



## Property Rights and Functioning of Judicial System in Kosovo as a Preconditions for Economic Development of the Country

Haxhi GASHI<sup>1</sup>, Qerkin BERISHA<sup>2</sup>

**Abstract:** The issues related to property rights and their protections are deeply complex ones that affect the life of all citizens of Republic of Kosovo. Even though, improvements on the functioning of judicial system in Kosovo are evident in recent years, continuous challenges regarding judicial affectivity and efficiency as well as independence, continue to impact negatively upon the rule of law and access to justice in Kosovo. Therefore this has direct impact on implementation of some of basic international human rights standards in the field of property rights. Furthermore, these challenges in the field of property rights and rule of law have direct impact on the foreign investments and economic development of the country. This paper will try to address some of main challenges that Kosovo judicial system is facing, in particular related to protection of property rights as well as challenges on functioning of civil judicial system in Kosovo. These challenges have other effects on investments and welfare of society, creating barriers for a proper economic development of the country and therefore producing uncertainty among population and creating the idea of migration in order to seek new opportunities.

**Keywords:** Kosovo; property; rule of law

### 1. Introduction

Kosovo has achieved considerable progress in recent years with regard to implementation of reforms including state and institutional building; however, challenges still remain with regard to implementation of property rights and rule of law in Kosovo. Rule of Law and Access to Justice are considered among the main political conditions for Kosovo in the process of EU Integration. This is clearly

---

<sup>1</sup> Profesor, PhD & Dean of Law Faculty Faculty of Law, University of Prishtina, Republic of Kosovo, Address: Prishtina, Republic of Kosovo, Tel. +381(0)38 229 063/ 220 484, Corresponding author: haxhi.gashi@uni-pr.edu.

<sup>2</sup> Teaching Assistant Ma. Sc. Qerkin Berisha, PhD Candidate, Faculty of Law, University of Prishtina, Republic of Kosovo. Address: Prishtina, Republic of Kosovo, Tel. +381(0)38 229 063/ 220 484, E-mail: qerkin.berisha@uni-pr.edu.

defined also under the first contractual agreement between Kosovo and EU - Stabilization and Association Agreement, which requires a judicial system to be effective, independent, accountable, impartial and free from the political influence.<sup>1</sup> European Union Progress Report 2015 on Kosovo among other challenges identifies that judicial structures are still prone to political interference (European Commission, Kosovo Report, 2015). Furthermore, reforms and success of the country with regard to rule of law continues to be hampered by a high level of latent corruption and intimidation present in rule of law and related public institutions in Kosovo (Ibid.) It is also well known that rule of law and legal certainty with respect to property rights are essential prerequisites for a vibrant market economy and for the protection of the human right to property. This is particularly important in the current context especially in view of the process of EU integration of Kosovo. Rule of law and property rights play also a major role in the national context of strategic planning documents such as Kosovo's National Development Strategy 2020 (NDS) and the Economic Reform Program 2016 (ERP).

The rule of law standards in Kosovo are set by the Constitution of the Republic of Kosovo which follows the European Convention on Human Rights and Fundamental Freedoms and its Protocols. The principle of legal certainty, a critical component of rule of law, requires property rights to be clearly defined by law. It is important that the law clearly prescribes the different types of property rights, that it determines who is entitled to which property rights under which circumstances, and what are the rights, entitlements and obligations associated with each type of property right. Furthermore, a proper functioning of judicial system is a necessity for practical implementation of property rights. In both, defining property rights and functioning of judicial system (OSCE, 2016), Kosovo is facing challenges that affect implementation of property rights, therefore producing uncertainty for foreign investors to invest their capital in Kosovo market (World Bank, Doing Business in Kosovo, 2016).

When it comes to the economy of the country, Kosovo is struggling by facing different problems including lack attracting foreign investments and reducing high unemployment rates which is around 40%. Taking into account its per capita GDP estimates of close to €3,000, Kosovo is considered one of the poorest countries in Europe (World Bank, *Country Snapshot*, 2015, p.6). Other issues related to rule of law such as property rights and their protection is deeply complex ones that affect

---

<sup>1</sup> The Stabilization and Association Agreement between Kosovo and EU entered into force in 01. 04. 2016.

the life of all citizens of Republic of Kosovo. A privatization process of so called socially owned property that was dominant during ex-Yugoslavian system was followed with contradictions and often corruptive. Therefore, its impact in economic development of the country was minor.

As a result we can conclude that among other factors current situation with property rights and rule of Law in Kosovo has impact in economic development of Country, having also impact in poverty, by reducing employment and income opportunities, quality of education and healthcare and producing inequalities among the population of Kosovo (World Bank, 2016).

## **2. Defining Property Rights in Kosovo – Legal Certainty**

Each property rights type has its specific bundle of rights associated with, and this bundle of rights must be clearly defined. In accordance with the case law of the European Court of Human Rights, the law that defines property rights must be sufficiently accessible, precise and foreseeable in its application in order to avoid any risk of arbitrariness.<sup>1</sup> The law must be written with sufficient clarity and accounted for a legitimate purpose to give the individual adequate protection against arbitrary interference. The legal system as such must ensure legislative clarity and coherence in order to avoid uncertainty and ambiguity for the persons concerned and prevent conflicting interpretations of legal provisions.

Despite improvements in recent years, property rights legislation in Kosovo still lacks this standard of legal certainty. Several reports prepared by international organizations acting in Kosovo identify problems with regards to defining and protecting property rights in Kosovo. In connection with that, the recognition, determination and protection of property rights in Kosovo needs to be clarified and streamlined in order to adequately and efficiently regulate the acquisition of property in Kosovo. Some of the main issues to be addressed under this part include regulation of property rights clearly as it is required by the Constitution and International Standards; transformation of Kosovo economy, respectively transformation of property rights as it was supposed to bring efficiency in the Enterprises, and improved country's economic development and challenges related to resolving property disputes.

---

<sup>1</sup> With regard to necessity to define property rights please see: *Novik v. Ukraine*, No. 48068/06, online at: <http://demo.eurocases.eu/Doc/CourtAct/4547522>.

### **2.1 Legal Complexity in Kosovo: Legal Framework Defining Property Rights**

After end of war in 1999 Kosovo was placed under United Nation Interim Administration Mission so (UNMIK). In the first stage UNMIK has had power over all sectors in Kosovo. Later year by year until Kosovo Declared its Independency on 17 February 2008, depends on the progress on the fulfillment of the international standards, Kosovo institutions took powers in certain sectors including those related to property rights. By the UNMIK Regulation no. 1999/24, as amended by Regulation no. 2000/59 the applicable law in Kosovo was: UNMIK Regulations; Kosovo laws issued by the Assembly of Kosovo; Laws in force before 22 March 1989 (before abrogation of the Kosovo autonomy by Serbia); The laws issued by Serbia after 22 March could be applied only under certain conditions: a) If there were legal gaps; b) If they were not of discriminatory character (UNMIK Regulation, no.1999/24, Article 3).

After 1999 Kosovo has enacted a number of laws related to the property rights, including, Laws for transformation of property (privatization) (UNMIK Regulation no.2002/24). other laws regulating private property rights such as, Law on Ownership and Other Real Rights (LORR, 2009), Law on establishment Registry for Registration of the Rights on Immovable (Law No. 2002/5) Law on Construction Land, Law on Agriculture Land (Law no.02/L-26, 2007) Law on Public Enterprises ( Law no.03/L-087, 2012) etc.

The ambiguity of legislation has had impact on the clarification of the property rights in Kosovo in all dimensions, transformation of property and protection of the private property (Gashi, 2013, pp. 164-165). Still there are a number of challenges on interpretation and implementation of property rights because of diffused legislation regulation property rights and privatization (Gashi, 2008, p. 42).

### **3. Transformation of Property**

In order to create a free market orientated economy based on the private property, the first step that all former socialist countries have followed after fall of the socialist economy was transformation of property. The transformation of property or in other words "Privatization" is understood as transfer of the property rights from State to the private owner or from State Owned Enterprises / Socially Owned Enterprises to the private owner. It is important to note that the privatization in post-communist

countries as a necessity stemming from the failure of the socialist system on scientific arguments that state-owned enterprises / society have not been productive; respectively efficient to meet social needs (Pitelis, Christos, 1993; Gérard, 1994; Pavlinek, 2002). The main purpose of the economy is the fulfillment of social demands, and privatization as part of the transformation of the socialist economy to a market economy is considered the only way out of economic crisis. In order to archive a goal of privatization and transformation of economy, post-communist countries as followed different approaches of transformation.

Some of these countries have implemented the strategy of privatization in such manner that privatization and restitution of property (denationalization) was treated in the same time (case of Former East Germany), some other countries have given priority to the restitution before privatization, but since restitution took long time and prevented the privatization process, these countries have changed their approach by given priority privatization over restitution (Case of Czech Republic, Slovakia). There are also cases that started with privatization, but still didn't resolve the question of the restitution (Case of Poland, Kosovo). In the other words the models of the privatization can be summarized as follows: (1) distribution of shares to enterprise workers (internal privatization), (2) distributing shares to all adult citizens (the voucher system), (3) selling shares to strategic investors (domestic or foreign), as well as (4) returning property to former owners, whose property was nationalized without compensation during communism (Bennett, Estrin, 2004)

*Combined methods* - There do not exist a model or a country that has used only one method of privatization. The methods are combined, depending on the circumstances of each country and these methods have been adapted in order to achieve at the same time economic development and resolving property disputes, respectively create a social justice as it has been possible (Gashi, 2012). All of these models of transformation of property have had direct impact on the clarification and protection of the property rights during transition economies, which resulted also in the number

of cases before European Court of Human Rights<sup>1</sup>, and UN Commission on Human Rights.<sup>2</sup>

### **3.1 Privatization of Socially Owned Enterprises (SOEs) - Case of Kosovo**

As it is pointed out above the process of privatization has been very difficult in all post-communist countries. The privatization of socially owned enterprises in Kosovo represents one of the most complex processes of privatization in post-communist countries, due to the fact that Kosovo has distinct specifications of these countries.

Kosovo has enough specificity that distinguish it from other post-communist countries in terms of the privatization process in the institutional and legal terms, but also because of the circumstances under which Kosovo has passed. During the 1989-1999 Kosovo has been under Serbia Violent Regime it is reflected in all institutions, including the organization and operation of Socially Owned Enterprises (SOEs). This is also reflected in the violent change of the legal status of enterprises and transforming the violent measures which poses difficulties in resolving property claims during the privatization process. Kosovo also show other changes after the 1998-1999 war which placed Kosovo under international administration UNMIK, so that the legal and institutional framework created new circumstances and often practical difficulties in the implementation of the privatization process.

### **3.2 Specifics of the Transformation of the SOEs in Kosovo**

The concept of privatization in Kosovo could be described with number of specifics; a) The concept of privatization is the sale of socially-owned enterprises (shares) to local investors or foreign; b) The concept of privatization in Kosovo is similar to the German concept / privatization of companies in former East Germany; c) Kosovo has implemented only for model-selling company shares; d) For enterprise employees it provided 20% of total value of sold; e) The sales revenue of enterprises

---

<sup>1</sup> For more information on privatization and human rights related practice see cases before the ECHR, *Polacek v. Czech Republik*, App. No. 38645/97, par. 62; *Gratzinger v. Czech Republic*, App. No. 39794/98, par. 74; *Jantner v. Slovakia*, App. No. 39059/97, judgment of 9 July 2003, par. 34; “*Solidarnosc*” Trade Union at the “*Zgoda*” Coperative against Poland, App. No. 25481/94; “*Solidarnosc*” Trade Union at the “*Fresco*” Planet against Poland, App. No. 26174/95, decision of 6 April 1995.

<sup>2</sup>For more information on privatization and human rights related practice see cases before UN Commission on Human Rights, *Proszak v. Poland*, App. No. 25086/94, decision of 18 October 1995; *Trzaska v. Poland*, App. No. 25792/94, decision of 6 September 1995; *J.A. v. Czech Republic*, App. No. 22926/93; *Jonas v. Czech Republic*, App. No. 23063/93; *Gebłusek v. Hungary*, App. 23318/94; *Timar v. Hungary*, Joint Cases, App. No. 23209/94 and App. No. 27313/94; *Gratzinger v. Czech Republic*, App. No. 39794/98, par. 69.

are deposited in Privatization Fund in order to compensate the rightful owners whose property privatized; f) In Kosovo still do not have Law on restitution / compensation of property to former owners whose property was nationalized during Communism.

#### **4. The Impact of Privatization in the Economic Development and the Clarification of the Property Rights**

The privatization process in Kosovo didn't bring efficiency in the privatized enterprises and the Kosovo economy as it was supposed as a part of transformation of socialist economy. A number of privatized enterprises faced challenges on continue and maintain the same business and couldn't increase a rate of employment. Moreover, many of those have changed their business by transferring it to the construction land and built buildings for other purpose. Again, there are a number of property claims for privatized enterprises submitted to the special court- Special Chamber within Kosovo Supreme Court.<sup>1</sup> Most of claims are from former owners whose property was nationalized during communist regime and also claims from creditors. The amount of sold enterprises is deposited in the Privatized Fund.<sup>2</sup> However, as mention above Kosovo still do not have a Law on Denationalization/Restitution.

#### **5. Regulation and Resolving Property Disputes in Kosovo**

There is a mixed system of functional organizational method of resolving property disputes conditioned by the nature of the dispute. Property disputes can be resolved by functional scheme and subject as follows; a) Regular courts (Basic Courts, Appeal Court and Supreme Court), as court of general jurisdiction; b) Kosovo Privatization Agency and the Special Chamber of the Supreme Court (Property Claims related to privatization; c) Property Agency and the Supreme Court responsible to resolve certain property issues by 27 February 1998 and 20 June 1999; d) Certain issues that are within the competence of special bodies (AKP and APK) cannot be set apart from the regular courts, unless otherwise provided by special law ( principle of lex

---

<sup>1</sup> The Special Chamber of the Supreme Court is a special court responsible to deal with privatization matters. This court is established by UNMIK Regulation, No. 2002/13 as amended later in 2011.

<sup>2</sup> Privatization Fund is special fund created by Law on Trust Agency, Regulation No. 2002/12, amended by Regulation No. 2005/18, article 5 and 6 and later Law no. 03/L-067 Kosovo Privatization Agency with main objective compensation of legitimate claim over privatized property.

special); e) The Constitutional Court decides on cases related to violation of human rights guaranteed by the Constitution and provisions of International instruments that are directly applicable in Kosovo as part of Kosovo Constitution. This mixed system of jurisdiction creates a confusion and uncertainty on how to resolve any property claim. Furthermore, this kind of jurisdiction is not properly developed when it comes to the question resolution of property rights.

## **6. Rule of Law and Functioning of Kosovo Judicial System**

Many international reports related to Kosovo and Rule of Law in Kosovo point out that a proper functioning of judicial system in Kosovo has direct impact in the current situation of rule of law in Kosovo (European Commission Kosovo Report, 2015, p. 12-13). While the term judicial system is quite broad term, which includes several institutions in the field of justice sector, for the purpose of this topic the main focus of this paper will be given on functioning of courts. Several issues or questions should be addressed when analyzing functioning of Kosovo Judicial system such as; a) Does Kosovo has adequate legal framework in place related to proper functioning of judicial system? b) Does legal framework properly applies in practice? What are the main problems, obstacles and factors that have negative impact on the proper functioning of judicial system in Kosovo? And finally do these existent problems have any impact in the economic development of Country and welfare of Kosovo society. In the following parts of this paper we will try to answer on these questions.

When discussing the issues related to proper functioning of a judicial system, one of most frequent questions to be addressed is if there is an adequate legal framework in place that defines the role and responsibilities of such judicial system. Not only legal framework defining the mandate of judiciary, but generally a clear legal framework within a legal system is necessary for a well-functioning of judiciary. With regard to the legal framework regulating organization and functioning of Kosovo Judicial system, Kosovo has improved in the recent years (ibid.). The main fundamental principles for the organization and functioning of Kosovo Judicial System are determined by Constitution of Kosovo adopted in 2008, which guarantees that the judicial power is vested in courts and, while the Kosovo Judicial Council is the main responsible body for ensuring the independence and impartiality of the judicial system in Kosovo (Constitution of Republic of Kosovo, Article 108) Constitution and primary legislation has clearly foreseen the process of election of judges, who



are appointed, reappointed or dismissed with the proposal of the Kosovo Judicial Council and approval of the President of Kosovo.

Law on Courts further regulates the mandate of each level of courts in Kosovo, while a reform on the organization of courts in Kosovo has been introduced in recent years, aiming to improve affectivity and efficiency of court system in Kosovo. Based on this new reform the court regular system in the Republic of Kosovo includes seven Basic Courts and their Branch Courts, the Court of Appeals and the Supreme Court. Constitution has mandated the Supreme Court<sup>1</sup> as the highest judicial authority over the entire territory of the Republic of Kosovo (Constitution of Republic of Kosovo, Article 103, Par. 2) Provisions of international instruments on human rights enjoy constitutional level, and therefore are directly applicable in Kosovo. In this regard, some of basic human rights including the right to effective judicial remedies guaranteed under provisions of ECHR, UDHR, and other international HR instruments are granted at the constitutional level and have priority over national legislation (Constitution of Republic of Kosovo, Article 22) Kosovo legislation related to civil procedure is in place regulating different forms civil procedures, thus, providing necessary legal framework on protection of property rights from the procedural aspect. We specifically mention these provisions, due to the fact that existence of an effective judiciary is a prerequisite to guarantee property rights, and create an attractive market for foreign investors. Therefore, analyzing the current legal framework on judiciary, we can argue that the overall legal framework in this area fulfils international standards to ensure the independence, impartiality and accountability of the justice system, at least from the legal point of view. It may be necessary to address specific issues under legal framework, in particular to harmonize with Acquis. However, frequent changes in legislation, mostly due to the process of harmonization with Acquis may have also negative impact in the work of judiciary.

## **7. Main Challenges of Kosovo Judicial System**

Different assessments and international reports related to Kosovo judicial system identify problems and challenges related to functioning of judicial system in Kosovo.

---

<sup>1</sup> Apart from being the highest judicial authority in Kosovo and decides as a third instance court, which means it is of the final court of appeals against verdicts and other decisions brought by lower courts in Kosovo, the Supreme Court includes the Appeals Panel of the Kosovo Property Agency and the Special Chamber of the Supreme Court on Privatization Agency of Kosovo related matters.

Among those problems and challenges with negative impact in the work of judiciary are considered the high level of corruption, political interference, non-efficiency and lack of capacities and resources. The recent European Commission Kosovo Progress Report 2015, even though accepts some progress that has been achieved in the recent years with regard to adopting necessary legislation in the field, concludes that “*Kosovo's judicial system is at an early stage of developing a well-functioning justice system* (European Commission, 2015, p. 12) Furthermore, it comes to the conclusion that *administration of justice is slow* and there is *insufficient accountability of judicial officials* (ibid). Other international reports on Kosovo Judiciary show us low integrity too (UNDOC, 2014, p. 11-12). UNDP Public Pulse Surveys show low satisfaction of Kosovo citizens with the work of judiciary (UNDP Kosovo, 2016, p. 4). Reports of Transparency International and other non-governmental organizations come to the conclusion that *Kosovo judiciary is significantly affected by corruption* (UNDOC, 2014, pp. 11-12) The following table shows the level of satisfaction of Kosovo Citizens with the work of judiciary for the period June 2011 to April 2016 (UNDP Kosovo, 2016, p. 4):

Table 1

Year		Jun 2011	Oct 2012	Apr 2013	Apr 2014	Nov 2014	Mar 2015	Sep 2015	Apr 2016
Satisfaction with the judiciary	Court	26.9 %	24.3 %	16.7 %	37.5 %	22.8 %	17.2 %	13.9 %	18.4 %
	Prosecutor's office	20.0 %	15.0 %	17.7 %	38.1 %	21.0 %	17.0 %	12.8 %	16.9 %

Some of the main issues to be addressed for having a proper functioning of the judicial system in Kosovo are related to proper implementation of legislation related to judiciary; increase the level of financing and human resources for the sector as well as ensure that appointments in Kosovo Judicial Council and Kosovo Prosecutorial Council are done without political interference. Furthermore, Judiciary should focus their efforts on reducing the backlog of cases (European Commission, Kosovo Report 2015, pp. 12-13)

## **8. Impact of Rule of Law in the Economic Development and Welfare of Society**

Kosovo has an economic growth of 3.6 in 2015, estimated to remain at the same level in 2016 and 2017. However, per capita GDP estimates of close to €3,000 and the unemployment rates of around 40% makes Kosovo as one of poorest countries in Europe. Remittances from a large Diaspora, mostly living in EU countries and USA still continue to be one of main incomes for many of Kosovo families. Even though, Kosovo Economy is based in a free market economy, Public Sector remains the biggest employer through state institutions and public companies. Private sector is gradually increasing, however, there are different factors that have negative impact on its growth. In recent years, Kosovo has introduced some reforms with the purpose of reducing barriers of doing business, therefore Kosovo's ranking in WB Rankings of doing Business has been increased (2016 (66); 2015 (64)) (World Bank Doing Business Report, 2016, 2017)

As previously discussed in this paper the process of privatization of socially owned property that initially was managed by UNMIK during its provisional governance of Kosovo until 2008, and later taken by Kosovo institutions was supposed to bring foreign capital as FDI in Kosovo. However, this process of privatization as well as the model used to privatize socially owned enterprises did not achieve its primary goals. Only few of the newly established companies managed to continue their business, while thousands of former employees lost their jobs. Furthermore, the process of privatization has been followed by contradictions as well as corruption cases.

Problems with the rule of law, including high level of corruption in different levels of administration, including judiciary, as well as problems with defining property rights and proper functioning of judiciary have had direct impact in the economic development of the Kosovo. These factors have created uncertainty for foreign investors to invest their capital in Kosovo, and therefore they have had also a direct impact in the high level of unemployment in Kosovo.

In the late 2014 and beginning of 2015 a large number of Kosovo citizens illegally migrated to EU countries (around 60,000) seeking economic asylum. While, free movement of Kosovo citizens in the EU so far has not been achieved due to political reasons and non fulfillment of criteria's including those related to fight of corruption and organized crime, this was seen as a good opportunity by migrant smugglers to

benefit. Half of migrants were returned to Kosovo, however they went back in a deeper poverty comparing with the situation they left the country.

## 9. Conclusions

Some progress has been achieved regarding regulation, definition and protection of property rights in compliance with international standards, still there are several challenges. These challenges include those related to legal framework itself and also its practical implementation.

The main challenges include:

- Mixed legal framework – creating difficulties on implementation;
- Privatization still didn't reflect on efficiency and economic development of country – high rate of unemployment with negative impact on migration;
- Still no resolution for property rights of the former owners whose property was nationalized – uncertainty on protection of property rights;
- Unclear definition of property rights is reflected on uncertainty of foreign investors to invest their capital in Kosovo;

Even though there is a progress on the development of Kosovo Judicial system in line with international standards, particularly with regard to legal framework, challenges still remain at the practical level. Some of the main challenges include:

- The backlog of cases in Kosovo Courts has direct negative impact in fulfilling property rights and therefore international human rights standards *on effective remedies* often are not met.
- Low integrity of judiciary, including low satisfaction, high perception of corruption and political interference have also negative impact on FDI.
- Current problems with functioning of judiciary create different problems on implementing property rights in Kosovo, therefore, they have direct or indirect impact on the welfare of Kosovo Society, particularly on economic growth, unemployment and migration.

Despite of a yearly economic growth of four percent, Kosovo still remains one of the poorest countries in Europe; with a per capita GDP estimate of close to €3,000 and unemployment rates that vary between 30 – to 40 %. This situation had direct impact

on Illegal economic Migration of around 60,000 Kosovo citizens towards EU countries in 2014 – 2015.

Various reforms have been promoted in respect of improving business environment, particularly by tax reforms, reducing administrative burdens and improving administrative services. According to WB Doing Business Report 2016 Kosovo was Ranked in the 66 place for doing Business.

## 10. Bibliography

Bennett, John; Estrin, Saul et. al. (2004). Privatization methods and economic growth. *CEPR, Discussions Papers* 4291.

Constitution of Republic of Kosovo, 2008.

European Court of Human Rights, *Gratzinger v. Czech Republic*, App. No. 39794/98.

European Court of Human Rights, *Jantner v. Slovakia*, App. No. 39059/97, judgment of 9 July 2003.

European Court of Human Rights, *Polacek v. Czech Republic*, App. No. 38645/97.

European Court of Human Rights, *Solidarnosc” Trade Union at the “Fresco” Planet against Poland*, App. No. 26174/95, decision of 6 April 1995.

European Court of Human Rights, *Solidarnosc” Trade Union at the “Zgoda” Cooperative against Poland*, App. No. 25481/94

European Commission, *Kosovo 2015 Report, SWD(2015) 215 final*, available at: [http://eeas.europa.eu/delegations/kosovo/documents/eu\\_kosovo/20151110\\_progress\\_report\\_kosovo\\_en.pdf](http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20151110_progress_report_kosovo_en.pdf)

Gashi, Haxhi (2013). *A comparative analysis of the transformation of state/social property: Privatization and restitution in the post-communist countries - Kosovo as a sui generis case of privatization*, NOMOS, Reihe: Schriftenreihe des Zentrums für Europäische Rechtspolitik der Universität Bremen (ZERP), Bd. 66, Germany.

Gashi, Haxhi (2012). The legal conflict regarding the privatization of socially owned enterprises; Amendments to the Law on Special Chamber of the Supreme Court, the Law on PAK and other relevant laws. *Hanse Law Review*, Vol. 8, No.1, pp. 65-77.

Law no.02/L-26 on agriculture land, OG, no. 13/01, 2007.

Law no.03/L-087 on public enterprises, OG, no. 31/15, 2008.

Law on Ownership and Other Real Right, Official Gazette, no. 57/2009, 2009.

Novik v. Ukraine, No. 48068/06, online at: <http://demo.eurocases.eu/Doc/CourtAct/4547522>.

OSCE Report, *Privatization in Kosovo: Juristically Review of Cases of the Kosovo Trust Agency by the Special Chamber of the Supreme Court*, May 2008;

OSCE Report, *Privatization in Kosovo: Juristically Review of Cases of the Kosovo Trust Agency by the Special Chamber of the Supreme Court*, May 2008.

Pavlinek, Peter (2002). Domestic Privatization and its Effects on Industrial Enterprises in East-Central Europe: The Evidence from the Czech Motor Component Industry. *Europe-Asia Studies*, Vol. 54, No. 7, 1127.

Pitelis, Christos & Clarke, Thomas (1993). *The political economy of privatization*. London.

Roland, Gérard & Verdier, Thierry (1994). Privatization in Eastern Europe, Irreversibility and critical mass effects, 1994/54. *Journal of Public Economics*, 161-183.

*Stabilization and Association Agreement between Kosovo and EU*, 01. 04. 2016.

UN Commission on Human Rights, *J.A. v. Czech Republic*, App. No. 22926/93.

UN Commission on Human Rights, *Gebusek v. Hungary*, App. 23318/94.

UN Commission on Human Rights, *Gratzinger v. Czech Republic*, App. No. 39794/.

UN Commission on Human Rights, *Jonas v. Czech Republic*, App. No. 23063/93.

UN Commission on Human Rights, *Proszak v. Poland*, App. No. 25086/94, decision of 18 October 1995.

UN Commission on Human Rights, *Timar v. Hungary*, Joint Cases, App. No. 23209/94 and App. No. 27313/94.

UN Commission on Human Rights, *Trzaska v. Poland*, App. No. 25792/94, decision of 6 September 1995.

UNDOC, *Judicial Integrity in Kosovo*, Assessment Report 2014.

UNDP Kosovo, *Public Pulse XI*, May 2016.

UNMIK Regulation on Kosovo Trust Agency, no.2002/24.

World Bank Data on Kosovo available in: <http://data.worldbank.org/country/kosovo>.

World Bank, *Doing Business Report*, 2016, 2017 available on: <http://www.doingbusiness.org/data/exploreeconomies/kosovo>

World Bank Group in Kosovo, *Country Snapshot*, April 2015.