

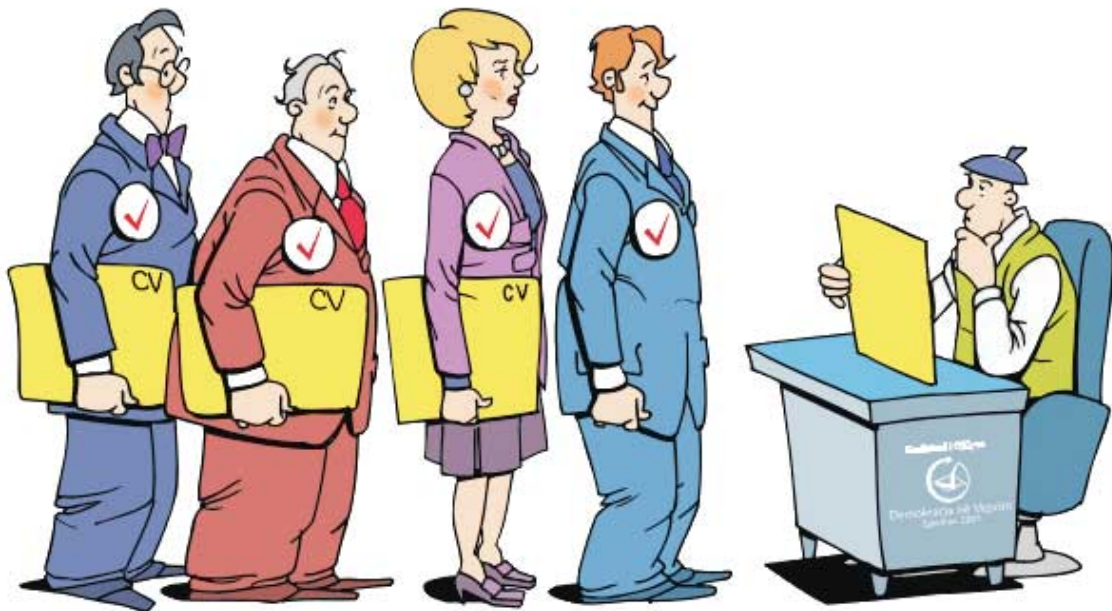


Zjedhjet - Izbori - Elections
2007

Demokracia në Veprim
Demokratija na Delu
Democracy in Action

ANALYSIS OF ELECTIONS: TRENDS AND LESSONS LEARNED

By voting we *hire* our
representatives.



www.democracy2007.net

KIPRED

Prishtina, February 2008





**THE KOSOVAR INSTITUTE FOR POLICY RESEARCH AND DEVELOPMENT
POLICY RESEARCH SERIES
PAPER NO. 8.**

**Analysis of Elections:
Trends and Lessons Learned**

Prishtina
February 2008

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Executive Summary

With this paper, we hope that election discussions and analyses enter a new stage in Kosovo. After some major advances for our democracy – open lists and the direct elections of mayor – we can now assess their effects and move further on. Longer time is needed to assess effects properly, however, debate is needed. Reforms should be seen as a permanent struggle to improve governance in terms of representation and accountability.

While they have been very popular, open lists have been somewhat disappointing for they have not had the full effect that some expected at the central level. However, democracy is making advances, especially at the local level. While the effects appear limited, there are all the right ingredients to inform further reforms.

This paper has attempted to build up on a previous publication by KIPRED and make further break-down of electoral trends. The biggest addition was the analysis of perceptions which sheds light and explains some of the voter dynamics.

One negative by-product is that the last reforms have further strengthened party hierarchy. The combination of open lists with a single district has arguably made leaders even more powerful than they were with closed lists, a move in the wrong direction.

The paper also explored a number of organizational issues that require improvement as well as worrying disassociation of women with politics, calling for specific outreach programs to address this matter.

The paper ends with a list of recommendations, from transitional issues that require new institutional set-up, systemic aspects such as the introduction of districts or lowering of the threshold. There are also several recommendations pertaining to technical aspects, although follow-up studies will need.

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Introduction

Several years ago we noticed serious deficiencies in the rapport between voters and their representatives – citizens did not know who spoke on their name. Vertical lines of accountability were entirely missing, resulting with a widening the gap between voters and their representatives. Some voters then reacted by punishing parties in power at the municipal level. Increasingly more voters felt excluded and chose not to take part in elections at all. Others found “alternative” means to make their voice heard – in 2004, UNDP reported that an average citizen engages four times more in negative forms of public participation (protests) than in positive ones (NGOs, unions, etc.).

Our earlier papers aimed to study the newly-acquired right to vote. The first paper analyzed the electoral system and drew recommendations how to change it. The second paper analyzed voting trends from the first free elections in 2000 until 2004. Due to funding shortages, this analysis lacked a public opinion poll, which has been conducted this time.

This paper also analyzes the legal framework of representation and participation comparing it against what is commonly referred to as a European constitutional/electoral heritage. Although Kosovo is not a signatory and is not legally bound by most conventions that set democratic standards, it aspires such values and there is widespread societal consensus to use such principles as yardstick to measure Kosovo’s progress. Doing so, the analysis made use of forms collected by over 2000 observers on Election Day (both rounds). Moreover elections are judged on the following principles:

Firstly, elections are democratic only if certain basic conditions of a democratic state based on the rule of law, such as fundamental rights, stability of electoral law and effective procedural guarantees are met.

Secondly, as per the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, the will of the people, expressed in periodic and genuine elections, must be the basis of the authority of government.

Third, the right to elect and be elected, as one of the supreme aims of the state and the international community.

Fourth, the presence of real political pluralism and a multi-party system.

The wellbeing of the electoral process and the legal/electoral framework are discussed in the first two parts. Overall, Kosovo meets most requirements above, with some obvious reservations that are associated with it being under international supervision.

Trends between 2000 and 2007 follow in the next section, tracking changes over time. For the first time in Kosovo, this paper conducts a demographic breakdown of party votes. Trends are also briefly analyzed from a gender perspective, looking at turn-out, involvement and effects of open lists on gender representation. The paper then analyzes the effects of recent electoral changes, the use of open lists, threshold and the direct mayoral elections. Finally, the paper recommends a number of changes that should inform the road ahead for further reforms.

The project also includes the monitoring of the media, a report which is separately published at the same time as this analysis.

Note on terminology: For practical reasons, the paper uses ‘Albanians’ to mean Kosovo Albanians and Serbs to denote ‘Kosovo Serbs’.

Political and Election Environment

It has been weeks since Kosovo has declared its independence followed by the recognition of numerous countries. According to the Ahtisaari plan, Kosovo will continue to have an international mission with meta-state powers exercised by the International Civilian Office.

Prior to the declaration of independence, Kosovo was under immediate jurisdiction of the United Nations Mission in Kosovo (UNMIK), as per the United Nations Security Council Resolution 1244. UNMIK has been an all-encompassing civilian trusteeship led by a Special Representative of the Secretary-General (SRSG) vested with highest legislative and executive powers.

A continuous transfer of competences from UNMIK to the PISG has flowed over years resulting with most competences transferred except reserved ones, largely in the field of international relations and security. A persistent problem has been the activity of Serb parallel institutional structures, limiting the reach of PISG in some parts of Kosovo. With independence, some parallel structures are planned to be integrated within the Kosovo institutions, and some will need to be dismantled, a process which may take years.

Executive powers are exercised by the Government of Kosovo composed of fifteen ministries and the Office of Prime-minister. Two of the ministries are directed by Kosovo Serb ministers and one by a non-Serb minority. With the new Constitution (yet to pass some time in March 2008), Kosovo is to have a parliamentary system with strong powers to the President.

Political life in Kosovo has long been dominated by status talks, grabbing most attention in most campaigns in the past. The economic and political crises that followed postwar period were mainly rationalized by status which partially kept a lid on dissatisfaction of the unemployed and other marginalized groups. The creation of the Team of Unity (comprised by President, Speaker of Parliament, Prime-Minister and leaders of opposition), which took responsibility for status negotiations enabled a less status-focused campaign in the last elections. Apart of getting status out of the way, the Unity Team soon undertook to informally create consensus on many other matters, not the least it agreed main policy decisions on the electoral system that was used.

The post-war political environment in Kosovo was dominated by LDK but marked with a steady fall of the electorate. A political earthquake occurred after the death of President Rugova. LDK's internal mechanisms were insufficient to withstand the multiple leaders

| Overview of elections held in Kosovo since 2000 | | |
|--|---------------------------|---|
| Year | Types of Elections | System in Use |
| 2000 | Municipal Assembly | Open Lists |
| 2001 | National Assembly | Closed Party List |
| 2002 | Municipal Assembly | Closed Party List |
| 2004 | National Assembly | Closed Party List |
| 2007 | National Assembly | Open Lists (up to 10 choices within a party list) |
| 2007 | Municipal Assembly | Open Lists (up to 10 choices within a party list) |
| 2007 | Municipal Mayor | Two-Round Majority System |

that claimed leadership. One of the losers of the battle soon formed another party, LDD, and won 1/10 of the Kosovar electorate (and ¼ of LDK's previous share of seats). Another novelty of last elections was the emergence of another party that passed the threshold – AKR – established by a business tycoon. LDK lost further votes to AKR to the point that PDK won the last election. Previously the fourth largest party, ORA proposed to raise the threshold to 5%, which subsequently left them out of parliament.

The political organization of Serbs in Kosovo also underwent changes. Previous years were characterized by mainly moderate Belgrade-registered parties getting together in a single block (“Coalition Povratak” and SLKM), whereas the majority of others boycotted them. This middle-ground course gave way to two extremes in the last election: (a) a very disciplined boycott in one hand, and (b) numerous Prishtina-registered entities taking part in elections. The new parties that emerged (SLS, SDSKiM, SNSDKiM, SNS, SKMS and ND) did not manage to end the Serb boycott of the institutions, although SLS joined the government and controls two ministries. The parties that represent other minority communities – Bosnian, Turkish, Roma, Egyptian, Ashkali and Gorani – with some in-fighting and splitting generally kept the same format (one to two parties each) in all elections.

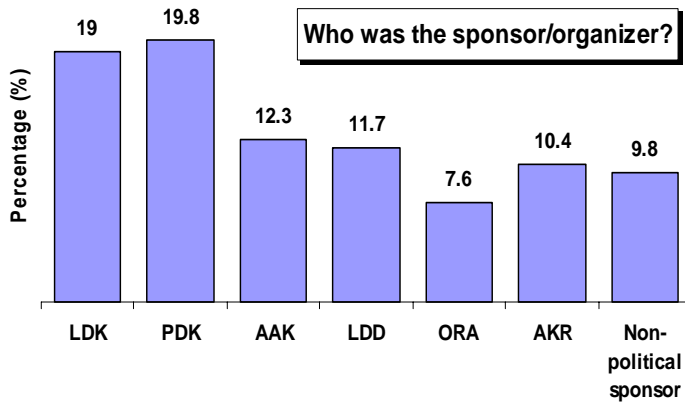
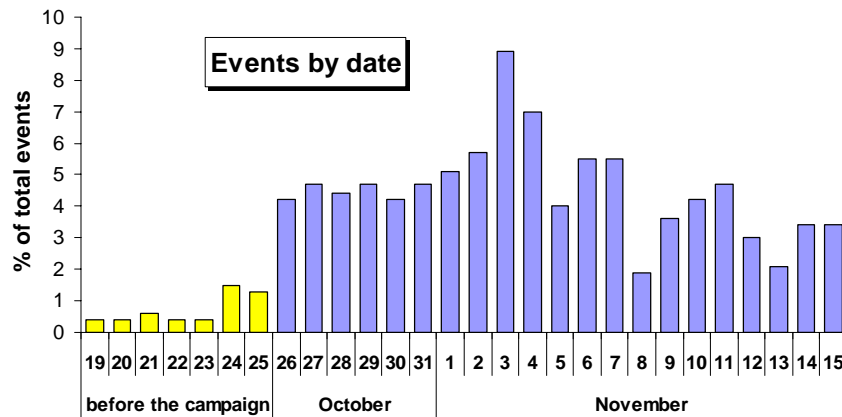
Election results have not been contested in the recent past. Due to the close management of the process by the OSCE since 2000, and thanks to regular observation by international and national organizations, the election process has been deemed credible. Electoral observation has good record in Kosovo – almost all elections were well observed, reporting irregularities and accurate unofficial results. All elections since 2000 have been evaluated as meeting most international standards and being largely free and fair. The NGO coalition ‘Democracy in Action’ observed the electoral process with 2,400 observers.

Concerns remain about the inadequate voters list and local technical capacities to run elections, especially with the anticipated change of mandate of the OSCE in 2008. Anyhow, there is sufficient pluralism and the gradually increasing political dialogue should only accelerate after the resolution of the status and fuel a domestically-driven process to maintain the trend of well-organized elections so far.

The following section gives a brief account of the well-being of the electoral process.

The Election Campaign & Voter Education

The electoral campaign of the last elections was assessed to be more focused on large and medium events rather than small activities, but cases of door-to-door campaign were observed as



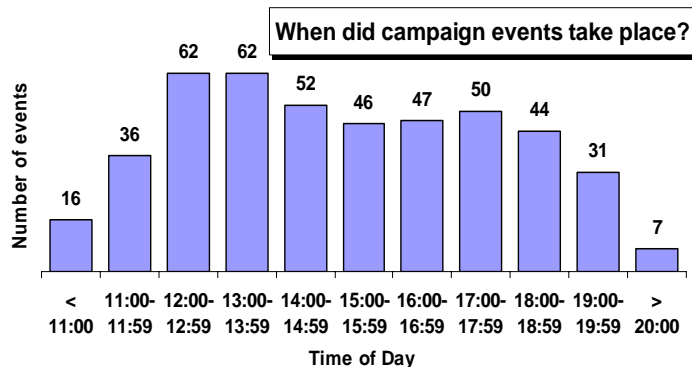
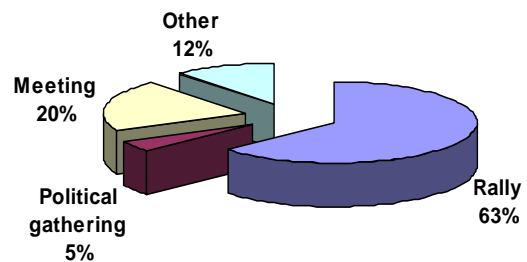
well. Most observers agree that the campaign in the last elections was more dynamic and better covered by the media than in previous years. Events during the campaign were generally calm and devoid of hate speech. Some even called them too dry as a result.

The advertisements during the election were also deemed

more sophisticated in terms of visual presentation. Parties were well organized with information outreach as well as use of new technological resources. However, their campaigns were weak on message development and effective communication, and as a result, the level of debate sounded rather cacophonous.

Unlike previous campaign, entrusting status to the Unity Team (composed by the main parties) prevented parties from

Type of events attended

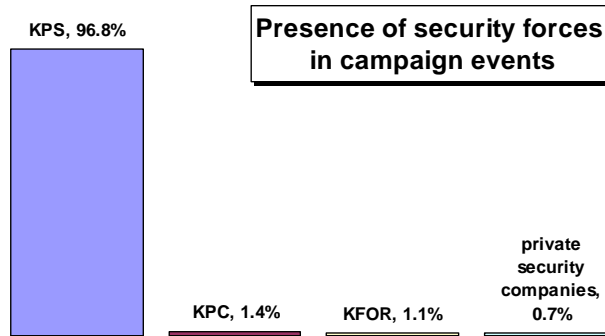


competing on status, which was anyway considered a done deal. As a result, the campaign focused more on practical issues, heralding a more competitive inter-party environment.

Most events were organized by political entities while around

10% of the events were debates organized by NGOs or media. PDK and LDK organized most of events, 19.8% and 19% respectively. There were routinely guests from other parties, even from opposing camps. On several occasions hundreds of fans left a

facility as fans of the opposing camp were coming in, but always without any incidents. Out of over 500 events that were observed, only one reported that supporters of other parties showing up to upset those present.



Most events were rallies, followed by meetings, and political gatherings – most of them had

between 100-1000 persons attending them. Only in 20% of the monitored events, women constituted more than 20% of participants. In 16% of the monitored events, children constituted more than 5% of participants – it is worrisome when such presence is organized by their teachers. Campaign events occurred throughout the day – while there were no major peak times, events between noon and 2 pm were slightly more frequent than others.

From the events where there was security presence (around 50%), in 97% of the cases, it was the Kosovo Police Service (KPS) who ensured safety. They were mainly in groups of 6-12, usually in front of the buildings where campaign events took place. KFOR’s strategy was to keep a low profile. The media was present in four-fifth of events. Not a single report depicted security forces as intimidation. Events rated as calm constituted 81% while 18% were assessed as jubilant. Only 1% of events were rated as tense.

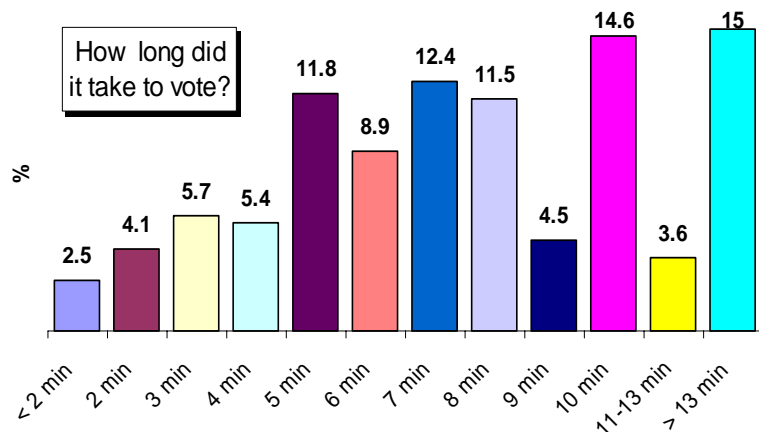
Campaign events:
81% calm
18% jubilant
1% tense

Inhabited primarily by Serbs, northern Kosovo saw no campaigning at all. The pressure from Belgrade was too high there, as it was in central Kosovo, where some Serb parties conducted very limited door-to-door campaign. Political entities of other communities conducted campaign in their own areas primarily using local radio stations.

Voter education activities of the CEC started too late – reducing some of the impact of the voting process. While it was effective after it started, it was mainly focused on broadcast media, which does not reach some voters who have no access to transmission.

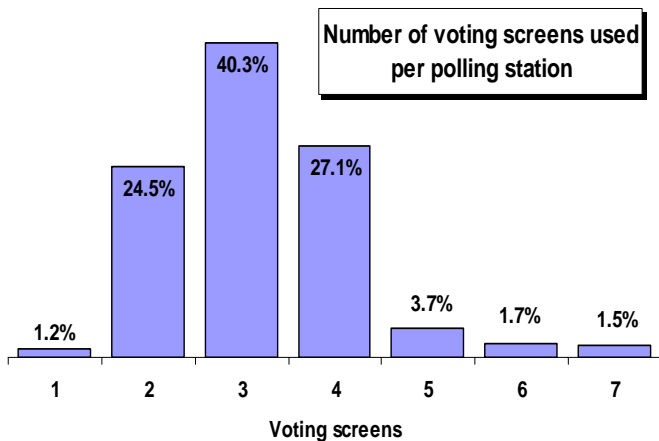
Election Day Observations

Based on the reporting from over 2000 observers both rounds of elections were rated as free and fair with the exception of some incidences in a small number of polling stations. Observers of NGO coalition ‘Democracy in Action’, reported to have seen general disturbance, agitation or violence in



2.8% of polling stations and 0.6% reported voter intimidation. Overcrowding was observed in 16% of the polling stations, a concerning issue that should be taken up by the CEC for future elections.

Several observers reported on the negative impact of having school directors serving as polling center (PC) managers. School directors are often appointed on basis of political affiliation, hence the reports that polling center managers in several cases were found to influence voters to vote for a given party. In one case the PC manager was also a candidate for municipal council. Though it is not a serious breach, it should be a matter of concern that needs to be taken into consideration for the next election.

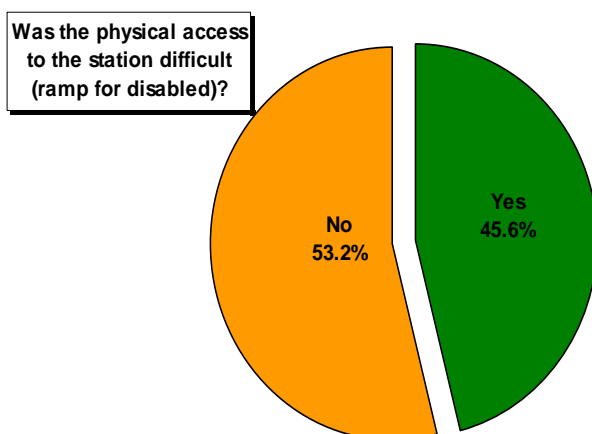


Holding three elections at once, two with ten choices from open lists raised fears that the voting process would take very long. The CEC conducted a mock election to determine the likely time it would take and they estimated 10 minutes per voter. Monitors of "Democracy in Action" randomly timed the process and found that for 17.6% it took less than 5 minutes; for half of the voters, it took 5-8

minutes and almost 20% took more than 10 minutes. This was the time needed to enter the polling station and to exit, not counting the waiting.

Related to the time it takes to vote, observers noted that the number of voting screens was not consistent. It is illustrative to point out an example how in a single center, there was a polling station with 680 registered voters with two voting screens, and one with just over 700 had four voting screens. No wonder people there and in several other stations were voting on window sills, next to each other. The majority of polling stations (92%) had between 2 and 4 voting screens.

Around half of the electorate spent between 5-8 minutes voting.

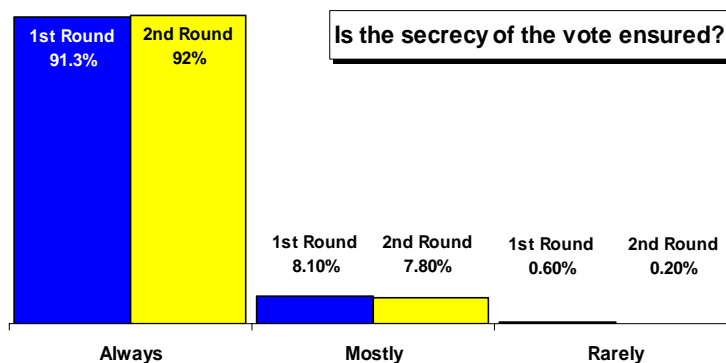


In more than 5% of polling stations there were voters who refused to accept one or more of the three ballots. This caused confusion for the completion of polling station reconciliation forms and was a source of difficulty for the completion of the final count at the count center. In at least 92 stations it was observed that voters who had spoiled their ballot were not issued a replacement. Either voters were not informed that they were entitled to getting the second one or the polling station committee members were reluctant to do so.

What distinguishes developed democracies is the care for the disabled to physically access public buildings – for purposes here, polling centers. We noticed that only 54% of observed polling centers (stations) had a ramp for the disabled, which can be rectified easily by the CEC in cooperation with municipal and school authorities.

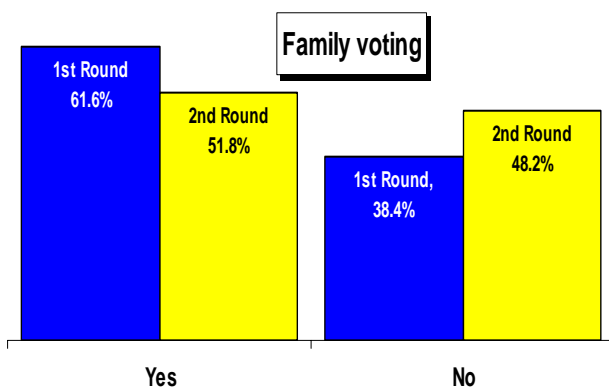
Secrecy of the Vote

The secrecy of the vote was generally ensured but serious problems in this sphere were noticed especially in the placement of voting screens. While monitors reported that the voting screens were situated in a way to ensure secrecy of voting (in 98% of the cases in the first round and 99.6% in the second), close to 7% reported that votes were not able to mark their ballot secretly. A variety of reasons may explain the mismatch of 5% – it may be a training issue for polling center members to remind them that voters are to use the screen and not mark their ballot openly. The mismatch may also indicate human factor behind most instances where secrecy of the vote was violated.

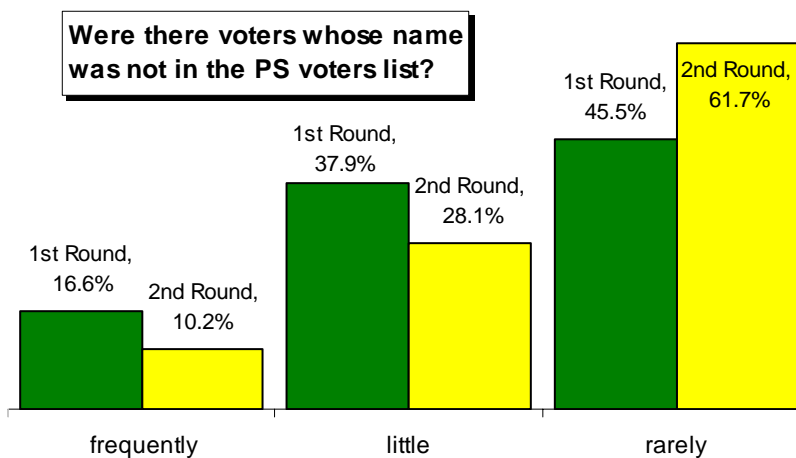


In 15% of the polling stations (11.1% in the second round) political party materials were present – the PSC members had not removed election campaign material displayed within 100 meters from the polling station. This could be a largely training issue ensuring that polling center members enforce the election regulations, but also an indication of party influence.

The most significant procedural error observed pertained to the checking of voter identification documents. Only 87% of polling stations were reported as always verifying them. This could be a training issue for the CEC but in a small number of polling stations in rural areas it could also reflect organized multiple voting or the fact that PSC members knew most voters personally.



Family voting was observed in 62% percent of polling stations in the first round and 52% in the second round. Although it is common in the region, maximum efforts must be made by the CEC and the civil society to do away with this retrogressive practice.



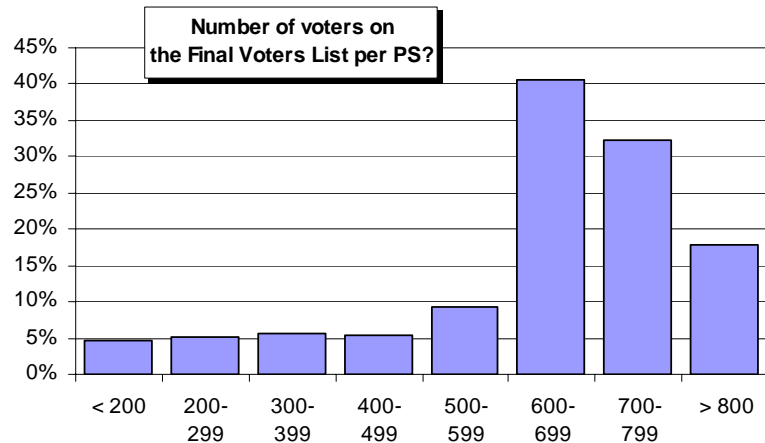
Other most commonly reported irregular voting practices include open voting (in front of others) and the observation of one person assisting more than one disabled person to vote. These are violations of the rules but can be attributed to a number of factors. Open voting was observed in up to 5% of polling stations in the first round and 5.8% in the

second round. Polling was interrupted in 56 polling stations that were observed in the first round and in the second round less than 10 polling stations. Other irregularities were reported from 18.8% of PSs.

Voters Lists

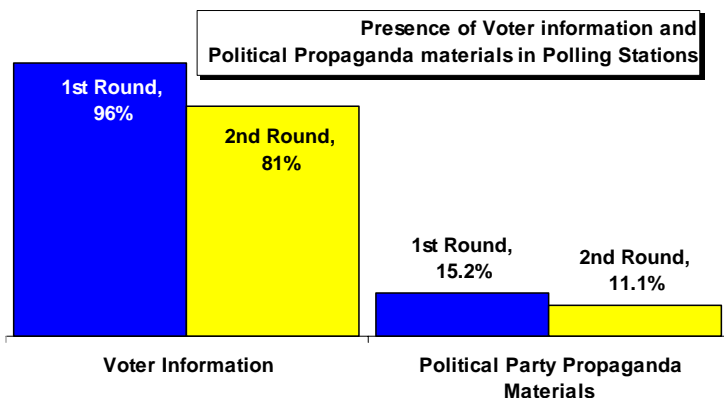
The accuracy of the voters list is arguably one of the most difficult electoral challenges in Kosovo. In 17% (in the first round and 10% in the second round), observers reported to have frequently seen voters whose name was not on the voters list. This is too high, concluding that the voters list does not adequately reflect where people live. The continuation of this situation requires the continuation of the use of the costly conditional ballot. The need to correct the errors on the voter list needs to be taken as a priority issue by the CEC and the civil registry offices.

The list of voters living in Kosovo are composed by transferring data from the list of civil registry of individuals that are 18 years or older. Voters are assigned to a polling center that appears to be the nearest to the address appearing as permanent residence in the Kosovo-wide central civil registry of inhabitants. On the other hand, voter lists for IDP were compiled by registering individuals that were permanent residents in Kosovo and left by 1st January of 1998 or later, or have the status of refugees on or after 1st January 1995 in other states and it is eligible to be registered in central civil registry as a habitual resident of Kosovo.



The voters list remains poor, and the authorities do not keep accurate records of name or address changes. In the first post-war elections in 2000 there was a massive campaign to register Kosovars to vote. In subsequent elections, voters could only register in the municipal administration, which is insufficient for the large towns.

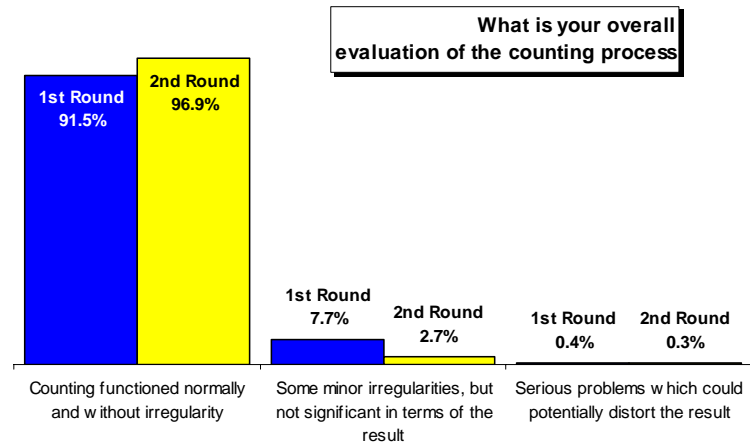
Each electoral year a period of so called Voter Services and Challenge Period is planned when voters can check if they are in the voters list for the given municipality and when they can change polling center in case there is a polling center closer to their residence.



In case a complaint needs to be filed about a person that died or does not meet the requirements to be in the list, it can be done during the Challenge Period. If sufficient evidence is presented, the name of the individual challenged is possible to be removed from the voter's list. It is believed that there

are many dead persons still on the lists. The media had widely reported that the former President Rugova (who had died almost two years before the elections) was still eligible to vote.

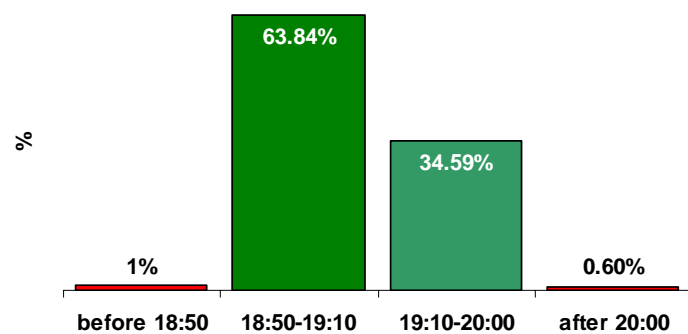
In the 2007 election, an electronic version of the voters list divided per municipality was available to be downloaded from the web-site of CEC Secretariat making it easier to challenge and verifying the list. In the same period a search machine in the same web was available to search the presence of voters name in the list and their designated polling center.



Procedural issues

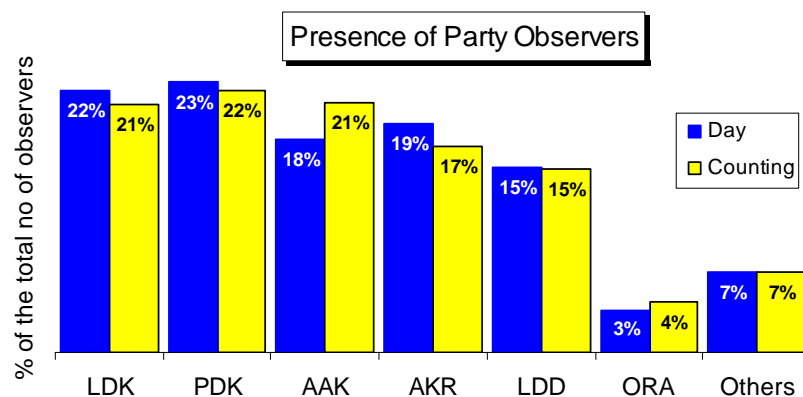
During the counting process the most commonly observed error was the failure of PS members to count and record unused ballots (7.5% in the first round and 9.1% in the second) and to count and record spoiled and refused ballots (9.1%). Most PS committees would consider this to be an irrelevant procedure, however, failure to do so means that the reconciliation statements are incorrect requiring a time consuming review and or audit at the count center.

Time polling station closed (%) (Second Round)



In 114 polling stations it was observed that there was a line up of voters at the time of closing the poll. In 94 cases voting was allowed to continue. However, in 20 cases voting was ended due to the lack of electricity, disenfranchising those waiting in the line.

A number of irregularities in the voting and counting process were referred to ECAC



resulting in the removal of the results from 31 polling stations from the final count (1.3% of all polling stations). The percentage of reports from "Democracy in Action" confirming incidents through

the day roughly coincides with the reports of the CEC and the annulment of specific PS results by ECAC.

Voter information materials were posted in 96% of the cases in the first round and on 81% in the second round. The short time between the announcement of the second round, and the Election Day left little room to post relevant information materials, hence the lower figure.

The elections were sufficiently covered by observers of political parties, NGOs and international organizations. The graph above gives the breakdown of observers on Election Day, as observed by ‘Democracy in Action’.

Summary of Election Day Incidents

Some of the irregularities were described in the section above. This section lists other irregularities that were observed during the Election Day, although none were of the magnitude that could have impacted final election results. Incidents were various such as multiple voting, lacks of necessary materials, family voting and similar. All these incidents were not specific to a region or a municipality but rather sporadic incidents nationwide.

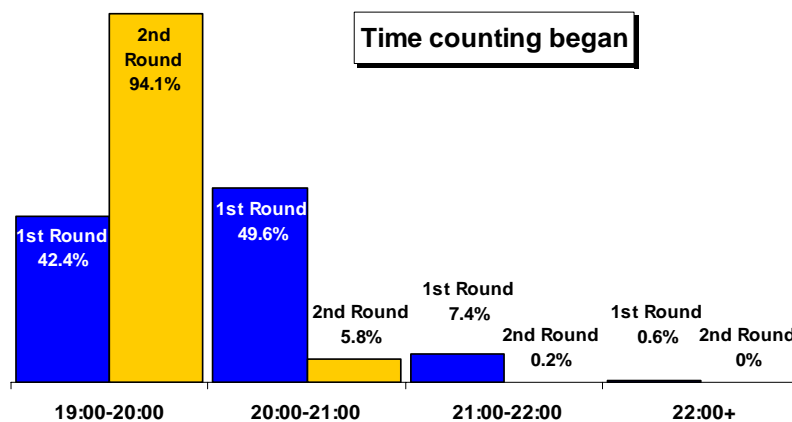
Cases of multiple voting were manifested as multiple voting on behalf of dead voters or on behalf of those in the Diaspora or those who did not vote until late hours. This phenomenon generally happened in rural areas and in areas where one political party controlled the majority of the members of the polling station committee.

On the Election Day, preparations to set up polling stations started before 6:30 a.m. (in 78.4% of polling stations observed). In 1% there were significant delays (of one hour or more) due to missing staff or shortages of material. The lack of materials was a frequent occurrence, and there were several cases missing critical materials – e.g. UV lamps, security seals, or ballot covers.

A major incident was a case when the chairman of a PSC was caught with 300 stamped empty ballots in the first round and another case with 50 empty ballots in the second round. Furthermore, there were cases where unauthorized persons were present and cases of political party activists distributing campaign materials within polling centers.

The Counting Process

Counting is the stage that finalizes the electoral process in the field therefore the welfare of this process is of immense importance. Counting takes place in polling stations and is transparent, observed by party representative and independent observers.



According to reports from the field, the entire counting was evaluated to meet requirement to be acceptable but with minor problems, mainly procedural issues. Due to complex procedures and to lack of professional competences of staff employed for the

purpose of counting, the time-line of this phase of elections varied from round to round and from municipality to municipality.

The run-off had only one election hence the quick closure of the election process, which also influenced the time counting started. In the first round, less than half of the polling stations started to count before 8 pm (one hour after the official closing), compared to 95% for the second round. Moreover, the counting process in the second round was much shorter than in the first one, resulting with finish of counting in 94.7% of PS before 9 pm. The lower incidence in the second round is another reason to have one instead of three sets of elections.

Mayoral Run-Off

The late announcement of results for the first round made it difficult for candidates to stage an electoral campaign (candidates only knew who had won based on the parallel vote tabulation (PVT) by “Democracy in Action”). As the official campaign period was only a day and a half, the candidates who surmised they would be in the run-off engaged mainly in small events and door-to-door campaigning before the campaigning period. Official campaign events were concentrated mostly in the big towns. At the same time, most candidates spend much more time creating coalitions with other parties in order to attract their voters.

Due to the short timing, the ballot had to be printed before the candidates for the run-off were known. Hence the ballot without names of candidates listed, the voter was supposed to fill in the name in the blank space. At the same time, voter education for the second round was minimal, which caused difficulties to semi-illiterate voters who could not vote secretly. Observers of “Democracy in Action” noticed many mistakes by voters who filled in the acronym of the party where they were supposed to write the code, or wrote their own name instead of the candidate’s.

There was little improvement in following procedures in the second round. While family voting decreased by 10% compared to the first round, other procedures such as checking the invisible ink, controlling of IDs and if the voters were advised to sign in the voters list stayed in the same level, appropriately done in around 98% of all polling stations. Closing and counting procedures were easier as it was just a single election resulting with a faster completion and higher regularity, in 97% of polling stations.

Election Management and the Central Election Commission (CEC)

The Central Election Commission (CEC) is governed based on the UNMIK Regulation 2004/9 amended with Regulation 2007/25 which reflects the recommendations of the Ahtisaari Proposal. Responsible for policy development and managerial oversight of elections, the CEC consists of twelve commissioners including a chairperson appointed by SRSG. The composition of commissioners is as following: one judge of Supreme Court or district court nominated by the president and appointed by SRSG, six commissioners from six largest parties not entitled for set aside seats, one from Serb parties holding set-aside seats, three other commissioners from other minority communities holding reserved seats, and the head of the OSCE Mission in Kosovo that serves as chairperson. The judge is supposed to take the role of the chair once this position is vacated by the OSCE. Previously there were three members nominated by non-governmental organizations, which was dropped in the recent changes.

As described above, all significant parties are represented and minorities are over-represented. As decisions are made by qualified majority, no decision can pass unless non-Albanian communities vote for it.

The executive arm of the CEC is the Secretariat (CECS). CECS is in charge of field coordination and planning, political entity and candidate certification, public information, accreditation of observers and distribution of election material. Each municipality has a Municipal Election Commission that deals with technicalities of elections in municipal level.

Administrative preparations for municipal assemblies, Kosovo Assembly and Municipal Mayoral elections started with the permission given to the CEC by deputy-SRSG, on 15th of August to begin preparations for elections. The exact date of elections was set 15 days later.

The number of polling stations and centers has changed through the years. In the last elections of 2007 there were 623 polling centers and over 2300 polling stations. Polling station officials were trained but insufficiently. Although low paid, the polling officials completed their task satisfactorily. However, the final tabulation and audit that followed lasted for two weeks. This delay was caused due to improper procedures on the Election Day which made election audit more difficult and there was insufficient staff available with the Central Counting Center for the task at hand.

Little information was coming out of the CEC, who was very uninformed and privately accused the OSCE of keeping them in the dark. Officially, the OSCE was in the role of a trainer and coach, but practically they took over many aspects of the election administration. Regardless that numerous irregularities were noticed during the election-day the electoral process was evaluated to be regular and the final results were accepted by all the political entities that took part in elections.

Legal and Election Framework

Kosovo's electoral system has experienced some changes. After a wide campaign by the civil society which promoted changes in the electoral law in 2004, Kosovo's public opinion strongly supported open lists. The efforts to introduce districts failed at the time, and later in the Working Group on Elections. Another very important novelty is the election of mayors directly by the voters.

The legal system in Kosovo is regulated by UNMIK Regulation No. 1999/1 as a conglomeration of legislation adopted by PISG, UNMIK regulations and administrative directions, and Yugoslav laws in place before 22 March 1989. Kosovo elections of 2007 were governed by UNMIK Regulation 2007/25 amending existing UNMIK Reg. 2004/9 on CEC, Reg. 2007/26 amended by 2007/28 on Elections for Kosovo Assembly, and Regulation 2007/26 on Municipal Elections.

Elections have long been a reserved competence for the international community, governed by a regulation enacted by the SRSG, lowering their legislative predictability. However, the hitherto international administration of Kosovo is of a transitory character and is about to depart in June. Despite the haggling about OSCE's mandate, most likely the responsibility to legislate on elections will be exercised by the Kosovo authorities in the near future.

Structure of the Legal Framework and Constitutional Provisions

The legal framework is generally objective, clear, and transparent. Its accessibility to the wider public is not entirely satisfactory – laws, regulations and other acts are published in UNMIK's official gazette, but their distribution is problematic. Enacted legislation is available online, yet the same is often not timely distributed to authorities and to the wider audience.

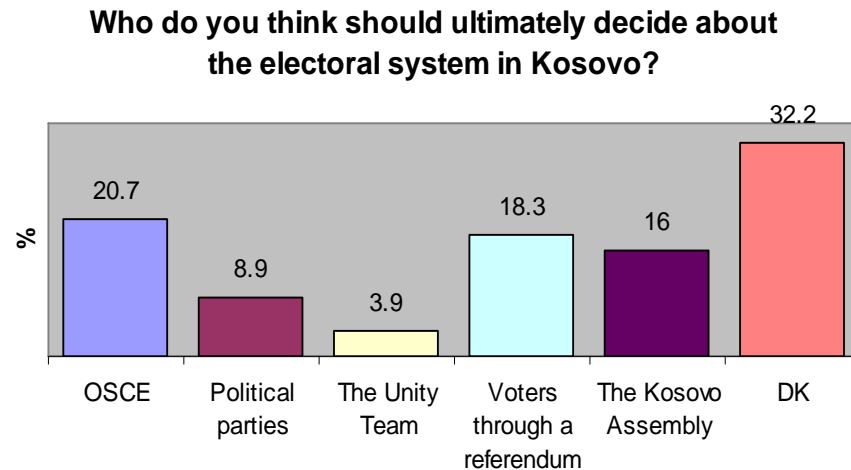
The legal framework meets most conditions and recommendations emanating from international standards for free and fair elections. Provisions of the Constitutional Framework enshrine safeguards for fundamental suffrage rights by making directly applicable relevant international instruments (including Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms etc. However, several legislative mechanisms were introduced within less than a year of the elections, which is contrary to the advice of the "Code of Good Practice in Electoral Matters" of the Venice Commission (CDL-EL (2002) 5; Art. 2 (b)).

The Constitutional Framework guarantee men and women equal rights, not the least it explicitly guarantees to run for or hold public office, or serve in government posts. There are no constitutional provisions that are likely to disenfranchise or otherwise disadvantage any voters. The legal framework provides for the right to appeal against decisions of elections commission, as well as clear deadlines for filing, consideration and determination of complaints and appeals. However, the deadlines for such submissions are generally considered unreasonably short.

Electoral System

The electoral system used seriously influences the outcome of elections. Because it essentially defines the method of converting votes into seats, the type of electoral system, defines the distribution of parliament seats.

Majoritarian systems reduce the fragmentation of the vote more radically than others, i.e. they allocate seats in a less proportional manner and favor the large parties to the detriment of the smaller ones. In proportional systems, political entities that run in elections win mandates in proportion to the number of votes they win Kosovo-wide (the same stands for municipal assemblies).



Not all proportional systems provide perfectly proportional results. One of the changes compared to previous elections is the electoral threshold of 5% for Kosovar Albanian parties. This means that only parties that pass this water-mark win parliamentary seats. In the last elections, there were two parties that failed to pass the threshold, and the six seats that ORA and PD would have received ended up going to the 4 largest parties. For local assemblies there is no threshold.

Mayoral Elections

The voters now get to elect the mayor, unlike in previous elections when the President of the Municipal Assembly was elected by the Assembly. Another essential difference lies in the fact that the President is no longer President of Municipal Assembly, but s/he will be chairman of executive with higher responsibilities.

Each voter has a vote that s/he casts for the preferred candidate. In order to win, a candidate has to receive 50% plus 1 vote. If this is not achieved, a second round of elections is held among two candidates that received highest number of votes. The initial mandate is 2 years, whereas subsequent mandates will be four year periods.

Number of MPs and the Guaranteed Representation of Minorities

All MPs are selected from Kosovo as a single electoral district. Out of 120 MPs, 100 are elected according to the proportional system with open lists. These seats belong to parties, coalitions, citizens' initiative or independent candidates in proportion with the number of votes won. Twenty (20) additional seats are reserved for representatives of minority political entities, as defined in the Constitutional Framework. The set-aside seats are distributed among minority political entities in proportion with votes won. Ten (10) seats are distributed to Serbs, four (4) to Roma, Ashkali and Egyptian communities, three (3) to Bosniaks, two (2) to Turks and one (1) to Gorani. The new draft-Constitution has

retained the same feature to be phased-out after two mandates, as recommended by Ahtisaari.

Despite the set-aside seats, the principle of equal voting weight has been respected. According to international standards, set-aside seats are treated as positive discrimination and do not constitute a violation of one-person one-vote rule.

Although most international conventions state that “candidates must not find themselves obliged to reveal their membership of a national minority” they must do so when joining parties, in order to contest the set-aside seats. In the medium-term, this freezes the electorate; all leaders campaign within their communities which is not conducive to cross-ethnic distribution of votes.

Who may vote?

The following may vote in the Kosovo elections:

- Persons registered in the central registry of residents;
- Persons that fulfill conditions to become Kosovo residents, even if they live outside of Kosovo;
- Displaced persons that fulfill conditions to be registered in Kosovo’s civil registry.

Universal suffrage in Kosovo extends even wider than most international conventions provide for, due to the provisions of the Ahtisaari peace package. Displaced persons are allowed to vote, and for this purpose are considered residents at their former place of residence in harmony with international practice. In the past, voters in Serbia and Montenegro could vote in person, now they can only vote by-mail, the same as the Diaspora.

In cases when the right of a person to vote is questionable, s/he may be allowed to cast a conditional ballot. In that case, the ballot enclosed in an envelope to protect its secrecy, is qualified as conditional and the same is counted later if it is determined that the person is eligible voter. A person intending to vote submits a request to vote, together with supporting documentation on his/her identity and eligibility to vote. Any person who fulfills the criteria to vote in Kosovo, may vote even if s/he lives outside of Kosovo and if successfully has demonstrated to the CEC that fulfills the conditions to vote.

The voting process (for three elections)

Once a voter enters a polling station, his/her index finger is checked for invisible ink. Following that, one of the members of the polling station team verifies voter’s identity and controls the name in the Final Voters List (FVL). After the voter has signed close to his/her name on the list, s/he is handed three ballots: one for members of the Kosovo Assembly, one for members of municipal councils and one for mayor.

After selecting a political entity, the voter may vote for up to ten (10) candidates of that political entity. In case a voter selects more than 10 candidates only first ten candidates on the list are counted. The ballot does not contain names of individual candidates – only numbers from 1 to 110 – where each number corresponds to a name. The names of candidates are to be found in a booklet, and each booth was equipped with one, where voters could check the names before marking the numbers on the ballot.

In order to ensure free and fair elections the vote must be kept secret. Secrecy of voting is not only a right but also a duty for each voter, and non-compliance must be punishable

by disqualification of any ballot paper whose content is disclosed as it breaches the basic principle of secret suffrage.

Political entity registration, order in the ballot and spending

All political entities are ensured equal treatment before the law. Candidates are ensured the right to seek office as part of political parties, citizens' initiatives or as independent candidates. The legal framework provides a level playing field for of the aforementioned political entities. Equality of opportunity of political parties is ensured whereby parliamentary parties receive budgetary funding.

Procedures for candidate registration are reasonable and clearly stipulated in the law, yet the legal framework does not provide for clear and unambiguous judicial review of decisions on candidate registration. The order of parties on the ballot is determined by lottery – each political entity gets a unique number for all levels of elections they run.

The CEC has set the spending limits for political entities, in proportion to the number of registered voters. A political entity could spend no more than 500 Euro for every 1,000 voters. The CEC was given the mandate to decide on cases when spending limits were violated and could order sanctioning of political entities that were found in violation of applicable rules.

There is a regulation that regulates the conduct of political parties and candidates during electoral campaigns and provides for active and open campaign free from governmental influence. The regulation provides protection for the candidate in case they decide to change political party affiliation.

There is also equality of opportunity with regard to access to the media. The media coverage is regulated with the law 02/L-15 for Independent Media Commission (IMC) and Broadcasting that sets boundaries for functionality of IMC. The CEC regulation 11/2007 on Media during Electoral Campaign regulates the equal opportunity of direct electoral campaign to ensure unpaid presence of candidates in public broadcasting institutions and in private as well. There is a minimum of free broadcast of 40 minutes in all public broadcasting institutions and 20 minutes in private institutions.

Gender quota and open lists

As in previous elections, every cluster of three names in the list of candidates had to have at least one name of a different gender from the other two. Yet, since closed lists are no longer applied, this mechanism had to be adjusted to guarantee the same quota of 30%. After the counting is completed, the list is rearranged according to votes won, as well as ensuring that 30% are women. If, for example, three candidates on top of the list are of one gender, then the last candidate will be removed from the list and replaced by a candidate of the less represented gender who has received the most votes. This process goes on until candidates of both genders have at least 30% of the seats won by a respective political entity. The rule applies at both Kosovo-wide and local elections.

The Mandate

The Members of Parliament elected on 17 November 2007 have a mandate of three years. In subsequent elections the terms of office will be four (4) years. The term of office for current members of municipal assemblies is two years. Subsequently, the mandate of members of municipal assemblies will be four (4) years.

The mandate belongs to an individual elected and not to the political entity on whose list a candidate was running. In case the mandate of an MP is terminated before the term expires, s/he is to be replaced by the following candidate from the list of the same gender.

Elections Observation

The electoral process can be observed by domestic and foreign observers as well as by the media, political parties, citizens' initiatives and candidates. Legal criteria for registration of observers are clear and objective. Legal provisions are clear on which authority issues and revokes accreditations, as well as under what circumstances observer status can be revoked. In general, the legal framework strikes a fair balance between the rights of observers and the orderly administration of elections.

Domestic NGOs that wish to observe the elections need to certify with the CEC and need to fulfill the following conditions:

- To be registered as an NGO in Kosovo
- Not to have unpaid dues to ECAC
- Are not established, sponsored or act in the name of a certified political entity.

As per their assessment, the CEC may accredit an NGO or other organization that is not registered in Kosovo. The only condition that the legal representative to sign a statement by which declares that the organization is not established, sponsored or acts in the name of a certified political entity.

The law is somewhat unclear as to the right to observe "sites where the election (or voting) takes place" could be interpreted too narrowly to restrict access. Also the right of the elections management officials to limit the number of observers in case of overcrowding should be defined better.

Complaints, Appeals and Adjudication

Complaints are heard by the CEC in the first instance, and appeals by ECAC. There are neither ordinary courts nor any constitutional court that has any authority over election disputes, not even over matters heavily within their jurisdiction such as voter's lists. There is no provision for any punishment in case someone is left off the list.

A voter may go to a municipal election official for a complaint regarding irregularities during the voting process. For matters pertaining to counting, a voter or a political entity may go to ECAC, within 24 hours from the moment that the complainant has found about the violation. The CEC may, at its own initiative, review matters and decide on them.

The deadlines for complaints and appeals are unreasonably short.

As a sensitive part of the electoral process, adjudication has been reserved for the international community, usually conducted by a committee of three members, appointed by the SRSG, and headed by an international staff. It is concerning that the transition has not managed to ensure that good practices are carried out to a local institution that will have to take over.

Another concern is the short deadline for filing complaints – the vast majority of complaints filed to ECAC were rejected as they did not meet the 24 hours deadline.

Therefore, procedures must change and simplified while more trainings should be provided to improve the ability of parties.

Election Code of Conduct

Political entities, candidates and entities in general shall:

- Respect applicable laws;
- Conduct their campaign peacefully, with respect for different opinions and cultures and for ethnic diversity;
- Condemn, publicly and continuously, any use of violence or threats and use of language that incites violence or threats;
- Not to carry any arms in public events or in other activities that have to do with elections;
- To take all necessary measures in order to avoid mistakes before and during elections;
- Not to offer any compensation for electoral favors;
- Not to draw benefits for political advantage from members, candidates or supporters that hold public positions;
- Not to obstruct journalists in their work;
- Not to damage posters or any material of other political entities;
- Not to obstruct other political entities in exercising their democratic right for access to all voters;
- Not to relinquish their legal remedies or to abuse the right to submit complaints;
- Political entities shall not use photos, symbols or materials of a person serving a sentence with the ICTY or a person who being under indictment of the ICTY has failed to appear before the court;
- To accept results of the elections, as certified by the SRSG.

Sanctions

When a violation of the Code of Conduct is determined, ECAC may:

- Order a political entity to take corrective measures; or
- Order a fine, up to 200,000 EUR.

When a violation is determined and with prior approval by the CEC, ECAC may remove a candidate from the list. Decisions are final and they are taken within 5 days from the day when a complaint or an appeal is received.

Election Process

The table below evaluates the electoral framework in Kosovo against international standards.

| Standard | Kosovo Evaluation |
|--------------------------|--|
| Simple voting procedures | Used to be very simple, however, due to the use open lists with a single district, a very complicated ballot has been introduced. |
| By-mail Voting | The verification of voter eligibility has been too cautious, clearly disenfranchising many individuals in the Diaspora. As the postal system is not reliable, a P.O. box in Vienna has |

| | |
|--------------------------------|---|
| | been used so far. |
| Electronic voting | Despite a relatively wide reach of the internet, electronic voting will not be able to be introduced for some time. |
| Proxy voting | Strict rules apply, although a small percentage of polling stations report the same person assisting multiple voters. |
| Mobile voting | Mobile ballot boxes are mainly used for persons with special needs, one day before and on election day. No allegations have been made over the abuse of early voting. |
| Accuracy of the outcome | An elaborate reconciliation of results is made upon the closure of counting. However, the last elections saw a higher mismatch which complicated the election audit. |
| Uniformed troops | Vote with uniforms on the election day either at their place of residence or at the polling station nearest to their duty station. |
| Counting | As provided in most standard-setting documents, counting takes place in polling stations. Observers and media can observe the counting as long as they enter the premises before the closure of the polls. |
| Polling Station Councils (PSC) | PSCs are composed of party representatives, however, as party memberships are fluid, small and medium-sized parties often end up unrepresented in some rural areas. |
| Observers and the media | Always allowed, but PSC members are sometimes insufficiently trained as per the rights and obligations of observers. |
| Electoral violations | Adjudication has been fair, but always in the hands of the international community. Local legislation has still to be developed to establish institutions that will adjudicate on electoral violations. A negative precedent in the past has been OSCE's failure to collect the fines it imposed on parties in 2004. They ended up returning the paid fine to the only party which had duly paid them, ORA. |

Trends

Electorate

The electoral body has steadily increased from the first elections in 2000, especially in the early years which reflected the massive registration of the Diaspora and of the ethnic minorities (the largest increase was marked between the elections of 2000 and 2001, 36.9%). After the total boycott of elections in 2000, most Kosovo Serbs registered

| | Electorate | Annual Growth Rate |
|------|------------|--------------------|
| 2000 | 913,179 | |
| 2001 | 1,249,987 | 36.9% |
| 2002 | 1,320,481 | 5.6% |
| 2004 | 1,412,680 | 3.5% |
| 2007 | 1,567,690 | 3.7% |

| Electorate (2007 compared with 2004) | | | |
|--------------------------------------|-----------|----------------------|-----------|
| Electorate | 1,567,690 | up from (2004) | 1,412,680 |
| Largest (Prishtina) | 176,097 | | 139,587 |
| Lowest (N. Brdo) | 3,506 | | 2,462 |
| Average | 52,256 | | 43,266 |
| Alb average | 60,748 | | 50,319 |
| Serb average | 9,799 | | 7,998 |

to vote on time for elections in 2001 and 2002.

The following years saw lower increase, 5.6% to the year of 2002 and stabilized at 3.5% and 3.7% in 2004 and 2007 respectively, which reflects the natural demographic

| Municipalities whose electorate grew by more than 10% from 2004 to 2007 | |
|---|--------|
| Z. Potok | 13.4% |
| Prishtinë | 13.70% |
| Obiliq | 23.30% |
| Pejë | 16.30% |
| N. Bërdë | 28.30% |
| F. Kosovë | 31% |
| Istog | 16.60% |

growth in Kosovo. The tables here point out the great discrepancy between large and small municipalities, and varying trends of the increase of the electorate.

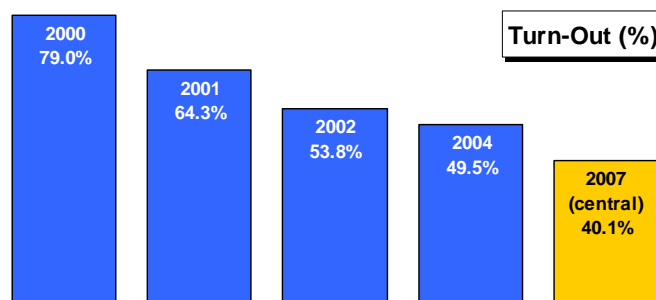
Turn-Out

This section looks at the steady decrease of turn-out. The enthusiasm of the newly-acquired freedom included Kosovars to vote at a rate of close to 80% in 2000, which can hardly be matched in the future.

The decrease of turn-out from the first to the second elections may be justified by the sudden registration of a large number of voters (Serbs and the Diaspora). However, the subsequent

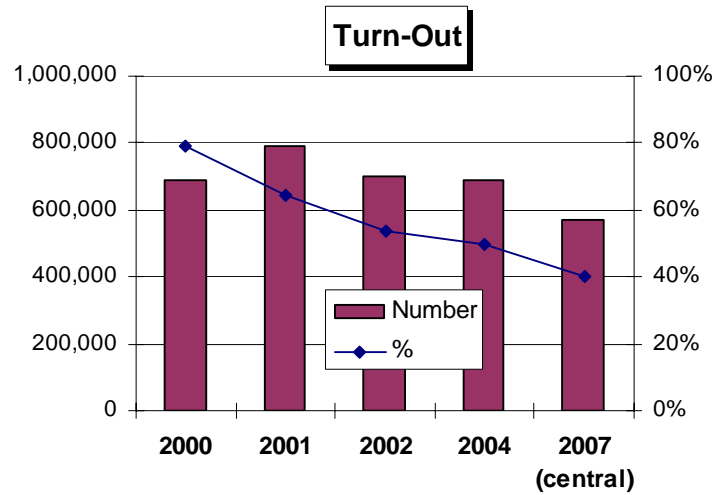
decline (10% between 2002 and 2004 and 20% between 2004 and 2007) has to be attributed to other factors.

Although the decline of turn-out is very steep in percentage (see graph on the right), in absolute numbers it is less so. The graph below (on the next page) presents both trends at the same time, the fall in percentage as well as turn-out expressed in the number of votes. The small size of the electorate in the first elections hides the fact that more voters voted in 2001, although when presented as percentage it shows as decline.

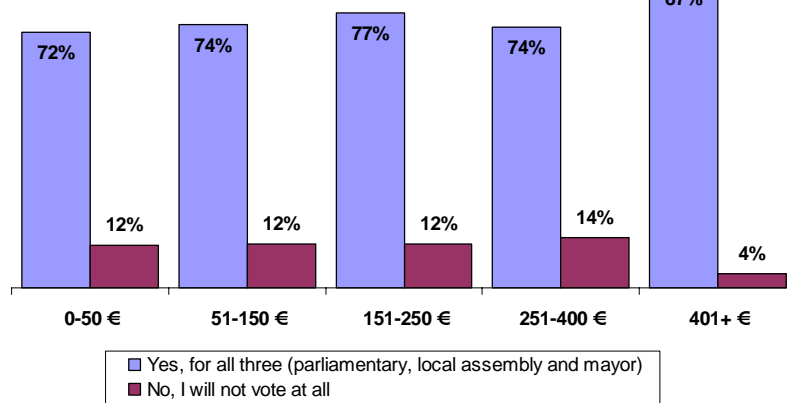


The decline in 2007 has exceeded all expectations. Despite of having three sets of elections, which should have raised interest in elections, a drastic decrease followed.

However, the low turn-out should be analyzed in better detail. The main grouping that has been voting in low numbers is women (their turn-out was



Are you intending to vote on the elections on the 17th of November?



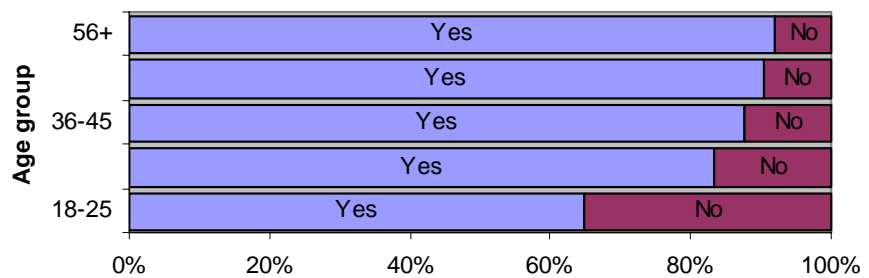
2/3 of that of men). It can be concluded that turn-out of women was barely above 30%.

Apart of women, young voters turn out to vote in lower numbers than the elderly. Turn-out also differs by income groups. The more that one earns, there is a higher likelihood to

vote.

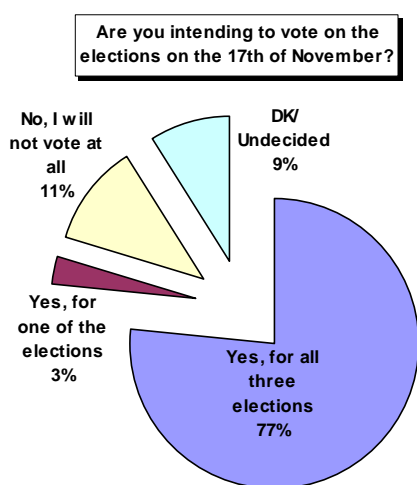
While none of the trends above are unique to Kosovo – it is a worldwide trend that the poor, the young, and women vote in lower numbers – the levels are quite high and should be addressed.

Did you vote in the last elections in Kosovo?



Most of the women who chose ‘not to vote’, did so primarily for “personal reasons” but also due to having “no interest in politics”. On the other hand, men said that they will not vote for the reason that “all the political party candidates are the same”, showing a higher skepticism on the alternatives given by political parties. Furthermore, both categories replied proportionately high with “other” reasons why not to vote, which needs to be a subject of further study.

Distance to the polling station seems to have prevented around 11% elderly from voting. This can be a function of the number of polling stations, but also of voters' lists. Many



voters had been allocated to vote in a different village, although there was a polling station in their village. As the survey data showed, distance has been a reason for not voting disproportionately among the elderly compared to the young.

Another reason that could partly explain the low turn-out is the poor state of the voters list. The dead persons have not been removed from the list and show as non-voters in the final tally. It is difficult to assess the proportion of dead

Names of dead persons have not been removed from the voters list and show as non-voters.

persons whose names appear in the voters list.

| | 2000 | 2001 | 2002 | 2004 | 2007 | | | |
|---------|-------|---------|-------|---------|---------|-------|---------|-----------------------|
| | Local | Central | Local | Central | Central | Local | Mayoral | 2 nd round |
| Blank | 4.9% | 0.44% | 0.45% | 0.39% | 3.50% | * | 1.76% | * |
| Invalid | 4.9% | 1.49% | 1.18% | 0.96% | 5.55% | * | 2.07% | * |
| Total: | 4.9% | 1.93% | 1.63% | 1.35% | 9.05% | * | 3.83% | * |

Source: calculations made from officials results issued by the CEC.
* Data not provided by the OSCE/CEC.

However, the survey we conducted pointed to a wide discrepancy between the number of respondents who said they would vote and the number of voters who actually voted. The illustration above shows that 77% of respondents declared they would turn out to vote (and a similar percentage responded that they did take part in the elections in 2004). This rate reflects responses of Albanians, which still leaves a large gap when compared to the 45% turn-out of Albanian-majority polling stations. The remaining gap should be explained by: (a) psychological reasons which induce respondents to reply positively, (b) the share of dead persons in the list, and (b) those who did not vote for reasons related to politics, weather conditions, long lines, or else.

Invalid Ballots

The share of invalid ballots is often considered one of the strongest indicators of the “learning of democracy”. Kosovo saw a decrease of invalid ballots, from 4.9% (in 2000) to 1.35% (in 2004). However, the introduction of a different electoral system and a very late voter education increased this rate seven times, up to 9.5% in 2007. Mayoral election (where only one mark was required) was also very high, 3.83%.

| Invalid Ballots (national elections 2007) | | | | | |
|---|-----------|------|----|-----------|-------|
| 1 | Skenderaj | 4.8% | 16 | Obiliq | 8.8% |
| 2 | Gllgovc | 5.4% | 17 | Gjakovë | 8.9% |
| 3 | Leposavic | 6.5% | 18 | Podujevë | 9.2% |
| 4 | Klinë | 6.6% | 19 | Prizren | 10.4% |
| 5 | Z. Potok | 7.0% | 20 | Istog | 10.6% |
| 6 | N. Brdo | 7.0% | 21 | Shtime | 10.7% |
| 7 | Viti | 7.2% | 22 | Pejë | 11.0% |
| 8 | Kaçanik | 7.3% | 23 | Prishtinë | 11.1% |
| 9 | Vushtrri | 7.4% | 24 | Dragash | 11.9% |
| 10 | Zvecan | 7.4% | 25 | Deçan | 11.9% |
| 11 | Suharekë | 7.7% | 26 | Gjilan | 12.6% |
| 12 | Kamenicë | 7.9% | 27 | Ferizaj | 13.6% |
| 13 | F. Kosovë | 8.6% | 28 | Rahovec | 14.1% |
| 14 | Mitrovicë | 8.6% | 29 | Lipjan | 14.3% |
| 15 | Malishevë | 8.8% | 30 | Strpce | 52.2% |

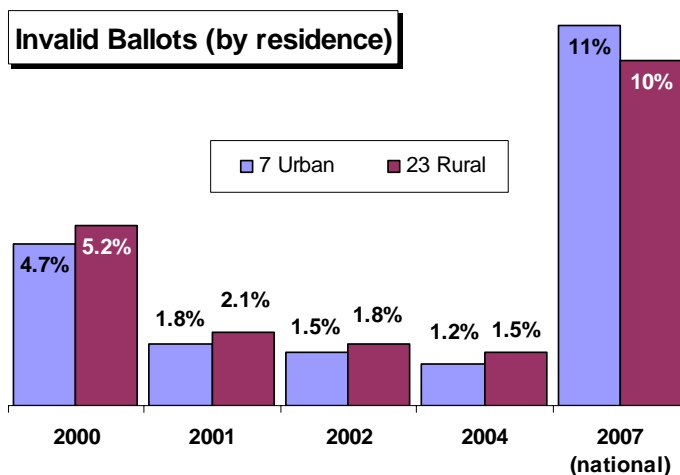
Breaking down invalid ballots by municipality revealed interesting results. The leading municipality for invalid ballots was Strpce/Shtërpçë with an astonishing rate of 52.2%, followed by Lipjan and Rahovec with around 14% of invalid votes. Most worrisome were the above average rates in major urban centers such as Ferizaj, Prishtina, Peja and Prizren.

For the first time in the history of elections in Kosovo, urban areas had more invalid ballots (11%) than rural ones (10%) in the elections of 2007. This problem can be addressed by simplifying the complicated voting procedure: having fewer choices and fewer names to choose from – this could simplify the ballot and enable to put names there instead of numbers.

| Invalid Ballots | | 2000 | 2004 | 2007 | |
|------------------|-----------|--------|--------|-------|-----------|
| 1 st | Zvecan | 10.70% | 55.80% | 52.2% | Strpce |
| 2 nd | Obiliq | 10.40% | 8.70% | 14.3% | Lipjan |
| 3 rd | Malishevë | 7.10% | 3.40% | 14.1% | Rahovec |
| 4 th | Dragash | 6.80% | 2.40% | 13.6% | Ferizaj |
| 5 th | F. Kosovë | 6.60% | 2.30% | 12.6% | Gjilan |
| 26 th | Gjilan | 3.70% | 1.00% | 7.0% | Z. Potok |
| 27 th | Leposavic | 3.50% | 0.90% | 6.6% | Klinë |
| 28 th | Deçan | 3.00% | 0.80% | 6.5% | Leposavic |
| 29 th | Istog | 2.70% | 0.70% | 5.4% | Glllogovc |
| 30 th | Z. Potok | 2.50% | 0.40% | 4.8% | Skenderaj |

The strangest observation is that none of the 5 municipalities that reported the highest share of invalid ballots between 2000 and 2004 were in the top ranking again in 2007: Zvecan left the top position to Strpce/Shtërpçë and Obiliq the second spot to Lipjan. The same phenomenon

happened with the ones with the lowest number of invalid votes: Zubin Potok had the lowest number of invalid ballots in 2004 left its place to Skenderaj.



Conditional and By-Mail Voting

Conditional voting is a possibility given to the voters that in the day of elections can not go and vote in the polling station assigned to them. They vote with secrecy envelopes which are later counted at the Count and Results Centre. Many voters used this because they were assigned to a polling station far away from their village. In the last elections the percentage of conditional ballots was over 5% of total valid votes that can not be said that these votes can influence final results. Over time, the number fell even steeper than did the overall turn-out.

| Out of Kosovo Voting | 2001 | 2004 | 2007 |
|----------------------------|--------|--------|--------|
| Conditional | 57,969 | 39,814 | 33,791 |
| By-mail | 27,788 | 3,806 | 6,233 |
| Personally (out of Kosovo) | 60,339 | 428 | N/A |

Voters outside of Kosovo could vote by mail. The figures of voters utilizing these possibilities varied during years, from 27,788 in 2001, down to 3,806 in 2004, and up to 6,233 in 2007. The last figure is higher for it reflects that displaced persons could no longer vote within Serbia or Montenegro for the Kosovo elections, but had to do so by mail.

As each conditional ballot is individually screened to assess voter eligibility, a voter can never be certain that his/her vote has been counted. Moreover, conditional voting is very costly and would not be needed if the voters list was fixed.

By-mail voting is also costly and the Council of Europe recommends it only when the postal service is secure - "safe from intentional interference" and reliable, "that it functions properly". The reliability of the

| Electorate per municipal councillor | | | | | |
|-------------------------------------|---------|--------------|--------|---------------------|------------------|
| | Average | 7 Main towns | Others | Highest (Prishtina) | Lowest (N. Brdo) |
| 2000 | 855 | 65,834 | 24,929 | 2,165 | 2 |
| 2002 | 1,278 | 76,178 | 29,822 | 3,044 | 163 |
| 2007 | 1,523 | 92,169 | 35,314 | 3,453 | 206 |

postal service in Kosovo can be questioned hence the use of a Vienna-based P.O. Box in the past years. With independence, the possibility of using diplomatic representations for this purpose opens up as well. In the long-term, the authorities are strongly advised to consider electronic means to this purpose.

Representation Ratio

The ratio between representatives and citizens with the right to vote is considered one of the indicators of measuring the level of democracy in a given country. Due to the increase of the electorate, it is natural that the number of citizens who are represented by an MP also increases. Whereas in 2000 one municipal councillor represented 855 persons on average, in 2007 the figure reached 1,523.

As there are huge variations in the size of municipalities, large discrepancies naturally appear. In Novo Brdo, 200 voters share the

| Citizens per Member of Parliament | |
|-----------------------------------|--------|
| 2001 | 12,500 |
| 2004 | 14,127 |
| 2007 | 15,677 |

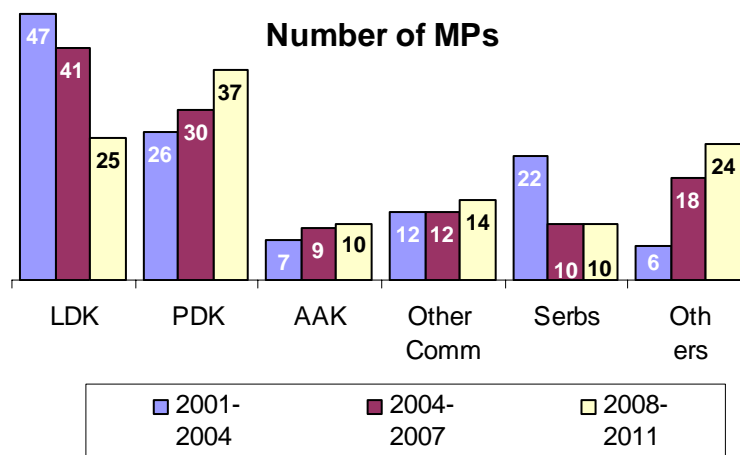
attention of one councillor, compared with close to 3,500 who need to fight for the attention of a councillor in Prishtina.

The competition has increased at the central level as well, whereby one Member of Parliament represents 15,677 who are scattered all over Kosovo.

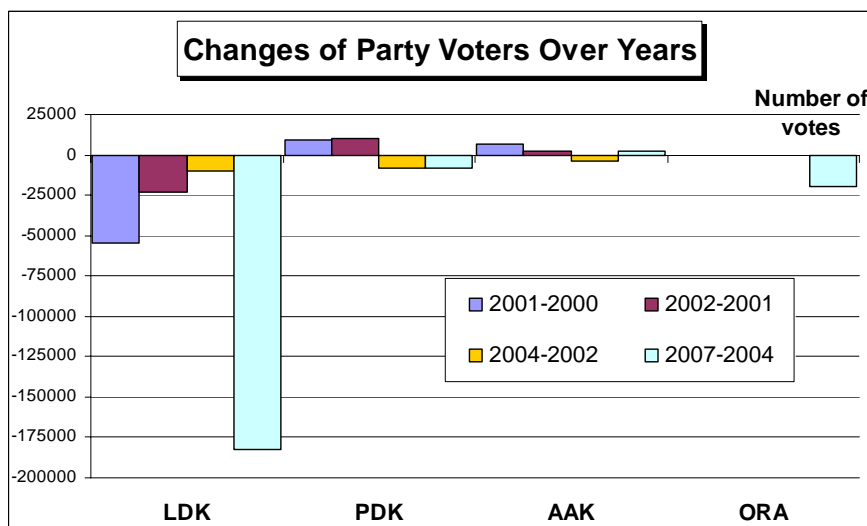
| Total Distribution of seats | | Direct | ORA+PD | Reserved |
|-----------------------------|-----------|------------|----------|-----------|
| Main Parties | AKR | 12 | 1 | |
| | PDK | 35 | 2 | |
| | AAK | 10 | | |
| | LDK | 23 | 2 | |
| | LDD-PSHDK | 10 | 1 | |
| < 5% | ORA | 4 | | |
| | PD | 2 | | |
| Other communities | KDTP | 1 | | 2 |
| | SDA | 1 | | 1 |
| | PDAK | 1 | | 2 |
| | VAKAT | 1 | | 2 |
| | GiG | 0 | | 1 |
| | PREBK | 0 | | 1 |
| | IRDK | 0 | | 1 |
| Serb political entities | SNSDKiM | 0 | | 1 |
| | SNS | 0 | | 1 |
| | SKMS | 0 | | 1 |
| | ND | 0 | | 1 |
| | SLS | 0 | | 3 |
| | SDSKiM | 0 | | 3 |
| | | 100 | 6 | 20 |

Perceptions and Results

The 2007 elections for the Assembly of Kosovo have seen major changes in the political scene. Due to the threshold, several small parties entered into pre-electoral coalitions with larger ones, and several of them got elected.



The introduction of the threshold left out of parliament ORA and PD, whose six seats were delivered to other Albanian major parties. The mandates won and the transferred seats as the result of threshold as well as the distribution of seats set aside for minorities can be easily seen in the table in the preceding page.



The organization of Serb political groups also saw major changes. Instead of major groupings as in the past, the Serb votes were split among six parties in 2007. It is unfortunate that major Serb political groupings chose to boycott the

elections.

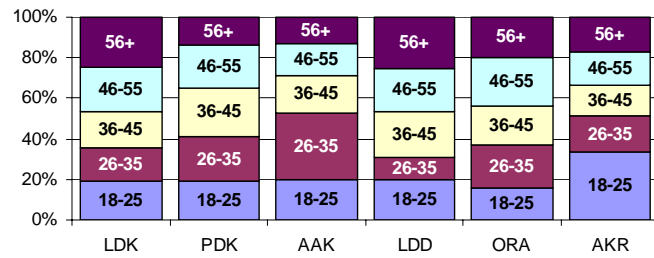
The table below compares the mandates won for the past three elections. In the first mandate, the Serbs got a powerful block of 22 MPs, benefiting from running in a single electoral entity. Disciplined boycotts and splintering into smaller parties subsequently left them only with the seats reserved for this community (10).

| Total MPs in the ... mandate | LDK | PDK | AAK | Other Communities | Serbs | Others | Total |
|------------------------------|-------|-----|------|-------------------|-------|--------|-------|
| ...first... (2001-2004) | 47 | 26 | 7 | 12 | 22 | 6 | 120 |
| ...second... (2004-2007) | 41 | 30 | 9 | 12 | 10 | 18 | 120 |
| ...third... (2008-2011) | 25 | 37 | 10 | 14 | 10 | 24 | 120 |
| On average, 2001-2008 | 37.67 | 31 | 8.67 | 12.7 | 14 | 16 | |

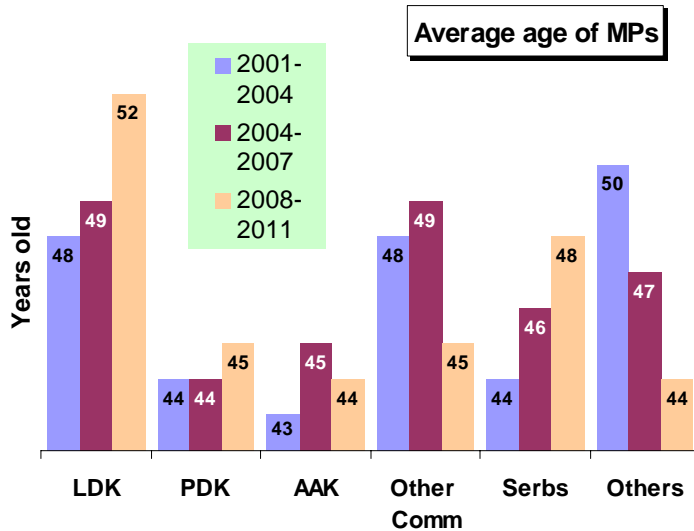
LDK experienced a serious decline, partly due to new splinter parties and partly due to low levels of mobilization and confidence of LDK's voters. As a result of new parties coming about, the "Others", which in this case contains primarily LDD and AKR increased to 24, and previously included ORA and a number of small parties with 1-2 seats.

PDK and AAK kept their voters mobilized throughout this period. As turn-out of Serb and LDK voters declined, the same number of votes of parties that kept their voters translated into a larger share of the electorate hence increase of their strength in the parliament. Other communities in the last elections were also successful and managed to get two more seats by merit, compared to 2004 totaling 14.

Distribution of voters by age



It is a common assessment that most Kosovar parties are catch-all parties that have no defined electorate. Although party officials sometimes identify their parties as left or right, most independent analysts claim that the parties' self-evaluation has little resemblance of their actual positions. As parties develop, discuss and position, some profiling is bound to occur, and some minor inter-party societal cleavages are indeed appearing.

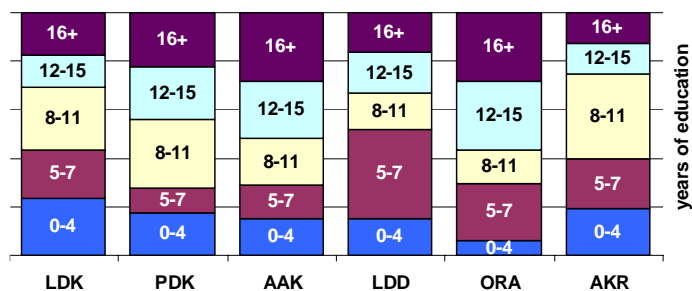


This paper tries to discern the trends over time and makes an attempt to delve deeper into socio-economic profiles of voters by party. This paper aims to look at these trends and try to spearhead a debate. In this regard, this paper attempts to create a demographic breakdown of voters for various parties. As

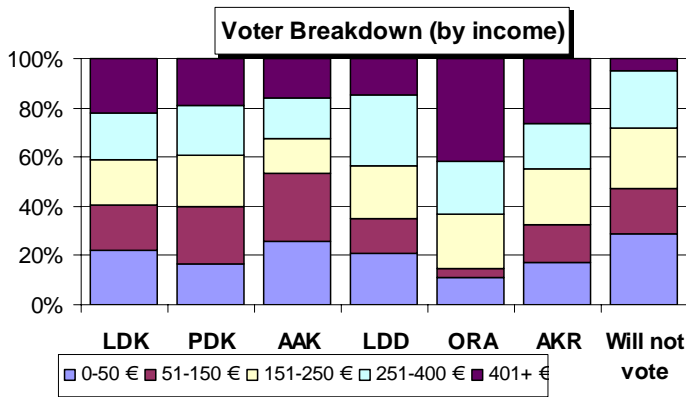
the first attempt of this kind, it will be rather shallow and should be followed-up with more in-depth studies in the future.

Based on a survey conducted at the end of October 2007, the following results were drawn based on age, income, education etc. Youngsters have in large numbers turned to AKR and LDD, arguably finding them appealing as new political alternatives. ORA have attracted middle-aged groupings. PDK seems to have gained the hearts and minds of voters mostly from the age groups between 26-55, while AAK voters mostly is supported by votes aged from 18-35. The LDD and LDK attract voters of different ages but most of them are from 36 years or older.

Voter Breakdown (by education)



ORA has the most educated voters, followed by AAK. AKR and LDD show to have least educated voters, which is natural as their voters are disproportionately young.



There are also party differences with regard to professional breakdown of their supporters. Students/apprentices lean more toward PDK and AKR while retirees and the disabled vote more for LDK. Housewives vote in lowest numbers for ORA, and disproportionately more for PDK, LDK and AKR. The

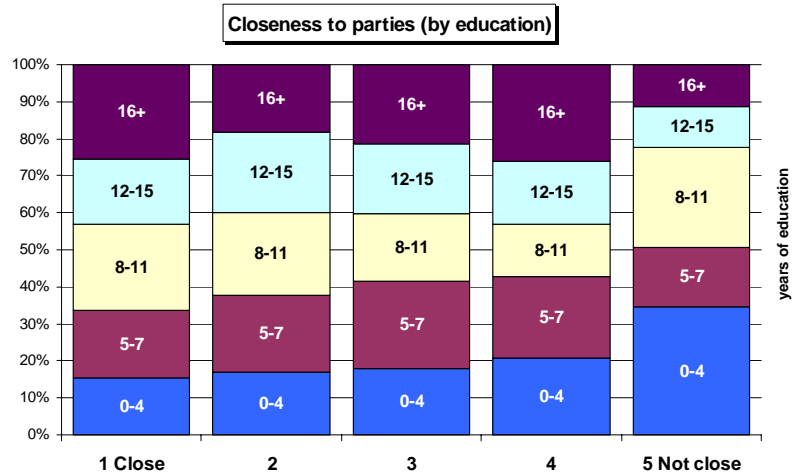
voters who work mainly vote for PDK and LDK and ORA.

Those declaring they will not go out to vote were disproportionately poor. ORA's voters were generally well-off, followed by those of AKR. The voters of these two parties are easier to define. A typical voter for AKR is very young, doing well financially, of low to medium educational attainment. A typical voter for ORA seems to be well educated, of medium age, well doing financially, mostly working, person but definitely not the housewives.

Closeness to Parties

Not all voters feel equally close to their parties. The elderly seem to feel closest to parties. Other ages are distributed evenly without any distinct trend.

Overall, it seems that the party that showed most stability during the last post-war elections was PDK, by not showing any significant decrease of voter power while the most dramatic decrease in votes was experienced by LDK. On the other hand the most successful from the existing parties having a significant increase of the share of electorate seems to be AAK.



Candid responses about trust and competency among respondents show that most voters are not militant supporters but do objectively assess their parties and leaders. Their perceptions about a party differ depending on the issue under the question, as following:

LDK is thought to be the best in foreign affairs, inter-ethnic relations, culture, and political status;

PDK ranks best in safety/security, but ranks consistently high in most areas;

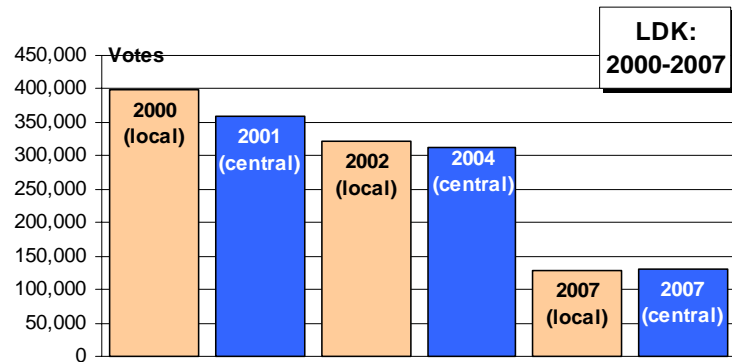
AKR ranks low on most areas of public realm such as public services, culture, but quite high on issues related to economy and investment;

ORA ranked highest in foreign affairs, agriculture and inter-ethnic relations;

LDD ranked lower than ORA on almost all counts, which seems to indicate a rift between perception of competences and trust to vote for one;

AAK ranked best in security/safety, social welfare and rule of law but still much lower than LDK, PDK and AKR.

This shows a general perception that security related issues can be better solved by PDK, foreign affairs and interethnic relations by LDK while AKR in issues related to economy. A topic that none of the parties seem to be competent was perceived to be the energy sector where most pessimistic answers were given.



LDK

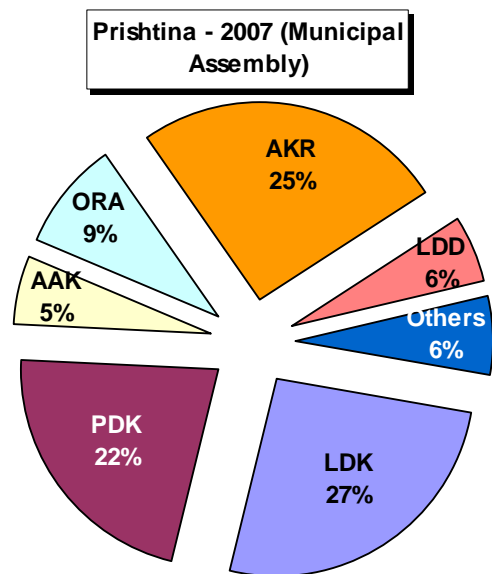
Once the biggest political party in Kosova, LDK experienced the most dramatic downfall of all parties. The initial decrease slowed down in 2004, only to see a dramatic decrease in 2007. From 398,872 votes in the municipal elections of 2000, it experienced a threefold decrease to only 129,414 votes in the general elections of 2007.

The main reason behind this downfall was arguably the death of its leader, Ibrahim Rugova. In his absence, there was no authority to address the persistent internal disputes that came to the surface. Some voters went to AKR and some with a former candidate for president of LDK, Nexhat Daci, who left to create a new party, LDD.

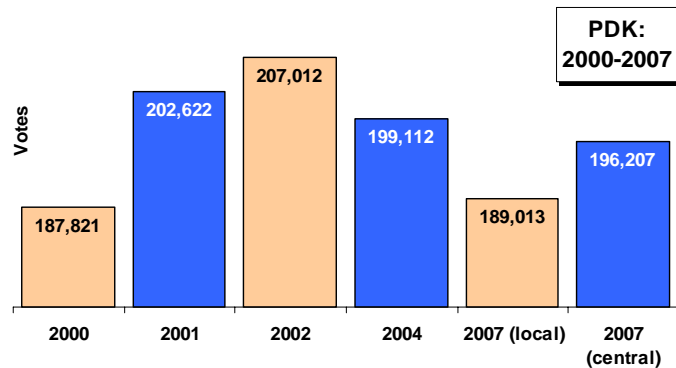
Nevertheless, LDK still continues to keep strongholds in most of regions of Kosova including the capital, Prishtina. Also, as this paper illustrates, it looks like they still have the most effective organization at the local level.

The survey was also beneficial to discern the dynamics with the voters. While women of all parties are less involved, and by corollary, trust the party less than men do (a direct function of involvement), LDK's women are increasingly dissatisfied with the party.

The respondents were also asked whom do they trust more in selected areas. While LDK voters naturally trust their party most, it is telling whom do they trust as second-best. LDK fans trusted AKR most in nine areas, PDK in 5, ORA in 3, AAK only in 1 (safety/security). LDK itself was rated by PDK fans as 2nd choice in: (a) Education, (b) Public Service and Utilities, (c) Culture, and (d) Political Status.



In the same three areas, LDK and PDK fans do not place the coalition partner at all within the four parties they trust most: Trade and Investment, Social Welfare, and Safety/Security. Fans of both of these parties put trust more with AAK, AKR, or ORA with these competencies. LDK fans place PDK in 4th in Economy, Rule of Law, Culture, Foreign Affairs and Inter-ethnic Relations. PDK fans place LDK 4th in Environment and Spatial Planning, Local Government, Health, Rule of Law, Energy and Economy.



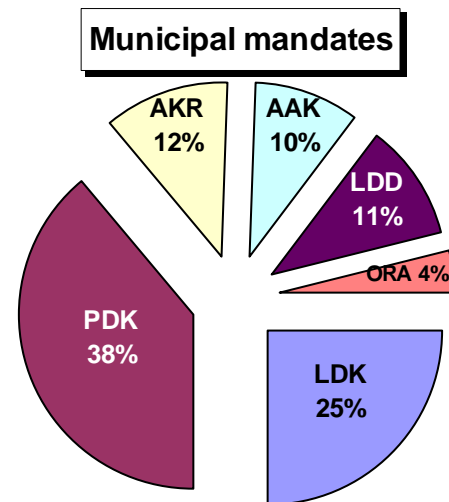
PDK

PDK was initially associated with the liberation struggle, and much to their surprise, they lost by a wide margin in the first post-war elections in 2000.

The mild increase of less than 10,000 votes over 7 years is in fact a decrease when considered as a share of the population. However, the figures reflect stable support from their core voters hence PDK only benefited by overall decrease in turn-out. Despite a continuous trend of the same electoral base, their share of seats has increased due to the decrease of voting turn-out of the Serbs and of LDK.

It is interesting to note that 3.5% of those who voted for PDK at the central level gave the vote to another party at the local level. PDK won the majority of the local races, for municipal assemblies and mayoral elections.

As LDK, PDK has a strong base, but has relied on its central leadership to win the votes more than LDK has. Its voters remain more disciplined, they turn out to vote and they trust the party more. There is a margin between women and men, but it is not large.



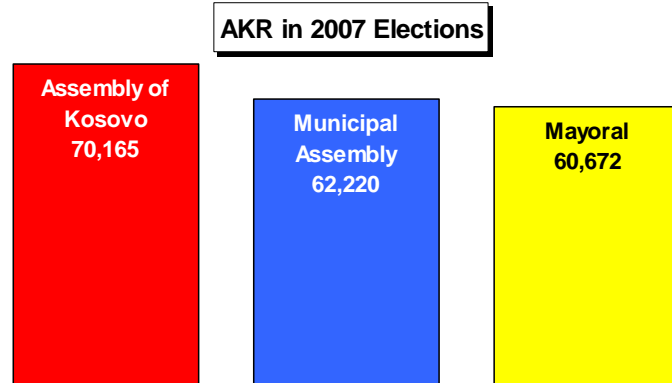
Respondents in the survey were asked whom do they trust more – apart of their party, they ranked AKR in nine areas, followed by LDK and AAK with 4 each, and ORA 1. If PDK fans did not trust other parties in any area, it was local government. It is ironic that it was exactly this ministry that PDK gave to their coalition partner.

AKR

AKR is a newly established party under the leadership of a successful Kosovar Albanian businessman from Switzerland, Behgjet Pacolli. Despite it running for the first time, and heavily attacked during the election campaign, AKR managed to get 70,000 votes for central level and around 68,000 at the local level, mainly young ones. Comparing results with 2004, it looks like they mostly attracted previous votes for LDK and ORA.

However, unlike LDD, the survey showed AKR being perceived almost as competent as the two main parties, mainly in issues related to economy, investment, assistance, and similar. AKR was rated as second best for both LDK and PDK fans in numerous areas: (a) state budget, (b) Economy, (c) Trade and Investment, (d) Energy, (e) Transport, (f) Environment and Spatial Planning, and (g) Foreign Affairs. AKR was second ranked for the fans of at least LDK or those of PDK in: (a) Health (for PDK fans), (b) Social Welfare (for LDK fans), (c) Inter-ethnic relations (for PDK fans).

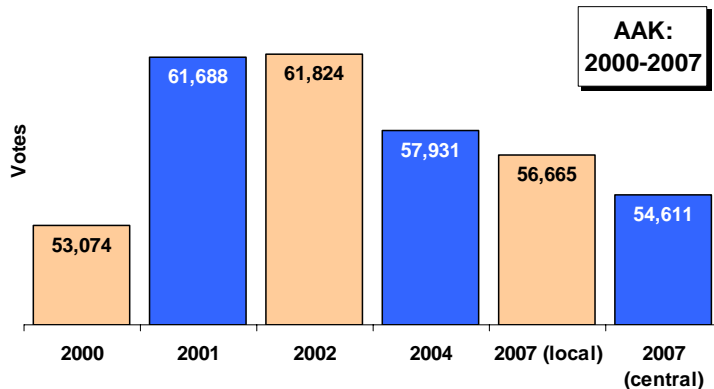
As a new party with a dominant leader, AKR could not build a network fast enough which reflected in significantly lower results in the local elections. It was interesting that AKR did not even manage to reach the run-off in any of the municipalities, unlike three smaller parties that did so. This can be explained by the fact that AKR: (a) does not have a strong local base, and (b) has broader support throughout Kosovo. AKR proved powerful in several main urban areas, such as Prishtina or Mitrovica, 25.3% and 21.2% respectively and concluded coalitions in many municipalities, including large towns such as Gjakova, Prizren, Gjilan.



AAK

Despite its leader being at the Tribunal for War Crimes in former Yugoslavia at The Hague, AAK scored well and retained most of its votes. Despite the decrease of votes, they managed to increase the number of their seats in the Assembly of Kosovo to ten (the same reason as PDK, due to the low turn-out of other groups).

Although smaller than AKR and LDD (who gained no mayoral posts) at the Assembly of Kosovo, AAK was very successful in the local election, winning three municipalities, two of them major towns, Peja and Gjakova. In other regions there was no major change in the position of the party with regards to the number of votes. They won 78 municipal councilors Kosovo wide.

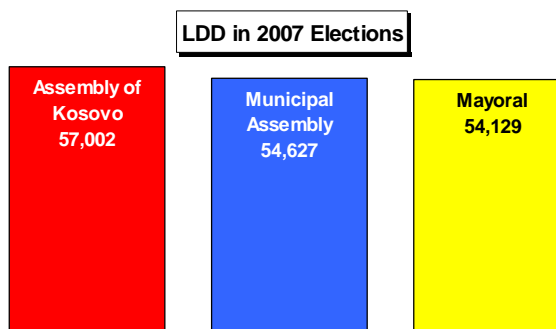


They now seem to have consolidated their voter body, which is mainly poor. Most respondents in the survey trusted AAK highly with social welfare, the ministry they controlled in the past mandate. Moreover, having lost ground in most other municipalities apart of the three municipalities where they won, they have by now created a strong regional profile.

LDD

Following internal tussles within LDK, a major faction split and named itself Democratic League of Dardania (LDD). In the first elections it ran, LDD managed to rank fourth, with 11 MPs, four of them women.

Some of LDK's local structures pledged allegiance to LDD, it did not face lower voting rates at the local level. The small difference (of less than 3,000 voters) observed in the graph on the right has appeared as a result of having gone in coalition with the Christian Democratic Party at the central level, and alone at the local level.



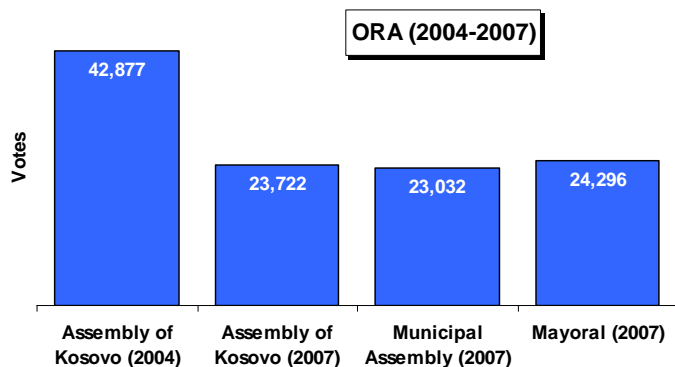
As a new party, having to decide on local leadership quickly, LDD faced several cases when candidates from lower in the list won the highest number of votes, what we termed "potential new leaders". Similarly to AKR, LDD did not win any municipalities or any mayoral positions. It did manage to the run-off in four municipalities. It did win 84 local councilors, more than AAK. LDD utilized gender quota three times for Kosovo assembly (a higher share than any other party) and 20 times for municipal council. As stated earlier the voters of LDD seem to be medium aged evenly spread across Kosovo.

The survey yielded very low perception of competency of LDD. While they outvoted both AAK and ORA, respondents trusted both these parties more than they trusted LDD.

ORA

The survey showed that Kosovars generally viewed ORA as very competent, and very often a second and third choice for many voters of other parties. Unfortunately, ORA did not manage to pass the 5% threshold that it proposed itself. In the last mandate, ORA commanded 6.2% in 2004 only to drop to 4.1% in 2007.

It is interesting to note the gender-friendly nature of this party - from the 5 top voted candidates for Kosovo Assembly 3 were

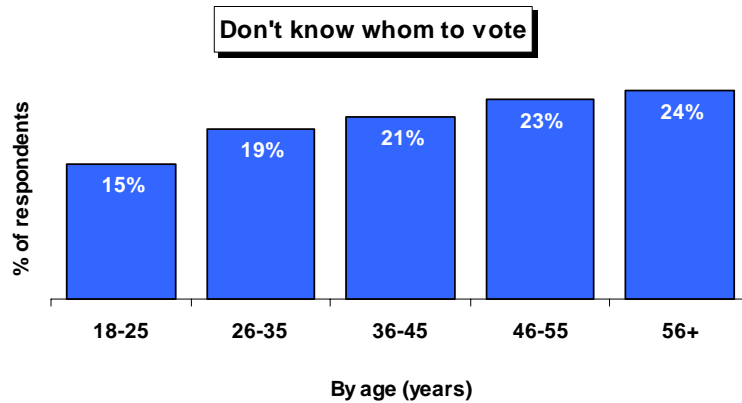


| Order | | Name | Due to: |
|-------|---|---------------------|------------|
| 001 | M | VETON SURROI | Any |
| 003 | F | TEUTA SAHATQIJA | Any |
| 002 | M | YLBER HYSA | Any |
| 009 | F | ULPIANA NEZIRI-LAMA | Open-lists |

* ORA did not pass the threshold of 5% so none of them was elected, nevertheless, this analysis is used to determine the effects of the open-lists. Names marked with "Any" would have been elected either with open or closed lists.

women, one of them jumping from position 9 to an electable position. ORA was also the only party where the gender quota was used as a corrective mechanism on behalf of a man, in the Municipal Assembly of Gjakovë.

It has been argued that ORA may have lost partly because of a weak network at the grass-root level. Also, it lost the appeal as a new party – it was no longer the new alternative to disgruntled voters who had flocked to ORA 3 years ago. ORA got 31 municipal councilors across Kosovo and in one municipality their candidate was at the run-off.



Perceptions of Individuals

Based on the answers of respondents, the following table highlights the perceptions about personal competences of political leaders:

| | Sincere/Honest | Strong leader | Thinks like people like you | Knowledgeable | Gives you hope | Makes you feel in fear | Cares about people | Will bring change | Clear stand on issues |
|-----------|----------------|---------------|-----------------------------|---------------|----------------|------------------------|--------------------|-------------------|-----------------------|
| Sejdiu | 28.1 | 22.1 | 15 | 23.1 | 15.3 | 2.6 | 14.6 | 13.7 | 19.3 |
| Thaci | 14.7 | 18.7 | 13.2 | 13 | 20.9 | 10.6 | 13.1 | 21.2 | 17.5 |
| Haradinaj | 12.6 | 13.5 | 11.9 | 8.1 | 8.3 | 3.5 | 10.8 | 8.4 | 8.4 |
| Pacolli | 8.3 | 10.1 | 12.9 | 8.6 | 22 | 6.1 | 15.6 | 25.3 | 13.3 |
| Surroi | 5.1 | 8.2 | 5.4 | 15.5 | 4.9 | 2 | 3.9 | 5.6 | 7.7 |
| Daci | 7 | 5.8 | 5.1 | 10 | 4.7 | 6.8 | 3.5 | 3.6 | 5.2 |
| None/R/DK | 9.9 | 11.1 | 24.3 | 9.6 | 15.4 | 62.3 | 28 | 18.1 | 21.8 |

Sejdiu leaves Thaçi behind for "sincerity/honesty" and "knowledge" while Thaçi scores better than Sejdiu in "giving hope", "instilling fear among people", and "bringing change". Haradinaj ranks medium in all the criteria. Pacolli, the leader of AKR, ranks best on "bringing change", which explains his good performance among the youngest voters.

The leader of ORA, Veton Surroi ranks second as "knowledgeable", and is also one that causes least fear among people, and at the same time, cares least about people. He also ranks above average on having a clear stand on issues.

Like Surroi, Daci is also perceived as one who is knowledgeable but who does not care about people or think like them, or even likely to bring any change. Surroi scores higher at standing clear on issues and Daci makes 7% of the citizens feel in fear, especially the young and the unemployed. Finally both rank average as "sincere/honest", but Surroi scores a bit higher on "strong leadership".

Many respondents replied that not one of the leaders had the qualities they were asked about. According to them,

None...

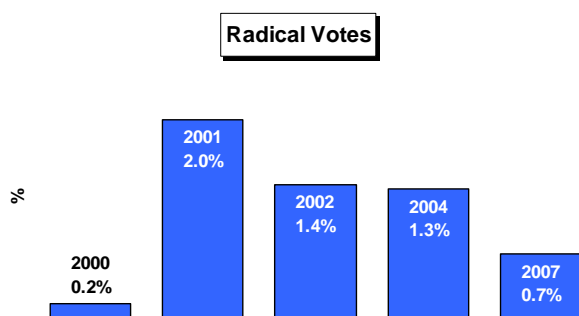
...cares about people (28% of respondents)

...thinks like people like you (24.3%)

...has clear stands on issues (21.8%)

Radical and Religious Votes

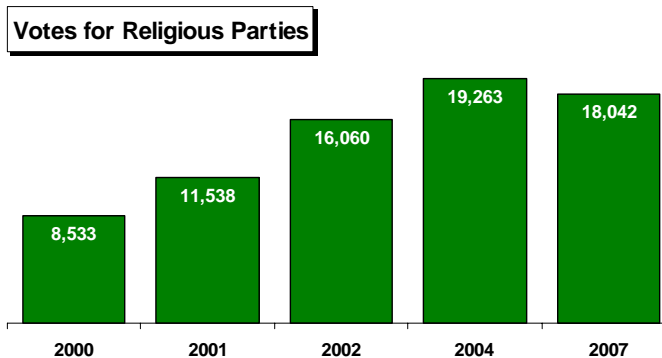
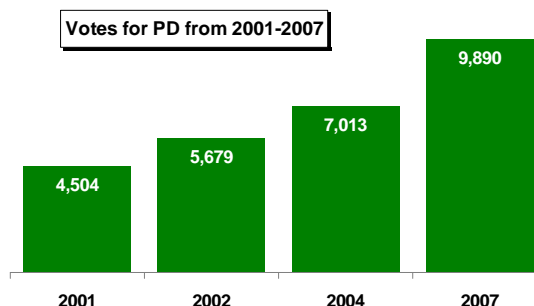
As a post-war country, one worry has been the potential for radical parties. The total number of votes for radical parties varied from 0.2% in the elections of 2000 to the highest of 2% in the elections of 2001 decreasing to 1.4% in 2002, 1.3% in 2004, to the share of only 0.7% of total votes in 2007. It is difficult to assess real support for radical parties because one of the major radical parties, LKÇK,



boycotted the elections in 2004, and the other main radical party, LPK, had a coalition agreement to run together with PDK in the elections of 2007. Nevertheless the trend is clear.

In the last election there are three political parties that can be considered to have religious leanings: two catholic (a) Albanian Demo-Christian Party of Kosova (PSHDK), (b) Demo-Christian Party for Integration (PDKI), and one Muslim (c) Party of Justice (PD). The support for these parties increased between 2000 and 2004. The weaker results of these parties can be attributed to the division of one part of PSHDK which transforms into PDKI. In the chart the votes represent elections of 2007 are of local elections as PSHDK joined LDD in a pre-electoral coalition while PDKI joined LDK (hence their votes cannot be distinguished).

While the total number of those who voted for religious parties seems to decrease, the number of votes for PD are steadily increasing. The chart above shows that the share for PD keeps increasing but with present threshold of 5% is still not strong enough to be represented in the Assembly.



Serb Voters

Due to the boycott of the Serb community, no Serb politician managed to obtain a seat in the Assembly of Kosova by the merit of votes alone. All the 10 seats won were thanks to the set-aside quota. As these are all new parties, open lists are also likely to produce strong turn-over – two of them saw other candidates receiving more votes than the leader. Due to open lists, one of the bearers of the list even lost the possibility to become an MP.

Two female candidates got the seats only thanks to gender quota. Two Serb MPs were elected thanks to the open lists, and eight would have been elected regardless of the electoral system.

Other Minority Votes

Other minorities also saw changes in the order of candidate lists – from the 14 MPs that were elected, seven would have been elected regardless of the electoral system, closed or open lists. Were it not for the gender quota, no women would have been elected from these parties. The quota enabled 4 of them to become MPs. The influence of open lists was felt in three cases where lower listed candidates climbed the list and gained a seat in Kosovo Assembly. The open lists had an especially start effect on PDAK – the first names on the list did not get elected – resulting with a leadership crisis.

| Party | Order | | Name | Votes: | Due to: |
|---------|-------|---|--------------------|--------|------------|
| SNSDKiM | 004 | M | DRAGAN DIMIĆ | 145 | Open-lists |
| SNS | 001 | M | MIHAILO ŠĆEPANOVIĆ | 31 | Any |
| SKMS | 001 | M | DRAGIŠA MIRIĆ | 141 | Any |
| ND | 001 | M | BRANISLAV GRBIĆ | 58 | Any |
| SLS | 002 | M | BOJAN STOJANOVIĆ | 281 | Any |
| SLS | 001 | M | SLOBODAN PETROVIĆ | 248 | Any |
| SLS | 006 | F | KOSARA NIKOLIĆ | 172 | Quota |
| SDSKiM | 006 | M | VLADIMIR TODOROVIĆ | 270 | Open-lists |
| SDSKiM | 001 | M | SLAVIŠA PETKOVIĆ | 251 | Any |
| SDSKiM | 005 | F | RADMILA VUJOVIĆ | 89 | Quota |

| Party | Order | | Name | Votes: | Due to: |
|-------|-------|---|------------------|--------|------------|
| IRDK | 001 | M | XHEVDET NEZIRAJ | 1086 | Any |
| PDAK | 013 | M | SABIT RRAHMANI | 1297 | Open-lists |
| PDAK | 011 | M | ETEM ARIFI | 903 | Open-lists |
| PDAK | 003 | F | HAFIZE HAJDINI | 355 | Quota |
| GIG | 001 | M | MURSELJ HALJILJI | 175 | Any |
| KDTP | 011 | M | ENIS KERVAN | 1628 | Open-lists |
| KDTP | 001 | M | MAHIR YAĞCILAR | 1600 | Any |
| KDTP | 015 | F | MÜFERA ŞİNİK | 1040 | Quota |
| VAKAT | 001 | M | DŽEZAIR MURATI | 1746 | Any |
| VAKAT | 002 | M | SADIK IDRIZI | 1724 | Any |
| VAKAT | 003 | F | ŠPRESA MURATI | 1061 | Quota |
| SDA | 001 | M | NUMAN BALIĆ | 1167 | Any |
| SDA | 003 | F | VEZIRA EMRUŠ | 604 | Quota |
| PREBK | 001 | M | ZYLFI MERXHA | 135 | Any |

Gender Considerations

On insistence by the international community, Kosovo has had a gender quota since the first elections in 2000. The 30% quota had low effects initially as many women relinquished their posts which were taken up by men. The rule was subsequently changed to ensure that women who left their positions were to be replaced with other women – soon the pressure ceased and few of them left. According to best practice, the legal framework ensures that women are put in winnable positions – one person of different gender must be placed within each group of three candidates.

Overall, the constitution guarantees equal rights for men and women, and there are no constitutional provisions that may disenfranchise or otherwise disadvantage women. The electoral system – the choice of a single district and strict proportionality – is favorable for gender representation.

Adopting open lists, Kosovo atypically retained the gender quota – introducing the merit criteria for electing women

For every three men, only two women voted.

(as well as men). The positive discrimination works in a way that 30% of those elected must be women, regardless of the number of votes won. As a result, one can now assess how many women won by merit, and how many got in due to the quota (and by the same token how many men had to drop). The table above illustrates this breakdown by party.

The United Nations Development Program assesses that in order to be able to exert meaningful influence, the representation of women should be 30%, which is very close to what Kosovo has, against a worldwide average of around 13%. Unfortunately, Kosovo is only an average in the world (7%) when it comes to representation of female ministers, with one in each government in the past several governments.

| Election of Women based on... | | |
|-------------------------------|-------|-------|
| Party | Quota | Merit |
| SNSDKiM | | |
| SNS | | |
| SKMS | | |
| Nova D. | | |
| SLS | 1 | |
| SDSKiM | 1 | |
| PREBK | | |
| VAKAT | 1 | |
| IRDK | | |
| PDAK | 1 | |
| GIG | | |
| KDTP | 1 | |
| SDA | 1 | |
| AKR | 1 | 3 |
| PDK | 5 | 7 |
| AAK | 2 | 1 |
| LDK | 4 | 4 |
| LDD | 3 | 1 |

Registration and turn-out

During the Election Day, observers of ‘Democracy in Action’ measured turn-out by gender. The calculations yielded a worrying trend, that for every 3 men, only 2 women voted. Moreover, women have not even registered to vote at the same rate as men. Although they constitute more than 50% of the society, a random sample (of 3,381 voters) drawn out of a random municipality (Istog), shows that women constitute only 46% of the voters list.

Only 23% of Polling Station Commissioners were women.

Apart of being a rather patriarchal society in some rural areas, women face no systemic shortcomings or obstacles in the voter-registration process. Women tend to be disproportionately more illiterate and there are some cultural traditions that nurture power relations which inhibit women’s participation in public life. More efforts should be made to promote women’s participation in the public realm in general and in the electoral process in specific, to register and vote.

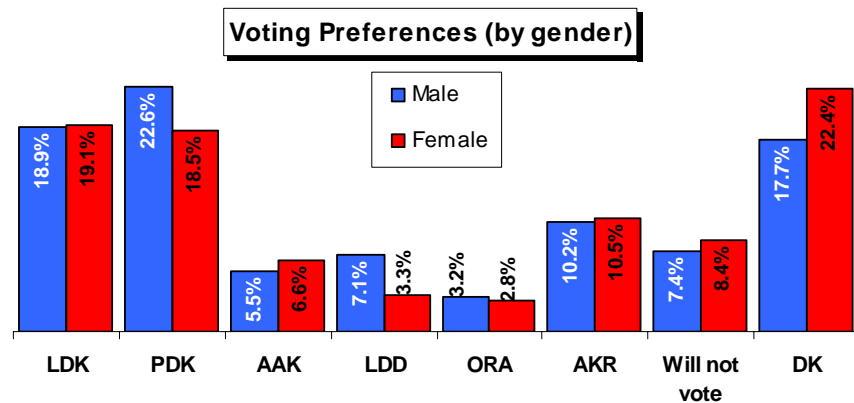
Participation in Election Administration

Women are inadequately represented at all levels of election administration. As no rule was foreseen, the effects were less than desired. Less than a quarter are members of Polling Station

Committees. At the

Central Election Commission, there are two women commissioners (both from minority groups), and one of the directors is a woman (Finance and Administration).

Overall, women are not in a position to have real influence or exercise leadership in most public institutions, including that of election administration. However, due to the numerous years under international administration and the heavy gender-balanced approach, the election commission, the parties, and the public are increasingly more aware of gender considerations and these are taken into account.



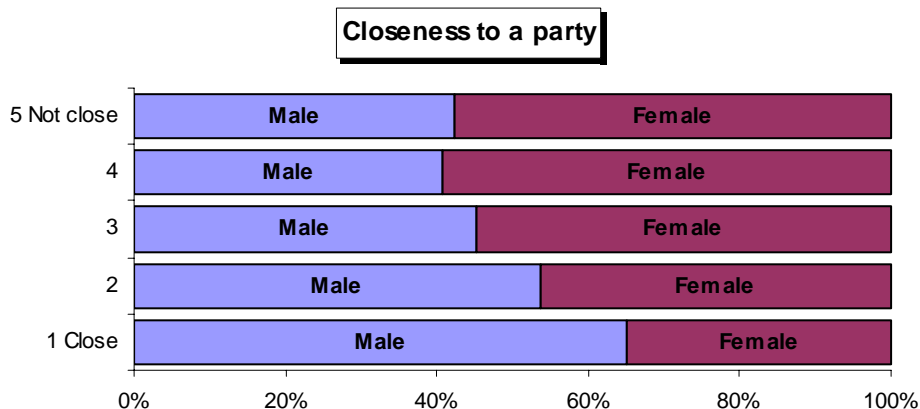
Parties and Women

At the Assembly of Kosovo, fifteen women were elected thanks to the quota. As these women need to be placed higher on the list, the same number of men (15) end up being dropped. This means that 15 persons with fewer votes were elected instead of 15 men with more votes for the sake of women's representation. That this principle is perceived as important shows the very lack of discontent exhibited in public.

136 (48%) women were elected as municipal councillors by merit (without using the quota).

Women's low participation is not only due to tradition, but also due to disengagement with politics and their parties as proved by the survey. Their trust in the party of their preference is always lower than that of the men. Almost 40% of women answered with "don't know" when asked about which levels of parties they trust. No parties made any special efforts to attract women voters. While main parties have women's forums, none has managed to address issues particular to women. Parties remain fairly centralized and

mostly for men to lead and manage.



Women number 30% of the legislature and head many Parliamentary committees – they are clearly given

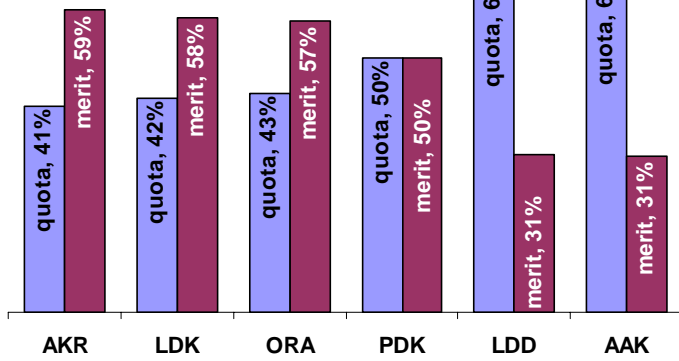
burdensome and responsible tasks. However, women are weak within parties and major decision-making occurs.

Most women candidates receive no support from the party. In fact, almost all the resources are only for the top leadership, and other candidates have to stage minor campaigns mostly in the area where they live. The media also devote very little time to

women; always below 10% of their coverage (see the other report being published simultaneously by “Democracy in Action”). Women are also conspicuously absent from most campaign events – close to 40% of the events have less than 5% women.

Having a single district is particularly unfair to all candidates that have no access to party resources, for they have to campaign throughout

Election of Women in Municipal Elections 2007



Kosovo, which is costly. Introducing districting would provide for more equal opportunities.

Not all Members of Parliament are equal. Although the mandate belongs to the individual, the votes are important for the influence that each individual MP wields within their parties. It is important to have women (as well as men) who are elected by merit and can gradually start to acquire real political power within their parties. The parties that had most women elected by merit were AKR, LDK and ORA. The worst were AAK and LDD.

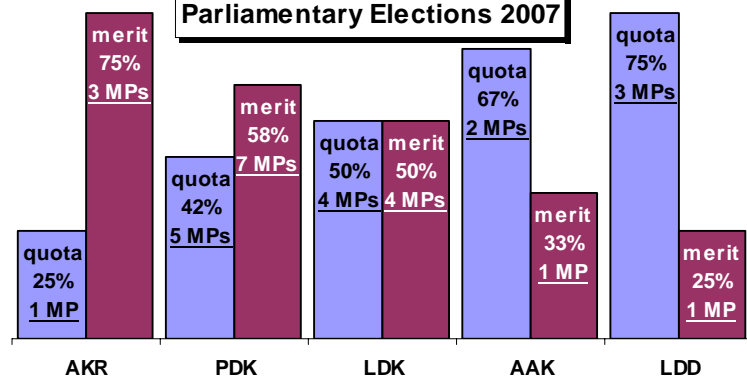
Only one man (of ORA) benefited from the gender quota. in

| Municipal Elections 2007 | | | |
|--------------------------|----|-------|-----|
| Winner | | Loser | |
| M | F | M | F |
| 202 | 55 | 132 | 110 |

It is also interesting to look at the effects of open lists on gender representation. Voting for individuals enables them to jump from lower ranked positions to higher (electable) spots. Women were more likely to lose from the open lists, 110 of them, compared to 132 men (more than 30%). This is to be expected otherwise the quota would not have been needed. In any case, 55 women who were extraordinarily successful – from initial non-electable positions they won sufficient votes to jump over other candidates to electable positions (202 men did the same).

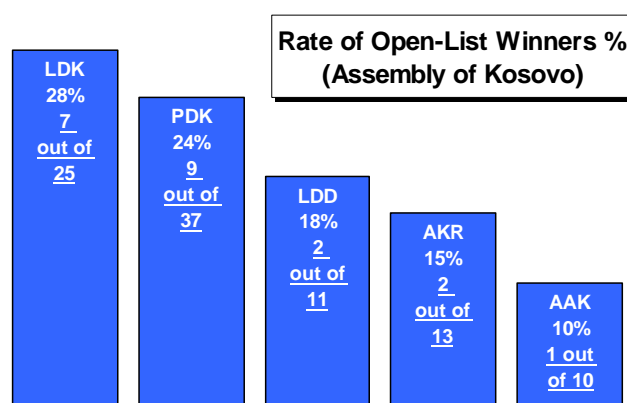
For municipal assemblies, 146 (52%) female councilors benefited from the gender quota. In turn, 136 (48%) women were elected by merit (without using the quota). ORA utilized the quota least – from 18 municipalities where ORA gained seats for municipal assemblies, the quota kicked in only in 4 cases. LDD saw the quota used most to enable women to get represented at the local level.

Election by Women in Parliamentary Elections 2007

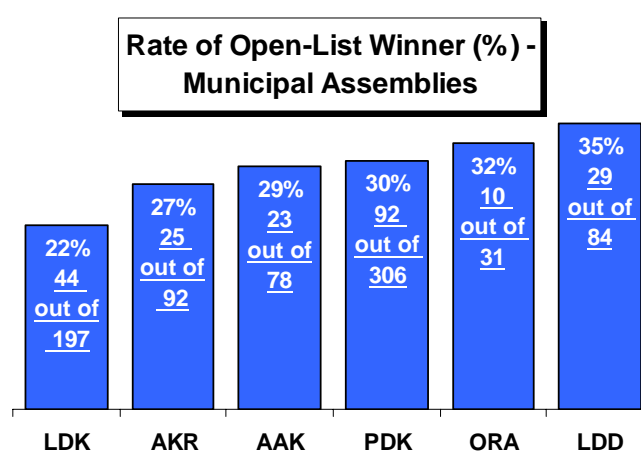


Lessons Learned and Future Reforms

The effects of the changes have been partial. The open lists have had a mild effect at the central level, which in the future must be coupled with districts. A higher effect has been felt at the municipal level (see the two graphs on the right). The local level was also made more dynamic by the introduction of directly elected mayors.



The threshold has arguably had a negative effect for it is too high. While it has helped to consolidate what some see as excessively plural political scene it has come at the expense of many voices that should have been heard at the Parliament. Overall, the changes have been positive. However, having in mind the rate of invalid ballots, the long waiting lines, and the lower turn-out as a result, it should be argued that the open lists should be simplified.



The elections for the Assembly of Kosova for the first time experimented with a threshold (5%). The intention has been to create institutional stability by reducing the number of effective parties – fewer party/coalition blocs grow bigger and reliance on them makes more durable coalitions. The threshold did not prevent 5 major parties to enter the parliament and numerous minority parties for whom the threshold does not apply. The only victims were ORA and the Justice Party (PD) which would have otherwise gotten 2 seats.

Methodological Note: The calculation of effect of open lists is done based on the total number of seats the given party received, and then comparing the original placement in the list made by party and the rearrangement of places by votes received. It is not necessary that some candidates, rated by us as “open-list winners” did not get elected, for they may have been dropped due to gender quota, but this analysis is made separately.

The effect of threshold changed the pre-election behavior of political parties. Small parties that perceived a risk of not passing the threshold, entered in pre-election coalition with bigger parties. Numerous small parties joined PDK (3), LDK (2), and LDD (1), entered within respective lists of these two parties. Having one or two candidates among 110 suggests a fairly imbalanced relationship, and subsequent difficulty for them to retain their identities. The perception is that these small parties were absorbed by big parties. An exception of this "absorbing coalition pattern" was the pre-election coalition of Democratic League of

Dardania with the Albanian Christian Democratic Party of Kosovo.

The local level saw a different dynamic. LDD saw most of its branch lists changed by the reordering of the lists based on the votes won. They were “surprised” at a rate of 34%, followed by ORA, PDK, AAK and least by the locally well-consolidated LDK.

| Total MPs in the ... mandate | LDK | PDK | AAK | Other Comm. | Serbs | Others | Total |
|------------------------------|-----|-----|-----|-------------|-------|--------|-------|
| ...first... (2001-2004) | 47 | 26 | 7 | 12 | 22 | 6 | 120 |
| ...second... (2004-2007) | 41 | 30 | 9 | 12 | 10 | 18 | 120 |
| ...third... (2008-2011) | 25 | 37 | 10 | 14 | 10 | 24 | 120 |
| On average, 2001-2008 | 38 | 31 | 9 | 13 | 14 | 16 | |

At the central level, large parties saw the greatest effects of open lists. The larger a party, the natural

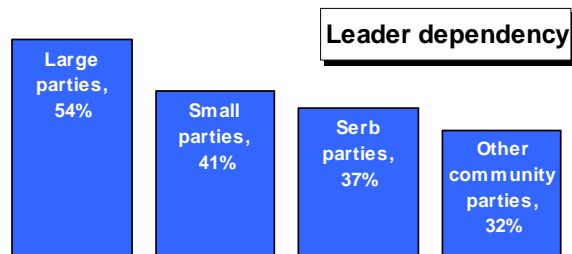
advantage of the top ten candidates is diluted and there is greater chance for candidates from below the list to make it through to electable positions. That open lists did not have a major effect at the central level is illustrated by the table above. Both LDK and PDK saw fewer new MPs elected in 2007, when compared with 2004.

Overall, 30 MPs got elected only due to the open lists (who would not have been elected by virtue of the position that the party initially gave to them). Inversely, there were 90 MPs that would have been elected either way. As a result of open lists, women are more likely to lose: 15 women candidates compared to 13 men. But exceptions are present were two women used the opportunity given by open list to jump ahead to be elected, one candidate came from PDK and another one from AAK.

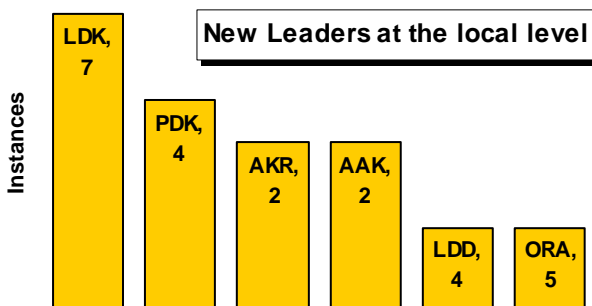
**Open lists elected:
25% of local councillors,
and,
43% of the Members of
Parliament**

At the local level, 609 would have been elected with closed or open lists. Thanks to the open lists 257 (around 30% of the total) councillors were elected that would not have otherwise been elected. Of these, 202 were men and 55 women.

It is observed that on average, 54% of voters of main parties, voted for the top-bearer of the list as well. Small parties, as well as Serbs, and other communities voted in lower rates for the leaders. This goes counter the logic as there are fewer in the list to choose from. It may be that among large parties, lists with 110 individuals were intimidating to voters, who found it easy to just circle the leaders. Another explanation is that major parties have well-recognized elites compared to smaller, and less established party structures that can benefit other party officials to develop a profile of their own.



We also tried to assess the effects of multiple voting. Each voter had the right to vote for



the party only, or to additionally mark ten candidates, giving candidates the votes they would rearrange the list made by the party. Votes for the party are only counted towards the overall allocation of seats for the party. As the OSCE/CEC never made this breakdown data public (how many individuals voted for the party only without marking any individual names),

it impossible to know the average how many names were on average marked. In any case, by dividing the number of total votes for individuals with the party votes, we extracted some data, which shows that only for the large parties did most voters mark up to 10 choices, whereas for small ones, they marked 1-3 choices. This shows that most voters were sophisticated enough to understand the futility of marking too many names in a short list. It can be concluded that this option needlessly complicated the voting process. Ten choices were especially redundant for the local level, especially since smaller municipalities have 17 seats to distribute in total. If districts are to be introduced, the multiple choices should be dropped altogether. Even if they are to remain, we should consider them in the range of 3-5 choices.

Without districts, open lists have created more powerful leaders.

Due to the power given to voters by the open lists, several parties saw potential challenge in leadership. Here we measured this “leadership challenge” by the number of individual candidates that scored more votes than the first candidate in the list as put up by the political party. This phenomenon seems to have influenced new and small parties, in this case, mostly parties representing Serb parties and other minority parties. As seen in the table on the right, Serb parties (SNSDKiM, SLS, and SDSKiM), one Turkish Party (KDTP) and a party representing Ashkali minority community (PDAK) saw other candidates receiving more votes than the bearer of the list.

| New Leadership for the Party? | |
|--------------------------------------|---|
| SNSDKiM | 1 |
| PDAK | 2 |
| KDTP | 1 |
| SLS | 1 |
| SDSKiM | 1 |

At the municipal level there were 30 municipal councilors (3 of them women) that climbed to the first position. Democracy is not what is purports to be were it not to

Democracy is not what is purports to be were it not to make leadership up for grabs by elections, and Kosovo is getting there, especially at least at the municipal level.

make leadership up for grabs by elections, and Kosovo is getting there, at least at the municipal level. This phenomenon resulted to be a general development and not only in a in a distinct political entity. LDK saw the most new potential leaders, although it saw least reordering of the rest of municipal lists. In majority of cases new leaders emerged from the top listed candidates, second or third position, but also from the fifth (LDK in Shtime) or in the seventh (LDD in Peja and PDK in Obiliq), or tenth (AKR in Dragash).

The dominance of leaders is a negative by-product of open lists with a single district. The funding advantages they have, as well the difficulty for others to campaign as well as get media exposure runs against democratization trends. That municipalities produced better effects with open lists is another supportive claim for creating districts at the national level. Districts should ideally yield between 10 and 25 MPs as the ideal size.

Recommendations

The paper above has analyzed a number of issues and lists recommendations in this section. The main recommendations are never to hold three elections at once – not only that this is technically complicated, but the local agenda should be less influenced by the central elections so that there are genuinely local campaign with local issues. Dealing with transitional powers will be a challenge, not the least for they are usually politically sensitive, require advanced technical capacity and may require new institutional solutions. Election management needs to be streamlined and will require very dynamic management. Use of information technologies should be considered and heavily promoted – examples from other countries abound as lessons learned with ready know-how. Voters' lists should be improved, ideally to the level that we can safely do away with conditional ballots. By-mail voting should be streamlined so that the Diaspora and the displaced communities find it easy to vote. Specific outreach programs need to be developed to persuade for marginalized groups to register and vote.

Transitional matters. A number of powers have been directly exercised by the international community. A number of issues, e.g. complaints and appeals, will have to pass to a new institutional set-up, e.g. an electoral court which will need to establish from scratch. It was mostly very sensitive aspects, or aspects that required extensive skills, which were dealt directly by the internationals, and often outside of locals' view. Having all sides agree, including Serbs may take long negotiations and resources invested, so they should be taken up as soon as possible.

MECs: The political neutrality/balance of electoral institutions was by-and-large ensured, apart of the weakest chain of the link, the MECs. The case of school directors, who are often appointed on basis of political affiliation and this has been a major source of complaints. With an elected mayor at the helm of the executive branch of municipal administration, there is no “apolitical” CEO (practically there never was). A different solution must be sought to depolitize the MEC.

Procedural performance must be improved, (a) by recruiting the same staff in recurring elections not to lose the skills accumulated, (b) developing stronger management and training capabilities within the CEC).

A number of irregularities must be addressed, such as overcrowding, family voting, or the presence of political materials or party activity. MECs and the management of polling centers needs to be upgraded in this regard.

Use of IT: If the electoral system is to remain the same, or of similar level of complication, the CEC must consider to employ better technological solutions for the counting of ballots.

Civil servants: New legislation should ensure that civil servants cannot engage in an electoral campaign.

Results certification: The CEC, ECAC and the Counting Center should be equipped for all possible scenarios. Complaints should be dealt with efficiently and effectively and there should be sufficient capacity to audit as many polling stations as needed. We should avoid situations whereby results from dozens of polling stations are dismissed – not ordering a recount must remain an exceptional occurrence that should not be repeated. Moreover, everything must be done to ensure that the certification of the results is done efficiently.

Building ramps for disabled should be a requirement of every school regardless of elections. As a post-war country, Kosovo has a higher chunk of disabled persons, and this is a minor investment for the task that it serves. This can be easily rectified by the CEC in cooperation with municipal and school authorities.

Public participation of marginalized groups: Marginalized groups (women, minorities, rural communities) should be targeted with effective outreach projects to increase the rate of registration and promote public participation in general and in elections in particular. Several rural populations that have little access to news (broadcast or print) should specially be targeted to make them feel a meaningful part of the Kosovar polity.

As the paper demonstrates, the voters list is probably one of the main bottlenecks for successful elections in Kosovo. As recommended by numerous international bodies, the voters list must be regularly updated in a transparent manner. This would enable to do away with the costly conditional ballots, would minimize fraud and it would shorten the time required to hold an election from the time that it is called.

Some voters were disenfranchised due to the expiry of their personal documents. For some time, the term ‘valid documents’ should be interpreted to mean document issued by a legitimate institution, regardless of the expiry date. Kosovars will be equipped with “expired” documents for some time and this should be tolerated. However, including photocopies of ID cards not verified by a court should cease not to be accepted any longer.

Adjudication of Complaints and Appeals. As recommended some time ago, the authorities should consider a permanent court for elections, which could be composed of sitting judges of the constitutional or district level courts, and would become active in election periods.

Districting: For purposes of national elections, Kosovo should be split in seven districts, each electing a specified number of representatives based on the population residing in that districts. Given districts, offering multiple choices will obviously be redundant. Either way, ten should not be offered, a range of 3-5 choices should be considered.

Ballots: Ballots without the names of candidates (first and second round ones) were especially problematic. This should be considered an exceptional occurrence to be avoided at all costs.

Voter Education: Permanent and continuous programs should be set up for civil education in general and for extensive voter education in specific well, ahead of each election. Future campaigns should include specific programs targeting various disadvantaged groups (women, minorities, rural communities). Parties should realize the potential to win new voters among such groups, and they should find engagement in such programs appealing as well.

External Voting: By-mail voting should be reviewed in terms of cost and it needs to be streamlined. In-person voting should be considered in major locations abroad where there is Kosovar Diaspora and where there is a consular presence.

**“Democracy in Action” 18 November 2007
Grand Hotel Prishtina, Congress Hall**



About "Democracy in Action"

This analysis has been conducted within the project "Democracy in Action". Besides the analysis, the project had completed election observation in two rounds, parallel vote count, media monitoring and a campaign to call citizens to vote.

"Democracy in Action-Elections 2007" is a coalition composed of a number of Kosovo NGO's created in September 2007. As its first activity, the coalition has chosen to monitor parliamentary and local elections, held in November 2007, and raise the awareness about the need of high turn-out.

The activities include monitor of the election process, of the campaign, media monitoring, voter education, a parallel vote count and the publication of early results.

Member organizations of "Democracy in Action-Elections 2007" are:

Community Building Mitrovica (CBM);
Center for Civil Society Development (CCSD);
Developing Together (DT);
Forum for Democratic Initiatives (FDI);
Initiative for Progress (INPO);
Kosovo Center for International Cooperation (QKBN);
Kosovo Democratic Institute (KDI),
Mother Theresa Association;
Kosovar Institute for Policy Research and Development (KIPRED);
Eye of Vision.

About KIPRED

The Kosovar Institute for Policy Research and Development aims to support and promote democratic values in Kosovo through training and independent policy research.

The training pillar is focused on the development of political parties through the Internet Academy for Democracy, which was developed in cooperation with the Olof Palme International Center.

The research pillar focuses on producing independent policy analysis on issues such as good governance, administration, political party development, security, regional cooperation, political economy, and local government.

KIPRED is primarily funded by the Swedish foundation 'Olof Palme International Center', Democratic Control of Armed Forces, the US foundation 'Rockefeller Brothers' Fund,' and the Freedom House.

Supported by:

