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Strengthening the statehood of Kosovo through the democratization of political parties

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ABBREVIATIONS

AAK	Alliance for the Future of Kosovo
AKR	Alliance New Kosovo
BSK	Bosnian Party of Kosovo
CEC	Central Election Commission
DSB	Bosnian Democratic Party
DSV	Democratic Party Vatan
KDTP	Turkish Democratic Party of Kosovo
KKR	Coalition for the New Kosovo
LDK	Democratic League of Kosovo
NDS	New Democratic Party
Office	Office of PP Registration and Certification
PDK	Democratic Party of Kosovo
SHIK	Kosovo Information Service
SLS	Independent Liberal Party
UNMIK	United Nations Interim Administration Mission in Kosovo
VAKAT	VAKAT Coalition
VV	“Self-Determination” Movement

1. EXECUTIVE SUMMARY

Political parties play an essential role in the development of democracy. They are a bridge between society and politics. Taking into account this fact, it is necessary that political parties have internal democracy so that the concerns and preferences of society find a place in their debates and agendas. Consequently the development of democratic processes in a society is closely related to internal democracy in political parties.

Democracy, as a pluralism of political alternatives, is a new experience for Kosovo. Although multi-party system was introduced at the same time when political pluralism was spread throughout South-Eastern Europe, the circumstances and repression in Kosovo since the abolition of Kosovo's autonomy from Serbia, in 1989, did not allow any space for genuine political, pluralistic and democratic life.

Kosovo's political parties meet the requirements of basic sociological definition of what is a political party - an organized group that wants to take power by political means. But no other criteria are met. There is nothing new to be said if we repeat that political parties in Kosovo do not have their own political ideology, no real programs, and not even a clear membership. The best indicator of the lack of ideology and affiliation and identification of members with the ideology of a party is frequent transfer of members of one political party to another. There is almost no political party in Kosovo that has not lost members, even senior officials, which have gone to another party, as well as there are almost no parties that did not take members and officials from another party.

Informal ways of decision making are frequent and powerful. The leader and people close to him/her exercise more power than it is determined by statute. Important decisions for the party are taken in informal meetings, at lunches and dinners or parties. These forms of informal decision-making often appear as the main forum of making major decisions for the party, putting in the shadow all party organs and the requirements derived from the founding documents of the party. What is most disturbing is that all these informally taken decisions, later are formalized by the party organs in order to "satisfy the law".

The legal framework for the functioning of political parties in Kosovo was established after the 1999 war and by taking into account best practices of the time. However, the current framework was not developed with the same dynamic as society and its needs. Registration and certification of political parties is still a subject of a Regulation, and not of a specific law. Mechanisms that should ensure the legislation for the functioning of political parties were never empowered enough to be able to monitor effectively the activities of political parties and to sanction parties when they violate the legislation. Consequently, this has encouraged non-democratic practices within the political parties.

Office for Registration of Political Parties operating within the CEC failed to exercise the role it should have. This had a negative effect also regarding the political parties, since they did not feel obliged to adhere to legal requirements. This study reveals that the main reason why this Office cannot fulfill its task properly is the lack of capacity since the Office does not

have enough staff. Also, there are doubts about the lack of professional integrity within the staff of Office, which can bend due to the pressures of politics.

This paper provides a detailed analysis about the practices in political parties in Kosovo. Internal functioning of political parties was studied by examining the charter and party institutions, the role of the leader, informal forms of decision making as well as the cohesive force within the parties. Parties that are involved in this study are: PDK, LDK, "VETËVENDOSJE", AAK, AKR, SLS, VAKAT Coalition and KDTP.

Most of the political parties interviewed for this paper have expressed awareness regarding the need for internal reforms and have taken initial steps to begin such reforms. Furthermore, the parties have realized that they have to commit to actually win the vote of the electorate, as they are aware that the stated aspirations of the political parties to lead Kosovo towards the European Union will not tolerate fraudulent elections and vote stealing in "industrial scale", which was seen so far.

1.2 Methodology

For the purposes of this report, KIPRED has used qualitative research methodology, based on desk-research and individual interviews. Initially it has carried out an analysis of the legal framework which regulates the operation of political parties, focusing on Law on General Elections, Law on Local Elections, Law on Financing of Political Parties, the CEC Regulation on the Political Party Registration and Certification, Code of Conduct for Political Entities and the Regulation on Penalties and Fines. Then all the statutes and programs of political parties that were part of our study¹ were analyzed, with the focus on powers of executive organs, the form of their election and reporting obligations. Analysis approach initially was specific, where each party has been studied in particular, and later similar issues and negative phenomena highlighted in these parties were studied.

After completing the analysis of the legal framework, statutes and political programs, KIPRED has carried out detailed interviews with leaders, representatives and members of political parties in order to determine the achievements as well as the main challenges they face. Besides interviews with political representatives, KIPRED also carried out a series of interviews with independent experts and media representatives to obtain more objective assessments regarding the internal situation in Kosovo's political parties.

From these analyzes comes the following report which in fact is only a snapshot of the current state inside political parties. This study has shown that - as political parties in Kosovo are under development - to have a proper assessment there is a need for permanent and comprehensive monitoring of the performance of political parties in Kosovo. This means monitoring the elections in the party at all levels to identify the achievements and shortcomings, and then monitoring the process of decision-making in the longer term and in all circumstances, to see if democracy within the party works at all time, as well as to follow

¹ The study involved eight political parties: PDK, LDK, VV, AAK, AKR, SLS, VAKAT Coalition and KDTP.

internal reporting and the impact of this reporting on the functioning of the party. KIPRED aims to realize such a study in the future.

2. CONTEXT

2.1 The role of political parties in the development of democracy

Political parties play an essential role in the development of democracy. They are a bridge between society and politics. Theorists argue that the role of political parties, because of the importance of the relation society-politics, is an essential public good for democracy.

For this reason, strengthening and continuous building of the credibility of the political parties towards the interests of the citizens is an imperative for a functioning democracy. In this way, empowerment and sustainability of political parties is automatically reflected in the dynamics of democracy and maintaining the cohesion of a society, as a condition for sustainable economic and social development. Political parties should be able to represent citizens' interests worthily and to formulate public policies that can demonstrate their ability to administer the public good after they gain democratic legitimacy.²

Political parties perform some essential functions in democratic societies, and it is expected that they play the same role in Kosovo society. *The first function* is to draw programs and their political visions. Also based on the ideology that a political party can follow, these must necessarily be different or more creative in terms of political programs and candidates in order to be more attractive to voters. *The second function* is to take into consideration the political, economic and social requests of the society. In this case, the requirements can be different and sometimes in the conflict with each other. For this reason, the role of political parties is to discuss and evaluate issues of importance for society or a social group and to transform the public needs and requests into alternative policies. *The third function*: political parties are the main engine of recruitment of individuals in public office, at the executive and legislative level. And *the fourth function* of political parties is to oversee or control the government, depending on political position they are: in the government or in opposition.³

2.2 Democratic tradition in Kosovo

Democracy, as a pluralism of political alternatives, is a new experience for Kosovo. Although multi-party system was introduced at the same time when political pluralism was spread throughout South-Eastern Europe, the circumstances and repression in Kosovo since the abolition of Kosovo's autonomy from Serbia, in 1989, did not allow any space for genuine political, pluralistic and democratic life. Although in Kosovo during 1990's were active more than one political party - the Democratic League of Kosovo, the Social Democratic Party of Kosovo, the Kosovo Parliamentary Party, Christian Democratic Party and Liberal Party, are some of the parties that existed before the war - yet they did not operate in an environment that allows normal development of political life and democracy.

² NDI - Political Parties and Democracy in Theoretical and Practical Perspectives, Pippa Norris, pg. 1

³ http://www.idea.int/parties/international_assistance/parties_necesseary.cfm

After the war there was new space for political and party action. Many of the old parties continued to operate and meanwhile new parties were established. In this new created space these parties began to engage in political competition and to seek the vote from the citizens, thus marking a major step in the installation of democratic practice in Kosovo. Only after the war, Kosovo began to feel a genuine political transition from one-party system to pluralistic system. This was a delayed transition for more than a decade.

More than another decade after the war, much remains to be done in the consolidation of democratic practices in the political life of Kosovo, including also political parties. The main obstacle of this process was the emergency phase of economic and social reconstruction in which Kosovo society found itself after the war. Faced with an immediate need for the physical reconstruction of housing, meeting the immediate needs for physical survival - in the first days after the war - and consolidation of local institutions, yet with no time to focus on economic development and social policies in the years after the emergency phase, made the political parties unable to draw and run with policies on key issues. Specifically, while Kosovo has no consolidated economy then certainly parties will not be able to articulate different policies - for example - on tax policies, but will limit their message in saying that they will bring economic development. In short, the country until now did not reach the point where political parties have an imperative of profiling by the ideologies that they promote.

On February 17th, 2008, Provisional Institutions of Self-Government declared Kosovo an independent state. With this decision the doors were opened for transfer of all state powers to local institutions⁴. Post-independence phase was characterized by the establishment of other state institutions that previously had not existed or had been administered by international missions. This step of democratic and institutional consolidation at the same time appears as a major challenge for Kosovo society. It can be expected that with the economic and social development, political parties can start the articulation of the programmatic orientations and thus the political scene in Kosovo will be consolidated.

2.3. Democracy within political parties

Having in mind the fact that the political parties are a bridge between society or a group of society and politics, then it is necessary that political parties have internal democracy so that the concerns and preferences of society can find a place in their debates and agendas. Consequently the development of democratic processes in a society is closely related to internal democracy in political parties.

Perhaps, it can be concluded that it is impossible to have a democratic society without internal democracy within political parties. However, most scholars agree that the role of political parties, although essential, cannot be the only decisive factor in a democratic society. Necessarily, the role of civil society and free media should be considered as complementary in democratic development of a society.

⁴ External security is an exception, which remains in the competency of the peacekeeping force KFOR.

For the purposes of this study, it is important to clarify what is meant by the term democracy within the party. Only after this explanation we can measure the level of democracy in the party. More precisely, the internal democracy in political parties means the election of candidates and leaders in an open and fair competition, transparency, inclusiveness of different groups of society while formulating policies and transparent financing.

For the purposes of this study it was observed how much are respected the basic documents of the party, such as a statute, is the competition for advancement in the party open, how frequent and strong are informal ways of decision-making, which is the cohesive force in the party, which are the challenges of the party and what is the quality of reporting, as a mechanism to demand accountability from the leaders of the party.

Moreover, the development of democracy within political parties cannot be seen as a separate process from the overall social and economic circumstances in Kosovo. Kosovo society is still in an emergency phase, creating the foundations of the state, without proper economy and in a multiple transition. Among the important transitions in this context is to overcome the patriarchal traditions. Individual in Kosovo society often grows and becomes mature in a patriarchal environment, specifically in an environment where independent, individual, critical and creative thinking is not encouraged. Rather, the individual submits to the will of the head of the family. Such a submission to the authority and the expectation that this authority should tell what to do and even what to believe, then is conducted to the wider social groups than the family. Therefore, it is expected that such behaviour can be seen even in political parties, which means that party members expect from the leader of the party more than enough. However, since the individual inside the party is not expected to show the same loyalty as in the family, this should create more space for independent activity and even contestation and competition among party members. Since Kosovo's political parties are not ideologically profiled, in order to drive the competition around ideas and policies for implementation of the ideology, then it seems that the race between party members is run by a simple motive of taking the power in order to enjoy the personal privileges that can bring top positions in political parties.

Although we agree that further development of political parties in Kosovo cannot be seen separated from the overall development of society, this does not absolve parties from responsibility that they have in reforming the society. Instead, political parties are primarily responsible for the overall reform of the society, as by having access to the executive power and budget are responsible for policies and decisions that will determine which way will go Kosovo society, forward or backward.

Therefore, the development of the party, development of democratic practices within the party, and exercise of a sense of responsibility for economic and social development of the whole society should be ranked high on the agendas of the political parties in Kosovo.

2.3 How do political parties function

Political parties in Kosovo have received great support from national and international institutions to increase their administrative and political capacity. Assistance was provided for the preparation of basic documents such as the statute/charter, political program or other internal regulations of the party in order that political parties could be developed on the sound basis that would guarantee the democratic functioning. The structure of political parties in Kosovo is often a reflection of best practices regarding the organization and the functioning of political parties.

Kosovo's political parties meet the requirements of basic sociological definition of what is a political party - an organized group that wants to take power by political means. But no other criteria are met. There is nothing new to be said if we repeat that political parties in Kosovo do not have their own political ideology, no real programs, and not even a clear membership. The best indicator of the lack of ideology and affiliation and identification of members with the ideology of a party is frequent transfer of members of one political party to another. There is almost no political party in Kosovo that has not lost members, even senior officials, which have gone to another party, as well as there are almost no parties that did not take members and officials from another party.

The main motive for joining a political party and to remain in it is getting to power and use out the benefits of power. In Kosovo, these benefits mean financial benefits not only in the form of salary and the opportunity to contribute to government policies, but also the opportunity to abuse the system by benefiting financially from holding the power, abuse of political power to exercise pressure on the judiciary, and satisfaction with the higher social status, especially in the eyes of fellow citizens.

Financial and material benefit seems to be the greatest cohesive force within the political party, which keeps members inside the party and encourages and motivates them to engage and work. Competition for positions is motivated by a desire for more personal power and personal gain. This makes the role of party leader even more powerful as the "reward" with party positions as well as with power is seen as the best benefit. This race, with such motives, threatens the substance of the party and the democratic processes within the party. This has encouraged non-formal decision making and creation of unprincipled groups and factions within parties.

Opening of the voter lists has made this race even more unscrupulous among colleagues in the party. Paradoxically, this is weakening the internal cooperation in the parties up to the extremes, until the point of endangering the fabric of the party itself. This has forced the parties to begin to think for correcting internal practices and to reform. Open lists have diminished the role of leader - which was one of the main goals of the idea to apply the open lists - and opened up the competition within the party. Accepting that the party should be reformed and return to a genuine political party, in full sociological definition of a political party, and the reduction of the role of party leader, seems to compel parties to think seriously about positive changes within.

Most of the parties studied in this report have changed or are in the process of amending the party statute. PDK currently is in the phase of changing the statute, LDK has adopted a new statute in March 2012; and VETËVENDOSJE Movement consistently amends the statute. Other parties have adopted new statutes in recent years. The study of statutes indicates that the one of LVV is the most advanced if we consider the restriction of mandates, and the application of direct democracy in making important decisions. But the other statutes are not falling behind. Problem is not the formal functioning of parties. The problem is the preference to bypass the requirements of the statute and use the informal ways of decision making.

Informal ways of decision making are frequent and powerful. The leader and people close to him exercise more power than it is determined by statute. Important decisions for the party are taken in informal meetings, at lunches and dinners or parties. The most drastic example known to the public is the "Zanzibar case" when PDK decided to terminate the governing coalition agreement during a discussion at a bar in Prishtina; VV and FER decided to join on the basis of discussions in Prishtina bars, bypassing the party organs and procedures that are required by statutes of these entities; KDTP has approved a new statute at a dinner/Iftar in which were invited only the delegates which are close to the president. These forms of informal decision-making often appear as the main way of making major decisions for the party, putting in the shade all party organs and the requirements derived from the basic documents of the party. This practice does not appear to be diminishing. Political parties, interviewed by KIPRED, have confessed that during the selection of candidates for Mayoral races in Ferizaj and Kaçanik, they have used informal ways and in violation of the statute in order to find the candidate. PDK, for example, after identifying the preferred candidate from the centre, have committed the branch to proceed and to nominate this candidate in formal ways. What is most disturbing is that all these informally taken decisions, later are formalized by the party organs in order to "satisfy the law".

The existence of informal ways of decision making makes the leader of the party powerful and puts him/her in a central role and vice versa. The leader, by having the power to influence the party officials, is able also to influence their decisions. Connections formed between leader and his preferred party officials become more powerful and create the main "forum" where decisions are made for the party. For members of the party, membership in this "forum" becomes the main goal. Another disturbing fact is that through the impact on party leaders, international actors in Kosovo are able to influence party decisions, encouraging informal decision making by violating democracy within parties. The most drastic example of this is the election of the President of Kosovo, when three party leaders convinced their respective parliamentary groups to vote for a candidate that many of MPs did not know.

2.4 The legal framework

The legal framework for the functioning of political parties in Kosovo was established after the 1999 war and by taking into account best practices of the time. However, the current

framework was not developed with the same dynamic as society and its needs. Registration and certification of political parties is still a subject of a Regulation, and not of a specific law. Mechanisms that should ensure the legislation for the functioning of political parties have never been empowered enough to be able to monitor effectively the activities of political parties and to sanction parties when they violate the legislation. Consequently, this has encouraged non-democratic practices within the political parties. Among these practices are violations of applicable regulations and practices of decision-making through informal routes and inadequate reporting hence also the non-transparency in the party work. Among the changes made to encourage internal democratization of political parties and weakening the role of the leader in the party was the implementation of the practice of open lists in the elections. This change came into force in 2007 elections. However, rather than to enhance democracy within political parties, this change has weakened parties inside even more. Now, suddenly, party colleagues became direct competitors of one another. The race for votes was not conducted only with competitors from other parties but also with fellow party members. Race became a double competition, not only to convince voters to vote for your party but also to vote for you, and not for your fellow party members. This has further weakened the already fragile cohesion of the party. Moreover, this became the main source of vote tampering and theft, especially in the 2010 elections. Kosovo Assembly has established an ad-hoc Parliamentary Commission to correct the Law on General Elections in Kosovo, in order to address these shortcomings. The Commission has failed to conclude its work within the time period set, mainly because political parties have not reached an agreement about important changes such as the partition of Kosovo into constituencies or open lists, which are changes that can directly affect fabric of parties and the democracy within them.

Funding of political parties should become more transparent and the Law on Financing the Political Parties should be fully implemented. Parties are not sincere in their financial reports. This becomes evident in times of elections when parties possess and spend more funds than they declaratively possess. Audit of parties should be done by independent companies in order to provide full transparency to the public.

2.5 Office for Political Parties Registration and Certification in CEC

Political parties in Kosovo are registered in the Central Election Commission. Based on the Law for General Elections⁵ and the one for Local Elections⁶ in Republic of Kosovo, CEC has established the Office for Political Parties Registration and Certification (Office)⁷. This Office operates within CEC and is responsible for registration and maintaining of the register of political parties as well as certification of all political entities which are included in ballots⁸.

⁵ Law no. 03/L-073, articles 12.3, 64.2 (a) and (b)

⁶ Law no. 03/L-072, articles 13 and 20

⁷ Law no. 03/L-073, article 11.1

⁸ See CEC regulation no. 01/2008, article 2.1

Under applicable law, the CEC has issued special regulation for the registration of political parties⁹ which sets out procedures for registration and reporting obligations for political parties.

Procedures for registration require from political parties to submit the application, the party's symbol, the data of the representatives of the party, party's founding document, at least 500 signatures of registered voters, the statute of the party, which should be in accordance with legal requirements¹⁰, political program, recent financial statement, the signing of the declaration to respect the Code of Conduct of Political Parties¹¹ and to pay the registration fee of 500 Euro. After submission, the Office reviews applications and within thirty days notifies the CEC on status of the application. If the documentation is deemed complete, CEC announces the notice in newspapers and on the official website of the CEC within seven days. Each political entity has the right to reject the request on the grounds submitted in writing to the Office. If there are objections, they are reviewed and a decision is made to refuse or consent the request. In case of refusal, the parties are notified in writing for the reasons of denial. Within following twenty-four hours parties may appeal to the Electoral Commission for Complaints and Appeals, and the appeal must be decided within seventy-two hours after it is announced¹². If there are no objections, then it is concluded that there is no reason for refusal and the Office within three days recommends CEC to register the political party.

After the registration, the party is obliged to organize the Convention within six months from the date of registration, then at least every 42 months. Convention is required to elect the party chairman/president and the highest executive body. Convention proceedings are monitored by the Office for Registration of Political Parties and Certification¹³.

Political parties are obliged to notify the Office for any change in its internal organization, and they must submit once in the year the annual summary data. Currently with the regulation in force no. 01/2008, the parties are obliged to submit annual financial report until March 1st.

This report is quite detailed and among other requires information about the bank balance for each account on its behalf, a record of all contributions as well as receipts for all costs that exceed the value of one hundred euro¹⁴. Moreover, the party is obliged to keep accurate and detailed financial records for a period of seven years¹⁵. Financial reports are audited by the Office in accordance with accounting standards - applicable in Kosovo. In case of non-compliance with these legal obligations for reporting, CEC on the recommendation of the Office fines the political parties for late submission of required documentation and categorizes them based on criterion of representation and time¹⁶. The lowest foreseen fine is 200 Euros for irregular entries in the accounting book, while the highest is 2.000 Euro for

⁹ CEC regulation No. 01/2008

¹⁰ See CEC regulation no. 01/2008, article 12

¹¹ CEC Regulation No. 11/2009 Code of Conduct of Political Parties, their supporters and candidates http://www.kqz-ks.org/SKQZ-WEB/al/legjislacioni/materiale/rregullatkqz/11-2009_al.pdf (on 17 May 2012)

¹² In there, article 8

¹³ In there, article 13

¹⁴ See CEC regulation no. 01/2008, article 20

¹⁵ In there, article 21

¹⁶ See CEC regulation No.14/2009 on sanctions and fines, article 3

concealment or falsification of the amount that is between 3/4 to 4/4 of the respective category. Fines collected are deposited in the state budget.

2.6 Statutes of political parties

According to Law no. 03/L-073 for General Elections in the Republic of Kosovo, Article 12 which governs the procedures to be followed by competent authorities, in this case the Office for Registration of Political Parties at the CEC, Article 12, Paragraph 12.3, Item *f* amongst others, requires that political parties which tend to register with this office, should have their statutes as documents that from the nature of legal definition are known as obliged legal documents for the internal party organization.¹⁷

However, under Regulation arising from the Law no. 03/L-073 for registration of political parties, namely Article 12, which includes a framework of how and what should include statute of a political party, it is clearly stated that the statutes of political parties should include:

- (a) The procedures by which members of the public may become and cease to be members of the Party, and the rights and responsibilities associated with membership;
- (b) The procedures to be followed in amending the Statute or Political Programme of the Party;
- (c) The procedures to be followed by the Party to dissolve itself enter into an electoral coalition or merge with another Party;
- (d) The procedures to be followed in the election of the President, the members of the highest executive body or any other elected officials of the Party;
- (e) The procedures to be followed in the selection of the candidates of the Party for elections to both the Kosovo Assembly and the Municipal Assemblies taking into account section 13;
- (f) The creation of a body to resolve disputes within the Party relating to the interpretation of the Party Statute;
- (g) Provision for the disposition of any Assets remaining after meeting all Liabilities on the dissolution of the Party; and
- (h) The timing of and rules of procedures to be followed at ordinary and extraordinary Assemblies of the members of the Party, including provisions for quorums, agendas and decision making¹⁸.

2.7 A greater role for the Office of Political Parties Registration and Certification

¹⁷ Law on General Elections, article 12.

¹⁸ Regulation on Registration of Political Parties, article 12.

The Law on General Elections in the Republic of Kosovo, Chapter III, Article 11, sets the general provisions of registration and certification of political entities. This article regulates the establishment and functioning of the Office for Political Party Registration and Certification. Establishment and functioning of the Office is foreseen also with the Regulation for Registration of Political Parties. The same general provisions that are incorporated in the aforesaid Law are also in this regulation.

The Office is responsible for maintaining the registry of political parties, certification of all political entities to be included on a ballot, and the campaign spending limit and financial disclosure articles of this law¹⁹. The Office is headed by an Executive Director who reports directly to the CEC Secretariat.

Taking into account the powers of the Office for Political Party Registration and Certification, it is worth mentioning that the maintenance and democratic functioning of political parties amongst others is the responsibility of this office. Regulation for the Registration of Political Parties, amongst others, clearly defines also the procedures of selection of electoral candidates. Also, another important article in this regulation is the Article 17 which defines and specifies how a political party can be financed by certain individuals, party members and from the Kosovo budget.

The task of the Office is to monitor the functioning of the parties inside, by observing and reporting on developments at all levels in the party. This means the monitoring of election and reporting and even sanctioning of the parties if they do not adhere to regulation and their statute. To accomplish this task, the Office needs a much larger number of staff than it has now, which would monitor throughout Kosovo and in a longer term operations of political parties and to report correctly for all the levels and for all developments.

According to experts, the Office for Registration of political parties operating within the CEC failed to exercise the role it should have. This had a negative effect also regarding the political parties, since they did not feel obliged to adhere to legal requirements regarding party operations. KIPRED interviews with experts²⁰ have revealed that the main reason why this Office cannot fulfil its task properly is the lack of capacities. The Office does not have enough staff to fulfil its tasks that derive from law. Also, there are doubts about the lack of professional integrity within the staff of Office, which can bend due to the pressures of politics.

Research for this report has found that - for example - CEC had changed its assessment on the new statute of KDTP after the pressure from politics. CEC, on 23.03.2012 had compiled a 5-page response which clarifies that decisions taken at a meeting (Iftar) are not legitimate, including changes in the Statute. However, this response was not officially distributed to the parties. The parties have received official response dated 24.05.2012 where in one and a half page it is stated that there were "no significant violations" in the proceedings and that the

¹⁹ Law on General Elections, chapter III – General Provisions

²⁰ Election experts, OSCE and CEC officials, that preferred to be anonymous, interview by KIPRED, May-June 2012.

changes were accepted, including the adoption of new party statute²¹. There is a reason to believe that the CEC has changed its opinion and accepted the new changes in the documents of KDTP although there were procedural violations under political pressure. KDTP's case shows the consequences of non-enforcement of this Office and the consequences of the political pressure in its work.

If the legal framework for functioning of the political parties would be implemented properly and if there were genuine sanctions for parties which violate this framework, than there would be much more functional democracy within political parties of the country. If the current provisions for the operation of political parties would be respected than existing law for general elections but also previous ones that envisioned the closed lists would be enough to guarantee a higher level of democracy in Kosovo²².

Strengthening of the Office should be among the priorities of any political reform in Kosovo. A strong Office that may sanction parties and even deny their participation in elections, a professional Office with integrity that will not withdraw from the pressures of politics and an Office that will regularly inform the public opinion, namely the electorate, could play a crucial role in advancing democracy within political parties in Kosovo.

²¹ KIPRED has seen all of these documents, those that were handed to parties officially but also the other ones that were compiled but were not handed officially to parties.

²² Independent election experts, members of CEC as well as the personnel of OSCE Mission in Kosovo, that preferred to be anonymous, interview by KIPRED, May-June 2012.

3. PRACTISES IN POLITICAL PARTIES

3.1 Democratic Party of Kosovo – PDK

Democratic Party of Kosovo (PDK) was established on October 10th, 1999. Its chairman since its founding is Mr. Hashim Thaçi, currently serving his second term as Kosovo's prime minister. PDK was founded mainly by former members of Kosovo Liberation Army (KLA) and LPK²³ carrying so the rebellious and combative spirit that has characterized these two organizations.

PDK is organized into sections, sub-branches, branches and central level. Congress is the highest organ of the party²⁴ which among others chooses the Steering Council and the President of the party. The list of candidates nominated for the Steering Council is proposed by the Presidency and supplemented with suggestions by the delegates of the Congress. The Steering Council consists of 81 members with two-year term²⁵. The Steering Council proposes the statute and program of the party and elects the members of the Presidency. The Presidency, which consists of 29 members, it is a governing and executive body. The Presidency members are elected by the Steering Council, and the members of the Steering Council are elected by the Congress with the proposals from Presidency. This process of mutual nominations can be considered as a conflict of interest and creates space for possible manipulation of the process. The President of PDK has a two-year term with the right of re-election²⁶ and reports to the Congress, Steering Council and the Presidency. The statute of the party provides decision making by consensus or by vote²⁷, without indicating whether the voting is open or closed.

Since the establishment of the local institutions, the PDK has remained in opposition only one term. In 2007 elections, PDK emerged as the main political force and since then has governed the country. Currently, most of the leadership structures of PDK carry government positions, what has weakened the organization and internal functioning of the party. Secretary General, who should be the main link of the organization, coordinating the work within the party, has almost frozen his function since he is also the President of the Assembly of Kosovo. PDK offices are often emptied by its officials; there is not even a spokesman who is now charged with the ministerial post.

Consequently, the party has failed to be regular with the elections within the party. The final election Assembly of PDK was held in October 2010 but without previously holding the intra-party elections in the branches. Party officials claim that the party rushed to "satisfy the law" because it was consumed as a party by dealing with government. In 2012, however, the

²³ Lëvizja Popullore e Kosovës is an organisation that brought together ethnic Albanians of Former Yugoslavia and its promoted goal was to fight for emancipation of human and political rights of Albanians in SFRY. LPK was considered an illegal organisation in SFRY. It operated in Western Europe where it had more visibility. LPK is often credited with establishing the Kosovo Liberation Army (KLA).

²⁴ Democratic Party of Kosovo, Statute, article 13.1

²⁵ In there, article 21.2

²⁶ In there, article 24.2

²⁷ In there, article 38

data indicate a revival of commitment in the party. Party officials said that in 2012, 30 meetings of the Presidency²⁸ were held. PDK has formed the Committee for the reform which is led by the Secretary General, Mr. Jakup Krasniqi and in March, the decision was taken to hold the elections in the party. A date for the elections has not been given yet. According to party officials, elections have been delayed due to the Mayoral elections that were held once in Ferizaj/Uroševac, then in Kaçanik/Kaçanik. In elections that are planned to be held at all levels, a confrontation is predicted between two internal factions that have arisen in the meantime. PDK so far was remarkable for internal unity and consensual decision making, but the unity of the party is being challenged by the deputy president, Mr. Fatmir Limaj, who has publicly expressed dissatisfaction with the way the party is being led but also with the governance of Prime Minister Thaçi. Mr. Limaj, who is the second most voted person by the electorate in the party, has criticized the manner of selection of assembly members and the coalition partner by the leader of the party²⁹. Still it is not known whether Thaçi and Limaj will run for the chairman of the party or if there will be a third candidate and this might be the real reason for the delay of the process of internal elections³⁰. As a possible candidate for the head of PDK the name of Mr. Kadri Veseli is mentioned. Mr. Veseli is known as leader of the former Kosovo Information Service (SHIK)³¹.

The party officials are not offended from the expressed criticism; they consider this as part of the debate within the party³². They claim that the characteristic of the PDK is the spirit of rebellion that characterizes most of the personalities who have established the party and who are its top officials. This rebellious character means that in PDK there are not only debates but there are frequent cases where party officials rise against the party leader, and this only increases the quality of the debate and the democracy within the party³³.

The power of Mr. Thaçi, as president, is the ability to reconcile all these "rebels" and get everyone's agreement on all issues and decisions to be taken at the party. Thanks to this ability, it appears that PDK does not suffer so much from the challenge of new comers to the party, which is a challenge from which other parties are suffering³⁴.

Vice-Chairman. Mr. Hajredin Kuçi, by rejecting allegations that the party has been neglected, mentions that the president has been involved personally in the selection of candidates for mayor in Ferizaj and Kaçanik. He defends the commitment of the centre in the selection of candidates for municipalities, saying that it was done just to prevent the "tyranny of the vote" which can elect someone who has the votes in the branch but not necessarily has the votes of the electorate.

²⁸ Hajredin Kuçi (vice president of PDK), interview in Prishtina, June 20th, 2012.

²⁹ See: <http://koha.net/?page=1,13,100162> (last opened on 21.06.2012).

³⁰ See: <http://koha.net/?page=1,13,98724> (last opened on 21.06.2012).

³¹ Kosovo Information Service was an intelligence service associated with the Kosovo Liberation Army during the war and the Democratic Party of Kosovo after the war. Mr. Kadri Veseli, the head of SHIK, repeated consistently in the media that SHIK is not operational any more.

³² See: <http://koha.net/?page=1,13,100232> (last opened on 21.06.2012).

³³ Hajredin Kuçi (vice president of PDK), interview in Prishtina, June 20th, 2012.

³⁴ Hajredin Kuçi (vice president of PDK), interview in Prishtina, June 20th, 2012.

As cohesive force in the party is mentioned the patriotic and revolutionary experience of the party members and officials but also the ability of the party to accommodate new arrivals that makes new members feel that they can contribute equally.

As a key challenge for the party remains the party profiling and articulation of an ideology. This is a long-term challenge for the party as a clear profiling will take several years and this will be one of the keys to keep and increase the electorate and to attract new arrivals in the party.

Challenge for the party, as well as profiling, however, seems to be the image of the party. PDK, which was established immediately after the war with the ambition to capitalize the merits of the KLA suffered from accusations that have been thrown on KLA, either rightly, or wrongly. PDK was not able to distance itself from the crimes that were committed in the name of the KLA. In the municipal elections held in 2000, PDK did not emerge victorious but LDK. Since then, PDK has not managed to increase its electorate and in every elections the party received about 200,000 votes.

Elections year	2001	2004	2007	2010
Number of Votes	202622	199112	196207	224339

Obtaining the primacy as the biggest party in Kosovo is not as much merit of the PDK but rather is the "merit" of LDK, which lost more than half of its electorate. The image of the PDK has continued to be hurt by the war crimes charges brought against its top officials; charges of the "Dick Marty Report", a Council of Europe report known by the name of the author of the report, Mr. Dick Marty, with charges of involvement of members and officials in corruptive affairs and charges for criminal practices of SHIK. Recently, the party was faced with the dismissal of two Mayors for committing criminal acts. PDK is being challenged in patriotic credentials, too. "VETËVENDOSJE" Movement, that has become the loudest political entity in opposition, is successfully fighting it in the game of "who is more patriotic" accusing PDK for treason on issues such as the dialogue between Kosovo and Serbia.

For PDK perhaps more important than party profiling will be the elections that will hold the party this year and the ability to elect democratically and properly the candidates that are desired by the electorate and who will improve the image of the party.

3.2 Democratic League of Kosovo – LDK

Democratic League of Kosovo is the oldest political party in the country, founded on December 23, 1989. Its President is Isa Mustafa elected in 2010. LDK is the only major party whose chairman is no longer the party's founder and it has had three different presidents.³⁵

³⁵ Ibrahim Rugova from 1989 until 2006, Fatmir Sejdiu from 2006 until 2010 and Isa Mustafa from 2010.

The main cohesive force is considered to be the pertinence with President Ibrahim Rugova and the movement for independence.³⁶

LDK in its 7th Election Assembly held in March of 2012, has approved its new statute. The purpose of the statute change was adapting to new developments and circumstances in both the party and the country. Also, the statute was first drafted when LDK had functioned more as a political movement rather than the party and therefore the statute changes were necessary. Based on new statute, LDK is organized in Branches and Sub-Branched, while Actives which operated under old statute were terminated. The highest organ in LDK is Assembly which consists of 355 delegates, elected by the branch assemblies³⁷. Assembly elects the President of the party by secret ballot and more candidates; and the General Council which consists of 99 members³⁸. General Council afterwards elects the Presidency which consists of 25 members³⁹. The President of LDK at the same time is the chairman of all executive bodies.

In recent years LDK has faced different challenges. For a number of years the post of the President of the LDK was frozen since the same person was the President of the Republic of Kosovo. Non-exercising of this function has left a vacuum in the management of the party featuring the need that LDK should undertake a deep reform process.

Another challenge that LDK currently faces is renewing the leadership structures without violating cohesion and cooperation between generations⁴⁰. In 2006, LDK had begun the process of internal reform process that had encountered resistance because it was aimed at creating space for new professionals⁴¹. LDK is trying to institutionalize the new comers. One form is the right of the president to take initiative for election of the professionals,⁴² while the other form is the creation of the Expert Group, which mainly consists of experts of various profiles, mostly members of the LDK, but not involved in party structures. The new statute also provides enhanced powers for the president of the party, by whose proposal the General Council elects and dismisses the members of the Presidency, Vice-Presidents and Secretary General⁴³. These powers can also be seen as a tendency to increase the control within party and promotion of members that are closest to the leader.

Reporting is regular, within the party and in CEC. The reporting is in written and not only oral. LDK is using the internet to improve reporting and each month, or when necessary, publishes a "newsletter" as an additional way to communicate its activities.

Efforts for internal reform sometimes caused negative effects. The process of internal elections and the race of counter-candidates have resulted in divisions and fractions and even

³⁶ Isa Mustafa, (LDK President), interview in Prishtina, May, 21st 2012.

³⁷ Democratic League of Kosovo, Statute, article 18.1.

³⁸ In there, article 23.1.

³⁹ In there, article 28.

⁴⁰ Isa Mustafa, (LDK President), interview in Prishtina, May, 21st 2012.

⁴¹ Ismet Beqiri, (Secretary general of LDK and the head of parliamentary group) interview in Prishtina, May 23rd 2012.

⁴² Democratic League of Kosovo, Statute, article 26.

⁴³ Democratic League of Kosovo, Statute, article 24.

with the creation of new political entities from the part that was dissatisfied with the electoral processes. The most damaged by this process has been the LDK itself, which after each election has lost the electorate, except elections held in 2010. LDK so far was part of all legislatures of the Kosovo Assembly. In the V legislature it is represented by 27 deputies. LDK in the Assembly leads three Parliamentary Committees, the one for Oversight of Public Finances, Legislative and the one for European Integration. Prior to plenary sessions the parliamentary group meets to discuss the items on agenda. Parliamentary group takes into account the assessments of the Council of Experts that is created within the LDK. LDK parliamentary group always coordinates its stance with this group, the Presidency of the party, but also with the President in cases when dealing with big issues⁴⁴. This is also confirmed by LDK president, Isa Mustafa, who says that "although I hesitate to get involved in the daily work of the deputies, I must admit that I'm involved in important moments for Kosovo, such as the election of the President, the completion of supervised independence and electoral reform"⁴⁵.

Democratic League of Kosovo is currently the main opposition party in Kosovo. Although it was the largest party, the LDK is a political party that has lost most electorate in Kosovo. Divisions within the party and the challenge of transformation into a genuine political party are among the causes of loss of the electorate.

Said by figures, LDK has lost more than a half of the electorate that used to have in the first elections held after the war. Encouraging fact for the party however can be the fact that in the last elections the negative trend was turned around and the party has managed to win back a part of its votes. Put in the numbers, the movement of votes for LDK looks like this:

Elections year	2001	2004	2007	2010
Number of votes	359851	313437	129410	172552

Founded in the early stage of movement for the independence of Kosovo, LDK has functioned more as a movement than as a party. LDK's authority among Kosovo Albanians was strongly challenged by the Kosovo Liberation Army, which was experienced as opposition to the peaceful resistance policy that was promoted by LDK and its founder and leader, Mr. Ibrahim Rugova.

During the nineties cohesive force in LDK became the commitment for country's independence. After the war, as Kosovo had not yet achieved independence, commitment to this goal remained the pillar of the party's ideology. Political programs of the LDK in the post-war years were mediocre, if not ridiculous, since they were no more than a wish list for pickled pears and snow drink. Main reason was that the LDK had remained essentially the same movement which had begun as a response to the repression against the Albanians, as the articulation of the Albanians aspiration for independence. In the post-war conditions,

⁴⁴ Ismet Beqiri, (Secretary general of LDK and the head of parliamentary group) interview in Prishtina, May 23rd 2012

⁴⁵ Isa Mustafa, (LDK President), interview in Prishtina, May, 21st 2012.

when Kosovo was facing more challenges than just the need for independence, LDK was not able to articulate these new needs of citizens.

LDK is a step ahead compared to the other parties in its ideological profiling. Recently, LDK, which has described itself always as right party has come close to the European People's Parties and is intending to become a member of this club. This will be the first confirmation that LDK is a centre-right party.

Today cohesive force in the party remain connections and old sympathies and less the conviction – especially among young people – that in LDK they can find space to realize their political ambitions.

Renewal of party leaders and resistance of “old guard” remains a major challenge for the party. This is also confirmed by the highest officials of the party. Many party figures who have been members of the party since its foundation and consider that they have sacrificed much for the party until now, refuse to leave their posts in the party even when it is clear that they have lost the confidence of voters and, consequently, by still holding the party positions, can damage the party's image. This was apparent in the Mayoral elections that were held this spring in Ferizaj/Uroševac and Kačanik/Kaçanik. LDK's candidate for mayor in Ferizaj/Uroševac, Mr. Adem Salihaj, in fact excluded the centre from decision-making for the candidate for this race, by violating the party statute. Centre was not able to oppose him as Mr. Salihaj controls the Ferizaj/Uroševac branch. Preferences of the electorate were not taken into account from branch and neither by centre. Worse than in Ferizaj/Uroševac LDK fared Kačanik/Kaçanik, where the candidate of the branch failed to get even the second place and took only 5 per cent of the votes.

The clash of generations is accepted as the biggest challenge also by Mr. Isa Mustafa, leader of the LDK. President Mustafa noted that he is aware of the need to reform the party. He says that in the party "he is building an infrastructure and a democratic system"⁴⁶ and mentions the number of meetings of the General Council, the new party statute and changes such as a secret ballot as an achievement of this process.

Even outside observers see the progress inside LDK. Party elections at the branches, even those of 2006, by observers are referred to as a good example of internal elections, although it is mentioned that there were cases where in some branch there was only one candidate for president, which does not qualify as good democratic practice. However, the events in General Assembly of 2006 were not democratic at all and the same ones brought the division from which emerged a new party called Democratic League of Dardania.

Party president, Mr. Mustafa, admits that there is resistance which he experienced himself, as in a sense he is the new comer in LDK. He says that although he was worried in the beginning, now a space has been created for new arrivals in the LDK and adds that "20 new members are included in the General Council".⁴⁷ LDK has established the Council of Experts as a forum where new names can engage and contribute to the party. Indeed, the

⁴⁶ Isa Mustafa, (LDK President), interview in Prishtina, May, 21st 2012.

⁴⁷ Isa Mustafa, (LDK President), interview in Prishtina, May, 21st 2012.

establishment of the Council of Experts seems more as a result of resistance of the old figures against new comers and the need to create space for new professionals and to recognise their contribution and the role of new comers.

One advantage that LDK has, compared with other parties and which can facilitate intra-party democracy is the fact that the party leader and founder, Mr. Ibrahim Rugova, is gone. According to an independent observer, Kosovo's political parties are closely associated with the founder and it is difficult to overthrow them from the leader position. LDK has passed this point and the race for party president is more open.

President of the LDK says he is aware of the challenges for the intra-democratization of the party. He admits that the democratic principles and fundamental documents of the party continue to be challenged. Election of Mr. Adem Salihaj as LDK's candidate for the Mayoral elections in Ferizaj/Uroševac in spring 2012, the divisions within the party branch in Gjakova/Djakovica and in the Youth Forum in Podujevë/Podujevo are concrete examples of failure of the democracy in the party. But Mr. Mustafa, by confirming these challenges and refusing to speak about the outside influences in the party, adds that in the party sometimes there is confusion and democracy is perceived as anarchy, but says he is committed to put order in the party and set up a system that will be in place for any president and will guarantee democracy within the party.

Other officials of the party that KIPRED talked to, have expressed their satisfaction with the developments within the party. According to them, while earlier LDK has been in complete chaos, now the order is being put in place.

However, this satisfaction with the achievements in the party is not seen from outside. LDK, in order to survive, must change the direction of political momentum and turn it from falling into rising. Until now, the public has seen just the cleavages and departures from the LDK, which occurred at each General Assembly and were accompanied by fanfare from the media and public opinion, mostly because these departures from the party were accompanied by scenes as those of 2006 when the debate was strangled from firearms and throwing chairs.

Survival of the LDK, which sometimes is put into question, it is important for political democracy in Kosovo. The challenge of bridging the rifts caused by the resistance of the "old guard" is essential for the future of the party, but also for the democracy in Kosovo. The test of finding space for newcomers will be the key for the future of the party. If LDK passes this test, it could be an example for other parties in Kosovo.

LDK should begin to be seen by the electorate as a proper party, clearly profiled, and not only to live by the memory of Mr. Ibrahim Rugova, with the integrity to take on responsibilities and to act conscientiously whether it is in power or in opposition. So far, even though LDK is in opposition, it is not considered as such by the public in Kosovo. For the party survival, overcoming of all these challenges should not satisfy only party officials but it must satisfy also the LDK voters, those who have remained loyal to the party and to those who have turned their back once, but even more for many new voters, who will be future voters in Kosovo.

3.3 “Self-Determination” Movement – LVV

“Self-Determination Movement” – LVV was established on June, 12th 2005. Its activity had begun as a civic initiative, to enter the electoral race in the 2010 parliamentary elections. Since the establishment, Mr. Albin Kurti is the leader of the LVV. LVV representatives and sympathizers think they are still at the stage of sacrifice and from here stems the cohesion of this initiative, without leaving aside programme and internal debate⁴⁸. Even though many people think that Albin Kurti is the cohesive force in this subject, he himself denies such a thing. He justifies this with the fact that in the 2010 elections he had about 37% less votes than the total number of votes of the subject. Albin Kurti sees the cohesive strength in three components: 1) Mutual awareness, 2) Linkage with the institutions: having a coherent attitude towards the international community, in protests and in media appearances, and 3) Loyalty to the method: where MP does not sit in Parliament, but goes out in the protest and gets arrested⁴⁹.

Part of solidarity with the "Movement" is the decision that the members of this entity to hold only 500 Euros from the salary they receive as MPs and give the rest to the "Movement". At least one representative of LVV in the Kosovo Assembly said that he did not like this practice, while another one has refused to submit the salary to the movement. However, this was not enough reason for "separation" with the "Movement".

The statute of LVV has undergone frequent changes, this due to the fact that anyone can make proposals to amend the statute. The decision-making and executive bodies are organized from the base to the centre. The first organization level is the Point Council, acting at the neighbourhoods and consists of at least 7 members but not more than 100⁵⁰. The second level of organization is the Centre which is organized at the level of a municipality established by the decision of the General Council. The General Council is the highest decision making body in the third level of organization⁵¹ and meets at least once in three months. While the Presidency consisting of 15 members is the highest decision making body in the third organizational level between the two meetings of the General Council. Members of the Presidency cannot be those who already serve as Mayors, Municipal Assembly members, MPs and members of the Government Cabinet⁵². Presidency meetings are held at least once in two weeks and those are called and directed by the President of LVV. Meetings of the Presidency cannot be called by any other member of the Presidency without the authorization of the President⁵³. Election of the President of LVV is done directly by the membership. LVV has a well-defined statute regarding responsibility, the level of accountability and term limits. In statute each leading mandate is limited to two terms⁵⁴. Moreover, in case of election of the president in the position of the Prime minister, he is obliged to resign from the position of president.

⁴⁸ Dardan Molliqaj (Secretary in LVV), interview in Prishtina, May 22 2012.

⁴⁹ Albin Kurti, (President LVV), interview in Prishtina, June 1 2012

⁵⁰ LVV, Statute, article 30.1

⁵¹ In there, article 61

⁵² In there, article 68

⁵³ In there, article

⁵⁴ In there, article 10

LVV is a new entity in the political scene and its internal democracy is still in development stage. The influence and power of the leader in this subject is very evident and is seen as natural, though its members deny that the current president has ever abused his influence⁵⁵. Challenge in LVV is considered to be a complete implementation of a direct and representative democracy. LVV members are obliged to attend the meetings of the Point and if absent more than three times they lose this status being converted into sympathizers.

Although LVV has its political program, it still remains unclear the ideological profiling of this subject. LVV officials appearances in public debates have put doubts in their orientation as they presented ideas resembled the socialist era policies, such as the idea for the formation of cooperatives in villages. Only once was heard in a political debate that LVV is a political entity of the centre. A particular challenge in the context of ideological profiling of LVV will be the reconciliation of figures with different opinions, from liberals in politics and economics to Marxist and nationalist. Finding a platform that will satisfy everyone and that will serve as a fabric to build a real cohesion in the party will be one of the main tests of LVV's maturity.

LVV is registered by the CEC as a civic initiative and therefore does not undergo the reporting rules on political parties. Despite this, LVV is among the most regular reporters in the Office of Political Party Registration and Certification.

However, the formalization of the commitment in the party - the obligation to participate in meetings of LVV's Point in neighbourhood and exclusion if someone is not present at these meetings - it may sound to someone as an obligation and not as solution and opportunity to contribute. LVV should find a more accurate form of measuring the contribution of members and supporters not only with technical participation in meetings and activities of LVV.

Former associates of Mr. Albin Kurti accuse him for undemocratic practices in governance, what his present associates deny. Party members talk about respect for each and every one and equal competition for all. They cite as an example compiling the list of candidates for general elections in 2010 in which the order of names was done in alphabetical order, leaving some of the main personalities like Visar Ymeri at the bottom of the list.

For LVV a compilation of a convincing political program for Kosovo electorate remains a challenge. The votes LVV had won in the 2010 election are likely to be negative votes, meaning votes against the other parties, in which the electorate has lost faith, rather than votes for the LVV and its leader or its program. Although internal democracy efforts are impressive, it will be hard to convince the electorate as well. Clear and more compelling profiling is essential to maintain the current electorate but also to convince potential new voters to vote for LVV.

⁵⁵ Dardan Molliqaj (Secretary in LVV), interview in Prishtina, May 22 2012.

3.4 Alliance for the Future of Kosovo – AAK

Alliance for the Future of Kosovo – AAK was established on May 2, 2000 as a coalition of five parties. After withdrawal of two parties from coalition, in 2001 AAK was registered as a single party and not as a coalition. Since the establishment until now its president is Mr. Ramush Haradinaj. In 2005, three months after taking the office as Prime Minister of Kosovo, Mr. Haradinaj resigned and turned himself over to the International Criminal Tribunal for the former Yugoslavia where he still faces charges for war crimes. Since then, Haradinaj could not exercise the function of party president and this position remains still vacant⁵⁶. Alliance is a party with leader spirit and the leader is the figure that keeps cohesion within the party. Its members and supporters think that they were deprived from the right to govern and therefore are committed to bring back "Ramush" to the prime minister office.⁵⁷

Central Assembly is the highest organ of the party and is held every three years. Assembly elects the members of the Steering Council which is a political-executive body, and meets at least once a month⁵⁸. Central Assembly also elects the president of the party, who then proposes the Presidency, which consists of at least 17 members and it is approved by the Steering Council. President of AAK, by Statute, has the right of co-optation by proposing enlargement of the Presidency at any time and based on needs. All such proposals must be approved by the Steering Council.⁵⁹

Decisions in AAK are made in the Steering Council and the Presidency of the party, which meets at least once in every two weeks. Party officials confirm that they are committed to obey the rules as much as possible⁶⁰. AAK holds meetings in a Consultative Environment with Vice-Presidents, Secretaries and mayors of this party, which occurs to serve as an advisory forum.

Parliamentary group meetings depend on the plenary sessions. It is the practice of AAK that these meetings with Members of Parliament take place one or two days before the plenary sessions. In these meetings agreements are reached on the issues that will be discussed and MPs opinions regarding draft-laws or other issues are listened. Usually analyses made by MPs who are members of relevant committees are respected. AAK has 12 MPs in the Assembly of Kosovo and each of them is a member in one of 12 parliamentary committees.

The main challenge for AAK is its expansion in the entire territory of Kosovo, since traditionally the party got the biggest support only in the Dukagjini region. Another challenge is structures that came from other parties. AAK has representation from two opposite extremes. Even though it is considered that this has its positive side, still in the absence of the leader these differences are more apparent.⁶¹

⁵⁶ Mr. Ramush Haradinaj was acquitted by ICTY and he returned to Kosovo and took the helm of the Party. In 2011 Mr. Haradinaj's case was put on retrial by ICTY and again he was not able to carry any political role.

⁵⁷ Burim Ramadanaj (Secretary general of AAK), interview in Prishtina, May 22nd 2012

⁵⁸ Alliance for the Future of Kosovo, Statute, article 17

⁵⁹ Alliance for the Future of Kosovo, Statute, article 42

⁶⁰ Burim Ramadanaj (Secretary general of AAK), interview in Prishtina, May 22nd 2012

⁶¹ In there.

AAK delivers finance reports two to three times per year. Also reports regularly to the CEC. Secretary General reports on the status and operations in the branches. Within party organs, reporting is primarily oral unless when there is a request for more detailed report, than the same is prepared in written. AAK lately was fined by the Office for Political Party Registration and Certification because it had submitted incomplete information and did not respected the deadline given by the Office to meet those requirements.

The main obstacle to development of the party is the absence of the leader, respectively the right of the party president, Mr. Ramush Haradinaj, to be active in political life and party activities. This is reflected in the party's engagement to expand geographically, to attract new cadres to the party as well as in profiling the party. The party program is unfinished as the work on it has stalled. Absence of the leader and the loss of political power have cost the party in the pocket, after failing to find new donors. Main sponsors of the party remain the businesses from Dukagjini region where is the stronghold of the party.

President of the party, Mr. Ramush Haradinaj, once was released from the ICTY, but was forced to return to partial retrial and is awaiting the final verdict. At the time when he was released, Mr. Haradinaj was focused on strengthening the party by changing the statute and seeking to bring new cadre. There were a lot of rumours for possible rapprochement between AAK and LDK with the possibility that these two parties form the government. However, return to partial retrial of the President Haradinaj broke this story.

Elections year	2001	2004	2007	2010
Number of votes	61668	57931	54611	77130

Based on the power by the new Statute Mr. Haradinaj had co-opted to the top of the party Mr. Blerim Shala, one of the most distinguished names of civil society in Kosovo, and appointed him as the first vice president of the party. With the departure of Mr. Haradinaj and inability to exercise his function within the party, the main responsibility for running the party fell on the first vice president, Mr. Blerim Shala. This was not welcomed by the "old guard" of the party. Mr. Shala is accused by party colleagues that he attempted to make decisions for the party on its own, without consulting other party officials on important issues such as the creation of government coalitions. Because of this, relations between Mr. Shala and most of the other party officials are tense. This can be noticed also from the statements that come out from the party and often they are uncoordinated or inconsistent with each other. It is highly unlikely that Mr. Shala made any decisions for the party without the consent of the president of the party, whom, despite being in detention in The Hague, party officials could consult on a daily basis through telephone conversations. In order to maintain the cohesion within the party there, Mr. Daut Haradinaj, the brother of the party president, became involved in the party politics, since his family ties with the leader should act as a bridge between the fractions and conciliator of divisions.

For AAK, as a party that has made clear that it's a party dependent on the leader, the imperative remains the return of Mr. Ramush Haradinaj. Without the presence of the leader,

the party is not able to do anything either in geographical expansion or in progressing the democracy within the party as well as accommodation of different views and ideologies that are found in its officers, jeopardizing thus the chance to win new electorate in order to remain an important political force in the country.

3.5 New Kosovo Alliance – AKR

New Kosovo Alliance was established on May 3, 2006. Founder and President of the AKR is Kosovar businessman Mr. Behgjet Pacolli. In February 2011, Mr. Pacolli resigned from the post of President of AKR to be elected President of the country. Since the Constitutional Court had interpreted his election as President of Kosovo as a violation of the constitution⁶², Mr. Pacolli retreated from this position only after 8 days. AKR returned him back to the post of party president.

The main cohesive force within the AKR is considered to be the idea of economic development, promoted by the party president, Mr. Behxhet Pacolli⁶³, although this ambition, same as with other parties, was never clearly elaborated. Many party officials are in close kinship with party leader, while for the other officials it is speculated that they joined the party because of the promises for financial benefits, allegations which were never proven.

The highest organ in the central level of AKR is the Assembly, which consists of seven delegates from the branches of the AKR, and after the central elections, one delegate for every thousand votes obtained.⁶⁴

The Steering Council is the highest political and programming organ between the two sessions of the Assembly. The Steering Council of AKR consists of 129 members. The Steering Council of AKR holds regular meetings at least 4 times a year.⁶⁵ AKR's Presidency is the political-executive organ. AKR's Presidency consists of 49 members who are nominated by the President of AKR and are elected by The Steering Council.⁶⁶ President of AKR is the highest individual organ of AKR, which decides directly on guiding the party. The mandate of the President of AKR lasts three years, with renewable possibility.⁶⁷

AKR's characteristic is that in addition to the position of vice president it has also the position of deputy-president⁶⁸, which after the proposal of the President are approved by the Steering Council.

AKR was the surprise of the 2007 elections after it emerged as the third force only a few months after the party was established. Escape of the LDK electorate from LDK, AKR promises to focus on economic development and belief of the electorate that the party leader,

⁶² Constitutional Court of Kosovo, Decision No.04-V-04,

http://www.gjk-ks.org/repository/docs/ko_29_11_agj_om_shq.pdf

⁶³ Myzejane Selmani (Head of KKR parliamentary group), interview in Prishtina, May 23 2012.

⁶⁴ New Kosovo Alliance, Statute, article 21

⁶⁵ In there, article 23

⁶⁶ In there, article 27

⁶⁷ In there, article 30

⁶⁸ In there, article 33

Mr. Behxhet Pacolli - known as the richest Albanian in the world - will not be corrupted, are some of the reasons believed that brought so many votes to AKR. But, in the next elections, which were held in 2010, AKR barely got half of the votes from 2007 even after having entered into a coalition with a number of other parties, risking even not passing the threshold to enter into Assembly of Kosovo. Votes for AKR have moved in this way:

Elections year	2007	2010
Number of Votes	70165	(As “New Kosovo Coalition”) 50951

President of the party, Mr. Behgjet Pacolli, declared in the media that he is disappointed with political life in Kosovo and added that he is considering withdrawing completely from political life in the country. For a party where the leader's motivation and ambition is the main engine of engagement and action, the pull out of leader even declaratively affects directly its substance, cohesion and development processes.

3.6 VAKAT Coalition

VAKAT Coalition is a coalition of four political parties which represent the Bosnian community in Kosovo: Demokratska Stranka Bošnjaka (Democratic Party of Bosniaks), Demokratska Stranka Vatan (Democratic Party Vatan), Bošnjačka Stranka Kosova (Bosniaks Party of Kosovo) and Nova Demokratska Stranka (New Democratic Party). Coalition exists now nearly a decade and geographically covers nearly all Bosnian community in Kosovo.

Head of the coalition is Mr. Xhezair Murati. Cooperation between members of the coalition is good, especially among three members of the coalition, DSB, DSV and BSK, and all the decisions are made in democratic way and with the consent of all.⁶⁹ Coalition meetings are regular and they are held monthly. Coalition works on the basis of written and oral agreements⁷⁰ and they meet regularly to discuss issues that concern the community and the coalition, and to agree stances that they will present in the Kosovo Assembly. VAKAT has managed to keep its electorate which is shown in the table below:

Elections year	2004	2007	2010
Number of votes	4972	5428	5296

Parties constituting the coalition continue to act as political entities. DSB is the biggest party of the coalition and its headquarters is in Prizren, which serves as coalition headquarters.

DSB has the General Council and Executive Council and the president of the party. President of the party is Mr. Nazim Demiri. President of the party until now was Mr. Xhezair Murati, who decided not to run for the position of party leader, since he kept this position for many years and decided to create space for new cadres. The party reports regularly to the CEC.

⁶⁹ KIPRED interview with Mr. Xhezair Murati, interview in Prizren, May 29th, 2012

⁷⁰ KIPRED interview with Mr. Xhezair Murati, interview in Prizren, May 29th, 2012

Cohesive force in the party is the capacity to promote the emancipation of community rights. Mrs. Duda Balje from DSB says the party has competition from other parties and therefore the main challenge remains the preservation of the members and the electorate by being committed for a better representation of the Bosnian community⁷¹.

VAKAT coalition is not the sole representative of the Bosnian community in Kosovo and the coalition authority is challenged by other parties that are not part of the coalition. However, strength of the coalition is the geographical extension and representation of nearly all Bosniak communities in Kosovo (except those from the north of Kosovo). But this geographical extension creates an asymmetry in representation and decision making within the coalition since the parties that come from areas with more electorate become more powerful. These parties at the same time have more possibilities to find resources for the party and to increase the capabilities to develop internal democracy.

3.7 Independent Liberal Party – SLS

Independent Liberal Party (SLS) is currently the largest party representing the Kosovo Serb community and operating within the political and state system of Kosovo. SLS was established on April 18, 2006 in Graçanicë/Gračanica. Although it has been 6 years since it was established, the party is still in the stage of growth and geographical expansion throughout Kosovo. This uneven expansion has created an asymmetry in decision making and debate within the party. Representatives from Graçanicë/Gračanica or central part of Kosovo, who are founders of the party, are still more powerful in decision making. With the extension of the SLS in other parts of Kosovo, as in Shtërpçë/Štrpce and in other new established municipalities, this "rule" of Graçanicë/Gračanica is being challenged. It is claimed that there is a split even between the party founders and the "rule" of Graçanicë/Gračanica and it is not as much hegemonic as it may look at first glance.

The party is focused on areas where there are Serb communities, except the northern part of Kosovo. The party is currently extending its presence in eastern part of Kosovo known as Anamorava/Podmoravlje and the extension of the party infrastructure remains its main challenge.⁷²

Decision making in SLS does not differ much from other parties. Generally it tries to respect the documents such as the statute of the party. SLS has even established the institution of the Court of Honour whose role is to evaluate the obedience of the statute and the actions that may conflict with the party's honour. Main decision making body is the Assembly of the party. Between the two Assemblies of the party, the Central Council is a decision making body, appointed by the Assembly. The party has the Presidency which implements the decisions of the Central Council and the President and vice-presidents.

Coordination between the party and the parliamentary group is good as the Kosovo Assembly members are also members of the Central Council - the body which makes decisions. Secret

⁷¹ Duda Balje, interview in Prizren, May 29th, 2012.

⁷² Petar Miletiq (Secretary General of SLS), interview in Prishtina, June 14th, 2012.

vote is applied when voting for President and vice-presidents but not in other cases as the party aspires to reach decisions by consensus.

Cohesive strength of the party, in the first place, is the commitment for community rights. Party representatives believe that they have proven that the idea to participate in Kosovo institutions was right and that the successes achieved by the party to protect the rights of the Serb community and improving the conditions for life has increased the confidence of the electorate.⁷³ Consequently, party officials who have managed to become Mayor, as in Graçanicë/Gračanica and Shtërpçë/Štrpce, have gained political power within the party. The increased support for SLS is evidenced by the number of votes received in 2010 compared to 2007 when SLS for the first time participated in elections:

The Year of Elections	2007	2010
Number of votes	855	14352

Challenge for the party remains geographic expansion and capacity building. SLS does not operate in the northern part while in the east - in Anamorava/Podmoravlje – it has just begun to extend its presence. Expansion of the party seeks additional staff and party capacities.

3.8 Turkish Democratic Party of Kosovo – KDTP

Turkish Democratic Party of Kosovo was established in 1990 and in the last 12 years its president is Mr. Mahir Yağcılar. KDTP is the only party representing the Turkish community in Kosovo. Although there have been initiatives outside the party for the creation of new entities, they were extinguished within a short time. Cohesive force in this party is engagement to promote and protect the interests of the Turkish community, particularly language and religion which is considered to be the main factor that keeps this community together.

According to the statute of KDTP, the Assembly is the highest body of the party. Assembly consists of 81 delegates appointed by the assemblies of branches.⁷⁴ The assembly elects 27 other members of the Central Steering Council which is an executive political body.⁷⁵ This council has executive power in designing the political program, statute and other internal rules and making decisions about government coalitions. The Central Steering Council meets at least once within two months and is chaired by the party president who is at the same time the head of all other bodies in the party. Operational issues in the party are competence of the Leading Council, who shall meet at least once every two weeks. The Leading Council consists of: President of the party, Vice-Presidents, MPs, Ministers and heads of branches,

⁷³ Petar Miletqi (Secretary General of SLS), interview in Prishtina, June 14th, 2012.

⁷⁴ Turkish Democratic Party of Kosovo, Statute, article 22

⁷⁵ Ibid, article 34

while decisions are taken by the majority of those present.⁷⁶ The support of the electorate for the party in general has remained constant, as shown by the table below:

The Year of Elections	2001	2004	2007	2010
Number of votes	7879	8353	4999	8548

To ensure a greater representation in the Assembly of Kosovo, the Turkish community has consistently attempted to avoid creating new political entities, although the occasional divisions within the KDTP have excited political ambitions of different groups to enter the electoral race. Turkish People's Party existed during the 90s but it did not get the grassroots support. While the previous years' divisions have been more for ideological reasons, later rifts within KDTP are mainly a consequence of the race for the top position in the party. A loud fraction that disputes the actions of its leader Mr. Mahir Yağcılar, appeared. Adoption of the new Statute of the party on August 5, 2011, from the opposition group within KDTP has been considered to have been carried through informal routes, by not even inviting all the delegates of the Assembly.⁷⁷ This is confirmed by KDTP's President, who argues that "some problems should be overcome without creating other problems"⁷⁸. Some of the delegates who did not participate in this Assembly have addressed their concern to the CEC with a complaint which alleges that the statute was changed in an irregular procedure and it strengthens the position of President. CEC, more precisely the Office for Political Party Registration and Certification, in its response considers that there is no gross violation regarding the procedure of calling, holding the Assembly and amending the statute of KDTP.⁷⁹ CEC which had delayed the issue without stating its response has also contributed much to the aggravation of relations within the party.

KIPRED previously found that the Office had prepared a response which describes how irregular hence unacceptable were the changes to the Statute. This answer was never formally submitted to the party that has complained and demanded answers. KIPRED has learned that changes in response were made due to political influence in the office.

Financial reporting of KDTP by CEC are regular but this cannot be said when it comes to reporting inside the party. It has been three years since last report on party's finances and activities. Mr. Orhan Lopar, a party official, says that "the chairman manages all financial assets and we have no knowledge of how they are managed".⁸⁰

KDTP in the Assembly of Kosovo is represented by three MPs who hold leading positions as the position of Vice President of the Assembly lead the Committee for Health, Labor and Social Welfare and hold four positions of vice-presidents. KDTP is also part of the ruling coalition and leads the Ministry of Public Administration. KDTP's MPs constantly

⁷⁶ Ibid, article 36

⁷⁷ Based on the minutes report of Assembly, from 64 delegates present were only 34 of them

⁷⁸ Mahir Yağcılar (KDTP President) interview in Prishtina, May 30th, 2012.

⁷⁹ Office of Political Party Registration and Certification, the answer to the request for review of violations in changing-amending the KDTP statute, in the Assembly held on August 5th, 2011.

⁸⁰ Orhan Lopar (Deputy mayor for communities in municipality of Prizren), interview in Prizren, May 29th, 2012

communicate with the leadership but also with special committees within the party with whom they consult regarding voting in the Assembly, while decisions on important matters are made by the party.⁸¹ Members' performance is mainly monitored by the Presidency of the party through the reports of the deputies. KDTP denies the fact that there involvement of international mechanisms in decision-making. Party officials appreciate the role of the Turkish Embassy in Kosovo which they consider advisory rather than intervention.⁸²

⁸¹ Enis Kervan (Vice President of the Kosovo Assembly from KDTP), interview in Prishtina, May 28th, 2012.

⁸² Mahir Yağcılar (KDTP President) interview in Prishtina, May 30th, 2012.

4. CONCLUSIONS AND RECCOMENDATIONS

4.1 The need for reform

Most of the interviewed parties do not contest the need for internal reform. The 2010 elections were characterized by the greatest fraud ever made over a relatively short period of elections held so far. Manipulations with votes were done even within party's own lists as party candidates rushed to secure a place for themselves in the Assembly of Kosovo and for a higher authority in the party or perhaps even to enjoy the immunity of MP in front of the law.

Mayoral elections held in spring 2012 are completely different experiences from the 2012 elections, as in the case of Ferizaj/Uroševac and Kačanik/Kaçanik. Reports of abuse are minimal while the CEC declared the elections fair and acceptable. Political parties have accepted the results and have not contested.

It is important to use this momentum and encourage parties to continue the internal reforms and the implementation of the principles of democracy as the guiding principles of the party.

The relative paleness of the role of party leader may also contribute to the reform. In PDK, as the largest party, senior party officials have openly challenged the president by warning for an open contest in party elections, which are expected to be held. LDK already has an experience with changing the party leader in an open and fair competition. AAK is in a difficult position because its leader is not allowed to be active in political life as awaits the decision of the International Criminal Tribunal for the Former Yugoslavia on charges for war crimes. LVV is a new political party that is strongly identified with the leader and has not yet reached the point when he will be challenged, as well as AKR which is established around the personality of its leader and remains dependent on the leader. In the SLS as well as VAKAT coalition the leader also does not "rule" by not being challenged. Only KDTP represents a setback in this case because there, after a practice of changing the leader through an internal democratic process, the party now faces a situation of strengthening of the position of leader and the centralization of party power in his hands.

This report has revealed that political parties in Kosovo have many deficiencies in internal democratic functioning. The development of democracy within political parties is essential to the overall development of democracy in the country. Therefore, it remains imperative to develop democracy within parties. It is confirmed that informal methods of decision making are still powerful within political parties, excluding party organs from this process; funding of party is non-transparent, which rises doubts about the ways of financing; leaders are still able to control the party and influence decision making; international mechanisms are in position through the impact on the leader to influence the decisions of the party even when it is detrimental to the debate and democracy within the entity. These practices should be eliminated from political parties in order to leave space for the functioning of the party by open, democratic and transparent means.

4.2 Recommendations

To strengthen the democracy within political parties in Kosovo and to eliminate practices that suffocate the development of parties and hence of the democracy in Kosovo, KIPRED, based on the findings of this report, makes the following recommendations:

- To improve the legal framework of the functioning of political parties. There should be a separate law for registration and functioning of political parties. The current regulation is not sufficient to guarantee a responsible functioning of political parties in Kosovo.
- To strengthen laws relating to the financing of political parties. Political parties in Kosovo are not honest in reporting their income and expenses. This leaves room for doubts that political parties are funded by dubious sources. This damages the image of the parties and discourages voters to participate in polls.
- To regulate the issue of auditing the political parties in order to ensure oversight and transparency of party expenses. The audit should be done by independent companies. This will increase the confidence of the electorate in political parties and consequently in electoral system and political democracy in Kosovo.
- The fund for Democratization of Political Parties which is allocated from Kosovo's budget should be turned back to the management by the Assembly of Kosovo. To impose strict conditions on spending of this fund so that these amounts can be used for democratic capacity building of parties and not to pay fines or similar practices.
- To strengthen the Office for Political Party Registration and Certification. Lack of capacities of the Office to perform its work creates space for non-compliance and violations of Statutes and regulations, which directly affects dynamics of democratic reforms within political parties. The office staff should be increased to be able to monitor in details the activities of all political parties. The office should also be relieved from the pressures of politics and be able to make decisions independently.
- Statutes of political parties should be updated and corrected. Provisions that guarantee secret ballot and the nomination of more candidates should be introduced. The statute should ensure that the party will function even when it comes to power.
- Political parties should ensure observance of the statutes and procedures for decision making. Practices of decision making by informal routes should be eliminated from political life. Membership of political parties should ask from the party to comply with its documents and principles of open and fair competition for party positions.