried out according to the prescribed legal procedures. In a video shared on his Facebook page, PM Kurti addressed the public, asserting that there is no corruption involved in this matter, and expressing his full confidence in Minister Hajdari of the MIET.<sup>34</sup> The opposition and civil society voiced strong demands for a thorough investigation into this case, deeming it one of the most egregious instances of alleged corruption during the tenure of Kurti II. Moreover, the opposition urged for the resignation of Minister Rozeta Hajdari from her position<sup>35</sup>, yet no such action transpired. With a request from the opposition party LDK, on 19 September 2023, the Assembly of Kosovo voted the establishment of an ad-hoc parliamentary committee for investigation of the case, with votes of 69 MPs.<sup>36</sup> Formed with members from both government and opposition parties, this Committee experienced a prolonged delay in commencing its work, primarily due to the absence of LVV MPs during the meetings, preventing its constitution.<sup>37</sup> A day before marking three years, as per the law, the mandate of this Committee has expired failing to produce any tangible results.<sup>38</sup> GLPS argues that the prosecution should proceed with in-depth investigations in order to shed light on the process, as soon as possible.

Another lawful action by the Ministry of Environment, Spatial Planning and Infrastructure (MESPI) surfaced, whereby, GLPS has publicly reacted.<sup>39</sup> Back in January 2023, MESPI commenced public procurement procedures for the expansion of the national road Pristina-Besi-Podujeva. Construction of this road, initiated seven years ago, has been marred by numerous problems resulting in fatal accidents. Frequently referred to as the "death road," construction finally began on July 3, 2023. The initial error in the tender documentation was related to the overall project value. Although the combined value of the project lots totaled 37,599,983 million euros, the tender dossier erroneously listed the amount as 38,030,326.00 euros. The second error was detected in the measurement of kilometers. Upon totaling the kilometers across the

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<sup>33</sup> Official Gazette of the Republic of Kosovo, Law No. 03/L-244 on State Reserve Goods. (Last accessed on 12 March 2024). Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2734>

<sup>34</sup> Radio Free Europe, "Kurti on state reserves: There is no corruption or misuse whatsoever", 18 August 2023. (Last accessed on 21 March 2024). Available at: <https://www.evropaelire.org/a/albin-kurti-arrestime-rezervat-shteterore-/32554407.html>

<sup>35</sup> Dukagjini.com, Hyseni J., "Deliu-Kodra after raids at MINT: They only make sense if Minister Hajdari is also dismissed", 18 August 2023. (Last accessed on 15 March 2024). Available at: <https://www.dukagjini.com/deliu-kodra-pas-bastisjeve-ne-mint-kane-kuptim-vetem-nese-shkarkohet-edhe-ministrja-hajdari/>

<sup>36</sup> Kallxo.com, Hoti I., "The Assembly of Kosovo establishes the investigation parliamentary committee on state reserve goods", 19 September 2023. (Last accessed on 20 March 2024). Available at: <https://kallxo.com/lajm/kuvendi-themelon-komisionin-hetimor-per-rezervat-shteterore/>

<sup>37</sup> Kallxo.com, Hoti I., "The constitution of the Investigative Commission for the reserves fails for the fifth time, with absence of LVV MPs", 24 October 2023. (Last accessed on 10 March 2024). Available at: <https://kallxo.com/lajm/desh-ton-per-te-pesten-here-konstituimi-i-komisionit-hetimor-per-rezervat-mungojne-deputetet-e-lvv-se/>

<sup>38</sup> Paparaci, "Investigations fail" into the Rozeta Hajdari affair, the investigative commission concludes its term without commencing work, 21 March 2024. (Last accessed on 21 March 2024). Available at: <https://shorturl.at/jrV15>

<sup>39</sup> Corrwatc.org, PUBLIC REACTION: About the Illegal Public Procurement Process "Extension of the national road Pristina - Besi - Podujevë", 23 September 2023. (Last accessed on 25 February 2024). available at: <https://corrwatc.org/2023/09/26/reagim-publik-per-procesin-e-kunderligis-hem-te-prokurimit-publik-zgjerimi-irrugjes-nacionale-prishtine-besi-podujeve/>

lots, the road was determined to be 19.088 km, whereas the tender documentation incorrectly stated it as 23 km. After CorrWatch intervened, a GLPS-led initiative, the Ministry rectified these errors. Ministry officials attributed these mistakes to oversights, while no investigation has been initiated against them. However, GLPS finds it perplexing how such basic miscalculations could occur, especially in such expensive procedures. Also, the Ministry did not comply with the recommendation of the Public Procurement Regulatory Commission (PPRC) to revise the qualification criterion, which contradicted the Law on Public Procurement.

The saga of violations persisted with breaches of the provisions of the PPL, which stipulate that contracts can only be signed after the conclusion of the appeal process with the Procurement Review Body (PRB). In this instance, despite an appeal from the economic operator pending with the PRB, the Ministry proceeded to sign contracts with the winning operators. The Ministry should have waited for the 10-day deadline for the submission of appeals to pass.<sup>40</sup> Legal violations were also corroborated by an expert appointed by the PRB to prepare an assessment for the appeal from the economic operator. Despite confirming the violations, the expert recommended against fully approving the appeal, citing the commencement of work due to the signed contracts and the substantial financial damages that would ensue. Regarding the decision-making process of the PRB, although it acknowledged the legal violations outlined in its decision, the institution chose not to annul the procurement procedure. This decision questions the effectiveness of oversight mechanisms and their commitment to upholding legal standards. By not annulling the procedure despite evident legal breaches, the PRB undermines its role as a safeguard against irregularities in public procurement. This inconsistency underscores a significant disparity between regulatory mandates and their execution, casting doubt on the credibility and integrity of oversight bodies. GLPS considers that legal violations in this process are numerous and the damage to the budget, hence taxpayers' money, is considerable. The unlawful signing of contracts should not be tolerated as an institutional practice, as this action is risky and detrimental to society as a whole. The justification that work has commenced does not justify the illegality of this process. It is important that the issue is addressed seriously and necessary steps are taken to rectify the mistakes and preserve the integrity of public procurement processes in the future.<sup>41</sup>

During this period, the Government also focused on the security situation in the Serb-majority municipalities of North Mitrovica, Zubin Potok, Leposaviq and Zveçan, a region characterized with frequent security issues, conflicts, and heavily instrumentalized by the Serbian government. Tensions in north Kosovo erupted on 24 September 2024, when a terrorist attack took place in the village of Banjska in Zvecan. During this attack, a Kosovo policeman was killed and another was injured.<sup>42</sup>

This attack on members of the Kosovo Police was organized by Milan Radoicic, former vice president of Serbian List, the largest party of Kosovo Serbs supported by Belgrade. In connection with this case, some of the individuals involved in the terrorist group led by Radoicic were killed, and so far, three members of this criminal group are under the measure of detention determined by the Basic Court in Pristina according to the request of the Special Prosecutor's Office. In addition, from this case, by order of the SPRK, assets worth over 20 million euros were

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<sup>40</sup> Ibid.

<sup>41</sup> Koha.net, Op-ed by the Group for Legal and Political Studies, "The notorious Prishtina-Besi-Podujeva road as a subject of illegality", 29 September 2023. (Last accessed on 23 February 2024). Available at: <https://shorturl.at/jqAL1>

<sup>42</sup> Radio Free Europe RFE/RL, "U.S. Condemns Attack in Kosovo's North as Country Observes Day of Mourning", 25 September 2023. (Last accessed on 12 March 2024). Available at: <https://www.rferl.org/a/kosovo-police-officer-killed-serb-north-kurti/32606755.html>

automatically confiscated, including Milan Radoicic's illegally obtained property and other items that were seized during the raids related to the attack in Banjska.

Likewise, during this time, concrete steps were taken in the northern municipalities in the destruction of drug laboratories, illegal smuggling routes, cryptocurrency laboratories, etc.<sup>43</sup>

## 2. PUBLIC ADMINISTRATION REFORM

The main laws of the PAR legal package were constitutionally challenged. Criticism from civil society and international assessment mechanisms was evident, particularly concerning the recent amendments to the Law on Public Officials. The implementation of the Law on Salaries encounters obstacles without a proper job classification system. While initiatives like the Administrative Burden Reduction Program and the e-Governance Strategy aim to enhance service efficiency and transparency, technical issues with the e-Kosova platform and limited public awareness pose challenges. Moreover, the legal framework for public administration, though established, lacks effective implementation, as evidenced by slow progress in rationalizing agencies and resistance to decisions by independent institutions. While the National Development Strategy outlines key objectives, the public remains unaware of its implementation status due to the absence of a report. In addition, the Government continues to be characterized by inadequate outreach efforts, hindering inclusive policy development and coordination.

### 2.1 Law on Public Officials: Government remains reluctant towards the Constitutional Court judgments, the functioning of institutions with Acting Positions still prevailing

The saga with the Law on Public Officials (LPO) continued during this third year of Kurti-led government. The supplemented and amended version of the LPO has passed in January 2023, to later be suspended by the Constitutional Court as a result of complaints filed by the opposition. Once again, the constitutionality of the LPO was questioned.

In September 2023, the Constitutional Court issued a new Judgment<sup>44</sup>, which partially abolished the Law No. 08L-197 for Public Officials<sup>45</sup>, whereby certain provisions were repealed while others were mandated by the Assembly of Kosovo to be amended within 6 months, pertaining to the waiting list, the right to appeal, and the granting of special status to employees in independent agencies.<sup>46</sup> The new LPO became considerably challenging to implement following the intervention of the Constitutional Court Judgment, with all the dilemmas it had even prior to this.

GLPS considers that decentralizing recruitment procedures, including top management positions, poses significant challenges for the human resources units within public institutions, given their limited experience and lack of necessary trainings for carrying out these recruitments. Moreover, these positions were complex and challenging for the Department for Management of Public Officials itself. For this purpose, a Regulation for the Civil Service admission procedure has been approved. In addition to lacking transparency due to the absence of public consultations,

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<sup>43</sup> Albin Kurti Official Facebook Page, 18 October 2023. (Last accessed on 5 March 2024). Available at: <https://www.facebook.com/photo/?fbid=875189080641487&set=a.469157147911351>

<sup>44</sup> Official Gazette of the Republic of Kosovo, Judgment No. Ref AGJ 2262/23, 13 September 2023. (Last accessed on 12 March 2024). Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=82898>

<sup>45</sup> Official Gazette of the Republic of Kosovo, Law on Amending and Supplementing Law No. 06/L-114 on Public Officials, 26 April 2022. (Last accessed on 12 March 2024). Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=57517&langid=2>

<sup>46</sup> Constitutional Court Judgment No. Ref. AGJ 2262/23, issued in September 2023.

the regulation is also inappropriate and fails to ensure meritocracy in recruitment procedures.<sup>47</sup> Furthermore, six other regulations have been approved since then, although apart from the Regulation on Job Classification, all others were approved without prior consultation processes, contravening transparency principles and standards.

Following the Constitutional Court's Judgment and implementation issues, the Government approved a Draftlaw for Amending and Supplementing Law No. 08/L-197 on Public Officials.<sup>48</sup> GLPS has issued an immediate public reaction on several issues with regards to this draftlaw.<sup>49</sup> Concerns were raised regarding both the procedure and the content of the draft law.

The entire process and its approval procedures have been completely lacking in transparency. The Ministry of Internal Affairs, as the coordinator, has carried out this important process in complete secrecy, and against the rules and principles of public consultations. It's important to note that this draft law has not been made available for public consultation. Consequently, third parties have had no information about the proposed changes and amendments suggested by the Government. It did not only fail to follow the Orders of the latest Judgement issued by the Constitutional Court, but it also expands the scope and misinterprets its findings. Furthermore, there are several other concerns regarding its contents, which will be elaborated further in the following section.

First, the proposed draftlaw excludes certain typical institutions that should be part of the scope of the Law on Public Administration (LZP). GLPS considers this exclusion to have been deliberate and in contradiction to SIGMA/OECD principles. The same applies to the granting of special status to certain categories in an erroneous manner.

Second, extending the mandate for Acting Officials for up to two-year period is a clear tendency towards legalizing this risky phenomenon. Moreover, it has envisaged a mechanism whereby decisions regarding current Acting Officials are to be adjusted within a month, thereby perpetuating this practice. The saga of the Government functioning with Acting Positions has continued throughout this third year. Out of 16 institutions – 15 ministries and the Office of the Prime Minister – only four of them have appointed Secretary Generals, while the remaining operate with Acting ones.<sup>50</sup> This issue remains a significant concern, and GLPS has urged the government to take action to address this negative phenomenon.<sup>51</sup>

Third, the removal of the minimum threshold requiring at least 2 candidates to meet the qualifications for senior management level remains highly concerning, and undermines fair competition, a key pillar of meritocracy. Providing full discretion to public institutions in accepting public officials from the reserve list – as outlined in paragraph 3 of Article 67 – poses significant risk. Given that no legal obligations were determined, institutions may refuse these officials with no explanation whatsoever.

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<sup>47</sup> This regulation establishes the same provisions for the admission of a receptionist and a General Secretary, regulation of the establishment of commissions contrary to the law (not in a computerized and algorithmic way), avoiding the implementation of HRMIS by returning manual implementation forms, etc.

<sup>48</sup> Office of the Prime Minister, Decisions of the 192<sup>nd</sup> meeting of the Government, 8 March 2024. (Last accessed on 12 March 2024). Available at: <https://kryeministri.rks-gov.net/wp-content/uploads/2024/03/Vendimet-e-mbledhjes-se-192-te-Qeverise-1.pdf>

<sup>49</sup> Koha.net, "GLPS: Non-transparent Approval Procedure of the Draft Law for Public Officials", 14 March 2024. (Last accessed on 12 March 2024). Available at: <https://shorturl.at/htKM5>

<sup>50</sup> Group for Legal and Political Studies, Shamolli N., "The Phenomenon of Acting Positions Within the Public Administration", May 2023. (Last accessed on 10 February 2024). Available at: <https://shorturl.at/almyz>

<sup>51</sup> Klan Kosova, "GLPS: 11 ministries and the Office of the Prime Minister operate with Acting Secretaries", 4 May 2024. (Last accessed on 28 February 2024). Available at: <https://klankosova.tv/glsp-11-ministri-dhe-zyra-e-kryeministrit-funksionojne-me-ushtres-detyre-te-sekretarit/>

Fourth issue is that of the mandate of public officials. As per paragraph 3 of Article 17, the draftlaw reinforces limiting the mandate for the current public officials at low and mid-level management categories. This approach contradicts the Constitutional Court's ruling on this matter.

The current approach of the Government not only fails to serve the EU integration process but also undermines the civil service itself by discouraging new professionals from joining it in the future. In fact, it appears to prioritize short-term political interests rather than ensuring long-term sustainability in the public sector in Kosovo.

In line with GLPS, a similar observation was also made by the European Commission in its 2023 EC Country Report, highlighting that the amended law risks creating and exacerbating existing gaps in public administration capacities. The Commission recommended that the new Public Officials Law be revised in line with the principles of modern public administration.

## **2.2 A Law on Salaries without a proper classification system preceding its enforcement**

Despite the absence of a robust job classification system, the Kurti II Government enforced the new Law on Salaries, in February 2023. Following numerous appeals lodged at the Office of the Ombudsperson, in April 2023, the Ombudsperson referred the matter to the Constitutional Court for a constitutional review of the Law. On January 23, 2024, the Constitutional Court issued its ruling, finding certain provisions of the law in violation of the Constitution.<sup>52</sup> Regarding other provisions related to jurisdiction and the prescribed base salary, the Assembly of Kosovo was directed to amend and align them with the Constitution within six months.

Despite this law coming into force in February 2023, the process of job classification has yet to be completed. Beyond a legal requirement, this process is essential to ensure fair expenditure of public funds in accordance with the law.

Ensuring the classification of job positions and internal organizational regulations is a matter of urgency. The government must prioritize expediting this process, as the current situation presents significant challenges and issues within the public sector. Lack of an adequate job classification process is impeding civil servants' rights to appeal to the Independent Oversight Board for the Civil Service of Kosovo (IOBCSK). This body is not addressing appeals from public servant of those institutions that have not yet approved internal organizational regulation which encompass job classification procedures. Given this, ensuring the classification process is concluded remains key.

## **2.3 Service Delivery: Reducing administrative burden and digitization of services**

In the realm of service delivery, alongside the Administrative Burden Reduction Program (ABR) approved in 2022, Kurti II also adopted the Kosovo e-Governance Strategy 2023-2027 in 2023.<sup>53</sup> The latter represents another pivotal strategic document, particularly significant in the digital transformation endeavor. As stated by Prime Minister Kurti, this strategy sets the governments vision for a digitized public administration that improves citizen wellbeing in

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<sup>52</sup> Constitutional Court of Kosovo, Constitutional review of Law No. 08/L-196 on Salaries in the Public Sector, Judgment of 26 December 2023, published on 23 January 2024. (Last accessed on 12 March 2024). Available at: <https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-ligjit-nr-08-l-196-per-pagat-ne-sektorin-publik/>

<sup>53</sup> Ministry of Internal Affairs, E-Government Strategy 2023-2027, May 2023. (Last accessed on 12 March 2024). Available at: <https://shorturl.at/aczMZ>



Kosovo.<sup>54</sup> It remains to be seen whether this strategy will translate into tangible implementation in practice or merely become another document gathering dust on the shelves of institutions.

Efforts were put in the general administrative procedures as well. In July 2023, the Assembly of Kosovo passed an omnibus law<sup>55</sup> to harmonize a total of 39 special laws with the Law on General Administrative Procedure (LGAP). A second omnibus law to harmonize another 38 special laws with the LGAP, in November 2023.

Going back to the administrative burden reduction, a positive trend of the implementation of ABR should be noted. A program led by the First Deputy Prime Minister at political level, and by the Strategic Planning Office, at the operative one. By end of 2023, out of 85 activities undertaken within the ABR, 62 of them were finalized, while 23 are in the final completion phase.<sup>56</sup> Through ABR, there is a concerted effort to positively influence the improvement of digitalization of services, which will be made accessible through the e-Kosova platform. It aims to serve as an endeavor to enhance access and efficiency in public services, thereby enabling better services for citizens and fostering transparency and accountability in governance. In a public statement made by Deputy Prime Minister Bislimi, it was conveyed that a comprehensive total of 152 services have been simplified over the past few years, with projections indicating a further 100 services scheduled for simplification in the year 2024, as an integral component of the ABR initiative.<sup>57</sup>

However, digitization and simplification come with many challenges. Technical issues with the e-Kosova are regularly noted, as reported in the media.<sup>58</sup> If not addressed properly and on a timely manner by the government, these technical issues not only impede service delivery but also jeopardize the trust in e-Kosova platform, as an effective and accessible tool for all. To address these challenges, better organization of the call center is essential. The Center should be properly equipped to provide immediate and fully-fledged assistance, serving citizens facing challenges while using the platform. This entails training the staff to manage a wide range of technical issues and provide clear and accurate guidance.

Increasing awareness and promoting the e-Kosova platform are crucial for encouraging widespread usage and ensuring that citizens are informed about the benefits and opportunities it offers. According to a GLPS report<sup>59</sup>, there is a significant percentage (46%) of citizens who are unaware of the platform's existence, indicating a need for expanded informative and educational efforts tailored to reach a broad and diverse audience. By addressing these challenges with sustainable and strategic solutions, the Government can build a robust digital platform that serves the needs of citizens, enhancing the quality and accessibility of public services.

On an important note, the Ministry of Internal Affairs still lacks a specialized administrative structure responsible for providing and improving public services.

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<sup>54</sup> Office of the Prime Minister, Prime Minister Kurti: The new E-Government Strategy 2023-2027 address, 6 April 2023. (Last accessed on 15 February 2024). Available at: <https://shorturl.at/jqvM6>

<sup>55</sup> Official Gazette of the Republic of Kosovo, Law No. 08/L-176, 6 July 2023. (Last accessed on 15 February 2024). Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=78181>

<sup>56</sup> Office of the Prime Minister of Kosovo, Report on Implementation of ABR and its Action Plan 2022-2024, January 2024. (Last accessed on 12 March 2024). Available at: <https://shorturl.at/kBQ04>

<sup>57</sup> Teve1, "Bislimi: During this year, 100 administrative procedures are expected to be simplified", 23 January 2024. (Last accessed on 12 March 2024). Available at: <https://teve1.info/bislimi-gjate-ketij-viti-pritet-te-thjeshtohen-100-procedura-administrative/>

<sup>58</sup> Ekonomia Online, "As issues are addressed on the e-Kosova platform, the ministry invites citizens to apply for efficient devices", 27 August 2023. (Last accessed on 28 February 2024). Available at: <https://shorturl.at/lJR2>

<sup>59</sup> Group for Legal and Political Studies, Pula E, Agusholli L., Stublla Loxha A., National PAR Monitor Report 2021-2022, 15 August 2023. (Last accessed on 15 February 2024). Available at: <https://shorturl.at/zCFTY>

## 2.4 Organisation, Accountability and Transparency: A legal framework that lacks implementation in practice

A strategic framework with clear objectives has also been established in this field, as outlined in the Public Administration Reform Strategy, emphasizing the organization, accountability, and transparency of public administration. In terms of legal framework, the Law on the Organization and Functioning of State Administration and Independent Agencies (LOFSAIA) and its subordinate legislation outline the principles and regulate the organization and functioning of public administration and independent agencies. The implementation of this law in practice is minimal, despite its enforcement five years ago.

Issues are noted in the rationalization of agencies, which is moving at a slow pace. The draft law for the second wave of rationalization of agencies was approved in Assembly in May of last year on its first reading, altering the status of only 2 agencies out of the 20 initially envisioned in the rationalization plan. The agencies that have undergone these alterations include the Agency for Radiation Protection and Nuclear Safety and the Kosovo Agency for Energy Efficiency. Despite being rationalized in the first and second waves, these agencies have yet to commence their functions in accordance with the legal changes, as internal organizational regulations have not yet been approved.

Regarding the implementation of decisions by independent constitutional institutions, specifically those issued by IOBCSK, there is a noted institutional resistance that continues throughout the reporting period. During its third year, there was no willingness noted in addressing this matter. On the contrary, there is a tendency to limit the constitutional role and position of this independent institution by amending the Law on IOBCSK, through which the number of members will be increased without justification, while its jurisdiction is to be limited when it comes to top-level positions.

## 2.5 Policy Development and Coordination

In March 2023, the Government approved the National Development Strategy 2022-2030 (NDS)<sup>60</sup>, a master plan outlining the country's economic, social and political trajectory for the upcoming years. However, there is no report publicly available that one can assess, hindering visibility into the progress, challenges and achievement of these objectives. Proper implementation of the NDS remains crucial given its overarching function as the main development strategy, aligning other key strategic documents. The NDS is developed on four main pillars, including sustainable economic development, equitable human development, safety and the rule of law, and good governance.

As for the transparency during the policy making process, the Government's transparency remains limited. Although public consultations are regularly held, there's still room for improvement. There are cases where certain laws and bylaws did not undergo public consultations such as the amendment of the Law on Public Officials and some of its sublegal acts. In addition, the outreach efforts of the institutions remain unsatisfactory and do not encourage proactive engagement.

As for early consultations, for most of the sectors, civil society and other remain scarcely involved. As in previous years, there is still a lack of policy papers, pre-impact assessments, and post-policy analyses by government institutions. These tools are essential for ensuring informed decision-making and evaluating the efficacy of policies and regulations in place.

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<sup>60</sup> Office of the Prime Minister, National Development Strategy 2030, March 2023. (Last accessed on 6 March 2024). Available at: <https://kryeministri.rks-gov.net/en/national-development-strategy-2030/>

### 3. FOREIGN POLICY

#### 3.1 Foreign Policy Turmoil: Tense Relations with Key Allies and the EU's Asymmetrical Approach

The Ministry of Foreign Affairs, under the leadership of Donika Gërvalla, has consistently been at the center of criticism for its poor performance. Apart from advancing through the initial phase of accession to the Council of Europe<sup>61</sup>, efforts remain limited, and stagnation is evident during this third year. Kosovo's application to attain candidate country status for EU membership remains pending review. In a positive development, the EU lifted the visa requirements for Kosovo in January 2024, finally granting Kosovo citizens the freedom to travel without visas within the EU.<sup>62</sup> Long overdue, it brings Kosovo in line with other countries in the region that were granted this privilege much earlier. Largely unexpected by the public, Spain joined other EU countries in lifting visa regime for Kosovo as well, regardless of its unwavering stance of not recognizing Kosovo.<sup>63</sup> Following this decision, all five EU non-recognizers now acknowledge travel documents issued by Kosovo authorities.

The strain in relations with international allies, ongoing tensions in northern Serb-majority municipalities, and the stagnation in normalization with Serbia continue to be key factors undermining Kosovo's foreign policy efforts and hindering further international recognition. Overall, this third year was marked by turmoil, contentious stances, strained relations with both the EU and the U.S., and a stalled normalization process with Serbia. Amidst these circumstances, criticism was directed towards the EU for adopting an asymmetric approach towards Kosovo, particularly in its decision to impose sanctions following the terrorist attack in Banjska by a heavily-armed Serbian group led by a former vice president of the Serbian List Milan Radojčić, the largest Serbian party in Kosovo controlled by the Serbian government.

Clashes were not absent with the U.S Administration as well, largely driven by disagreements over the dialogue process, and exacerbated by the recent decision made by the Central Bank of Kosovo to prohibit the use of the Serbian currency Dinar within Kosovo.<sup>64</sup> Beginning February 2024, a regulation from the Central Bank of Kosovo designated the Euro as the sole permissible currency for cash transactions, effectively excluding the Serbian dinar.<sup>65</sup> Both the European Union and the United States urged Kosovo to reassess this unilateral action, which has heightened ethnic tensions, and advocated for discussions and a postponement of the ban. As declared by their officials, Kosovo's decision to ban the Serbian currency is an 'unnecessary action fueling ethnic tensions' in Kosovo. Nevertheless, PM Kurti publicly declared that the decision to ban Dinar is irreversible stating that "*Dinar is not banned in Kosovo, but the Euro is*

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<sup>61</sup> Euractiv, Taylor A., "Kosovo progresses to next stage of Council of Europe membership", 25 April 2024. (Last accessed on 14 March 2024). Available at: <https://www.euractiv.com/section/politics/news/kosovo-progresses-to-next-stage-of-council-of-europe-membership/>

<sup>62</sup> European Commission, Visa liberalisation: EU adopts visa-free travel for Kosovo, 20 April 2023. (Last accessed on 12 March 2024). Available at: [https://neighbourhood-enlargement.ec.europa.eu/news/visa-liberalisation-eu-adopts-visa-free-travel-kosovo-2023-04-20\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/visa-liberalisation-eu-adopts-visa-free-travel-kosovo-2023-04-20_en)

<sup>63</sup> Radio Free Europe, "Spain Joins Other Schengen Zone Countries in Recognizing Passports Issued by Kosovo", 6 January 2024. (Last accessed on 20 March 2024). Available at: <https://www.rferl.org/a/kosovo-spain-passport-recognition-schengen-visa-liberalization/32763889.html>

<sup>64</sup> Associated Press, Bajrami F. and Semini Ll., "US official says Kosovo's ban on dinar use may spark a 'humanitarian issue' for ethnic Serbs", 14 March 2024. (Last accessed on 20 March 2024). Available at: <https://apnews.com/article/kosovo-us-serbs-dinar-ban-tension-a463c7a01f96d2a3b36b2a1ecd64d9c8>

<sup>65</sup> Radio Free Europe, "The decision of the Central Bank of Kosovo regarding payments in euros comes into effect"

*the only means of payment*".<sup>66</sup> Following numerous meetings facilitated by HRVP Joseph Borrell and other EU officials, the government has formulated proposals to address this crisis.<sup>67</sup>

### 3.2 Stumbling Blocks: Kosovo's continuing struggle with recognition and failed strategies

Entering its final year, the Kurti II administration has not garnered any additional recognitions. For several years, Kosovo has endeavored to secure new recognitions within the international community, but regrettably, has not achieved any. Kosovo received its last recognition from Israel three years ago, in the wake of the Washington agreement between Kosovo and Serbia.<sup>68</sup>

Since then, such a prolonged hiatus is regarded as a diplomatic setback for Kosovo, raising questions about the existence of a coherent foreign policy framework within the country. The public remains largely uninformed about the government's foreign policy strategy. While lacking novelty in this context, notably, the sole development during this third year was the appointment of Gani Jakupi as an external advisor for cultural and media matters, with a specific mandate to engage in lobbying efforts within non-recognizing countries.<sup>69</sup> Largely obscure to the public, his name gained prominence only after media reports surfaced regarding his appointment by the Kosovo's Embassy in Brussels. His involvement sparked concerns and criticism on two fronts: firstly, regarding the substantial monthly remuneration of 7500 Euros allocated for his services, and secondly, regarding the secrecy and approach employed by Foreign Minister Gervalla in engaging Gani Jakupi, away from public scrutiny.<sup>70</sup> Amid public criticism, in a debriefing with the Committee for Foreign Relations at the Assembly, Foreign Minister Gervalla described the compensation as modest, clarifying that Jakupi is not her advisor but rather an expert engaged in a year-long project.<sup>71</sup>

Kosovo's diplomatic endeavours continue to be significantly impacted by the ongoing tensions with Serbia, directly intertwined with the progress made in the Dialogue with Serbia. Despite pledging not to obstruct Kosovo's endeavours in international recognition and memberships, the Serbian government has not held back in this regard. Amid Serbia's obstruction and Kosovo's dearth of vision and strategic initiatives in foreign policy, no new recognitions or memberships in international organizations were attained. Second, the ongoing tensions in northern Kosovo and clashes between the two countries have also impeded Kosovo's diplomatic efforts to acquire additional international recognition. While the normalization of relations has been jittery for an extended period, tensions reached a peak with the attack in

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<sup>66</sup> Radio Free Europe, Zejneli Loxha A., "Kurti Says Won't Change Suspension of Serbian Dinar Use In Kosovo", 19 March 2024. (Last accessed on 20 March 2024). Available at: <https://www.rferl.org/a/kosovo-serbia-dinar-ban-kurti/32868947.html>

<sup>67</sup> Voice of America, "Bislimi: Kosovo and Serbia will propose a solution to the issue of the dinar", 19 March 2024. (Last accessed on 19 March 2024). Available at: <https://www.zeriamerikes.com/a/7534125.html>

<sup>68</sup> Balkan Insight, Bami Xh. and Stojanovic M., "Kosovo Establishes Relations with Israel, 'Breaking Blockade on Recognitions'", February 2021. (Last accessed on 24 February 2024). Available at: <https://shorturl.at/grwV7>

<sup>69</sup> Persikopi.com, "Donika Gërvalla and Ambassador Agron Bajrami hire a consultant with a salary of 7,500 euros per month", 21 November 2023. (Last accessed on 24 February 2024). Available at: <https://shorturl.at/hstCE>

<sup>70</sup> Telegrafi.com, "A salary of 7,500 euros per month sparks numerous reactions to the "superman" consultant of the ministry led by Gërvalla", December 2023. (Last accessed on 4 March 2024). Available at: <https://shorturl.at/gqWXY>

<sup>71</sup> Telegrafi.com, "Gërvalla characterizes the 7,500 euro salary of the Ministry of Foreign Affairs consultant, Gani Jakupi, as modest", December 2023. (Last accessed on 4 March 2024). Available at: <https://shorturl.at/eLR45>

Banjska last September. The orchestrated attack in Banjska constitutes a blatant breach of the Ohrid Agreement by the Serbian state.

Similarly, relations with the five non-recognizing EU member states have remained stagnant, with no progress observed. As experts note, from an observation of public activities undertaken by Minister Gervalla, non-recognizing states are not a priority, as the focus appears to be primarily on bilateral relations and engaging with the diaspora.<sup>72</sup> Lack of progress with non-recognizing EU member states remains a standing issue hampering Kosovo's path towards membership in international bodies. In April 2023, among countries that votes against approving Kosovo's membership in the Council of Europe were Romania, Cyprus and Spain. In addition, Hungary also voted against, while Greece and Slovakia abstained.<sup>73</sup>

In light of these challenges, GLPS argues that it is becoming increasingly imperative for Kosovo's leadership to address its foreign policy shortcomings and foster stronger ties with crucial allies. This involves promoting more effective leadership and diplomatic communication to mitigate unnecessary controversies that could jeopardize the country's advancement and stability.

## 5. EUROPEAN INTEGRATION AND NORMALIZATION OF RELATIONS WITH SERBIA

### 5.1 EU Reform agenda: favourable and adverse developments

Throughout 2023, Kosovo's EU integration process experienced both favorable and adverse developments, further elaborated in the following part of this report. Since June 2023, Kurti II-led government was under punitive measures imposed by the EU, which had detrimental impact on the EU accession journey, resulting in various financial, technical, and political repercussions. On a positive light, Kosovo achieved significant milestones such as the lifting of the EU visa regime and securing the first phase of its membership to the Council of Europe.

The EU integration process remains constrained, primarily focusing on the implementation of the Stabilization and Association Agreement (SAA), as well as the second phase of the European Reform Agenda (ERA) which concluded in October 2023. Kosovo occupies the lowest position among Western Balkan countries in terms of integration progress, a portfolio managed by the Deputy Prime Minister Besnik Bislimi. The SAA entered in force back in 2016 and still remains the only contractual agreement with the EU. In a bid to advance its EU integration trajectory and adhere to the measures outlined in the agreement, the government passed the National Programme for EU Integration 2023-2027 (NPEI) in March 2023, later approved at the Assembly in mid-June.<sup>74</sup> The first edition of the EU Reform Barometer recently released by GLPS and the EPIK Institute, offers tangible data regarding the government's performance in fulfilling its commitments in 2023, with a specific emphasis on the Executive branch. As per this assessment, among the 13 ministries evaluated, 8 demonstrated commendable performance in implementing EU reforms, while 5 ministries exhibited limited progress. The top three performing

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<sup>72</sup> Kallxo.com, Isufi A., "Foreign policy asleep, no new recognitions for Kosovo", 9 December 2023. (Last accessed on 4 March 2024). Available at: <https://kallxo.com/komuna/analize-komuna/politika-e-jashtme-ne-gjume-asnje-njohje-e-re-per-kosoven/>

<sup>73</sup> Euractiv, Milosevic Gerbic T., "Serbia 'disappointed' with Ukraine, Greece, Slovakia over CoE Kosovo vote", 26 April 2023. (Last accessed on 4 March 2024). Available at: <https://www.euractiv.com/section/politics/news/serbia-disappointed-with-ukraine-greece-slovakia-over-coe-kosovo-vote/>

<sup>74</sup> Government of Kosovo, National Programme for European Integration 2023-2027, June 2023. (Last accessed on 24 February 2024). Available at: <https://integrimievropian.rks-gov.net/wp-content/uploads/2023/07/3-PKIE-2023-2027-miratar-nga-Kuvendi-ENG.pdf>

ministries were the Ministry of Economy, scoring 64 points, followed by the Ministry of Environment, Infrastructure, and Spatial Planning, also with 64 points, and the Ministry of Education, Science, Technology, and Innovation, earning 60 points.<sup>75</sup> During this third year, increased coordination and strengthened capacities to accelerate implementation were noted, although more sustained efforts to transform this process are still missing. As for the implementation of ERA II, an independent assessment conducted by GLPS notes that out of 23 indicators foreseen for 2023 (23 indicators until October), 73,91 % of indicators were fulfilled, 4,34% partially achieved, and 21.73% remain incomplete. ERA II, as a program, concluded back in October 2023. GLPS argues that the pursuit of EU membership should not be used as a mere public relations tactic; rather, it should function as a catalyst for the completion of reforms related to the EU.

On a more alarming note, Kosovo's integration trajectory faced considerable obstacles during this period as a result of measures imposed by the EU, compelling Kosovo to take urgent steps to de-escalate the situation in North Kosovo.<sup>76</sup>

These "reversible" measures, have persisted throughout the year and continue to be enforced, effectively halting Kosovo's entire path toward EU integration. Until the measures are lifted, the activities of SAA sub-committees have been suspended, and Kosovo will not receive invitations to participate in high-level events. Additionally, bilateral visits have been put on hold. Financial support is also blocked. The Programme of funds under IPA 2024 Programme was suspended, and Kosovo proposals under the Western Balkans Investment Framework (WBIF) were not submitted for review from the board. In addition, all procurement and contractual processes were blocked, until measures are enforced.<sup>77</sup> With these measures in place, Kosovo's integration process has essentially come to a standstill. In addition to impeding progress on the EU agenda, these measures have also politically damaged Kosovo's standing in the international arena.

Despite the hurdles, Kosovo joined the rest of the Western Balkan countries in committing to one of the largest financial initiatives presented by the European Commission in November 2023, known as the New Growth Plan for the Western Balkans. Totalling a 6 billion Euro financial instrument, the New Growth Plan aims to bring Western Balkan countries closer to the EU by offering some of the benefits of EU membership and advancing the region's accession process. It is designed to boost economic growth and promote socio-economic convergence in the region.<sup>78</sup> While financial aid will be provided to support the region's economy, it's essential to acknowledge that the Plan itself is complex and demanding. Therefore, the Government must act promptly to meet the requirements and address any setbacks to effectively adhere to this challenging reform agenda. It is noteworthy that civil society's involvement in this process was lacking, and the priorities designed by the government remain largely unknown to the public.

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<sup>75</sup> European Reform Barometer, First Edition, Group for Legal and Political Studies and EPIK Institute, January 2024. Available at: [https://eubarometer.org/files/eu\\_reform\\_barometer\(jan\\_2023\).pdf](https://eubarometer.org/files/eu_reform_barometer(jan_2023).pdf)

<sup>76</sup> Council of the EU, Statement by the High Representative on behalf of the EU on the latest developments, Press Release, 3 June 2023. (Last accessed on 4 March 2024). Available at: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/03/statement-by-the-high-representative-on-behalf-of-the-eu-on-kosovo-and-latest-developments/>

<sup>77</sup> European Commission, EC Country Report Kosovo 2023, 8 October 2023. (Last accessed on 11 March 2024). Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/760aacca-4e88-4667-8792-3ed08cdd65c3\\_en?filename=SWD\\_2023\\_692%20Kosovo%20report\\_0.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/760aacca-4e88-4667-8792-3ed08cdd65c3_en?filename=SWD_2023_692%20Kosovo%20report_0.pdf)

<sup>78</sup> European Commission, New Growth Plan for the Western Balkans, 8 November 2024. (Last accessed on 21 February 2024). Available at: [https://neighbourhood-enlargement.ec.europa.eu/news/commission-presents-new-growth-plan-western-balkans-including-eu6-billion-grants-and-loans-2023-11-08\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/commission-presents-new-growth-plan-western-balkans-including-eu6-billion-grants-and-loans-2023-11-08_en)

## 5.2 Dialogue process: international quest to return to negotiating table amid tensions in north Kosovo, and EU's diminished role due to asymmetrical approach

Back in March 2023, Kurti government accepted the Ohrid Agreement which is inclusive of the establishment of the Serb-Majority Association, standing ready to seal it. However, President Vucic remained strongly opposed to this agreement. Given the Ohrid Agreement is not inked by either PM Kurti or Vucic, its legality has been called into question<sup>79</sup>, prompting requests for clarity from the EU. Besides the EU's Special Representative stance that the Ohrid Agreement remains binding, no plausible and practical steps have been undertaken for this to happen. On the contrary, President Vucic has declared that he has not accepted the agreement in its spirit, but only the articles and provisions that benefit his country.

Since March of the previous year, and particularly following the Banjska attack in September, the dialogue with Serbia has absorbed the majority of PM Kurti's foreign policy endeavors during this third year, resulting in measures imposed against Kosovo. The Banjska attack fundamentally shifted the attention of Kosovo's state institutions from EU-related reforms to the management of security-related concerns. Moreover, it has significantly undermined the normalization dialogue with Serbia, reaching a point where the prospect of sitting at the same table was deemed unrealistic. EU-imposed measures have also raised concerns on the EU's approach towards parties. The lifting of these measures is contingent upon progress made within the broader dialogue process.

GLPS argues that the EU's approach through punitive measures is vastly asymmetrical and harms the normalization of relations among both countries. This perspective may not be conducive to fostering progress in the Kosovo-Serbia dialogue. The mild response towards Serbia and the aggressive stance towards Kosovo represent a strategic slip by the international community, jeopardizing the entire dialogue process. Therefore, a balanced approach from the EU is essential for the normalization process to yield results. Acknowledgment should be granted for achievements, and appropriate consequences should be enforced when warranted, for both parties involved. Along the same line, twelve countries, including Germany, the United Kingdom, Italy, and Belgium, have penned a letter to the EU's top diplomat, Joseph Borrell, urging the EU to lift unjust measures imposed on Kosovo.<sup>80</sup>

Overall, PM Kurti maintained an active presence at the dialogue table, consistently advocating for equal standards of dialogue, emphasizing reciprocity and equality between states. On the contrary, particularly during moments of tension and crisis, it has been proven that EU has failed to adhere to these principles, more than often. Although discussions can be constructive, the tone and message frequently exert disproportionate pressure on Kosovo to make concessions. Nonetheless, the government ought to have exerted greater efforts in fostering closer alignment and coordination with key allies concerning critical matters related to the normalization of relations with Serbia, as well as its broader foreign policy endeavors. During its third year, PM Kurti has often faced discord and clashes with the international community prevailed.

The recent ruling from the Central Bank of Kosovo prohibiting the use of Serbian currency within Kosovo has exacerbated the challenges in Kosovo-US relations. During a recent visit to

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<sup>79</sup> Euronews Albania, "EU responds to Serbia: Agreement and Ohrid annex are legally binding", 15 December 2023. (Last accessed on 24 February 2024). Available at: <https://euronews.al/en/eu-responds-to-serbia-agreement-and-ohrid-annex-are-legally-binding/>

<sup>80</sup> Politico, Roussi A. and Lynch S., Countries call on EU to remove measures against Kosovo, 13 December 2023. (Last accessed on 18 February 2024). Available at: <https://www.politico.eu/article/josep-borell-kosovo-countries-call-on-eu-to-remove-measures/>

Kosovo, the US Special Envoy Gabriel Escobar has noted communication issues with the Kurti-led government on reversing the Serbian dinar ban.<sup>81</sup> Escobar criticized and took note of lack of communication between Kurti-led government and US, one of Kosovo's key allies and supporters.

Amid discussions on the ban of Serbian Dinar, weeks ago, PM Kurti announced that the long-awaited court ruling to grant 24 hectares to the Decani Monastery is finally set to be implemented, eight years after persistent requests from the international community.<sup>82</sup> On March 13, PM Kurti confirmed that the government agreed implementation of the Constitutional Court's Decision on Decani Monastery, on the back of a potential membership in the Council of Europe, a voting expected to take place in the upcoming month. Quint members and international allies were fast to welcome and commend the Kurti-led government for taking action to implement the 2016 Constitutional Court decision, which affirmed the Decani Monastery's ownership of several hectares of land.<sup>83</sup>

GLPS notes that clashes with international allies, including the EU and the US, on matters related to the normalization of relations with Serbia have rather deteriorated Kosovo's position in the Dialogue. Disagreements have further deepened following the decision to ban the use of the Serbian Dinar in Kosovo. GLPS suggests that the Government should improve its management of contradictions, emphasizing that coordinating objectives with partners is crucial for this process.

Integrating Kosovo Serb citizens is imperative. It falls upon the government's responsibility to develop a strategy aimed at integrating the Kosovo Serb community, offering economic, social, and political incentives. Kosovo needs to convey a clear and convincing message that its actions are not targeted against the civil community in the north. Establishing this fundamental trust is crucial.

## 6. CONCLUDING REMARKS

Rule of law reforms continued to be at the top of the government's agenda throughout the third year. Emphasis was placed on enhancing vetting procedures, implementing pivotal legislative amendments to reform the prosecutorial system, and a delayed drafting process of a national strategy for fighting corruption.

The main laws of the PAR legal package were constitutionally challenged. Criticism from civil society and international assessment mechanisms was evident, particularly concerning the recent amendments to the Law on Public Officials. The implementation of the Law on Salaries encounters obstacles without a proper job classification system. While initiatives like the Administrative Burden Reduction Program and the e-Governance Strategy aim to enhance service efficiency and transparency, technical issues with the e-Kosova platform and limited public awareness pose challenges. Moreover, the legal framework for public administration, though established, lacks effective implementation, as evidenced by slow progress in rationalizing agencies and resistance to decisions by independent institutions.

The Ministry of Foreign Affairs, under the leadership of Donika Gërvalla, has consistently been at the center of criticism for its poor performance. Apart from advancing through the initial phase of accession to the Council of Europe, efforts remain limited, and stagnation is evident

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<sup>81</sup> Radio Free Europe, Zejneli Loxha A., "U.S. Envoy Frustrated with Kurti's Refusal to Reverse Serbian Dinar Ban", 15 March 2024. (Last accessed on 17 March 2024). Available at: <https://www.rferl.org/a/serbia-kosovo-dinar-ban-us-envoy-escobar-kurti/32863361.html>

<sup>82</sup> Balkan Insight, Bami Xh., "Kosovo to Implement Court Ruling Awarding Serbian Monastery Disputed Land", 13 March 2024. (Last accessed on 20 March 2024). Available at: <https://shorturl.at/gT135>

<sup>83</sup> European Union Office in Kosovo, Quint Statement on the Implementation of the Registration of Decani Monastery's Land, 14 March 2024. (Last accessed on 20 March 2024). Available at: <https://shorturl.at/zBET7>



during this third year. Kosovo's application to attain candidate country status for EU membership remains pending review. In a positive development, the EU lifted the visa requirements for Kosovo in January 2024, finally granting Kosovo citizens the freedom to travel without visas within the EU.

Since June 2023, Kurti II-led government was under punitive measures imposed by the EU, which had detrimental impact on the EU accession journey, resulting in various financial, technical, and political repercussions. On a positive light, Kosovo achieved significant milestones such as the lifting of the EU visa regime and securing the first phase of its membership to the Council of Europe.

After the May elections in northern Kosovo and the appointment of Albanian mayors in four municipalities, the situation worsened in the area predominantly inhabited by the Serbian-majority community. In September 2023, Kosovo's security was compromised in the northern Serb-majority municipalities when heavily armed Serb militants launched an attack on Kosovo police. The incident occurred as the police responded to a situation where trucks without license plates were obstructing a bridge in Banjska. This incident marked the most severe outbreak of violence since Kosovo declared independence in 2008. It unfolded against the backdrop of the EU-facilitated dialogue aimed at normalizing relations between both countries. The terrorist attack was led by Milian Radoicic, the former vice-president of the Serbian List, a party widely perceived to be instrumentalized by the Serbian government. The comprehensive concept of dialogue has been disrupted by the terrorist attack against Kosovo's institutions and sovereignty.

Undoubtedly, the Banjska attack represented a setback in the normalization of relations and the Dialogue process. While condemning the attack, jointly with US and other allies, the 27 EU Member States have unanimously agreed to impose reversible and temporary measures on Kosovo, until decisive steps are taken for the de-escalation of situation in northern Kosovo. Limiting funding streams, halting high-level meetings and suspension of key funding programs were among the restrictions. To date, measures have not been lifted despite calls from Kosovo PM Kurti and numerous states including Germany, UK and Italy. EU measures had substantial impact in the political, socio-economic and technical level. Furthermore, they hampered Kosovo's position in the Dialogue process. Key conditions for reversing these measures included ensuring de-escalation through paving the way for new elections in northern municipalities, and progress in implementation of the Association of Serb Municipalities. The EU has abstained from imposing measures against Serbia, which sparked a heated debate on EU's unfair approach towards the situation. In an interview with Politico, PM Kurti mentioned that preparations are underway to hold fresh elections in northern municipalities as soon as petitions from 20% of eligible voters are ensured.<sup>84</sup>

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<sup>84</sup> Politico, Lynch S., "Kosovo wants back in EU good graces, comeuppance for Serbia", 24 January 2024. (Last accessed on 12 March 2024). Available at: <https://www.politico.eu/article/kosovo-albin-kurti-want-back-eu-good-graces-comeuppance-serbia/>

## **Policy Analysis**

Policy Analysis in general is a policy advice paper which particularly aims to influence the key means through which policy decisions are made in both local and central levels of government. The purpose of Policy Analysis is to address, more in-depth, a particular problem, to examine the arguments related to a concerned policy, and to analyze the implementation of the policy. Through Policy Analysis, Group for Legal and Political studies seek to stimulate wider comprehensive debate on the given issue via presenting informed policy-relevant choices and recommendations to the key stakeholders and parties of interest.



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