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Kosovo National Elections 2010: Overview and Trends

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Prepared by: Burim Ejupi and Shkamb Qavdarbasha

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Kosovar Institute for Policy Research and Development

Rexhep Mala Str, No 5A

10 000 Prishtina, Kosovo

Phone and Fax: +381 38 227 778

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LIST OF ACRONYMS:

AAK	Alliance for the Future of Kosovo (political Party)
ADK	Democratic Alliance of Kosovo (political party)
AKR	Alliance for New Kosovo (political party)
BIRN	Balkan Investigative Reporting Network
CEC	Central Election Commission
CSO	Civil Society Organizations
DiA	Democracy in Action
ECAC	Election Complaints and Appeals Committee (now ECAP)
ECAP	Elections Complaints and Appeals Panel (former ECAC)
ENEMO	European Network of Election Monitoring Organizations
EU	European Union
FER	New Spirit (political party)
KDTP	Kosovo Turkish Democratic Party (Political party)
LDK	Democratic League of Kosovo (Political party)
LEK	League of Egyptians of Kosovo (Political Party)
OSCE	Organization for Security and Cooperation in Europe
PDK	Democratic Party of Kosovo (Political party)
PSHDK	Albanian Demo-Christian Party of Kosovo (Political Party)
PTK	Post Telecommunication of Kosovo
SLS	Serbian Liberal Party (Political Party)
U.S.	United States (of America)
VV	Vetëvendosje

I. INTRODUCTION

The first parliamentary elections that Kosovo organized as an independent and sovereign country on December 12, 2010, were marred by a series of irregularities and systematic fraud. Despite its numerous shortcomings, these elections proved that the country can withstand a political crisis, although under heavy strain.

In September, 2010, The Constitutional Court of the Republic of Kosovo ruled that the President of Kosovo, Fatmir Sejdiu had breached the Constitution of Kosovo by holding both the post of president and party leader of the Democratic League of Kosovo (LDK)¹. Despite this being used as a reason for the institutional crisis that ensued, the problem resided in the governing coalition's² agreement to keep the president in this position despite their awareness of its unconstitutionality after the Constitution of Kosovo entered into force on June 15, 2008.³

After the ruling, the president resigned from his post in order to hold the position of the leader of LDK. Mr. Jakup Krasniqi, the President of the Assembly of Kosovo, resumed the duties and responsibilities of the office as Acting President, as foreseen in the constitution. Mr. Krasniqi's first decision, in full agreement with other political parties, was to set an early election date for February 13th, 2011.

The resignation of President Sejdiu brought changes in his party's behavior within the coalition. The LDK stopped backing the privatization of the Post Telecommunication of Kosovo (PTK), a strategy they had drafted along with PDK when they were members of the coalition. LDK motioned to have the ratification of the privatization of PTK removed from the government's agenda but the plan was approved with some illegal pressure from PDK on the assembly. As a result of this process, on October 16, 2010 the LDK found a justification to leave the governing coalition⁴, thus putting the country in a minority government and therefore a political stalemate.

Following these events, the Alliance for New Kosovo (AKR) submitted a vote of no confidence on the government led by the PDK. The motion was approved on November 2, 2010 with the crushing majority of the voters present in parliament, including members of parliament of the PDK.⁵ According to law, the Assembly of Kosovo stopped convening and the president had to assign the new elections at least 30 days and at most 45 days after disbanding the parliament. While the elections were called within the legal limit of 45 days required by law, the minority government could have ruled as technical government to vote the already prepared budget and

¹ Case No. KI 47/10, The Constitutional Court of Kosovo. 29 September 2010. http://www.gjk-ks.org/repository/docs/ki_47_10_eng_2.pdf

² The governing coalition during the years 2007-2010 between the Democratic Party of Kosovo (PDK) and the LDK.

³ Kosovar Institute on Policy Research and Development, The Actual Causes of Kosovo's Institutional Crisis (Policy Brief 2010/6), 2010. http://kipred.net/web/upload/the_actual_causes_of_kosovo.pdf

⁴ For a more detailed explanation please consult: Kosovar Institute on Policy Research and Development, The Actual Causes of Kosovo's Institutional Crisis (Policy Brief 2010/6), 2010. http://kipred.net/web/upload/the_actual_causes_of_kosovo.pdf

⁵ From the plenary meeting of the Assembly of Kosovo, November 02, 2010. <http://www.assembly-kosova.org/?cid=1,128,3501>

run the country until the February 13, 2010 early election term. Arguably, this would have given time to political parties, the Central Election Commission (CEC) and civil society to properly prepare for elections.

In the short time preceding the elections, the second largest party in the country, the LDK, set out to distance themselves from the ruling party as much as possible. This was done to drop as many of the shortcomings of the previous coalition on the main party, the PDK.

Civil society representatives and independent election experts were outright concerned about possible irregularities in areas where certain political parties have their voter strongholds.⁶ Besides the public-driven processes, the good conduct of the elections can also be attributed to the short time the Central Election Commission (CEC) had to prepare the whole process. In fact, the head of the CEC, Valdete Daka, explicitly said that the CEC cannot guarantee a qualitative process of elections on December 12th, 2010.⁷

⁶ KIPRED multiple interviews of civil society members across local papers and TV shows - 1 to 10 December 2010.

⁷ Statement made by the Head of CEC, Valdete Daka, as reported in the daily newspapers Koha Ditore, Zëri, and Express on October 18th 2010.

II. LEGISLATION

After the ratification of the Ahtisaari plan by the Assembly of Kosovo in 2007, this body was responsible for the implementation of necessary legislation foreseen by the plan within 120 days after the Declaration of Independence.⁸ Among the first laws to be immediately implemented were also those on General and Local Elections. During this 120 day transition period, all of the laws also known as the Ahtisaari package laws, were approved in haste without proper public or parliamentary debate.

During the 2009 local elections, several shortcomings of the Law on General and Local Elections became evident. One of the persistent problems that emerged in the elections of the November 15, 2009 was the unclear definition of the responsibilities of the CEC and the Elections Complaints and Appeals Committee (ECAC). In May 2010, to amend the shortcomings, a team on reforming the Election Law was established and included members from the Kosovo Assembly and civil society with guidance from the international players in Kosovo. The work of this group was undermined because of technical issues such as who will lead the group, the party in power or the opposition. Also, two members of civil society were part of the panel for reforming the electoral law. One of the members belonged to the coalition in NGOs Democracy in Action (DiA) while the other was a representative from the Kosovo Centre for Gender Studies with background in elections. Work didn't resume until June, when the head of the Central Election Commission assumed the role of steering the group.

One of the issues discussed was the matter of the election threshold - the discussion lied on whether it should be 5% or 3%. Nonetheless, the minority parties enjoyed a threshold level of 1% and there was a full consensus to not change this requirement. The review of this issue was requested by the small parties that didn't make it to parliament and was supported by civil society representatives. This proposal did not pass, thus leaving the threshold at 5%.

The final revision included several changes to Kosovo's Law on General and Local Elections. One of the major changes involved renaming the Elections Complaints and Appeals Committee (ECAC) to Elections Complaints and Appeals Panel (ECAP). ECAP, as per amended law, will accept complaints regarding the elections within 24 hours after a problem occurred and should resolve this complaint within 72 hours. Another change, which enjoyed unanimity among political parties, was to raise the number of people to be voted for from one person to five candidates per political party.

⁸ Comprehensive Proposal for the Kosovo Status Settlement, Annex XII, Article 1.

III. ELECTION PROCESS

THE POLITICAL PARTIES AND PREPARATION

For the 2010 elections, the CEC registered 55 political entities in total, 23 of which belonged to the Albanians, 11 to the Serbians and the rest were spread out among different minority groups.⁹ Out of the 55 registered entities, 26 political parties and 3 citizen's initiatives were certified for the elections.¹⁰

For the first time, in 2010, two political parties from the Turkish minority in Kosovo participated in the general elections. In these elections there was a new political subject belonging to the Turkish minority, also being the first time there is internal political competition in this community. KDTP remained the largest party in this community, receiving the majority of seats available to the Turkish community.

The Egyptian community also participated in the parliamentary elections, with a civil list called The League of Egyptians of Kosovo (LEK). This is the first time that this community has more than one political entity that runs for parliament, despite LEK not being successful in these elections.

The Serbian Liberal Party (SLS) entered the elections as part of the previous governing coalition and as the winner of the municipal elections in municipalities that have a majority Serbian community. This party is characterized by their calls to the Serbian community to integrate in the Kosovar society. The Serbian community was represented in these elections by a total of nine political entities - two more than the majority Albanian community.

For the first time during the December 2010 elections, one political party representing the Montenegrin community in Kosovo participated in the process. This is the only community in Kosovo that doesn't have a minority quota and is not officially recognized as Kosovar communities¹¹.

Another characteristic of these elections was that Levizja Vetëvendosje (Self-determination movement) decided to register as a political entity and compete for seats in the parliament. This movement has been known as a strong opposition of Kosovo's political sphere, demonstrated through protests. "Vetëvendosje" quickly spread through Kosovo, garnering a lot of support. This was particularly interesting, especially when considering their virtual absence in the traditional advertising mediums.

⁹ Central Election Commission, Office of PP Registration and Certification, Candidate's List. <http://www.kqz-ks.org/SKQZ-WEB/en/rrethkqz/lk.html>

¹⁰ Ibid.

¹¹ For a full list of the recognized communities in Kosovo please consult Law No. 03/L-047 "On the Protection and Promotion of the Rights of the Communities and their Members in Kosovo" found at http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L047_en.pdf. Further provisions can be found in the Constitution of Kosovo.

Yet another new party that made its appearance during the last elections has been Fryma e Re (FER). This party, founded by two leaders of civil society, is heavily focused on rule of law and their member's professionalism as its core values. This political party later merged with VV well after the elections.

Since the threshold to enter parliament was 5% of the total votes cast for the Albanian parties, most of the small parties entered into coalitions with the larger entities. This would leave them with the option of entering parliament, either as a ruling partner or opposition.

One of the largest undertakings in terms of pre-election coalitions was that of the Alliance for New Kosovo (AKR) and was comprised of seven political parties that didn't discriminate on party ideologies and included social democrats, green parties and right conservative parties. The coalition was clearly formed to enter the election in a stronger form in order to win a larger share of votes. The strategy was all the more important to these relatively small parties due to the short duration of the election campaign and the strong starting position of the larger parties.

AAK raced in the elections in coalition with a fraction that quit the LDK and was lead by Ukë Rugova, the son of late president Ibrahim Rugova. AAK also saw an influx of a serious number of independent members of parliament among its ranks.

The Democratic League of Kosovo (LDK) entered the 2010 parliamentary elections with new leadership which was elected only four days prior to the deadline for the certification of the entities allowed to participate in the elections by the CEC. Two thirds of the party's members were also new while the list of members of parliament largely belonged to the old structure of the LDK.

The Democratic Party of Kosovo (PDK) held its party congress and internal elections pro-forma, considering that there were no party branch elections and the highest party leadership was re-elected without competition. In contrast to 2007, when the party entered the elections in a seven party coalition, in 2010 it only had the Democratic Alliance of Kosovo (ADK) and the Albanian Demochristian Party of Kosovo (PSHDK) as allies.

A certain number of the already established political parties held internal party congresses or elections to abide by the Kosovo law requiring political parties to have held internal elections at most 36 months prior to being certified. In the previous elections, several political parties were certified despite not having held internal elections.

PRE-ELECTION

The Central Election Commission came under a sizable amount of pressure during 2010, partially due to factors outside their control. In June, then president of Kosovo Fatmir Sejdiu, according to the Constitution of Kosovo, elected a new head of the CEC, Valdete Daka, a judge and member of the Kosovo Judicial Council. The new head was selected after the previous holder of this post, Nesrin Lushta, resigned amid accusations of fleeing decision making sessions. Daka was left with little time to get acquainted to the job, because soon after her election to the post the CEC, she was faced with a major change.

In 2010, the CEC had to account for changes that were made to the electoral law. The changes made to the previous electoral law weren't particularly substantial. Nonetheless, a combination of a series of events such as the appointment of the new head and the row over re-elections in Rahovec that followed put this institution through a serious endurance test.

The CEC's first challenge was to organize a re-election in one of Kosovo's municipalities, Rahovec, after the mayor of this municipality resigned. The resignation was clouded by a series of irregularities involving high government figures and during the election day there were reports of problems. After the vote counting process, the CEC announced that two parties, the PDK and LDK, were to go into runoffs. Nonetheless, the third party in the list, AAK, submitted a complaint. After the votes were recounted, AAK was the one to participate in the runoffs with LDK and win the local runoffs. This process shed some light to the fact that the CEC was already having problems administering the tasks it was mandated to do. The CEC was further overburdened when the date of the parliamentary elections changed twice within a very short time, making them speed up the preparations and therefore undermining the quality and security of the parliamentary elections of 2010.

The problem did not rest only with the CEC. In the Rahovec elections of 2010, Democracy in Action (DiA) also served as election monitors. This NGO coalition, formed in 2007 for the purpose of monitoring elections, made the same mistake with the process of counting the votes correctly. This somewhat hampered DiA's reputation raising red flags over their ability to cope with the process of monitoring country-wide elections despite their success in doing so in 2007.

For the elections of December 2010, DIA accredited roughly 5,000 election monitors that would operate across Kosovo. DiA had full financial and public support from the international community having hosted many international ambassadors and organizations, thus raising the public's expectations for the organization. Adding to this number there were 120 participants from the European Network of Election Monitoring Organizations (ENEMO), members from prominent embassies in Kosovo including ambassadors, political party members and un-associated CSOs such as the Balkan Investigative Reporting Network. Nonetheless, major international organizations that work directly with the elections process, such as the Organization for Security and Cooperation in Europe (OSCE) did not participate because some of their constituents do not recognize the independence of the country. The degree to which this ultimately affected the elections is debatable; nonetheless the presence of a larger number of foreign observers arguably would have better safeguarded the independence of the elections.

The overall preparations for the elections of December 2010 were seriously overburdened by a number of circumstantial factors, not the least of which were related to the dates being changed twice in a short period of time. The CEC was faced with a number of challenges that stretched their capacities, not the least of which was the budget of 2.5 euro per registered voter that was allocated for the parliamentary elections¹². This was also reflected in the abilities of Kosovo's civil society to keep up with the developments, reflected in their performance when monitoring

¹² KIPRED interview with CEC Member Ilir Fetahu on March 16, 2010.

the elections both in Rahovec and country wide. Nonetheless, during the day of the elections, the bare minimum of the legal requirements to conduct elections were fulfilled.

ELECTION CAMPAIGN

Political parties in Kosovo faced stiff competition as the election campaign was very short, a mere 10 days. In these 10 days the bigger parties obviously had a competitive advantage boasting the necessary resources to reach a bigger number of their constituents within a shorter period of time.

The election campaign was largely quiet with a few accusation of posters being ripped and major tabloids of smaller parties being covered by the bigger ones. The presence of the party in power could be largely felt across the media landscape through their television spots and debates.¹³ Parties utilized a variety of measures to address their public, the most common of which is public speeches.

The media largely focused on debates with candidates from different political parties. These debates were issue centered although the ability of the moderator to maintain the debaters focused swayed in certain cases.¹⁴ With the notable exception of a few small parties, the debates and speeches weren't centered around the programs of the political parties but rather on personalities.¹⁵ Some parties did not present a program, including the LDK.

Overall the election campaign was quiet, characterized by political parties and entities targeting their usual voters. This happened mainly due to the brevity of the campaign. During this time political party presence was largely felt in televisions where the crushing majority of the advertising spots were political party promotion material.

¹³ Kosovar Institute on Policy Research and Development. Monitoring the election campaign. December 2010.

¹⁴ Ibid.

¹⁵ Ibid. 13 and KIPRED interview with Muhamet Hajrullahu, Managing Editor, BIRN. March, 2010.

ELECTION DAY

The morning of the election day most of the polling stations opened across Kosovo marking the first parliamentary elections after the declaration of independence of Kosovo. Numerous CSOs monitored the elections, involving more than 5,000 people in the process. Furthermore, EU parliamentarians and international officials, including the U.S. Ambassador to Kosovo, participated in the monitoring process.

To insure the security of the elections and polls, similar to election practices after the 1999 war in Kosovo, the Central Election Commission used several measures. The CEC provided stations with lists of all registered voters for each station including pictures and ID information. Along with the above method of identification, the CEC used an invisible dye spray to mark the people that had already voted. This dye can be seen under ultra-violet (UV) lights. For this reason the CEC provided battery powered lamps that emit UV light to check if a person voted during the day.

On election day, polling stations opened at 7 AM in accordance with the law, with some polling stations opening slightly later. The delays were related to several problems pertaining to the sensitive materials used in the stations. In some cases the sensitive materials didn't arrive on time - either the sprays, polling papers or the lamps. A number of polling stations across the country were given non-working UV lights. This was either due to the low quality of the lamps or problems with the batteries. In a few of the stations this problem persisted well into the day.

Due to protests and open calls to not vote combined with a few threats, voting stations in the north of Kosovo were not present. Instead, a few mobile stations moved across the north of Kosovo. Even considering the measures taken not to upset the situation in the north of Kosovo by employing mobile stations, locals in Zvecan hampered the process by blocking one of the stations and temporarily suspending the election process. Nonetheless, voting in Serbian enclaves in the south of Kosovo was satisfactory.

The first cases of irregularities were voiced by the media immediately after the opening of the election centers concerning non functioning ultra-violet lights and highly diluted invisible dye spray. In fact, for the first time in the history of elections in Kosovo the media were very active in reporting irregularities across the country, much more so than the majority of election monitoring organizations. Four broadcasters, three national and one cable, had TV crews spread across Kosovo reporting in real time.

In the following hours, the election process was marred by a series of irregularities widely spread across local and international media. Besides the minor issues such as political party promotion on the part of militants in polling stations and the eventual breach of election day silence through promotional materials such as SMSes, there were serious allegations of pressure toward voters and election observers.

Civil society organizations and political parties alike reported that their observers and commissioners were denied access to polling stations and threatened with violence. These phenomena were documented during the day although there was a certain level of self-censure

exercised by a number of CSOs, especially when considering the extent to which they stated irregularities to the media.

Another major problem spotted during the elections was the practice of double-voting, where one individual votes more than once in the same or different polling stations. This problem was widely spread across the country, being more accentuated at political party strongholds. Besides the obvious negative impact this has on the results of the elections, it also serves to prove the fragility of the security measures taken by the CEC and the lack of responsibility of the staff in the polling stations.

CSOs and other institutions that monitored the elections noted that the number of irregularities increased as the elections drew to a close. In the end of the election day there were ample reports of commissioners being forced out of polling stations and widespread allegations of ballot stuffing, including reports from foreign ambassadors who served as election monitors. These claims were amplified by videos posted online and broadcasted by the media showing pictures of ballot stuffing.

DiA contested the elections in the two towns where over 80% of the registered voters allegedly cast their polls but this was done far after the information was public and other parties and organizations had already voiced and submitted their concerns. Nonetheless, there were wide allegations regarding the lack of efficiency of DiA's management in the monitoring process. In fact, some of DiA's observers themselves were suspected of ballot stuffing as well as the management not gathering and reporting irregularities carefully and in real time.

The claims made by political parties and civil society members were somewhat confirmed during the press conference of the CEC at 22:00 in which they confirmed the participation of over 90% of the voters registered in some voting centers. The overall voter turnout was 47.8% and a considerable number of people registered in some voting centers live abroad, thus making a 90% turnout highly unlikely.

Considering the registered irregularities and the videos of ballot stuffing circulating in the public opinion on election day, the expectations were that the independent observing institutions would be louder in voicing their findings. Instead the findings were largely underplayed and downright ignored in some specific cases like double voting and family voting¹⁶. Jakup Krasniqi, then Acting President of the Republic of Kosovo called the elections process "injured."¹⁷ This demonstrated that the problem rested not only with the irregular elections but also with the observers, where civil society largely failed to accomplish its watchdog role.

¹⁶ Family voting is a process where a whole family or a larger group of closely related people go to voting polls and vote together. While technically there is nothing wrong with this phenomenon, it is usually seen as an attempt to control the votes of the members of the family.

¹⁷ "12 Dhjetori i Lenduar," Zijadin Gashi, December 29, 2010. Radio Evropa e Lirë.
<http://www.evropaelire.org/content/article/2262477.html>

COMPLAINTS AND APPEALS

According to the law on general elections, parties involved in the elections and the monitoring process have 24 hours to submit their complaints to the ECAP. In the 24 hours immediately after the closing of the polls the ECAP received 363 complaints and appeals from political parties and organizations that monitored the elections. The ECAP received 454 complaints and appeals in total for the official elections and re-elections.¹⁸

The number of submitted complaints is relatively low when compared to the allegations of irregularities during the election day. This is due to the fact that the entities involved in the process of monitoring the elections weren't well informed about the time-window they had to submit complaints. This can be clearly noticed in the press releases of these entities after the 24 hours time period to submit complaints ended.

Furthermore, the CEC does not have the legal right to make decisions when no complaints are submitted. In the case of Skenderaj, the CEC was unable to cancel the election results despite there being a clear problem because 93% of all registered voters had voted and there had been serious allegations of fraud. This is coupled with the short window of time to submit complaints to ECAP and the fact that irregularities happened mainly in party strongholds that lacked the willingness to submit complaints. These factors influenced the amount of complaints submitted to the ECAP as well as showing a tendency to understate problems regarding the elections of December 2010.

This phenomenon, however, does not apply to other entities monitoring the elections. The Balkan Investigative Reporting Network operated with a limited budget and number of observers but submitted 39 complaints to ECAP, most of which were accepted.¹⁹ In comparison, Democracy in Action, with over 5,000 monitors, two monitors per polling stations, and better funding submitted only four complaints including the re-elections. While arguing that political parties might not have been informed regarding the complaints submission procedure, these organizations were specifically formed for that purpose thus lack of information cannot account for the low efficiency. These numbers serve to show that commitment, professionalism and their lack thereof also played an important role in the amount of complaints submitted.

The complaints were largely centered around the phenomenon of double voting, sprays and lamps not working, the fact that there were more voters than there were people registered to vote, etc.

Following the complaints that were submitted, the ECAP ordered re-elections to be conducted Skenderaj, Drenas and Deçan as well two polling stations, one in Lipjan and the other in Malishevë, where there was evidence of mass fraud. On the other side, "Vetëvendosje" submitted a complaint to the Supreme Court of Kosovo regarding mass irregularities in the municipality of Mitrovica. The Supreme Court ruled for re-elections in the city of Mitrovica.

¹⁸ ECAP, Mul Desku Head of the Secretariat correspondence with KIPRED.

¹⁹ KIPRED interview with Muhamet Hajrullahu, Managing Editor, BIRN. March, 2011.

Nonetheless, the CEC had already long announced the re-elections in the two small municipalities, without waiting for the decision of the Supreme Court on Mitrovica.

The European Network of Election Monitoring Organizations (ENEMO) called for the prosecution of the cases of irregularities submitted to the ECAP. This organization also pointed out that cases regarding elections have been left unsolved since 2007 and 2009 and made a call to the prosecution to resolve these problems as well.²⁰

Despite widespread allegations to fraud and the amount of complaints and respective reelection decisions by the ECAP and Supreme Court, the CEC went ahead and published the preliminary results of the elections. Furthermore, the media in Kosovo received a leak with the result of the votes for candidates and published this leak. These actions influenced the outcome of the re-elections within the municipalities with several of the small parties refusing to participate. However, the biggest effect could be felt within political parties, considerably shifting the votes for their candidates.

REELECTIONS

After the complaints and appeals for the elections of December 12, 2010, the ECAP decided to hold reelections in three municipalities and two voting stations in two other municipalities. The election campaign for this set of reelections was only three days long. Nonetheless, because the CEC published the preliminary results, a few small parties retired from the race. This also happened with the minority parties, seeing as they had scarce electorate in the municipalities that went to reelections.

The first set of reelections was held on January 9, 2010, in Skenderaj, Drenas, Deçan as well as two voting centers in Malisheva and Lipjan. These elections were also characterized by irregularities especially when considering the amount of complaints and appeals for them. Perhaps, the clearest indication of irregularities in the original election day is shown in the fact that in Drenas and Skenderaj the reelections brought approximately 30,000 voters - or 25% - less turnout. This is an indication to double voting and possible ballot stuffing.

The reelections were also marred by serious problems as reflected in the complaints and appeals submitted by different monitoring entities following January 13, 2010. The CEC had to order a vote re-count in eight voting stations spread across all three of the municipalities²¹.

VV submitted complaints to the ECAP concerning non-working UV lamps in certain voting stations in the municipality of Mitrovica and requesting reelections. ECAP ruled against the case. After the ECAP's decision, VV appealed the case at the Supreme Court, who in turn ruled in favor of reelections in this municipality which were to be held on January 23, 2011. The appeal is the reason that two different sets of reelections were held. The small political parties that won a

²⁰ European Network of Election Monitoring Organizations - Press Release on Kosovo Parliamentary Elections and re-runs - January 12, 2011.

http://www.enemo.eu/press/ENEMO_press_release_KOSOVO_EOM_ENG_12.01.2011.pdf

²¹ CEC Decision Number 88-2011 released on date 15.01.2011

respectable number of votes in the initial elections refused to participate in the second ones. Their electorate largely did not turn out in the voting stations thus accounting for a smaller voter turnout.

RECOUNTING

When the polling stations closed on December 12, 2010, the commissioners were responsible for filling in two forms. The first form included information about the total votes a political subject received while the second form counted the votes the candidates within a political subject won. Considering that each voter could choose one political party and five candidates within this political party, the total ratio of party votes to candidate votes had to be approximately 1:5. When the report from the vote counting centre came in, the CEC noticed that this ratio was severely upset²² thus ordering 740 voting centers, or 40% of the total polling stations in the country to be re-counted. There are concerns that such a practice happened in the other 60% of the polling stations however the ratio was not upset and therefore there was no decision to re-count. Nonetheless, the decision to re-count 40% of the total number of polling station votes clearly portrays a worrying trend.

Considering that the lists were open, a portion of the citizens chose their political entities not because of the entity themselves but because of a candidate within the entity. For the portion of ballots that were cast for specific candidates, meddling with candidate votes means directly violating the votes of the citizens. Furthermore, the decision to recount the votes in such a large portion of the polling stations points out that the will of the citizens was violated by the commissioners who meddled with the counting process in order to favor certain candidates.

²² KIPRED interview with CEC Member Ilir Fetahu from LDD. March 16, 2011.

IV. VOTING TRENDS FOR THE PARLIAMENTARY ELECTIONS IN 2010

In an effort to better predict future election outcomes and dynamics as well as potentially minimizing mass fraud, KIPRED analyzes voting trends. These trends are specific to the largest Albanian and minority parties and help draw a more concrete picture of the electoral and political mosaic in Kosovo.

Electorate participation

In 2010, the CEC registered 68,335, or a 4.2% increase from the elections in 2009. This increase in the number of voters raised red flags among election monitors and analysts because of its particularly large number at an unexpected time.

While we can deduce that the increase evidenced in 2010 is not considerably big in comparison to the other years, the reason for the particularly large previous ciphers is easily explained. In the first few years after the 1999 war, the lists of voters were being constantly refreshed as people were returning to Kosovo either after displacement or from emigration.

Year ²³	Electorate
2000	913,179
2001	1,249,987
2002	1,320,481
2004	1,412,680
2007	1,567,690
2009	1,563,741
2010	1,632,276

Year	% increase
2000-2001	36,9%
2001-2002	5,6%
2002-2004	3,4%
2004-2007	9.89%
2007-2009	-0.25%
2009-2010	4.20%

Also, looking at the tables, we can see a 9.89% increase in the number of registered voters from 2004 to 2007. This increase in voter number came as a result of the voter's list not having been cleaned. This is also evidenced in the decrease of voters in from 2007 to 2009, a result of the process of cleaning the lists from people no longer able or eligible to vote.

According to officials in the CEC, the increase in voters in 2010 can be largely attributed to two major factors. Roughly 30,000 voters were registered this year solely because of having reached maturity, a number constantly observed during the years. The remaining difference is being explained by the registration of the Serb and other minorities in order to participate in the elections as well as the registration of now voting age emigrants²⁴. Both of these claims can be somewhat justified when looking at the satisfactory Serb participation in the parliamentary

²³Source: Central Election Commission at <http://www.kqz-ks.org>

²⁴ KIPRED Interview with Ilir Fetahu, Member of CEC from LDD. March 16, 2011.

elections of Kosovo in 2010 as well as the tendency of Kosovo Albanians to emigrate during the early nineties. This means that the children of those emigrants can now self-register and vote. Nonetheless, there is a certain amount of reservation to the explanation above and this year's voter increase and trends of the kind should be worrisome and should be closely monitored.

Year ²⁵	Turnout	
2000	721,260	79.00%
2001	803,796	64.30%
2002	711,205	53.90%
2004	699,519	49.50%
2007	628,630	40.10%
2009	709,362	45.40%
2010	739,437	45.30%

In the parliamentary elections of 2010, total voter turnout was 110,807 more than those of 2007, despite the increase of 68,535 people in the total electorate of 2010.

Conditional ballots and invalid votes

Conditional Ballots							
2001		2004 ²⁶		2007		2010	
Valid	Invalid	Valid	Invalid	Valid	Invalid	Valid	Invalid
44,359	13,610			26,791	7,000	24,867	1,340
57,969		39,814		33,791		26,207	
7,21%		5,69%		5,38%		3,54%	

Source: CEC at <http://www.kqz-ks.org> and OSCE at <http://www.osce.org/kosovo/43390>

As seen in the table above there is a decreasing trend of conditional ballots, that is ballots cast within the country but not within the designated polling stations. This is largely due to the lists

²⁵ Source: CEC at <http://www.kqz-ks.org>

²⁶ There is no data from the OSCE about the particular numbers for valid and invalid conditional votes in 2004.

being cleaned from people unable or ineligible to vote. Another reason is the increasing professionalism in voter education campaigns which helps inform them on their designated voting stations. Furthermore, Kosovo has been subject to a constant internal migration and the facilitation of the procedures of registering in another location helps lower conditional votes.

As noted above, voter education has been improving during the years accounting for a continuously decreasing trend in the number of invalid votes. The spike in invalid votes in 2007 is due to the decision to open the political party candidate lists - prior to 2007 ballots were casted only on political parties. In 2010, the only factor that changed is the number of candidates that a voter could choose, from 10 to 5 candidates.

Invalid Votes				
	2001	2004	2007	2010
Empty Votes	0,44%	0.39%	3.50%	1%
Invalid Votes	1,49%	0.96%	5.55%	3.95%
Total	1,93%	1.35%	9.05%	4.6%
Source: CEC at http://www.kqz-ks.org				

		Direct Vote	LDD+FER	Reserved (quota)	Total Seats
Albanian Parties	PDK	33	1		34
	LDK	26	1		27
	VETVENDOSJE!	13	1		14
	AAK	11	1		12
	AKR	8			8
	LDD	2			
	FER	2			
Other Minority Parties	KDTP	1		2	3
	VAKAT	1		1	2
	BSDAK	0		1	1
	GIG	0		1	1
	PREBK	0		1	1
	PDAK	0		1	1
	IRDK	0		1	1
	NDS	0		1	1
	PAI	0		1	1
Serbian Parties	SDSKIM	0		1	1
	JSL	1		3	4
	SLS	2		6	8
	Total	100	4	20	120
Source: CEC at http://www.kqz-ks.org					

Out of the parliamentary elections of 2010, the PDK came out as the most voted party while the LDK was the second, with VV and AAK following. The four largest parties received their voted seats plus one seat each that would have otherwise been awarded to parties that passed the threshold of 5%, namely the LDD and FER.

The Serbian parties showed a greater interest in participating in the elections this year, actually pushing for an election campaign and having members of parliament that are elected and not only appointed by quota. The Constitution of Kosovo stipulates that 10 seats of the parliament are reserved for the Serbian community unless the total seats earned by Serbian entities are more than ten. The Serbian Liberal Party (SLS) earned two seats through ballots and six seats in parliament through quotas. SLS also has the only case when the fourth person in the candidate list from a party garnered more votes than the first person in the list. The United Serbian List (JSL) earned one seat through ballots despite being a newcomer to the political scene.

Party	Election order in Municipalities		
	First	Second	Third
LDK	5	18	6
PDK	21	4	4
AAK	4	2	4
VV	-	3	12
AKR	-	2	2
Source: CEC at http://www.kqz-ks.org			

From the table we can see that PDK was the party that won in most municipalities, leaving a wide margin between itself and the second contender.

Even when considering the elections results by municipalities, LDK is obviously the second party, overshadowing the rest of the parties striving for the second-largest voted entity.

AAK has usually lead in four municipalities, Peja, Deçan, Gjakova and Suhareka but it only managed to be the first in three municipalities in these terms, losing Suhareka.

VV has been the surprise of the parliamentary elections of 2010, with votes being consistent as the third most voted party in almost in every municipality. What is also surprising is that this citizen's list turned out second in the two largest municipalities, Prishtina and Gjilan, de-facto showing it to be the second strongest party.

Political Parties

PDK

The Democratic Party of Kosovo (PDK) also came out as the biggest and most wide-spread party in all of Kosovo. Apart from Prishtina, this party enjoyed an increase in electorate across Kosovo when compared to the 2007 elections. In 21 municipalities PDK was the first party while in another four the party was second or third. In the parliamentary elections in 2010, PDK achieved the highest ever vote count for a single party.

In total, this party won 23,132 more votes or 14.34% above their total votes in 2007. Despite the overall better results, PDK lost two members of parliament more in this election in comparison to 2007. However, in Skenderaj and Drenas alone the party won 21.46% of its votes, pointing to the fact that the region of Drenica is a PDK voter stronghold. What is particular about 2010's parliamentary elections in the municipality of Suhareka, a known LDK stronghold with an AAK mayor but in which PDK won the elections with 6% more votes than the AAK.

PDK		
Viti	Nr i votave	%
2001	202,622	25.70%
2004	199,112	28.85%
2007	196,207	34.30%
2010	224,339	32.11%

Source: CEC at <http://www.kqz-ks.org>

LDK

In comparison to 2007, this party managed to increase its electorate by 33.34% or 43,142 more votes. Nonetheless, the party earned less than half the total votes it gathered in the first parliamentary elections in 2001. LDK won around 37%, or 67,310 votes, in the municipalities bordering Prishtina, (Podujeva, Obiliq, Fushë Kosova and Lipjan) and out of the seven major centers in Kosovo it only managed to be the first in Prishtina. This is largely due to the fact that the leader of the party is also mayor of Prishtina.

LDK		
Viti	Nr i votave	%
2001	359,851	45.65%
2004	313,437	45.42%
2007	129,410	22.60%
2010	172,552	24.69%

Source: CEC at <http://www.kqz-ks.org>

AAK

The Alliance for the Future of Kosovo (AAK) entered 2010's parliamentary elections without its leader, Ramush Haradinaj due to his trial in the Hague. Despite the handicap of being without a leader, the party was reinforced by acquiring some members of parliament from the LDK and two independent MPs known for having started the lawsuit against the ex-president Fatmir Sejdiu. In 2010, AAK witnessed an increase of 22,519 voters or 41.24% more than their total voters in the parliamentary elections of 2007. This was the biggest recorded voter

AAK		
Viti	Nr i votave	%
2001	61,668	7.83%
2004	57,931	8.39%
2007	54,611	9.60%
2010	77,130	11.04%

Source: CEC at <http://www.kqz-ks.org>

increase among the parties in parliament. Despite their attempts to distance themselves from the perception of a party of the Dukagjin region (Peja, Junik, Deçan, Gjakova, Klina and Istog) the party still won 45.74% of their total votes in these cities. In four municipalities and two major centers from this region, AAK was the first party.

Vetëvendosje!

VV was established as a citizen movement in 2004 and characterized by the protests against elections and the opposition against any type of talks with Serbia. This movement entered 2010's parliamentary election as a citizen's list in coalition with two parties whose program is the national reunification with Albania. The elections put VV as the third political power in the country, while as an entity they were also responsible for the most complaints to the ECAP.

VV		
Viti	Nr i votave	%
2010	88,652	12.69%
Source: CEC at http://www.kqz-ks.org		

With 15,899 votes, or 17.93% of their total votes in 2010, VV is registered as being the second largest political entity in Prishtina. This is also true for Gjilan, thus disturbing the established political ordering between the PDK and LDK in these cities. VV was also the second most voted entity in Kaçanik, while in 12 other municipalities it was the third largest.

AKR²⁷

The Alliance for a New Kosovo (AKR) entered 2010's elections in a coalition with 6 other parties, among which were the Justice Party (PD) and the Social Democratic Party (PSD). These parties marked a steady increase in the electorate in the last few years. Even after the success of their candidate in Gjakova in the local elections in 2009, AKR lost one third or 27.38% of their electorate when compared to the elections in 2007. The party earned 40.24% of their total votes in Prishtina and Gjakova which proves the fact that the party has lost part of its traditional voters. Nonetheless, due to post-election negotiations, the coalition is now part of the governing coalition, largely because of a deal to make the head of AKR president of the Republic of Kosovo.

AKR		
Viti	Nr i votave	%
2007	70,165	12.30%
2010	50,951	7.29%
Source: CEC at http://www.kqz-ks.org		

AKR managed to come second only in Gjakova and Hani i Elezit, while it was the third in Skenderaj and Zubin Potok with less than 1% of the total votes. Out of the eight members that were selected for parliament, three belonged to the coalition and five belonged to AKR. When this coalition became part of the ruling coalition, three of the members of AKR that were member of parliament moved into the executive. The remaining three places that this coalition had to fill in parliament were given to PD, showing that the majority of earned votes belonged to PD.

²⁷ The Coalition AKR-PD-PSD-PPI-PPK-PNDSH-PGJK

Serbian Community Parties

Unlike 2001, when the Serbian government called for all Serbs in Kosovo to boycott the elections, in 2010 the plea was made only to Serbs in the north of Kosovo. This arguably influenced the Serb community voter turnout, marking a substantial increase in 2010. Kosovo Serb political parties won three seats in parliament by direct vote bringing the total number of Serbian representatives in parliament to 13.

		2007		2010	
Serbian Parties	SDKIM	0.16%	3	0.14%	1
	JSL		0	0.86%	4
	SLS	0.15%	3	2.05%	8
Source: CEC at http://www.kqz-ks.org					

The United Serbian List (JSL) participated for the first time in the parliamentary elections in Kosovo. Despite being a new entrant in politics, they won 40% of the Serbian vote in Kosovo, with a woman listed as third in the candidate list winning the majority of the internal votes.

The parliamentary group led by the Serbian Liberal Party (SLS) is comprised by 12 MPs, having also been joined by one member from SDKIM and JSL. Furthermore, two non-Serbian community political parties joined the group, namely PAI and GIG from the Bosnian and Gorani community.

Other Communities

		2007		2010	
Parties from	KDTP	0.87%	3	1.22%	3
	VAKAT	0.95%	3	0.76%	2
	BSDAK		0	0.26%	1
	GIG	0.21%	1	0.11%	1
	PREBK	0.10%	1	0.10%	1
	PDAK	0.60%	3	0.41%	1
	IRDK	0.37%	1	0.24%	1
	NDS		0	0.35%	1
	PAI		0	0.20%	1
Source: CEC at http://www.kqz-ks.org					

As we can see from the table, no other minority subject besides the Turkish party KDTP and the Bosnian coalition VAKAT won a seat in parliament, especially considering that the threshold for minorities was 1%. BSDAK, NDS and PAI - all parties belonging to the Bosnian community - didn't run for parliament in 2007 but in the December elections in 2010 all won one MP each from the reserved seats. On the other hand, the other parties have the same number of voters excluding PDAK - an Ashkali community party - who lost 2 MPs.

GENDER

Parties in Parliament	Total MPs	Male	Female	Total	Merit
PDK	34	23	11	34	2
LDK	27	18	9	27	7
VETVENDOSJE!	14	9	5	14	1
AAK	12	8	4	12	1
AKR	8	5	3	8	1
SLS	8	5	3	8	0
JSL	4	2	2	4	1
KDTP	3	2	1	3	
VAKAT	2	1	1	2	
NDS	1	0	1	1	1
Total	120	80	40	120	14

Source: CEC at <http://www.kqz-ks.org>

Kosovo's Electoral Law and Constitution provide a 30% quota for the participation of women in parliament. The parliamentary elections of 2010 saw the inclusion of 40 women in parliament, or 33% of the total members of parliament. Nonetheless, the number of merit-based positions is only 14, pointing out that considerably more work is needed from political parties and women candidates to bolster the number of female members of parliament that are directly elected. As can be seen in the table below, the 14 merit based positions were unequally spread through the political parties.

The LDK was the best represented, with 7 out of the 9 female members of parliament being elected directly by the public. The biggest party in government has the worst merit/quota ratio when it comes to their

female members of parliament, possibly pointing out to the lack of support that women receive in this political party. The rest of the entities in the list above still have considerable work to do in implementing outreach policies in order to attract and encourage women to compete for posts of members of parliament.

	F	Merit	%
PDK	11	2	18.18%
LDK	9	7	77.78%
VETVENDOSJE!	5	1	20.00%
AAK	4	1	25.00%
AKR	3	1	33.33%
SLS	3	0	0.00%
JSL	2	1	50.00%
KDTP	1		0.00%
VAKAT	1		0.00%
NDS	1	1	100.00%
Total	40	14	

Source: CEC at <http://www.kqz-ks.org>

V. CONCLUSIONS AND RECOMMENDATIONS

Kosovo's Law on General and Local Elections, as adopted by the Ahtisaari Package Laws, is filled with minor mistakes that in themselves are amendable by the executive institutions. Nonetheless, when taken as a whole, these issues reflect negatively on the outcome of elections, touching institutions such as the CEC and the ECAP.

The elections of December 2010 in Kosovo proved that these institutions, the CEC more so than ECAP, didn't have the proper legal dispositions to deal with a range of problems that might emerge. Thus, the CEC couldn't immediately act on irregularities but has to wait for complaints to be submitted to the ECAP. The ECAP, on the other hand, has only a 24 hour window to accept complaints and another 72 hours to decide on these complaints. Considering the range and amount of irregularities in a young democracy like that of Kosovo, this is a very short time to make appropriate submissions and judgments.

Furthermore, the technical side of the elections remains to be questioned. The non working lights, low quality spray, inadequate security at voting centers and polling stations and other issues that could have easily been avoided point to an overall problem with preparations.

Furthermore, Kosovo still faces serious problems with the voter's lists. These lists are thought to contain a high number of people that have passed away or are otherwise ineligible or incapable of voting. The phenomenon makes way for the fabrication of fake identification documents that can be used to double vote, or stuff ballots with.

Despite the fact that the CEC was allocated a low budget of €2.5 per registered voter and the short, 45 day, preparation period it still remains CEC's responsibility to ensure a certain level of quality in the elections.

The level of quality also has to be reflected in the staff working in the polling stations. These persons, hired to safeguard the votes of the citizens, need to be appropriately trained and only then certified. These people need to be able to show outstanding integrity and be properly protected from pressure in order to avoid double voting, ballot stuffing, voter intimidation, etc.

The matter of the professionalism of the people working in the stations also stands in that offenders from previous elections still have not been indicted and to our best knowledge might have been affecting these elections. Without proper legal action against offenders, there will not be a clear policy that will penalize illegal acts during elections thus leaving plenty of room for irregularities.

On the other hand, the observers of the elections, civil society and the media were more inclined to deal with the results of the elections rather than the process itself. This could be seen by a relative silence about the irregularities that were evidenced during the elections and the issues from which these irregularities stemmed. As a consequence, the non political feedback towards the elections wasn't satisfactory pointing to the need for the reinvigoration of the civil society monitoring of the election process. The independent monitoring of the elections is also crucial

considering that most of the problems in the process were caused by either political parties or politically affiliated individuals or groups.

During the elections there was a clear lack of accountability from political parties regarding allegations of fraud and irregularities. The complaints were mostly shifted to single persons or groups of people thus alleviating the pressure on the majority of the party. This practice needs to change in order to put parties in a position to educate their supporters in the tradition of free and fair elections and make them accountable for problems.

Recommendations

1. Future amends made to the Law on General and Local Elections should be discussed with larger groups than simply the team assigned the task of changing the law.
2. The CEC should publish the voter's list at least six months prior to the elections in order for the voters to be able to change their voting places to minimize conditional ballots.
3. The Law on General and Local Elections specifies that political parties are not allowed to spend more than €0.50 per voter during the election campaign. To enforce this law, the CEC should have an independent monitoring body that will observe, quantify and calculate political party expenditure during the election campaign. Furthermore, political parties should report to this unit every week.
4. The law on general and local elections should change in order to move the vote counting process to a central location. This procedure will minimize ballot stuffing, influence from politicized vote counting commissions and also make the independent monitoring easier and more protected from outside pressures.
5. The identification methods on election day should include electronic fingerprint scanners. This would minimize human error, especially when considering the amount of double voting. Furthermore, it would reduce the security measures needed to be taken removing the need for lamps and sprays. Taking this measure would remove the need for two extra people per polling station, and prove more financially viable in the long term removing the need for exhaustible materials.
6. The Assembly of Kosovo should allocate at least €5 per voter to the CEC for the elections. This will help insure a more qualitative preparation of the elections therefore reflecting in the overall quality of democracy in the country.
7. The CEC should refrain from discussing any preliminary results publically prior to all election complaints and appeals being fully addressed. In order to ensure this, the CEC should pay particular attention to the safeguarding of internal information so that leaks are prevented.
8. Civil Society should be more focused in helping and safeguarding the independence of the voting process instead of focusing on the results.