

# National Reforms Halted in Times of COVID-19

*Marije Luitjens Tol*

—

October 2020



GROUP FOR LEGAL  
AND POLITICAL  
STUDIES



GROUP FOR LEGAL  
AND POLITICAL  
STUDIES

---

# Group for Legal and Political Studies

is an independent, non-partisan and non-profit public policy organization based in Prishtina, Kosovo.

Our mission is to conduct credible policy research in the fields of politics, law and economics and to push forward policy solutions that address the failures and/or tackle the problems in the said policy fields.

[legalpoliticalstudies.org](http://legalpoliticalstudies.org)

## NATIONAL REFORMS HALTED IN TIMES OF COVID-19

*By: Marije Luitjens Tol – Affiliated Research Fellow at GLPS*

While the [socio-economic effects of COVID-19](#) in Kosovo have been [discussed widely](#), an important area has remained out of focus: the impact of COVID-19 on the implementation of the national programme in accordance with Stabilisation and Association Agreement (SAA). In April of 2016, the [Stabilisation and Association Agreement \(SAA\)](#) between the European Union and Kosovo entered into force, opening a new phase in the EU-Kosovo relationship. The SAA establishes a contractual relationship, highlighting mutual rights and obligations, but also supporting the implementation of significant reforms “[reforms designed to achieve the adoption of European standards by Kosovo](#)”. Following this, a comprehensive framework of all necessary reforms has been drafted as the [National Programme for Implementation of the Stabilisation and Association Agreement](#) (NPISAA).

GLPS has been monitoring the implementation of the NPISAA closely. [These efforts](#) have indicated that in the first half of 2018 only 29% of the overall plan had been fully implemented, while 18% was not addressed at all. A bit more than a year later, concerning the second half of 2019, GLPS concluded<sup>1</sup> that 39% of the measures have been met, while 19% have not been addressed at all. The consistency in the low percentage of implemented measures leads to believe that there might be a lack of political will to implement the NPISAA. In regard to future plans however, a renewed ‘NPISAA 2020-2024’ has been accepted in July of this year. Despite this, SAA related plans seem largely absent from the government’s agenda, as these are overshadowed by the spread of COVID-19. Recent monitoring efforts of GLPS<sup>2</sup> moreover clarify that in relation to the NPISAA there were no activities foreseen during the first six months of 2020. It therefore seems likely that the arrival of the COVID-19 might be used as a legitimate excuse to further delay reforms unwanted by the current government.

An area where this becomes particularly clear is regarding the justice system. An important requirement of the SAA is the “[strengthening the independence, impartiality and accountability of the judiciary in Kosovo and improving its efficiency](#)”, which has been reiterated in the NPISAA 2020-2024. Notwithstanding, this begs for a rigorous reform of the justice system. At the end of February of this year, prior to the arrival of the pandemic in Kosovo, GLPS organized a [round table discussion](#) during which it became clear that all invitees<sup>3</sup> agreed on the necessity of a judicial vetting process. Despite this, the adoption of the [NPISAA](#) 2020-2024 does not directly mention the occurrence of a vetting process. On top of that, while the NPISAA has been adopted in the midst of the COVID-19 pandemic, no reference has been made to the effect of the pandemic on the envisioned agenda for justice reforms. A report by the European Commission for the Efficiency of Justice ([CEPEJ](#)) [however indicates](#) that the court functioning has been strongly impacted, and that the activities as part of the project “Strengthening the Quality and Efficiency of Justice in Kosovo (KoSEJ II)” could not proceed as normal. The same appears to be the case for the possibility of a vetting process, as actions in this regard have not been resumed yet. In the beginning of July, the [group of independent experts](#) working on the vetting process moreover resigned, further delaying the reform of the justice system. More specifically, in the letter of resignation the experts referred to the hindering of important processes as a result of the spread of COVID-19. Interestingly enough, this [in contrary to Albania](#), which officially stated to resume vetting of judges and prosecutors at the start of May 2020.

Like the majority of countries dealing with COVID-19, Kosovo’s national economy is heavily impacted by COVID-19. In regard to the impact of the pandemic, the NPISAA 2020-2024 mentions that “the Government of Kosovo will take measures for economic recovery which will be based on a general analysis

---

<sup>1</sup>This is a forthcoming report, titled “monitoring the implementation of NPISAA measures July - December 2019”.

<sup>2</sup> Email conversation between GLPS and the Communications Office of the Prime Minister.

<sup>3</sup> Minister of Justice, Ms. Albulena Haxhiu, the Chairman of the Kosovo Judicial Council (KJC), Mr. Çoçaj, and the Chairman of the Kosovo Prosecutorial Council (KPC), Mr. Bahri Hyseni.

of the economic impact of Covid- 19. These measures will be summarized in the framework of the [Economic Recovery Programme after the Covid-19 Pandemic](#).” Despite taking into account that the pandemic will have a serious effect on national economic development, the possible impact of COVID-19 is not mentioned in relation to the implementation of related reforms, as reforms regarding *social policy and employment*. This is noteworthy, particularly as the European Councils’ *Kosovo 2019* report reads that “Kosovo is at an early stage of preparation on social policy and employment. [There was no progress during the reporting period](#)”. While the [NPISAA](#) echoes this statement of the EC, there is no specific reference to how scheduled reforms, in line with Kosovo’s legal framework on health and safety at work, can be guaranteed. In this regard, the *Law on Labour* for example still needs to be adapted to align with the EU acquis. All of this could be understood as an indication that there is a low willingness to focus on the realisation of safe and healthy workplaces, in a time where it is so crucial to do so.

The reforms within the justice system and in regard to social policy and employment are mere examples to indicate the slow to absent progress made with the implementation of the national working plan for the Stabilisation and Association Agreement (SAA). It is however crucial for the government to make sure that the national reforms in line with SAA will not get lost in a mix of continuous spreading of COVID-19 and the ongoing political crisis. More specifically, where [it has been argued](#) that COVID-19 ‘[helped](#)’ to overthrow the previous government, it is crucial to prevent the pandemic from becoming a tool for further delaying undesirable but crucial reforms in line with the SAA.

## Espresso.Insights

Espresso.Insights are aimed at decoding the policy research of our Fellows to a broader audience. Espresso.Insights present short summary of analysis and information that help readers and policy-makers in particular, to understand the relevant research, as they suggest possible policy options and argue for certain path of action. Aiming to intensify the debate about policy issues and general public concerns, Espresso.Insights will, in addition, serve as gears to aid an informed decision-making process.



GROUP FOR LEGAL  
AND POLITICAL  
STUDIES