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List of Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
AI	Administrative Instruction
AM&L	Adaptive Management & Learning
AmCham	American Chamber of Commerce in Kosovo
AMIK	Association of Microfinance Institutions of Kosovo
CLRA	Commercial Litigation Rapid Assessment
CMIS	Case Management Information System
CPEA	Chamber of Private Enforcement Agents
EAS	Enforcement Automation System
ERP	Economic Reform Program of the Republic of Kosovo
EU FLP	EU Project – Support to Free Legal Professions and Bar Association
ITT	Indicator Tracking Table
KAMA	Kosovo Apparel Marketing Association
KBA	Kosovo Bar Association
KCC	Kosovo Chamber of Commerce
KIA	Kosovo Insurers Association
KJA	Kosovo Judicial Academy
KJC	Kosovo Judicial Council
LEP	Law on Enforcement Procedure
MEI	Ministry of European Integration
MEL	Monitoring, Evaluation, and Learning
MELP	Monitoring, Evaluation, and Learning Plan
MOF	Ministry of Finance
MOJ	Ministry of Justice
MTI	Ministry of Trade and Industry
NGO	Non-Governmental Organization
OCA	Organizational Capacity Assessment
PBC	Pristina Basic Court
PSA	Public Service Announcement
STIKK	Kosovo Association of Information and Technology Companies
STTA	Short Term Technical Advisor
TAK	Taxation Authority of Kosovo
TNA	Training Needs Assessment
UIHJ	International Union of Judicial Officers

I. Program Purpose and Approach

The Commercial Justice Activity (Program) was designed to reduce opportunities for corruption and improve businesses' and the public's perception of corruption by improving commercial dispute resolution, enforcement, and fostering an understanding of the processes that enhance investment and promote economic growth in Kosovo. To achieve its objectives, the Program supports reforms on core aspects of Kosovo's commercial justice environment: 1) improving how courts resolve commercial disputes; 2) strengthening the capacity and readiness of judges and court staff to handle commercial disputes effectively; 3) building the accountability, reliability, and professionalism of Kosovo's private enforcement system; 4) expanding the availability of, and reliance on, alternative dispute resolution (ADR) mechanisms; 5) enhancing and harmonizing commercial legislation; 6) building the capacity of commercial justice institutions to communicate effectively; and, fundamentally, 7) improving business and general public perceptions of commercial justice in Kosovo.

The Program employs a flexible, demand-driven approach that relies on constant two-way communication and collaboration among all relevant stakeholders, other donors, and USAID. With a government context that is often unpredictable and rapidly changing, the Program is designed to respond and adapt quickly to new conditions and opportunities to improve Kosovo's commercial justice system.

II. Executive Summary

The Kosovo Assembly was dissolved late in the previous quarter, and a new government remains to be formed following elections in early October 2019. In spite of the absence of a government, the Program has continued work with government counterpart personnel and non-government counterparts in commercial justice.

Following intensive drafting and working group support during the previous quarter, the Program supported completion of a Concept Note on Judicial Reform on Commercial Justice, incorporating comments received as part of internal and public consultation processes. The Concept Note is a required step before developing legislation to establish a commercial court. It examines and evaluates reform options and lays out the design of the intended reform. The completed Concept Note is ready for the next government to adopt.

The Program continued support to the Ministry of Justice's (MOJ) Rule of Law Functional Review process by facilitating stakeholder review and comment on the 16 policy papers making up the four chapters of the Functional Review. At the MOJ's request, the Program designed and recommended to the MOJ a spreadsheet to organize and consolidate the findings and recommendations contained within the broad range of policy papers.

The Kosovo Chamber of Private Enforcement Agents (CPEA), a key commercial justice counterpart, signed an agreement of membership with the International Union of Judicial Officers (UIHJ) in Paris, and assumed observer status in the organization. This is a significant achievement for the CPEA and will help increase its visibility internationally as well as its access to international best practices and professionals.

The Program facilitated a workshop bringing together representatives of the Ministry of Justice, Kosovo Judicial Council, and the CPEA to discuss challenges facing Kosovo's private enforcement system. The first government-judicial sector meeting of its kind on the private enforcement system, this workshop identified significant challenge areas on which the

government, the judiciary, and the chamber will need to coordinate in order to address effectively.

The Minister of Justice signed five sub-legal acts in implementation of the 2018 Law on Mediation. The adopted AIs are: 1) AI on Licensing Mediators; 2) AI on Oversight and Procedure for Disciplinary Responsibility of Mediators; 3) AI on Registry of Mediators; 4) AI on Training and Certification of Mediators; and 5) Code of Conduct for Mediators. The Program supported the finalization of these AIs through the consultation processes.

The Program initiated its Business Consultation Roundtable series with two roundtables during the quarter: one covering the technology sector, through Kosovo Association of Information and Technology Companies (STIKK); and one with Women in Businesses. Both roundtables highlighted challenges faced by businesses in Kosovo's legislative/regulatory and institutional environment for business. Among other challenges businesses face are the lack of expertise in the judiciary, lack of specific contract templates, lack of expertise in ADR and intellectual property law, etc. The events were organized in cooperation with the Kosovo Chamber of Commerce (KCC), AmCham and Kosovo Business Alliance, and serve to educate businesses about the Program's activity areas while informing the Program of opportunity areas to modify its approach.

The Program joined AmCham to support the drafting of the AmCham's periodical Business Perceptions on Corruption Survey Report. The Program supported AmCham with the fieldwork and methodology for the surveys, and reviewed the questionnaire design, adding some concrete questions on commercial justice institutions. The final report with findings will be released in early December 2019.

III. Status of Activities and Tasks

The Program is organized into two core objective areas: I) Strengthening Kosovo's Capacity to Resolve Commercial Disputes and Enforce Judgments; and II) Enhancing Commercial Law and Use of Alternative Dispute Mechanisms and Improve Public Awareness and Legal Literacy. Except as specifically noted otherwise, this report is structured to address activity areas, activities, and sub-activities as they are set out in the Program's approved work plan.

OBJECTIVE I STRENGTHENING KOSOVO'S CAPACITY TO RESOLVE COMMERCIAL DISPUTES AND ENFORCE JUDGMENTS

Objective I of the Program addresses court-based commercial justice, supporting improved court processes and structure, specialized judicial training on commercial topics, strengthening capacity and accountability in enforcement, and building business confidence in commercial justice processes and institutions.

Activity Area I.1. Improve Resolution of Commercial Disputes in Court

All of Kosovo's commercial cases in court are currently handled by the Commercial Department of the PBC, which has average case resolution times of two to three years for each case. Business complaints for administrative decisions go to the Administrative Department of the PBC, which is badly overloaded and has even slower case resolution times. Because of the outsized impact that access to commercial justice has on Kosovo's economic environment and investment climate, the need to reform these dispute resolution institutions is recognized as urgent by all stakeholders. As established by the government of Kosovo in the Functional Review processes, reforms in this area are being treated as an immediate priority. The Program is providing support to the MOJ, the Kosovo Judicial

Council (KJC), and the Commercial Departments, as well as the Functional Review working group tasked with commercial justice reforms, in particular, to support reforms of court-based commercial litigation.

Activity 1.1.1 Conduct Commercial Litigation Rapid Assessment (CLRA)

This activity was concluded in the first quarter. The CLRA recommendations—including, in particular, establishment of a freestanding commercial court and inclusion of administrative cases affecting business in it—served as principal inputs to the commercial reform design efforts outlined below in Activity 1.1.2.

Activity 1.1.2 Advocate and support identified reforms to court-based commercial litigation

During the third quarter, the Program initiated direct statistical data collection on cases in the Commercial Department of the PBC. The data collected will be organized into several metrics: the number of new cases that judges receive each month; the rate cases are completed each month by each judge (closed cases); number of cases held by each of the judges in his/her office (active cases), foreign investors cases; bankruptcy cases; cases requesting emergency relief (e.g., injunction); cases in which the procedure was terminated (on the various grounds specified in law); arbitration cases and closed cases. The same method will be used to collect the data in the Fiscal Division of the Administrative Department during the next quarter. This data will help the Program work with the MOJ, KJC, and other commercial justice stakeholders in promoting reform of commercial litigation processes in court, whether in the Commercial Department of the PBC or in a new commercial court.

The Program conducted a briefing of the KJC Chair to inform and update the KJC on the Program's activities and support for commercial court reform. Topics discussed include: planned training approach for commercial judges and their professional staff; new regulatory framework or redefining the issue of professional expertise and engagement of experts working with Courts; reform of the court expert process as a necessity because of the great impact that court experts have on efficiency and time disposition of court cases; CMIS and the lack of notification module within it; the need to involve the KJC and courts in monitoring and control of private enforcement agents.

Sub-Activity 1.1.2.1 Support MOJ to design and draft legislation for the establishment of a Commercial Court

During the quarter, the Program supported MOJ in convening a working group meeting for the Concept Note on judicial reform of commercial justice, addressing the comments and feedback provided during the internal and public consultation gathered as part of the legal drafting process. Key institutions and other stakeholders attended the meeting, including the KJC, the MOF, Commercial Chambers, CSOs, the EU representative, Office of the Prime Minister, the PBC Commercial Department and Fiscal Division judges, and commercial attorneys. As a result, the Concept Note has been finalized and will be available for consideration and, potentially, adoption by the next government to be formed following the election that was held in October 2019.

Sub-Activity 1.1.2.2 Support MOJ to advocate commercial court reform

The Program supported the MOJ in designing a policy measure on commercial court reform to include under Kosovo's Economic Reform Programme (ERP, 2020-2022). The KJC joined the MOJ as a co-sponsor of the measure that proposes the establishment of a standalone commercial court in place of a previous measure geared toward improving the Commercial

Department of the PBC. The ERP is an EU-required strategic document with policy priorities for all prospective EU countries. Its implementation is monitored by a European Commission team based in Brussels. Incorporating the commercial court reform into the ERP and securing a partnership between MOJ and KJC to advocate for the reform improves the likelihood that the reform will be continued once a new government takes office.

Activity Area 1.2. Training of commercial judges, staff, and business support professionals

The direction of training development for commercial judges and court staff is dependent on the shape and progress of the commercial court reform. Creation of a new court will likely give rise to a significant new group of training participants. Therefore, the start of the Program's activities for commercial judge and staff training is currently being deferred pending a decision on commercial court reform.

Activity 1.2.1 Conduct TNA for commercial law training of Judges and court staff

To understand the learning environment on commercial law in the courts, the Program engaged an expert to hold a series of meetings with key judicial and legal stakeholders to help design a TNA process which will take place in months to come. This activity helped establish baseline planning needs for the TNA and assisted in identifying potential candidates to participate as trainers in a future training of trainers' curriculum development activity to be developed by the Program with the expert's assistance.

Activity 1.2.2 Support development of commercial law training curriculum

Training curriculum development will occur after completion of the TNA. As a result, no actions were carried out under this activity during the quarter.

Activity Area 1.3. Improve accountability, transparency, and professionalism of private enforcement profession

The Program provides technical assistance to the MOJ to build effective accountability systems over the private enforcement profession and supports the CPEA to develop its capacity and sustainability as a self-governing body of the profession. During this quarter, the CPEA signed a membership agreement with the International Union of Judicial Officers (UIHJ) and assumed observer status in the organization. The President of the CPEA participated in the Permanent Council of the UIHJ. The CPEA will have observer status, prior to becoming a member of UIHJ with full rights and obligations. This next stage is anticipated to happen during the next Permanent Council of the UIHJ, scheduled for March 2021.

Activity 1.3.1 Support strengthening of accountability system over private enforcement agents

The Program's accountability support addresses agent inspections and discipline systems. In the past, Private Enforcement Agent (PEA) inspections were carried out by an ad hoc inspection committee within the MOJ. Under the recently revised Law on Enforcement Procedures (LEP), the MOJ is now staffing a standing Inspection Division. During this quarter, the MOJ staffed the position of the Head of the Inspection Division. Three more positions must be filled out to have the Division functional. Sub-activity 1.3.1.1 describes more details about the activities taken in this regard.

During the quarter, the MOJ held a Functional Review workshop where the Program provided input on the need to harmonize the MOJ's Regulation for Internal Organization with the new Law on Organization and Functioning of State Administration to ensure that the MOJ's mandate to inspect free legal professions is not negatively impacted.

Sub-activity 1.3.1.1 Support capacity building of new MOJ Inspection Division

During the reporting period, the Program attended an introductory meeting with the newly appointed Head of the Inspection Division of the MOJ to discuss the needs of the inspection process and the Program's plans and activities to provide support. Since the Division is not adequately staffed yet, it is not able to conduct inspections. However, it is working on an inspections plan for 2020.

Sub-activity 1.3.1.2 Support restructuring of tariff for private enforcement services

The Program facilitated a second working group meeting planning an amendment of the Administrative Instruction on the tariff of fees that private enforcement agents can charge for their services. The working group meeting included participation by the MOJ Secretary General, Head and Deputy of the Legal Department, and representatives of the CPEA. Both MOJ and CPEA are keen to move faster in drafting the amendment to the AI. The MOJ requested support from the Program in studying the actual costs of running an enforcement office. Such data would support revision of the tariff structure to better match current economic reality.

Sub-activity 1.3.1.3 Train Disciplinary Commission on its roles and responsibilities over the private enforcement profession

The Program facilitated a workshop on November 14, 2019 with the support of its Senior Enforcement Expert, bringing together representatives of the MOJ, KJC, and CPEA to identify and discuss challenges facing Kosovo's private enforcement system and the need for a coordinated approach among them. Challenges discussed include: the screening process of the complaints against PEAs made to the MOJ, the CPEA and the courts; disciplinary proceedings against agents; delayed proceedings on handling complaints and appeals by the courts; the current level of protection of citizens' rights in enforcement proceedings for a fair and timely justice; the need to fill vacancies in the profession; regulation of supplementary activities as foreseen by the LEP; and regulation of how active cases are to be transferred when an agent leaves the profession. A total of 17 participants (5 female; 12 male) attended the workshop, including the Director of the Secretariat of the Kosovo Judicial Council, representatives of the MOJ's Legal Department and its Free Professions Department, members of the Disciplinary Committee over PEAs, judges of the Appeal Court and Basic Courts, President and Director of the CPEA, and PEAs. Initiation of the discussion on these issues is an important step toward improving the current enforcement system, and participants expressed interest in support by the Program to regularize this kind of inter-organization coordination.

Sub-activity 1.3.1.4 Support design of processes and templates for screening of complaints to MOJ regarding enforcement

During the reporting period, the Program discussed developing a system for processing and tracking of complaints against PEAs, including a process guide setting up detailed procedures and template forms to handle all complaints received by the MOJ. In an unexpected reaction, the MOJ Department of Free Professions responded that there is no legal basis in the law for the Minister of Justice to issue and approve this guide. In the next quarter, the Program will pursue this concern with other relevant offices within the MOJ to come up with a practical solution that addresses this apparent gap in the private enforcement accountability system.

Activity 1.3.2 Develop capacity of Chamber of Private Enforcement Agents

The CPEA, although established in early 2015, remains in the early stages of development. The Program has directed its support toward strategic planning, financial planning, and communication planning. During the previous period, the CPEA selected and engaged a Director of Professional Services (the equivalent of an executive director), who took office on August 1, 2019. During the reporting period, the Program met and worked closely with the Director on institutional development and planning for capacity improvement of the CPEA.

Sub-Activity 1.3.2.1 Support strategic planning capacity the Chamber of Private Enforcement Agents

During the reporting period, the Program continued to support strategic planning capacity of the CPEA through mentoring the newly appointed Executive Director and board members. In the next quarter, the Program will provide technical guidance on developing an annual workplan and budget plan for the CPEA for 2020.

Sub-activity 1.3.2.2 Support update of organizational structure and processes of Chamber

As discussed below at sub-activity 1.3.2.5, during the reporting period, the Program supported the CPEA in conducting an organizational self-assessment process. Work under this sub-activity has been paused to allow the CPEA to concentrate on the self-assessment and follow up to the assessment.

Sub-activity 1.3.2.3 Support development of guidance policies of the CPEA

The Program began development of a guidance manual with templates for the processes and tracking of complaints made to the CPEA regarding enforcement. One of the templates being developed is the annual report form, which the CPEA is obliged to deliver to the Minister of Justice before the 31st of March each year. Going forward, the Program will support other guidance policies, such as a policy on use of the Bank Account Registry of the Central Bank to collect against bank accounts and a policy on protection of data by agents and the CPEA.

Sub-activity 1.3.2.4 Support CPEA develop strategic communications capacity

During the quarter, the Program began mentoring sessions with the recently hired Director of the CPEA to introduce strategic communications and the need to update the CPEA's communications strategy. The Program will support this revision to encompass a broader, more modern approach to messaging, outreach, and effective management of social media and its templates to facilitate the communication with the targeted groups.

Sub-activity 1.3.2.5 Support development of organizational self-assessment of the Chamber of Private Enforcement Agents

During this quarter, the Program worked with the CPEA Director to develop an Organizational Capacity Assessment (OCA) questionnaire to help the CPEA self-evaluate its organizational capacities. The Program and its Senior Capacity Building Expert conducted a three-day workshop on the OCA with the Chamber's governing bodies going over each item in the assessment. For the first two days, the participants discussed the institutional abilities, systems, procedures, and policies in several capacity areas: governance; legislative framework and initiatives; organizational management; Chamber's accountability and

performance; human resources; communication strategy; advocacy planning; financial management; and internal control systems. On the third day of the workshop, the Program facilitated analysis of the results and development of an action plan for capacity improvement. The action plan includes current scoring, next steps, the responsible person for overseeing each priority item, a timeline for capacity development activities, resource requirements, and possible sources of technical assistance. There were 14 participants (2 female; 12 male) in the workshop, including the CPEA's President and the Executive Director, members of the Executive Board and Control Council, and several PEAs. The Program will follow-up with the CPEA during the next quarter to improve capacity areas of the CPEA.

Activity 1.3.3 Build professionalism of private enforcement agents

The Program supports increased professionalism and responsiveness of private enforcement agents by assisting the profession to design and adopt modern professional standards and develop case management automation. The Program is supporting a working group composed of representatives from the CPEA and MOJ, select private enforcement agents, and other stakeholders to develop professional standards and performance indicators for the profession following guidance provided by the Council of Europe's Commission for Efficiency of Justice.

Sub-activity 1.3.3.1 Support design and adoption of professional standards for the private enforcement profession

During this quarter, the Program's Senior Enforcement Expert prepared an initial draft set of professional standards for PEAs and met with the members of the working group on Professional Standards to begin planning a process and timeline for establishing the professional standards. The Program is using this initial set as a starting point for the working group in developing the professional standards.

Sub-activity 1.3.3.2 Support development of case management automation for private enforcement agent profession

During the reporting period, the Program continued individual meetings with PEAs as part of a series of meetings to build interest in developing an Enforcement Automation System (EAS). During this quarter, the Program consulted with 11 PEAs, bringing the total number to 16. All the PEAs expressed interest to contribute in the development of such a system and confidence that it will be useful to facilitate case management of PEAs and improve reporting and efficiency.

The Program also presented the EAS concept at the workshop held on November 14 (discussed above in sub-activity 1.3.1.3), where MOJ, KJC, judges and PEAs were present and had an opportunity to understand the system better. KJC and MOJ interest in the system was high, and they provided feedback on what functions the system should have. In particular, the MOJ was interested in having access to data in the system.

In the next quarter the Program will continue with these advocacy and information meetings with PEAs to develop a draft process flow design for the system. The Program currently anticipates completing a demonstration interface during the first half of year 2 of the Program, with database development to take place over the course of year 2.

Sub-activity 1.3.3.3

Support development of training capacity of private enforcement agents

During this quarter, no actions were taken. In the next quarter, the Program will meet with the CPEA's Committee on Training to plan organizing workshops with students and advise on a curriculum for the mandatory training program and materials for PEAs.

Activity Area 1.4. Improve business perceptions of commercial justice

Following findings in the baseline survey of low awareness of, and trust in, commercial justice by businesses, the Program developed and began hosting Commercial Justice and Business Roundtables for businesses.

Activity 1.4.1 Conduct Commercial Justice and Business roundtables

The Program organized two sector-based Business Consultation Roundtables. On October 30, 2019, the Program organized the first Business Consultation Roundtable with the STIKK and their members. The discussion focused on commercial justice and the use of arbitration as an opportunity to reduce the backlog in the Court and provide businesses with a faster and more efficient dispute resolution mechanism. During the discussion, business representatives pointed out a few challenges that businesses are being faced with and provided recommendations. Six business representatives participated (1 female; 5 male).

On November 15, 2019, a Business Consultation Roundtable was held with businesses owned and/or represented by women in different sectors, for the purpose of presenting commercial justice and ADR opportunities and discussing existing challenges. During this roundtable, participants shared their opinions, experiences and perspectives of the businesses that they represent regarding commercial justice and the usage of arbitration as an alternative for dispute resolution. 10 business representatives participated (9 female; 1 male).

At both roundtables, participants focused on challenges businesses face, such as the lack of expertise in the judiciary, lack of specific contract templates, lack of expertise in ADR and intellectual property law, etc. The roundtables were organized in cooperation with the KCC, AmCham and Kosovo Business Alliance.

As part of the initial Business Consultation Roundtables, the Program developed an Adaptive Management and Learning (AM&L) data entry tool and piloted it at the roundtables. This learning tool will help the Program in capturing stakeholder input and adapting its activities so that the concerns raised are identified and evaluated by the Program.

Activity 1.4.2 Conduct surveys of business to measure perceptions of corruption in commercial justice

The Program's baseline study report measured the perception and awareness of businesses towards commercial justice and its institutions in Kosovo. During this quarter, the Program joined AmCham in its periodic Corruption Perception Survey, following up on a similar study conducted by AmCham in 2018. The Program supported AmCham in the fieldwork for the surveys, developing and implementing the methodology, review of questionnaire design, and to add new questions on commercial justice institutions. The methodology included sampling using the Taxation Authority of Kosovo's (TAK) database on active businesses. Around 230 businesses were surveyed by field researchers, and an additional 26 AmCham member-businesses completed the survey online. The methodology followed AmCham's approach used for the 2018 study and other similar studies and targeted

businesses across the seven largest regions of Kosovo - Mitrovica, Gjilan, Ferizaj, Prizren, Peja, Gjakova, and Pristina. The final survey report is planned to be published in early December 2019.

OBJECTIVE II ENHANCE COMMERCIAL LAW AND USE OF ALTERNATIVE DISPUTE MECHANISMS AND IMPROVE PUBLIC'S AWARENESS AND LEGAL LITERACY

Objective 2 of the Program addresses commercial justice outside of the courts, supporting increased reliance on arbitration and mediation, harmonizing commercial legislation, and building strategic communication capacity within commercial justice institutions. It combines these reform areas with outreach to build the public's awareness and understanding of commercial justice and its role in Kosovo's society and economy.

Activity Area 2.1. Alternative Dispute Resolution

The European Commission's Kosovo 2018 Report urged Kosovo to step up efforts to reduce the backlog of court cases, including using alternative dispute resolution tools. With substantial donor assistance over the years, the two predominant forms of (ADR)—arbitration and mediation—now exist in Kosovo but are significantly underutilized. Use of ADR by litigants provides some relief to Kosovo's overburdened courts. The Program supports increasing reliance on each of these methods.

Activity 2.1.1 Increase reliance on arbitration

Based on the Business Consultation Roundtables (described under the Activity 1.4.1), the Program, AmCham and KCC began discussions on ways to improve arbitration in Kosovo, analyzing statistical data for cases administered so far by the tribunals and possibilities to extract success stories to be shared with businesses. The Program initiated several activities and meetings to build awareness and understanding of, and reliance on, arbitration. As a result of the different sectorial meetings, the Program completed a draft Guidelines on Arbitration and its Procedures. The guidelines are under review and discussion with the arbitration tribunals in the KCC and AmCham. The guidelines are meant to target businesses with information on arbitration, how it works and relevant procedures. In addition, as part of the awareness activities, the Program drafted a brochure on arbitration that will be delivered to businesses to promote and increase awareness of, and reliance on, arbitration. The Program will also support building awareness and demand for arbitration by working with key financial industry organizations and influential business associations to promote arbitration among their respective members.

Sub-activity 2.1.1.1 Work with industry associations to advocate use arbitration clauses in contracts and more actively market arbitration among members

During this quarter, the Program conducted meetings with institutions and industry associations to discuss the promotion of arbitration and increase awareness of ADR mechanisms. Regular meetings were also held with the KCC and AmCham to coordinate joint efforts in promoting arbitration.

The Program worked with the Kosovo Bar Association (KBA) to discuss the attorney's role in commercial justice and arbitration. The KBA, realizing that there is a small number of attorneys with commercial law knowledge, notably arbitration, has established a Commercial Justice Committee within the KBA, in order to absorb the Program's technical assistance and work together to improve attorneys' and young lawyers' knowledge. In the

next quarter, the Program and KBA will work with the Commercial Justice Committee to draft a plan of activities to be implemented by the Committee.

The Program and the Kosovo Justice Academy (KJA) cooperated to include specific trainings for arbitration and mediation in initial and continuous training curricula for judges. The Program proposed that KJA include in its training curricula for 2020 trainings for judges on arbitration and mediation. The KJA expressed that mediation awareness training for judges was a significant area of need.

At KJA's request, the Program supported the KJA in a training for judges on "Contract Termination and its effects", held on October 15, 2019. The training was interactive, and participants were also informed about the Program and its scope. 26 judges participated in the training (7 female; 19 male) of whom two were from non-majority communities.

The Program met with the Kosovo Insurers Association (KIA) to present Program objectives. The KIA expressed a desire to work with the Program to discuss next steps for increasing awareness for arbitration and to promote arbitration within the insurance sector in Kosovo through meetings and roundtables. The KIA supports including ADR clauses in insurance company contracts.

The Program met with Kosovo Banking Association, which expressed its full support for the Program's initiatives and agreed to start cooperation by organizing a meeting with Bank representatives to discuss ADR.

The Program met with Association of Microfinance Institutions of Kosovo (AMIK) to discuss possible cooperation in promoting arbitration among microfinance institutions and enterprises. AMIK agreed to work jointly with the Program in promoting arbitration and providing necessary assistance from their side to businesses they work with. The Program discussed sharing AMIK's experience in a successful arbitration case, since one of the reasons businesses provided for not using arbitration is that they don't know the benefits. The Program agreed to use this case as a success story to be shared with relevant stakeholders.

The Program met with the Wood Processing Center and the Kosovo Apparel Marketing Association (KAMA) and discussed cooperation to increase awareness of commercial justice and promote arbitration in their respective sectors.

In the next quarter, the Program will develop a plan addressing issues raised by specific industry associations regarding the promotion of commercial justice and arbitration.

Sub-activity 2.1.1.2 Support consolidation of arbitrator lists

No actions were planned or carried out under this sub-activity during this quarter.

Activity 2.1.2. Increase reliance on mediation

Mediation represents a strong opportunity for moving cases out of, and diverting them from, overloaded courts. The new Law on Mediation regulates the process and profession and provides for mandatory mediation of certain types of cases and requires courts and prosecution offices to dedicate personnel to serve as full-time mediation clerks. Yet the number of cases that go to mediation is low. To increase the use of mediation, the Program will work with the KJC and courts to prioritize case referral strategies and processes, and support institutionalization and training of dedicated mediation clerks in each court. The Program will also assist the MOJ define and implement its governance role over the profession and work to build public awareness of mediation as a valuable means of resolving disputes. Data for mediation case referrals from January 1, 2019 to the end of the reporting

period are presented in Annex I. The sub-activity descriptions below set out support efforts by the Program during the quarter.

Sub-activity 2.1.2.1 Design and conduct mediation awareness training series

During this quarter, the Program designed and delivered four mediation awareness training series (MATS) workshops. The Program engaged two external experts to prepare training materials for the MATS and trained a core group of mediation professionals to deliver the workshops. Following this training, the mediation professionals delivered the workshops, observed by the external experts, to four target groups – judges, businesses, lawyers, and university students:

1. The workshop for judges was organized in cooperation with the KJA. The panel was composed of the trained mediator, Deputy Chair of the KJC and the two experts engaged by the Program. Training participants included ten judges, a professional associate and a KJA representative. There were 12 participants attending the workshop (2 female; 10 male). The Deputy Chair of KJC and a mediator trained by the Program will also hold awareness trainings on mediation for judges as part of the Justice Academy continuous training program, as reported under Activity 2.1.1.1.
2. The workshop for businesses was organized in cooperation with different sector associations and chambers. 14 representatives of different sector businesses participated (7 female; 7 male).
3. The workshop for lawyers was organized in cooperation with KBA. 17 lawyers and 2 NGO's, who monitor court and publish reports in order to promote mediation and usage of mediation, participated (12 female; 7 male).
4. The student workshop was organized in cooperation with the UBT College, mainly for law students. The training was delivered by the trained mediators. 22 students participated (16 female; 6 male).

During all the workshops, various issues were raised and addressed, mainly the usage of mediation in their respective fields and the need to increase awareness-raising activities for the general public, trainings with judges on the referral process, and how to refer mandatory mediation cases. Businesses need more awareness of mediation, especially the financial sector, whose representatives expressed an opinion that arbitration would provide a great opportunity to resolve disputes. There is also a need to have more frequent lectures with students and to cooperate with NGO's to promote mediation.

Sub-activity 2.1.2.2 Support court filing clerks to advise parties about mediation option

The Program drafted Guidelines on the Referral of Appropriate Mediation Cases, which will serve as a guide for the types of cases that may be referred to mediation. As part of this process, the Program held several meetings with stakeholders in order to incorporate all comments and enrich the guidelines for the referral of civil and criminal cases to mediation. The Program met with the Deputy Chair of the KJC, a judge of the Administrative Department of the Appellate Court, Commercial Department of Pristina Appellate and Basic Court and a judge at the Basic Court to consult on the draft Guideline. The judges enthusiastically supported the draft and provided more suggestions for consideration to be included in the guideline. The completed draft was sent to KJC to be presented to the Court Administration Committee at an upcoming meeting.

In the next quarter, it is expected that the guidelines will be approved by the Court Administration Committee, after which the Program will share them with court filing clerks and judges to increase their knowledge on what types of cases can be referred to mediation. The Program will then start coordination with courts and branches to encourage court clerks to advise parties to try mediation before filing their cases.

Sub-activity 2.1.2.3 Build capacity of judges and court clerks to refer cases to mediation

During the reporting period, the Program held several meetings with Basic Court Presidents to discuss ways to support judges and court clerks in the case management office and to select appropriate cases to be referred to mediation. The Program met with the Basic Court President in Ferizaj along with the supervisors of the Kaçanik and Shtërpçe Branches; the President of the Basic Court in Gjakova; the President of the Basic Court in Prizren; the acting President of the Basic Court in Peja; and the President of the Basic Court in Pristina.

All the court Presidents and branch representatives showed interest in cooperating to improve court effectiveness through mediation case referrals by providing guidance on selecting appropriate civil cases for mediation. They emphasized the need to increase the use of mandatory mediation through effective screening processes. The need to increase the number of mediation clerks to be appointed was raised as a key for successful mediation referral. Concerns over the quality and performance of mediators was raised by the President of Pristina Basic Court, viewing this as a significant challenge of the profession and the judiciary, urging that the MOJ address it.

The Program coordinated with KJC for case referral data collection. The Court Administration Committee of KJC sent an instruction to the Basic Court Presidents and assigned mediation clerks to resume cooperation and provision of statistics to the Program on cases referred to mediation.

Sub-activity 2.1.2.4 Build capacity MOJ to carry out its mediation governance responsibilities under the Law on Mediation

On November 29, 2019, the Minister of Justice signed the five Administrative Instructions, originating from the Law on Mediation. The signed AIs address: 1) Licensing Mediators; 2) Oversight and Procedure for Disciplinary Responsibility of Mediators; 3) Registry of Mediators; 4) Training and Certification of Mediators; and 5) Draft Code of Conduct of Mediators. The Program supported MOJ in internal public consultation processes and drafting each of these AIs based on feedback received.

During the reporting period, the Program supported the MOJ in drafting an AI on Mediators Fees and an AI on Self-Initiated and Administrative Cases. After the internal and public consultation process, the Program participated in MOJ internal working group meetings to review the comments provided and finalize the drafts. Both AIs are completed and ready for the Minister to sign.

The Chamber of Mediators (required under the 2018 Law on Mediation) was established on November 2, 2019. The Program provided technical support to drafting the Charter that was approved at a formation General Assembly comprised of all licensed mediators. The participating members of the General Assembly selected members of the Chamber's Board, with 7 members (represented by a mediator from each region) and the President of the Chamber. The Program's technical support also included drafting the Charter (bylaws) of

the organization. The Charter was drafted as part of the Program's support of an informal Mediation Club comprised of selected mediators from different regions.

Regarding promotion of mediation, the Program has designed a landing page on mediation for the MOJ. In the next quarter, the landing page will be incorporated into the Mediation section of the MOJ's website.

The Program drafted brochures on mediation that will be delivered to businesses and citizens by the courts and at Program events.

Sub-activity 2.1.2.5 Assess and support development of environment for commercial mediation in Kosovo

The Program is deferring the commercial assessment until after completion of the AIs to be promulgated under the Law on Mediation.

Activity Area 2.2. Commercial Legislation

The Program is assembling an inventory of main legal acts that may be part of a review and harmonization process for commercial legislation. During this quarter, the Program held several meetings with representatives of the Ministry of European Integration (MEI) to discuss cooperation in completing the list of commercial laws with input on the level of compliance with EU legislation requirements. The Program is expecting the MEI to compare the compliance of existing legislation with EU directives. The inventory will serve as the first draft of proposed laws for consolidation and eventual unification of commercial legislation once the new Government is established.

The Program also met with the Head of the Legal Department of the Ministry of Trade and Industry (MTI) to present Program activities and discuss cooperation opportunities for commercial legislation and promotion of arbitration and mediation among businesses. The MTI expressed interest in cooperating with the Program in carrying out commercial legislation reform activities.

Activity 2.2.1. Support anticipated legislative review committee to consider unification of commercial legislation

The Functional Review's Policy Paper on Commercial Justice recommends establishment of a special committee of experts, institutional representatives, and business community members to review and make recommendations for unifying commercial legislation. In the absence of a government, Program work is not planned.

Activity Area 2.3. Strategic Communication of Commercial Justice Institutions

The Program will improve strategic communications in commercial justice by implementing facilitative partnering methodology to better align commercial justice institutions to achieve a mutual vision of their roles, responsibilities, and relationships with respect to one another and to the general public. The process applied helps groups, institutions, agencies, companies, or offices, assisted by a facilitator, to commit to establishing effective communications, building trust, and sustaining strategic relationships.

Activity 2.3.1 Support communication among commercial justice institutions

The relationship between the MOJ and the CPEA has been poor for several years. During this quarter, the Program organized initial facilitative partnering sessions through the MOJ's Department of Free Professions and the CPEA. The Program's experts met separately with representatives from the MOJ and CPEA on November 6, 2019. The experts listened to the perspectives of both parties about their relationship, including goals, issues, and barriers, and

assessed whether some form of facilitated partnering/intervention would be of help to their relationship. These meetings were a first step in developing a facilitative partnering process between the organizations.

During these sessions, the legal and regulatory relationship between the MOJ and CPEA and the PEAs was explored, and obstacles identified included the current status of tariffs, inspections, and disciplinary actions, as well as other pending actions of a joint working group comprised of MOJ, CPEA and PEAs. The MOJ and CPEA have independently acknowledged and taken responsibility for a lack of progress on substantial issues. Although both reported that relations have been improving over the past several months, both parties also indicated the relationship between them, and underlying issues such as trust, have not been directly addressed. The future recommendation is that both parties use facilitative partnering sessions to create a long-term collaborative Action Plan. Both institutions and its departments welcomed the offer of assistance to improve their working relationship. The experts' impression is that progress is possible in strengthening their relationship, but it will require a focused effort that includes repeated facilitated partnering sessions over a period of time, with actions the parties can engage in between the sessions.

Activity 2.3.2 Support communication and outreach of commercial justice institutions

During the reporting period, the Program held several meetings with the communication office of the MOJ. The MOJ staff was briefed in detail on all activities to be undertaken within the framework of the program's communication strategy. There appears to be no leadership among the counterparts on the larger issues of commercial justice, public education, or legal literacy. It was agreed that it is necessary to create a communicator working group in the justice sector to build a strategic approach to communications planning and targeted messaging. However, as the government was dissolved and new government is anticipated, the MOJ requested the Program postpone this activity for the next quarter.

Activity 2.3.3 Support improved advocacy capacity among commercial justice institutions

As there was no government in place during the entire reporting period, no actions were carried out under this sub-activity.

Activity Area 2.4. Public Awareness

The Program is working with subcontractor Pi Communications to design and carry out a Commercial Justice Public Awareness Campaign. The campaign will include development of Public Service Announcement (PSA) videos and radio spots, supported and informed by focus groups and surveys. The campaign will be developed and implemented in close coordination with the Program's other outreach events, such as the mediation awareness training series and the commercial justice and business roundtables.

Activity 2.4.1 Develop and broadcast public service announcements

During the reporting period, the Program and Pi Communications have commenced the process of designing and developing the first PSA. As the Program's baseline study report noted, there is a lack of awareness and very little trust towards commercial justice and commercial justice institutions. In response to these findings, the Program worked with Pi to plan the first PSA, addressing commercial justice. Pi submitted initial scenarios and concept ideas to the Program. Production on the first PSA is anticipated to start during the next quarter.

Activity 2.4.2 Conduct Surveys and Focus Groups

Public awareness has been measured through the surveys, focus groups and interviews in the baseline study report. While the next major assessment of public awareness is planned for the mid-line assessment in Y3, the Program has continued to collect data through smaller surveys such as the AmCham Corruption Perception Survey, which is in progress. More focus groups are planned after a more robust outline of the planned PSAs is developed, which will be tested on the public through focus groups in the following quarter.

CROSS-CUTTING

Activity Area 3.1. Internship Program

The Program will design and implement an internship activity that will work with public and private universities in Kosovo to provide paid internship positions for their students. Opportunities will include both activities on the Program directly, rotating placements at key counterparts—such as the CPEA, MOJ (Legal Department and Free Professions Department), and the KBA—at the outset of the activity, and later with individual PEA offices and other free professions. To introduce this internship model, the Program had initially planned to work with the Law School, University of Pristina, and Iliria College to provide an opportunity for interested students to participate as paid interns in commercial justice activities. However, during the previous quarter, Iliria College lost its accreditation from Kosovo’s Accreditation Agency. As a result, the Program will initially work with University of Pristina to engage the first interns.

Activity 3.1.1 Develop and implement Commercial Justice Academy Internship

During this quarter, additional institutions expressed interest in hosting interns, such as Commercial Department of PBC and the KCC. Following the announcement inviting interested students of University of Pristina “Hasan Prishtina” to apply, the Program interviewed applicants and four were selected. The process to engage the interns is ongoing. One intern has dropped out after finding a job at a local bank, leaving three interns available to be placed at commercial justice institutions. Because the interest of institutions is high, the Program plans to place all three interns at institutions such as the KJA, KCC and Commercial Department at PBC.

IV. Progress on Monitoring, Evaluation, and Learning Indicators

During the reporting period, the findings of the Program’s baseline study report were presented to Program stakeholders, including commercial justice institutions, representatives of the business sector, industries and other development project representatives. The baseline study report data was presented through comprehensive infographic booklets for ease of understanding.

The Program combined efforts with AmCham in a Corruption Perception Survey, following up on AmCham’s 2018 Corruption Perception Survey report. The Program provided technical support to AmCham in methodology, sampling, relevant survey tools and instruments as well as capacity building for field researchers. More details on this are presented under activity 1.4.2, above.

The Program MEL efforts this quarter included revising the Program’s draft MELP and its complimentary Adaptive Management framework within the Learning Plan. Toward the end

of the quarter, a joint review of the Program’s draft MELP with USAID was initiated and planned to be finalized in the following quarter. So far, the MELP review has identified some effective and useful revisions for further improvements to the PIRS, as well as clarifications to goals and tasks for the AM&L component.

During this quarter, the Program designed a preliminary AM&L data entry tool and piloted it during the business consultation roundtables with ICT sector representatives and Women Businesses. The tool will be used for other consultative roundtable discussions to take place in future quarters. The final changes to the MELP will be made as soon as the review process is concluded. For more details, see the Indicator Tracking Table (ITT) update below under Annex 2. Changes and revisions proposed so far to the MELP from the MEL review process will include a few minor changes in the ITT, however given that the process is yet ongoing, the ITT will be reported on in the updated version next quarter after approval of proposed changes and the MELP.

V. Performance Problems During Quarter

Until the formation of a new government, progress in creating a Commercial Court has been halted. The Concept Note setting out the scope of the planned reform has been completed and is waiting consideration by the next government.

In another area, the Program learned during the reporting period that mediation clerks had been erroneously advised by a local trainer that providing the Program with data on mediation cases would be unlawful. As a result, the mediation clerks stopped providing the Program with information on mediation cases. The Program addressed this error by raising it with KJC, which then sent an instruction letter to the basic court presidents and mediation clerks, instructing them to resume providing the data as before.

VI. List of Reports and Deliverables During Quarter

NO.	DOCUMENT
CJAQ03-001	Trip Report of the Senior Capacity Building Expert – 2019-10-14 (ENG)
CJAQ03-002, 003	Questionnaire of the Organizational Capacity Assessment (OCA) Tool of the CPEA – 2019-09-29 (ALB)(ENG)
CJAQ03-004	OCA Action Plan for the capacity improvement of the CPEA – 2019-10-03 (ALB)
CJAQ03-005	Trip Report of the Senior Capacity Building Expert – 2019-10-07 (ENG)
CJAQ03-006	Results report of the Organizational Capacity Assessment Tool (OCAT) of the CPEA – 2019-10-11 (ALB)
CJAQ03-007	PP Presentation of the Workshop on Challenges and Opportunities in Private Enforcement System – 2019-11-14 (ALB)
CJAQ03-008	Trip Report of the Senior Enforcement Expert – 2019-11-25 (ENG)
CJAQ03-009	PP Presentation of the Business Consultation Round table with STIKK – 2019-30-10

CJAQ03-010	PP Presentation of the Business Consultation Round table with women businesses – 2019-11-15 (ALB)
CJAQ03-011	Draft MOJ AI on Determining the Procedure for Initiating Mediation of Cases, pending for Minister's signature – 2019-11 (ALB-SRB-ENG)
CJAQ03-012	Draft AI on Mediators Fee in the Republic of Kosovo, pending for Minister's signature – 2019-11 (ALB-SRB-ENG)
CJAQ03-013	AI on Licensing Mediators – 2019-11-29 (ALB-SRB-ENG)
CJAQ03-014	AI on Oversight and Procedure for Disciplinary Responsibility of Mediators – 2019-11-29 (ALB-SRB-ENG)
CJAQ03-015	AI on Registry of Mediators – 2019-11-29 (ALB-SRB-ENG)
CJAQ03-016	AI on Training and Certification of Mediators – 2019-11-29 (ALB-SRB-ENG)
CJAQ03-017	Code of Conduct for Mediators – 2019-11-29 (ALB-SRB-ENG)
CJAQ03-018, 019	PP Presentation for Mediators trained on MATS – 2019-11-07-08 (ALB)(ENG)
CJAQ03-020, 021	PP Presentation for MATS with judges – 2019-11-11 (ALB)(ENG)
CJAQ03-022, 023	PP Presentation for MATS to businesses – 2019-11-12 (ALB)(ENG)
CJAQ03-024, 025	PP Presentation for MATS to lawyers and NGO's – 2019-11-13 (ALB)(ENG)
CJAQ03-026, 027	PP Presentation for MATS to students – 2019-11-13 (ALB)(ENG)
CJAQ03-028	Trip Report of the Commercial Mediation Experts – 2019-11-15 (ENG)
CJAQ03-029, 030, 031	Charter of the Mediators Chamber – 2019-11-17 (ALB)(SRB)(ENG)
CJAQ03-032, 033, 034	Regulation of the General Assembly of the Mediation Chamber – 2019-11-02 (ALB)(SRB)(ENG)
CJAQ03-035	General Assembly of the Mediators Chamber meeting minutes 2019 –11-02 (ALB)
CJAQ03-036	General Assembly of the Mediators Chamber meeting minutes – 2019-11-17 (ALB)
CJAQ03-037, 038	Brochure on mediation – 2019-11-13 (ALB)(ENG)
CJAQ03-039, 040, 041	MOJ Landing Page on Mediation – 2019-11 (ALB)(SRB)(ENG)
CJAQ03-042	Updated Communications Plan for Commercial Justice Activity – 2019-11-26 (ENG)

VII. Significant Activities Planned for Next Quarter

- Complete the draft Guidelines on Arbitration in cooperation with KCC and AmCham.

- Complete the draft brochures on arbitration.
- Support both arbitration centers in AmCham and KCC to increase use of arbitration.
- Support the KJA in developing a training curriculum for judges of the Commercial Department of Basic Court of Pristina.
- Support MOJ to adopt the remaining AI's on mediation.
- Promote approval by the Court Administration Committee of the guidelines on case referral to mediation and share with court filing clerks.
- Work with KJC to have the full-time positions of the mediation clerks filled.
- Train court clerks to advise and encourage parties to try mediation before filing cases in the courts.
- Continue coordination with MEI to compare the compliance of existing commercial legislation in Kosovo with EU directives.
- Finalize the draft inventory of commercial legislation to be discussed with the next government for harmonization and consolidation of commercial legislation.
- Organize and deliver Commercial Justice and Business Roundtables to businesses around the country.
- Support establishment of a judiciary communicators working group.
- Work with MOJ to place the mediation landing page on the MOJ website.
- Develop first PSA on commercial justice.
- Assist the CPEA to further develop its communications strategy to encompass a broader, modern approach to messaging, outreach, and effective management of social media.
- Work with the CPEA to plan for and dedicate funding for communications expertise either on staff or contracted on retainer.

ANNEX I – MEDIATION CASE REFERRAL DATA – YIQ3

Cases Referred to Mediation by Basic Courts* January-November, 2019								
Basic Court	Criminal Cases			Civil Cases			Self-initiated cases	Total:
	Resolved	Unresolved	Total	Resolved	Unresolved	Total		
Pristina	675	114	789	0	27	27	/	816
Prizren	386	75	461	2	4	6	/	467
Ferizaj	419	4	423	4	3	7	/	430
Peja	88	1	89	0	0	0	/	89
Gjilan	235	4	239	10	3	13	1 resolved	253
Gjakova	48	4	52	0	2	2	/	54
Total	1,851	202	2,053	16	39	55	1	2,109

Cases Referred to Mediation by Basic Courts* September, October, November, 2019								
Basic Court	Criminal Cases			Civil Cases			Self-initiated cases	Total:
	Resolved	Unresolved	Total	Resolved	Unresolved	Total		
Pristina	171	49	220	12	0	12	/	232
Prizren	96	28	124	0	1	1	/	125
Ferizaj	116	2	118	4	3	7	/	125
Peja	25	0	25	0	0	0	/	25
Gjilan	63	1	64	3	0	3	/	67
Gjakova	20	1	21	0	0	0	/	21
Total	491	81	572	19	4	23	/	595

*Mitrovica Basic Court not included – data not collected by court

ANNEX 2 – INDICATOR TRACKING TABLE – YIQ3

Commercial Justice Activity
Contract No. 72016719C00001

December 13, 2019

#	Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Actual Year 3	Target Year 4	Actual Year 4	Target Year 5	Actual Year 5	Comments
Purpose: Improve commercial dispute resolution and enforcement to reduce opportunities for economic corruption, thereby encouraging investment in Kosovo.													
1	Freedom House Nations in Transit Judicial Framework and Independence Score	6/16 ¹	6/16 ²		7/16		7/16		7/16		8/16		Reported annually
2	Public Pulse Perception of Judiciary's Independence	43.6% ³	46%		49%		52%		55%		58%		Reported annually
Objective 1: Strengthening Kosovo's Capacity to Resolve Commercial Disputes and Enforce Judgments.													
1.1	Average number of days to resolve commercial cases	PBC: 822											Reported annually
		CoA: 304											
1.2	Percent of business including ADR clauses in their contracts	21%	24%		27%		30%		33%		36%		Reported annually
ER 1.1. The Economic Departments of the Pristina Basic Court and Appellate Court issue decisions more efficiently and professionally.													
1.1.1	Commercial case resolution ratio	PBC: 39%											Reported annually
1		CoA: 35%											
ER 1.2. The Economic Departments of the Pristina Basic Court and Appellate Court improve timely enforcement of their decisions.													

¹ Freedom House Report 2018 – Kosovo – Section F: Rule of Law.

² Targets reported in this Indicator Tracking Table are preliminary targets subject to review and approval of USAID.

³ Baseline reflects Public Pulse 2018 Democratization Index Trend Analysis.

#	Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Actual Year 3	Target Year 4	Actual Year 4	Target Year 5	Actual Year 5	Comments
1.2.1	Number of enforced cases through PEA	13,423											Reported annually
1.2.2	Collected value from resolved cases by PEA	USD 76,166,500 ⁴											Reported annually
ER 1.3. Ministry of Justice provides appropriate oversight over and holds Private Enforcement Agents accountable as set forth in amendments to the Law on Enforcement Procedure.													
1.3.1	Number PEAs with significant disciplinary action imposed upon	0	0										Reported annually
1.3.2	Number of government officials receiving USG-supported anti-corruption training (DR.2.4-1)	0	30	Tot.	Q3								
				61	46								
				M: 45	M: 35								
				F: 16	F: 11								
ER 1.4. Improved organizational capacity of the Chamber of Private Enforcement Agents to more effectively manage its resources, improve enforcement, strengthen professional standards, and retain and recruit staff.													
1.4.1	Percent change in performance of CPEA as measured by OCAT annually	TBA ⁵											Reported annually
1.4.2	Number of people affiliated with non-governmental organizations receiving USG-supported anti-corruption training (DR 2.4-3)	0		Tot.	Q3								
				72	55								
				M: 34	M: 19								
				F: 38	F: 36								
ER 1.5. Increased knowledge and effective application of commercial law by judges, court staff, and other stakeholders.													

⁴ Converted from EUR 68,264,500 on Oanda.com rate of May 22, 2019

⁵ Planned for upcoming reporting period

#	Indicator	Baseline	Target Year 1	Actual Year 1		Target Year 2	Actual Year 2	Target Year 3	Actual Year 3	Target Year 4	Actual Year 4	Target Year 5	Actual Year 5	Comments
1.5.1	Number of judicial personnel trained with USG assistance (DR.1.3-1)	0		Tot.	Q3									
				45	33									
				M: 37	M: 26									
				F: 8	F: 7									
1.5.2	Percent change in knowledge as measured by pre and post training assessment	N/A ⁶	60	33.4%		30		30		30		30		Reported annually
1.5.3	Number of judicial personnel that apply improved commercial law enforcement practices, as a result of USG assistance	0												Reported annually
ER 1.6. Perception of corruption and satisfaction of businesses with commercial dispute resolution improved.														
1.6.1	Percent businesses satisfied with commercial court services	28.8% Disaggregation by winning, vs. losing cases: 47% winning, 13% losing, 40% neither.												Reported annually
1.6.2	Number of commercial justice	0		Tot.	Q3									
				4	2									

⁶ No baseline value applicable, as it measures the level of knowledge of trainees before and after program-related trainings.

#	Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Actual Year 3	Target Year 4	Actual Year 4	Target Year 5	Actual Year 5	Comments
	and business roundtable events												
ER 1.7. Administrative claims of businesses are handled more efficiently and professionally.													
1.7.1	Business administrative case resolution ratio	PBC: 24% CoA: 69%											Reported annually
Objective 2: Enhance Commercial Law, Use of Alternative Dispute Mechanisms, and Improve Public's Awareness and Legal Literacy.													
2.1	Number of commercial cases resolved per year	PBC: 697 CoA: 237											Reported annually
2.2	Percent of businesses with trust in CJ	47.4%	-	-	-	-	50%		55%		-	-	Reported at baseline, mid-line & end-line
ER 2.1. Increased use of Alternative Dispute Resolution mechanisms.													
2.1.1	Number of cases resolved through ADR	Mediation ⁷ : 1265 Arbitration: g ⁸											Reported annually
2.1.2	Percent of businesses satisfied with ADR	100% ⁹											Reported annually
ER 2.2. Commercial legislation harmonized with European Union (EU) and international best practices.													
2.2.1	Number of commercial laws that are amended with Program assistance	0											Reported annually

⁷ Ministry of Justice – Department of Free Professions – 2018 Annual Mediation summary data

⁸ American Chamber of Commerce – 2018 Annual Arbitration data (1) & Kosovo Chamber of Commerce – 2018 Annual Arbitration data (8)

⁹ Only survey responses are counted for indicator measurement as per PIRS 2.1.2. The overall usage of ADR in Kosovo is very low. Focus group and Interview data are not included in the indicator – as per PIRS – but are presented in the baseline report for information only.

#	Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Actual Year 3	Target Year 4	Actual Year 4	Target Year 5	Actual Year 5	Comments
ER 2.3. Improved strategic communication between commercial justice institutions and the general public.													
2.3.1	CJI with effective strategic communications policy in place	0											Draft Communication Strategy for CPEA produced, approval expected in Q4
ER 2.4. Increased public awareness of commercial law dispute resolution and enforcement mechanisms, including existence and nature of reforms.													
2.4.1	Percent of public aware of the commercial justice	23% Disaggregation by gender: Male: 24% Female 23% Disaggregation by Business-owner: 30%	-	-	-	-	35%		40%		-		Reported at baseline, mid-line & end-line
2.4.2	Percent of public aware of the ADR mechanisms	31% Disaggregation by gender: Male: 30% Female 33% Disaggregation by	-	-	-	-	35%		40%		-		Reported at baseline, mid-line & end-line

#	Indicator	Baseline	Target Year 1	Actual Year 1	Target Year 2	Actual Year 2	Target Year 3	Actual Year 3	Target Year 4	Actual Year 4	Target Year 5	Actual Year 5	Comments
		Business-owner: 30%											
ER 2.5. Commercial Justice Institutions more effectively advocate for adoption of their initiatives.													
2.5.1	Number of initiatives adopted	0		0									First results foreseen in Q4 with creation of new government.
2.5.2	Number of public officials trained on advocacy	0		0									Not planned for Y1
Cross-Cutting ER. Commercial justice-related internship program is operating and self-sustainable.													
CC.1	Number of interns that completed internship program	0											Reported annually
CC.2	Sustainable internship business model identified	No											Reported annually



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