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FINAL REPORT

COUNCIL OF EUROPE ELECTION OBSERVATION MISSION V IN KOSOVO (CEEOM V)

This report covers the period from 1 October to 5 December 2007

Table of contents

I. Introduction:	<i>page 4</i>
II. General situation and political background:	<i>page 5</i>
III. Institutional and legal framework:	<i>page 8</i>
IV. Election administration:	<i>page 11</i>
V. Political campaign:	<i>page 20</i>
VI. Public information and voter education:	<i>page 24</i>
VII. The issue of the Serb participation:	<i>page 25</i>
VIII. Other non-Albanian communities' participation:	<i>page 27</i>
IX. Women's participation :	<i>page 28</i>
X. Election day observation:	<i>page 29</i>
XI. The Count and Results Centre :	<i>page 35</i>
XII. Certification of the results:	<i>page 36</i>
XIII. Conclusions and recommendations:	<i>page 37</i>
List of Acronyms:	<i>page 43</i>
Appendix I : Preliminary Statement	<i>page 44</i>
Appendix II: Composition of the Mission	<i>page 49</i>
Appendix III: Setting-up and functioning of the Mission	<i>page 50</i>
Appendix IV: Meetings	<i>page 54</i>
Appendix V: Final Report of Long-Term Observers deployed in Belgrade	<i>page 57</i>

All partner institutions mentioned in this document are Provisional Institutions of Self-Government (PISG) created by virtue of UNSC Resolution 1244.

I. INTRODUCTION

1. In a letter dated 22 August 2007, Ambassador Werner WNEDNT, former head of the OSCE Mission in Kosovo (OMiK), and Deputy Special Representative of the Secretary General of the United Nations, invited the Council of Europe, on behalf of the United Nations Interim Mission in Kosovo (UNMIK), to lead an independent international observation of the electoral process leading up to the 17 November Assembly, Municipal Assembly and Mayoral Elections in Kosovo, called by the Special Representative of the Secretary General of the United Nations (SRSG) Joachim Rucker, on 31 August 2007.
2. Following the Committee of Ministers' Deputies meetings of 5 and 11 September, the Council of Europe accepted the invitation to deploy an International Election Observation Mission, placed under the authority of the Secretary General of the Council of Europe. However, such a rapid positive response and deployment would not have been possible without the excellent reaction of the member States, who seconded Long-Term Observers (LTOs) at very short notice and pledged further Short-Term Observers and/or voluntary contributions to complete the budget of the mission.
3. Giovanni Di Stasi from Italy was appointed Head of Mission (HoM), with Franck Daeschler from the Directorate General of Democracy and Political Affairs as Deputy Head of Mission (DHoM) and Fredrik Blanck from Sweden as Field Operations Director (FOD). They composed the Core Team (CT) together with 7 other experts. This was the fifth election observation mission conducted by the Council of Europe in Kosovo since the 2000 Municipal Elections.
4. Based on the invitation letter, the role of the Council of Europe Election Observation Mission V (CEEOM V), which was deployed from 1 October to 30 November 2007, was to observe in particular the following phases:
 - registration and certification of the political entities;
 - election preparations;
 - electoral campaign (25 October to 15 November);
 - polling and counting on Election Day – Saturday, 17 November 2007;
 - Count and Results Centre (including conditional ballots, and by-mail voting for out-of-Kosovo);
5. Despite the short notice given and thanks to the support provided by the OSCE Mission in Kosovo and UNMIK, as well as by the Council of Europe Secretariat Office in Kosovo, CEEOM V was operational by 1 October. Fourteen Long-Term Observers (LTOs), seconded by the Council of Europe member States and Council of Europe Secretariat, were deployed on 11 October.
6. LTOs were paired in 7 teams. Six teams covered all thirty municipalities of Kosovo in the following areas of responsibility (AoRs): Prishtinë/Priština region, Gjilan/Gnjilane region, Prizren region, Peja/Pec region, South Mitrovica/Mitrovicë region and North Mitrovica/Mitrovicë region. One Team was based in Belgrade, covering the whole of Serbia apart from Kosovo.
7. The Mission held meetings with the main political representatives, senior representatives of the international community, mainly from UNMIK, the OSCE, the European Commission, the European Union Monitoring Mission (EUMM), KFOR as well as with the Heads of the

diplomatic Liaison Offices present in Kosovo and religious leaders. CEEOM V worked in close co-operation with international and local representatives responsible for various aspects of the electoral process.

8. Members of the Core Team attended the meetings of the Central Electoral Commission (CEC), as well as the OSCE election task force meetings, as observers. Meetings were held with the Election Complaints and Appeals Commission (ECAC), the International Foundation for Election System (IFES), the National Democratic Institute (NDI), and with local Non-Governmental Organisations (NGOs) such as Democracy in Action (KIPRED).
9. On 17 and 18 October, the Head and Deputy Head of Mission travelled to Belgrade for a series of meetings at the Ministry of Foreign Affairs, Ministry for Kosovo and Metohija, and with the Head of the Serbian Delegation to the Parliamentary Assembly of the Council of Europe (PACE). They also met with representatives of the international community, including the Director of the UN Office (who is also UNMIK's representative) in Belgrade, as well as representatives of diplomatic missions.
10. On Election Day (E-Day), the CEEOM V deployed more than 150 Short-Term Observers (STOs), from 35 European countries, throughout Kosovo. A delegation from the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) and from the European Parliament also took part.
11. On 22 October, the Head of Mission returned to Strasbourg to present an oral report to the Committee of Ministers' Rapporteur Group on Democracy (GR-DEM) meeting. The day following E-Day, CEEOM V issued a preliminary statement, based on its observation of the electoral process. This statement (appendix I), after consultation and agreement with the delegations of the Congress and the European Parliament, was presented during a joint press conference which took place in Prishtinë/Priština the day after the elections.
12. While concluding that these elections were conducted generally in line with Council of Europe principles, as well as international and European standards, the preliminary statement pointed out a number of shortcomings, mainly related to the election administration, the involvement of the international community, the Serb non-participation and the alarmingly low turnout.
13. This final report, published after the completion of the electoral process¹, is intended to provide an overview of the political background and the context in which the elections took place, the legal and electoral framework, the election administration, the political campaign, the observation of election day, the Count and Results Centre and most importantly, the lessons drawn and recommendations for establishing a sustainable and efficient local election administration in Kosovo.

II. GENERAL SITUATION AND POLITICAL BACKGROUND:

14. The 2004 Kosovo Assembly Elections took place following the major unrest and riots of March 2004, which left 19 dead, over 950 injured and more than 4 000 persons displaced, as

¹ As the Mission closed down on 30 November, the observation does not include the second round of the mayoral elections, which was held on 8 December.

A delegation from the Congress of Local and Regional Authorities of the Council of Europe was deployed in Kosovo from 6 to 9 December 2007 to observe the second round of the mayoral elections.

well as an estimated total of 935 houses, buildings, including a number of churches, deliberately damaged or destroyed. These events gravely shook “the already limited trust between communities”, as the UN Secretary General stated in his report of 30 July 2004. As a result, although the 2004 Kosovo Assembly elections took place in a peaceful atmosphere, the Kosovo Serb participation was very low with less than 1%.

15. At that period in time, discussions were centred upon “standards before status”. Talks about the “future status” were expected to take place in mid-2005, but were eventually postponed until 2006² (for this reason the municipal elections, which were due to take place in autumn 2006, were postponed) but finally started in 2007. Delays in the settlement of the question of the status and the ongoing negotiations, which were due to end on 10 December 2007, as well as an uncertain outcome, were sources of increasing frustration among the population and political leaders.
16. Unemployment is still high (estimated at between 50% to 60%) and prospects for economic development are limited. In its October 2007 Poverty Assessment, the World Bank reported that 45% of the population are poor and another 18% vulnerable to poverty. Kosovo depends very much on imports, which reach 450 million euros per year for essential goods alone, such as cereals like flour, when bread is the basic food in Kosovo. As elsewhere in the region, prices of essential foodstuff have significantly increased. Between the summer and November 2007, the price of bread nearly doubled, in a place where the average salary is 200 euros per month.
17. It has also to be noted that no major improvements have been made as regards the electricity supply since 1999. The two Kosovo power plants’ production is far from sufficient to meet the demand. As a result, electricity cuts occur several hours a day, and supply has dropped even in A areas.³ As the water supply functions with electrical pumps, water is often cut together with the electricity. The situation is obviously worse in B and C zones.
18. These factors, added to the fact that no palpable improvement has been made in these fields since the previous elections, have led to a general dissatisfaction within Kosovo society, affecting all communities and especially among the younger generations. Since the 2001 Assembly elections, there has been a regular downtrend in the turnout, from 64% of registered voters to 53% in the 2004 Assembly Elections.
19. Kosovo Serbs who registered and participated in the 2001 Assembly elections, for the most part did not participate in the 2002 and 2004 elections. The turnout was less than 1% in the previous Assembly elections despite the call, on 5 October 2004 (three weeks before the elections), of Serbian President Boris Tadic, encouraging the Kosovo Serbs to vote and authorising the opening of polling centres in Serbia proper.

² On 23 May 2005, UN Secretary General appointed Mr Kai Eide as Special Envoy, to undertake a comprehensive review of the situation in Kosovo which was delivered beginning of October 2005. Following that report, UN Secretary General appointed Mr Maarti Athisaari (1 Nov 05) as Special Envoy, to lead the political process to determine the future status of Kosovo.

³ In 2005, the KEK (the Kosovo Electricity Company) introduced a so-called ABC plan, to address non-payment of electricity by consumers. A zones are areas where the payment is very good, B good and C bad. Consumers living in A zone area should have the most electricity.

20. However, in addition to the fact that for the first time three elections were held at the same time, several political developments should have attracted more voters to the Polling Stations this time:

1. The introduction of the "open list" for the Kosovo Assembly and Municipal Assembly:

Kosovo is still a single multi-member electoral constituency. In past elections, voters could only vote for a political party, without having the possibility to choose a particular candidate. Political parties could, in theory, have only candidates from the same city or region in Kosovo on their list or at the top of it. The open list allowed voters to choose up to ten candidates within the party that they had voted for. This new system encourages political parties to appoint candidates from different regions and cities in Kosovo. The same applies at the Municipal level. Furthermore, in a small society such as Kosovo, it is likely that most voters knew some of the 7 921 candidates.

2. Changes within the Kosovo Albanian political landscape:

In the four previous elections, the final results and the order at finishing were more or less similar: with the Democratic League of Kosovo (LDK) in first position, the Democratic Party of Kosovo (PDK) second and the Alliance for the Future of Kosovo (AAK) third. This time, the following developments were expected to result in a new distribution and new sharing of power:

- The death in January 2006 of the former President Ibrahim Rugova, the Kosovo Albanian charismatic leader, which was followed by internal fights for his succession within the LDK party he created. Nexhat Daci, who was forced to resign from his post of speaker of the Assembly, split from LDK and created his own party: the Democratic League of Dardania (LDD).
- The absence of Mr Ramush Haradinaj, another Kosovo Albanian charismatic figure, former Prime Minister of Kosovo and leader of AAK, who is currently on trial at the International Criminal Tribunal for the former Yugoslavia (ICTY).
- The creation, at the end of 2006, by rich businessman Behgjet Pacolli of a new political party, the AKR (The Alliance New Kosovo).

21. The security situation in Kosovo was calm and the environment relatively safe and secure during the weeks before the elections. However, minor provocations were still commonplace, according to KFOR. On 5 October, a local television channel broadcast footage of a group from the Albanian National Army (AKSH or ANA in English) portraying a dozen or so masked armed men patrolling on one of the main roads in Kosovo. Another footage, showing ANA masked men in a mountainous area of northern Kosovo, was broadcast on 13 November. This group, which is mostly active around Podujevo/Podujevë, added to the tension between the two communities. Often, Kosovo Serbs try to avoid the boundary near Podujevo/Podujevë (called Merdare) when travelling from Kosovo to Central Serbia, even though it is the quickest route to Belgrade.
22. On 10 October, the group called "Vetevendosje" (self-determination), together with students and a group of miners from Mitrovica/Mitrovicë, staged a demonstration in the centre of Prishtinë/Priština. No incidents were reported and the number of demonstrators, under a

thousand, was less than expected. Albin Kurti, the leader of “Vetevendosje”, has been either in jail or under house arrest since 10 February 2007, when a demonstration turned violent and resulted in the death of two demonstrators. This, along with events such as the demonstration of the St Tsar Lasar Guard (Serbian paramilitary group) in North Mitrovica/Mitrovicë, which in the end gathered very few people, did create some tension.

23. For the above-mentioned reasons, the 2007 Elections were held in a rather complex and tense socio-political environment, and revealed a dangerous gap, especially between the 90% Albanian majority Kosovo population and their elected politicians.

III. INSTITUTIONAL AND LEGAL FRAMEWORK⁴:

24. As late as 16 August 2007, the UN SRSG, subject to the pending promulgation of relevant legislation for the purpose of holding elections, provisionally authorised the Central Election Commission, through Executive Decision 2007/44, to conduct the registration of political entities and candidates, to establish relevant voter lists and prepare for out-of-Kosovo voting, to regulate expenditure and media-related matters and to provide accreditation for observers. The relevant initial legislation was promulgated on 29 August and on 31 August the SRSG announced that the elections would be held on 17 November for the Kosovo Assembly, the 30 Municipal Assemblies and their Mayors.
25. Even though the need for elections was known well in advance, as municipal elections were due in 2006 and the term of office for the Kosovo Assembly was due to expire in late 2007, it appears that it was not self-evident that these elections should take place in 2007. Negotiations were held with political leaders on this issue. The decision to hold the elections was unclear, until the SRSG made the official announcement on 31 August.
26. It cannot be excluded that these delays were politically motivated with regard to the ongoing negotiations on the future status of Kosovo. However, to be in line with the International Covenant on Civil and Political Rights for “genuine periodic elections” (Article 25), it can never be considered acceptable to postpone elections that are due, whether it be for technical, practical or political reasons, unless there are truly exceptional circumstances.
27. Bearing in mind that the international community took the lead in the four previous electoral cycles and that these elections could already be foreseen in 2006, regulations governing the Kosovo Assembly and the Municipal Assemblies were finally adopted by the SRSG very late (7 September 2007 and 29 August respectively). The Central Election Commission had to pass electoral rules (ER) as late as 26 October, with some of these rules being amended as late as five days before the elections (for example ER 8/2007 concerning the list of identification documents needed by the voter to be entitled to vote).
28. Although Kosovo is now in its fifth electoral cycle, there is still no consolidated electoral framework. While the elections were largely conducted in such a way that they can be considered credible, and that the results seem to reflect the will of the people of Kosovo (at

⁴ Regulation 1999/24 on the Applicable Law in Kosovo refers, among other international documents, to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Convention on the Right of the Child. The Constitutional Framework also mentions the European Charter for Regional or Minority Languages and the Council of Europe’s Framework Convention for the Protection of National Minorities.

least of those who took part and voted), international standards require that a set of electoral provisions be in place long before the call for elections.^{5 6}

Election Date:

29. According to the Constitutional Framework⁷, the mandate of the Kosovo Assembly is four years. This period is counted from the date of the inaugural session, which shall be convened within thirty days following the certification of the election results. The SRSG sets and announces the date of the elections but also “may change such date as required”⁸.
30. The lack of a fixed election day encourages negotiations and speculation on when the next elections will be held, manifested in the late call for this year’s elections. Furthermore, it causes difficulties in the planning for the political entities which might find themselves with a very short timeline in which to establish their political platforms and to decide in a democratic way on their candidate lists. Furthermore, the current situation may eventually lead to elections in January for the next Kosovo Assembly elections, which would neither be conducive for an outdoor campaign nor for queuing at polling stations. In 2001, CEEOM II already recommended that “elections should be organised prior to the month of November”, to avoid possible adverse weather conditions.

Kosovo Assembly Elections:

31. The Kosovo Assembly elections are governed by UNMIK Regulation 2004/12, as amended by UNMIK Reg 2007/26 and 2007/28. Kosovo is a single multi-member electoral district. The Assembly consists of 120 seats; 100 of those are directly elected seats, proportionally shared by political entities that pass the threshold of 5%. There is no requirement for a specific rate of participation for the elections to be considered valid. Political entities representing non-Albanian communities share 20 seats, set aside, in addition to those which they might have obtained out of the 100 seats (10 seats for candidates representing the Kosovo Serb community; four seats for candidates representing the Roma, Ashkali and Egyptian communities⁹; three seats for candidates representing the Bosniak community; two seats for candidates representing the Turkish community and one seat for candidates representing the Gorani community).
32. Each political entity is entitled to present up to 110 candidates for the Kosovo Assembly (100 seats + 10%). For the first time, a threshold of 5% was introduced (only for Kosovo

⁵ The electoral system represents “a set of essentially unchanged elections rules under which one or more successive elections are conducted in a particular democracy”, Arend Lijphart, *Electoral Systems and Party Systems*, Oxford 1994 p. 13.

⁶ “Stability of the law is crucial to credibility of the electoral process, which is itself vital to consolidating democracy. Rules which change frequently – and especially rules which are complicated – may confuse voters. Above all, voters may conclude, rightly or wrongly, that electoral law is simply a tool in the hands of the powerful, and that their own votes have little weight in deciding the results of elections.” “– especially those covering the electoral system *per se*, the composition of electoral commissions and the drawing of constituency boundaries.” “It is not so much changing voting system which is a bad thing....as changing them frequently or just before (within one year of) elections. Even when no manipulation is intended, changes will seem to be dictated by immediate party political interests.” Venice Commission: *Code of Good Practice in Electoral Matters 2002* (CDLAP(2002)023rev) para 63-65. The Code of Good Practice in Electoral Matters was approved by PACE (Council of Europe Parliamentary Assembly), the Committee of Ministers of Council of Europe and CLRAE (Congress of Local and Regional Authorities of Europe).

⁷ UNMIK Regulation 2001/9 as amended 2007/29 Sections 9.1.4. 9.2.3 refers to the President.

⁸ UNMIK Regulation 2004/12 as amended 2007/26 Section 2.

⁹ Roma, Ashkali and Egyptian communities in Kosovo are considered to have the same ethnic origin.

Assembly election) as well as “open lists” (for both Kosovo Assembly and Municipal Assembly elections), allowing the voters to tick up to 10 candidates, for Kosovo Assembly and Municipal Assembly, among the candidates put forward by the political entity voted for. However, voters also had the possibility to vote for a political entity without ticking any candidate’s name.

Municipal Assembly and Mayoral Elections:

33. Provisional institutions, for democratic and autonomous self-government at municipal level, were established by UNMIK Regulation No. 2000/45 amended by Nos. 2006/54 and 2007/30. This regulates not only the responsibilities and powers of Municipal Assemblies and their committees, but also lays down the basic rules for the election of these Assemblies (elaborated in UNMIK Reg 2007/27) and fixes the number of members for each of the 30 Municipal Assemblies in Kosovo.
34. The UN SRSG still has the power to co-opt additional members to the municipal assembly after the elections if he considers it necessary¹⁰.
35. The Mayor of the Municipality is directly elected, in two rounds if necessary. The terms of office for both the Municipal Assembly and the Mayor are, following this year’s elections, two years, but will be four years in the future. Municipal decisions are supervised by a municipal administrator to ensure that they are in compliance with UN Security Council Resolution 1244 and the applicable law.
36. Each Municipality is a single, multi-member electoral district. Members of a Municipal Assembly are elected on the basis of proportional representation. Certified political entities are included in the ballot in respect of each municipality in which they wish to stand for election, provided they satisfy the requirements established by the Central Election Commission, in accordance with the applicable regulations and administrative directions.
37. “Open lists” applied (as for the Kosovo Assembly) and political entities had the possibility to appoint as many candidates as the number of seats corresponding to the Municipal Assembly of each Municipality + 10% (eg: for Pristina/Prishtinë Municipality $51 + 5 = 56$ candidates). There was no threshold for the municipal elections and no seats set aside for minority communities.

Observers:

38. Accreditation of observers, independent from the election administration, is traditionally a way of increasing transparency in the electoral process in places where public access is limited (polling stations, count and result centres). In the first round, more than 26 000 observers from political entities, domestic non-partisan Non-Governmental Organisations (NGOs) and international observers including elected persons and diplomats, were accredited in accordance with Elections Regulation ER 04/2007.
39. The rules, however, oblige observers to notify their organisations in writing about any findings. It should be up to the independent observation organisation to decide internally on

¹⁰ *Reg 2000/45 on Self-government of Municipalities in Kosovo Section 47.3:* The Special Representative of the Secretary General may co-opt additional members to the Municipal Assembly if she/he considers it necessary to do so in order to ensure representation of all communities pursuant to United Nations Security Council Resolution 1244.

how they wish to operate, on condition that it is lawful. It is not acceptable that the observed party decides on how they should be observed. When this is the case, the independent nature of the observation is compromised¹¹.

IV. ELECTION ADMINISTRATION:

40. Formally, these elections were the responsibility of local institutions, and primarily the Central Election Commission (CEC). However, due to the short notice, it became imperative that the international community, through the OSCE, take much more responsibility for the process than was foreseen. CEEOM V recognises that without essential support from the international community (OSCE), these elections would certainly not have taken place with the same efficiency.
41. Although Kosovo is now in its fifth electoral cycle, elections are still not entirely run by local institutions, as it was already foreseen for the 2004 Kosovo Assembly's Elections. Notwithstanding the fact that the local institutions did not plan for entirely locally-run elections, it seems obvious that the international community has not met its obligation for capacity-building in the field of elections. CEEOM, which observed the four elections in Kosovo since the municipal elections of October 2000, would have expected to see a higher degree of improvements in this area.
42. Besides the CEC, the election administration is composed of Municipal Election Commissions (MECs) in the thirty Municipalities of Kosovo, Polling Stations Committees (PSCs), and by the Election Complaints and Appeals Commission (ECAC).

Central Election Commission (CEC):

Mandate:

43. The Central Election Commission was responsible for the conduct of the elections. Its mandate includes the adoption of electoral rules, including rules governing the conduct of political parties, coalitions, citizen initiatives and independent candidates, media coverage of the electoral process, domestic election observation and polling and counting procedures. The CEC is assisted in the fulfilment of its responsibilities and functions by a Secretariat (CECS).

Composition:

44. Initially, the CEC had one international and nine local members appointed by the UN SRSG. Three of the members were nominated by political parties in the Kosovo Assembly, which had been represented in the former Interim Administrative Council. Three other members were nominated by Kosovo's smaller communities. Finally, three of the local representatives were not politically affiliated and represented civil society.
45. One complication was that the mandate of the CEC expired in the middle of the electoral period. As from 11 October the new composition of the CEC counted twelve members: ten representatives of different political parties in the Kosovo Assembly, a distinguished sitting judge proposed by the President of Kosovo, and the Head of OMiK as Chairperson. The new

¹¹ See also comment under Counting and Result Centre.

CEC did not include a representative from civil society. Most of the former Commissioners were reappointed, but the SRSG's decision left civil society outside the CEC.

Decision-making:

46. The CEC makes decisions by consensus. If consensus cannot be reached, the Chairperson (Head of OMIK) can make final and binding decisions¹².
47. As already recommended by CEEOM in 2004, the decision-making mechanism in the CEC should be changed, in order to reflect a more democratic approach. It is not appropriate that the dissent of one member, national or international, should allow the Chairperson to determine the issue, sometimes against all other members. A requirement of a qualified majority could guarantee the fundamental interests of the non-Albanian communities/opposition parties. Those interests could furthermore be strengthened by a request for agreement from the communities concerned by the decision.¹³ CEEOM V observed that some local members from the non-Albanian communities were sometimes under undue pressure from the Chairperson to abstain from promoting their specific interest. If they did not concede, they were faced by the chairman's decision.

Transparency:

48. CEEOM V, through its access to all CEC meetings throughout the mission, was favoured compared to other observation organisations, whether local or international. An essential part of observation is not only to be able to assess the effectiveness of the electoral administration, but also how the CEC itself works, especially its interaction with the election administration. In this observation, as well as in those of previous missions, the interaction with the international support agencies (OSCE, UNMIK) has been included as an essential element in the observation.
49. However, transparency is not mainly an issue for the invited international observation body, but primarily for the domestic stakeholders, whether parties, NGOs or Media. The CEC meetings should be open to everybody.¹⁴ If that is considered impossible, the organisations that co-ordinate or intend to co-ordinate a Kosovo-wide observation should be allowed to jointly choose representatives to be present at CEC meetings, possibly by a rotation system.

Municipal Election Commissions (MECs)

50. The Municipal Election Commissions should play a crucial role in the preparation of transparent and efficient elections. They should provide professional and technical assistance in the administration of the electoral process at municipal level, recruit and train Voter Services staff and Polling Station Committees (PSCs), make technical preparations at polling stations and ensure the proper conduct of polling and counting procedures.
51. Unlike the composition of the CEC and the polling station committees (PSCs), MEC's composition does not include participation of the political entities proportionate to their

¹² Reg 2004/09 on the Central Election Commission section 6.1: The commission shall adopt decision by consensus. If a consensus cannot be reached on an issue following the practices and within the time limits established by the Rules of Procedure of the Commission, the Chairperson shall make a decision after consultation with the Commissioners and his or her decision shall be deemed to be the decision of the Commission.

¹³ Venice Commission: "Code of Good Practice in Electoral Matters 2002", para 80.

¹⁴ Venice Commission "Code of Good Practice in Electoral Matters 2002", para 81. Even computer rooms, telephone links, faxes, scanners etc should be open to inspection.

polling in previous elections. Participation in the CEC and PSCs gives the stakeholders access to valuable information on the election preparations, makes them feel included/responsible for the process and provides transparency for them and their supporters, avoiding possible suspicion of manipulation. At the intermediate level, Municipal Election Commissions, such participation is not allowed. A member must not hold "any office or appointed position on behalf of a certified Political Entity".

52. The members are nominated by the head of the municipal administration, and confirmed by the CEC. In general, political parties were satisfied with the composition and work of the MECs, though in some cases political parties claim that those nominations were politically biased.¹⁵ The members of the MECs are members of the municipal administration and shall not be remunerated by the CEC, but serve under its authority, which might compromise their independence¹⁶. The defending argument for not allowing political representation is that the MECs are only implementing the CEC rules and have no impact on any kind of policy for the operations. Thus, there is no need for transparency through participation. However, as MEC members have their salaries paid by the Municipal administration, which is led by the Municipal Assembly, their independence could be undermined when dealing with municipal elections. The political entities are entitled to have observers present at MEC meetings. However, one cannot deny that civil servants also have political views and that, in daily business, members have to use their discretion in handling specific issues. In this respect, the prohibition against political affiliation seems unrealistic. Public trust in the system would probably increase with a higher degree of transparency.¹⁷
53. The rule on the composition of the MECs allows for inclusiveness as regards geographic, gender and ethnic considerations. However, only when a community has a seat in the Municipal Assembly is there a formal request for multi-ethnic composition. This would imply that communities should not vote for any other political party than one of their own ethnicity, which would seem to be contrary to the aim to create ethnic reconciliation and tolerance through democracy and participation in a common society. Community inclusiveness could be increased if the communities concerned, collectively or separately representing a certain percentage of the population in the specific Municipality, were represented on the MECs.¹⁸
54. The role of the MECs has grown steadily with each electoral cycle in Kosovo. However, the late call for these elections, and the fact that only a few of the qualified electoral staff had been transferred from the OSCE to the CEC, made it imperative that the international community, through the OSCE, took much more responsibility than was foreseen at the end of the previous electoral cycle. The OSCE had a field electoral assistant in each municipality to support and advise the MECs. However, it appeared obvious that they were actively involved in the MECs work. It was even evident that the OSCE, instead of the CEC, was the body that passed on information to the MECs on regulations and decisions adopted at the CEC meetings. The co-operation between the MECs and the OSCE was positive and good.
55. In general, the majority of the MECs were satisfied with the support provided by the CECS, although it was very slow in the beginning, as some of them were less well-equipped than

¹⁵ Venice Commission: "Code of Good Practice in Electoral Matters 2002", para 70.

¹⁶ UNMIK Regulation 2004/9 as amended Section 9.4 and 9.7; Venice Commission: "Code of Good Practice in Electoral Matters 2002", para 70.

¹⁷ Venice Commission: "Code of Good Practice in Electoral Matters 2002", para 82. "Other electoral commissions operating at regional or constituency level should have a similar composition.....[as they] also play a major role in relaying the results to the central election commission."

¹⁸ Venice Commission: "Code of Good Practice in Electoral Matters 2002", para 76.

others. The main problems, certainly due to a lack of resources, were related to poor office premises and equipment as well as communication (phone and internet connections). The CECS resources, both human and logistical, could have been more important in order to handle all the MECs' requests in due time, including training for new MEC members. Reportedly, there were no regular meetings between the CECS and the 30 Municipal Election Officers, each of whom was responsible for a MEC.

56. However, the MECs in the three Northern Municipalities (Zvečan/Zveçan, Leposavić/Leposaviq and Zubin Potok) faced many problems: from the delays in the approval of their members, to a lack of logistical support from CECS. They worked in poor conditions, sometimes in private rented premises with little equipment and no internet access. In Mitrovicë/Mitrovica, MEC meetings were temporarily held with only 6 members out of 8, without the attendance of the two Serbian members, until their appointments were confirmed.
57. The MECs started the training of Polling Station Committee members on 28 and 29 October. This was observed by LTOs, who reported the good level and quality of the training provided. In the northern municipalities, training material in Serbian was not distributed on time and therefore took place without written material.

Election Complaints and Appeals Commission:

58. The Election Complaints and Appeals Commission (ECAC) is the semi-judicial body responsible for the adjudication of all complaints regarding violations of any applicable rules and regulations during the electoral process. The ECAC is also responsible for adjudicating all appeals regarding in and out-of-Kosovo Voter Services and Registration, including the refusal of inclusion on the voters' list.
59. The ECAC is composed of five judges: the Chief Commissioner is an international judge assisted by one other international judge and three high-ranking domestic judges, from either the Supreme Court or district courts.
60. Decisions are taken, by simple majority, in panels of three judges including one international judge. An international judge's opinion carries the same weight as that of a domestic judge, which is a major improvement in the empowerment of local institutions, compared with previous electoral cycles where the international judge decided unilaterally if consensus could not be achieved.
61. Where violations of Electoral Rules are found to have occurred, the ECAC can impose sanctions which may vary from ordering remedial action, financial penalties, barring people or entities from taking part in the elections.
62. The independence of the ECAC is questionable, as for some severe sanctions, such as removal of a candidate from a candidate list, decertification of a political party or prohibition from participation in elections for a defined period of time, the ECAC needs to have the prior approval of the CEC¹⁹, the deciding body whose decisions are appealed to ECAC.
63. CEEOM V had good co-operation with the ECAC and had access to all files. However, the procedural rules adopted by ECAC on 5 October 2007 reflect an unacceptable lack of

¹⁹ It is questionable if this requirement is in line with the principles of division of powers in the Constitutional Framework Chapter 2.

transparency, as they state that commissioners “will keep confidential any and all information submitted to them”²⁰ and that “all sessions of the panels shall be closed and confidential”.²¹ Furthermore “the panels may hold hearings *in camera*, or exclude from a hearing, or any part thereof any person or group of persons where the panel believes that public order or the safety or security of any of the parties involved may require such a decision”²². This could be required under extraordinary circumstances. Normally, only when the commissioners meet for deliberations for the judgment would such a degree of secrecy be accepted. For the sake of transparency, not only should the decisions be public, but also all documents submitted by the parties, with reference to the different cases, should be available for scrutiny. Otherwise, there is no possibility to assess the quality of the Commission’s performance and no real transparency. As mentioned in connection with the CEC, transparency is not primarily a prerogative for internationals, but an essential element for effective domestic monitoring of powerful authorities.

64. The ECAC procedures state that “the ECAC’s internal languages shall be English, Albanian and Serbian”; ECAC may however “accept or produce documents in other languages, where feasible, necessary or desirable in the judgment of the ECAC”. According to the Law on the Use of Languages of 27 July 2006, minority languages, spoken by a certain percentage of the total population in respective Municipalities, have to be respected as official languages in their areas. In the Prizren Municipality the Turkish language has an even stronger position. With respect to complaints/appeals from such municipalities, it cannot be at the ECAC’s discretion to honour such minority languages.
65. Both in the polling stations and in the Count and Result Centre, aggrieved parties can complain within a short period of time. Once all complaints have been adjudicated by ECAC and the results, including the votes individual candidates have received, have been tabulated, the CEC makes a recommendation to the SRSG to certify the results. Once they are certified, they are final and binding²³, but there could be mistakes in the material provided to the SRSG. Furthermore, after certification the CEC prepares a list of those candidates who were elected. In this operation, the CEC applies the special rule guaranteeing at least 30% female participation (in the elected body),²⁴ and in so doing deletes male candidates with a higher preferential vote within the same party. ER 13/2007 does not include any legal recourse for these instances and therefore does not allow the right to appeal against the final result. In the future, such a remedy should be included in the electoral framework, with a possibility of appeal.

Voter services and preparation for the Final Voters List (FVL):

66. Voter services are a set of activities conducted to update the Voters List. The Voters List is an extract of the Kosovo Civil Registry, jointly managed by UNMIK and the Provisional Institutions of Self-Government (PISG). Regrettably, the Civil Registry, which is the responsibility of UNMIK, is not updated as it should be and therefore, amongst other things, there was a substantial number of names of deceased persons still included on the list.
67. The voter service activities, that included assignment of polling centres to voters and an update of voter information, started on 27 September and was foreseen to last initially until

²⁰ “Procedural rules adopted by ECAC on 5 October 2007” Article 1.3.

²¹ “Procedural rules adopted by ECAC on 5 October 2007” Article 1.4.

²² “Procedural rules adopted by ECAC on 5 October 2007” Article 5.4.

²³ UNMIK Regulation 2004/12 as amended 2007/26 Sections 3.3; Electoral Rule 13/2007 Section 9.4.

²⁴ UNMIK Regulation 2004/12 as amended 2007/26 Section 6.6; Electoral Rule 13/2007 Section 9.5.

12 October (later extended until 17 October) and was conducted through postal notification, posting information on the CEC website (www.cec-ko.org), or offering information and assistance to all those visiting the MEC in person. 24 119 people came forward, 17 824 to confirm their details and 6 295 to amend their details. It was not within the competence of the Voter Services to solve the issue of the names of the deceased.

68. Based on the extract from the Civil Registry, and the information collected during the voter services period, a Provisional Voters List was compiled and exhibited for the Confirmation and Challenge period between 22 and 27 October, during which voters could be either added or deleted through a decision by the ECAC. This process ended in additions and omissions. 1 567 690 voters were registered on the FVL (1 454 174 in Kosovo and 113 516 out-of-Kosovo).

Registration criteria:

69. People residing in Kosovo were entitled to vote, provided they were registered in the Central Civil Registry established by UNMIK on 17 October and met the voter eligibility requirements.

People residing outside Kosovo, who left Kosovo on or after 1 January 1998, could register to vote if they met the criteria for being a habitual resident of Kosovo according to UNMIK Regulation 2000/13, or had obtained the status of a refugee on or after 1 January 1995, and were entitled to register as such as a resident in Kosovo.

Political entity and candidate certification:

Eligibility criteria:

70. Certified political parties, coalitions of political parties and citizens' initiatives, submit candidate lists in respect of each municipality in which they wish to contest. The candidate lists are considered open lists. The candidate lists must have between 30% and 70%²⁵ of opposite gender.
71. Political entities (political parties, coalitions, citizens' initiatives and independent candidates) wishing to stand for election had to submit an application to the CEC by 1 October 2007. The requirements for certification are stipulated in Electoral Rule No 2/2007. These include the submission of 1 000 valid support signatures for the Kosovo Assembly elections and 100 such signatures for each municipality in which the entity planned to run²⁶, as well as a refundable registration fee of respectively 2 000 and 200 euros (which is rather high for individual independent candidates), and a Financial Disclosure Form for each candidate.

After verification of the applications, the CEC certified 96 entities and 7 921 candidates. The rules provided for redress within a limited time-frame.

72. The late call and the short period of time between the announcement of the election date (on 31 August) and the deadline for registration of political entities might have created difficulties for some of the political parties, especially the small ones or independent

²⁵ ER 2/2007 section 3.9.

²⁶ There is no requirement for signatures if the entity managed to win at least one seat in the previous Kosovo Assembly elections.

candidates. Thus, even though elections were due, it did not appear evident that they would take place in 2007. Choosing and appointing candidates, gathering necessary signatures, funding, elaborating a platform and a programme take some time, especially for the smallest structures.

73. According to the applicable legislation, a person is not eligible if they are serving a sentence delivered by the International Criminal Tribunal for the former Yugoslavia (ICTY), or if they are under indictment by the Tribunal and have failed to comply with an order to appear before the Tribunal (UNMIK reg 2004/12, section 23.1.i). Ineligibility, due to indictment, would be problematic from the point of view of presumption of innocence, and is not mentioned as an exception to the right to be elected in the Code of Good Practice in Electoral Matters²⁷.

The necessity to certify all candidates before election:

74. The verification process requires great resources that can be better allocated to preparation of the elections. It might be necessary to certify all contestant political entities prior to election day, but not each of the almost 8 000 candidates.
75. From the legal requirement point of view, to guarantee that all those who are elected meet the eligibility criteria, it is enough, in a proportional system with open or closed lists, to check the elected ones only. This would save resources and put the responsibility on the nominating political entities. If a candidate is found to be unqualified, the seat would be allocated to the next candidate on the party list or the modified candidate result list.²⁸

Restrictions for public servants to participate in political life:

76. Under the current regulations and rules, all persons on the Voters List are eligible to stand as candidates for an elected office or to participate in campaigning or observations, except members of election-related bodies, judges, prosecutors, members of the Kosovo Protection Corps and Kosovo Police Service and the armed forces, among others.²⁹ On International Covenant on Civil and Political Rights, Article 25 b includes the right “to vote and to be elected at genuine periodic elections”. The comment to Article 25 (16) elaborates that “if there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions, (e.g., the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected by paragraph (b)”. From this comment it is difficult to accept that entire groups of citizens are deprived of their political right to stand. The future revision of the electoral framework should consider complying with international standards in this respect.
77. The said restrictions do not apply to campaigning apart from “when they are engaged in their professional activities”. This restriction is self-evident and justifiable. But does the restriction in running for office not become somewhat hypocritical? Is it not the case that public servants show political preferences that should be avoided? Campaigning seems to be

²⁷ NB: similar legislation exists in Bosnia and Herzegovina.

²⁸ This is already foreseen in the case an elected person was wrongly certified, UNMIK Regulations 2004/12 Section 23.3; 2007/27 section 25.3.

²⁹ Also disqualified are persons serving a sentence by ICTY, under indictment from the same and refusing to appear, as well as those deprived of legal capacity by a court. Failure to pay a fine imposed by ECAC or CEC or to obey an ECAC order also renders disqualification to run for office. REG 2004/12, 2007/27.

a very obvious way of showing this. There would appear to be inconsistency within the framework.

Balloting:

78. In the Kosovo Assembly election and the Municipal Assembly elections, all political entities were listed according to the number they were allocated in the ballot lottery on 4 October. The voter had to tick the box in front of the entity supported. The voters also had the option to mark a maximum of ten individual candidates standing for the chosen party, by ticking a number between 1 and 110 on the Kosovo Assembly ballot. For the Municipal Assemblies, the maximum number of individual candidates varied between 19 and 56³⁰. If a voter ticked more than 10 candidates, only the first 10 were valid.

79. In order to obtain the individual candidate's number, the voter had to refer to a special candidate booklet, one for the Kosovo Assembly elections and one for the Municipal Assembly elections. The candidates were to be found under the respective entity's heading, but not in alphabetical order, which would have been more in line with the principle of an open list.

Apart from voting in a polling station, there were three other ways of voting:

Special needs voting:

80. Electoral Rule No 9/2007 outlines the procedures for special needs voting, whether for homebound voters (due to physical, medical or other kind of disabilities), voters confined in various institutions or voters who, due to e.g. security concerns, cannot cast their ballots in a regular polling station. Different formulae are used for these categories.

81. As regards the homebound, voters initially had to apply to the MECs no later than 20 days prior to election day, providing a medical justification for the request. The deadline was later postponed until 1 November. The number applying was 1 381. One concern was that not all potential homebound voters were informed of this special service. Guarantees must be found that not only those eligible voters, who belong to an association which contacts mainly its own members, are informed.

82. As, at present, a very low number of potential voters take advantage of the services, the matter of secrecy of the ballot becomes even more crucial than in regular voting. In this respect, it is appreciated that Electoral Rule 09/2007 was amended to allow homebound voters to cast conditional ballots, as was the case for the two other kinds of special-needs voting, namely institution voting and special circumstances voting, thus minimising the risk of breaching the secrecy of the ballot during the counting procedures.

Conditional ballots:

83. There were no possibilities for absentee voting³¹ in these elections. However, given the way in which conditional ballots were formulated, it was possible for those who needed to vote in another polling station than according to the FVL, to enter any polling station within the

³⁰ ER 2/2007 section 3.8.

³¹ Out-of-Kosovo voters were the only ones who had the possibility to vote by-mail;

municipality and participate in all three elections. If the voter opted to enter a polling station in another municipality she/he could only participate in the Kosovo Assembly elections³².

84. The main objective for the conditional ballots is to provide a method to allow those voters, whose name cannot be found on the FVL but who claim that they are registered to vote. If such a person produces a valid ID, she/he is issued 3 ballots which after marking, are inserted into secrecy envelopes in the same way as the mail-in ballots. On the outer envelope all relevant personal information is recorded. The conditional ballot envelopes are kept apart and never opened in the polling stations but are transported directly to the Count and Result Centre (C&RC). The voter's details are also entered into the special Conditional Voters List.
85. After the FVLs from all the polling stations have been scanned, the personal data on the conditional envelopes is tested against the master FVL, in order to find out whether the voter is eligible to vote and that the voter has not already voted. If the answers to these questions are positive, the secrecy envelopes are separated from the personal data and the ballots are later sorted and counted and added to the final result. If any of the answers is negative, the entire envelope is rejected. If the voter casts the ballot outside his or her municipality of residence, the municipal ballots (Municipal Assembly and Mayoral) are rejected but the Kosovo Assembly ballot is accepted.

Out-of-Kosovo voting:

86. In-person voting was only conducted in Kosovo. People from Kosovo living elsewhere and meeting the eligibility criteria could cast a By-Mail vote. Apart from those who participated in the previous elections and were thus already on the voters list, people from Kosovo in the diaspora, or IDPs, could register by submitting relevant documents to the CEC before 31 October and thereafter receive the necessary ballots. In addition to this, any people from Kosovo meeting the criteria could collect or download ballots from the CEC website and, together with a valid ID, send the application to register together with the ballot, at the latest on 17 November, to arrive no later than 20 November.
87. To vote, a voter should mark the three relevant ballots, enter the two municipal ones in one secrecy envelope and the Kosovo Assembly one in another secrecy envelope and seal the two envelopes. The two secrecy envelopes should then be placed in an outer envelope with a copy of a required valid ID and, as the case may be, with documents required for registration. The adjudication of the ballots was done in the same way as for the conditional ballots. The safeguards and security features in place are believed to be sufficient to guarantee the integrity of this process, bearing in mind that any kind of voting process which does not take place behind a screen in a polling station, where the voter is free from any pressure and has the freedom of choice, does not prevent group or family voting nor guarantee the secrecy of the vote.

Use of languages:

Lack of use of Turkish language:

88. The CEC decided to have neither a Turkish heading, nor instructions in Turkish, on the Kosovo Assembly ballot which was everywhere in Kosovo, as Kosovo is one single constituency in these elections. The only languages used were Albanian and Serbian, the two Kosovo-wide official languages.

³² Which means that out-of-Kosovo voters were favoured as they could vote for all three elections.

89. The comment to Article 25 (12) of the International Covenant on Civil and Political Rights states that “Positive measures should be taken to overcome specific difficulties, such as language barriers....which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages.” In this respect, one could also refer to the Constitutional Framework³³ that allows members of the Assembly, from minority communities, to address and submit documents “to the Assembly and its Committees in their own language”. All laws should also be published in Turkish among other languages.
90. The European Charter for Regional or Minority Languages³⁴, the Council of Europe’s Framework Convention for the Protection of National Minorities³⁵, and UNMIK Regulation No 2007/30 on Self-Government of Municipalities in Kosovo³⁶, seem to reflect the same opinion.
91. The fact that Turkish is only spoken by a small number of inhabitants Kosovo-wide could not justify that the ballot in question lacked information in Turkish in Prizren where Turkish, by law, has the special status of an official language. There are two solutions: either there is a uniform ballot for the whole of Kosovo with Turkish, or a separate ballot for Prizren.
92. Considering the above, the final design of the ballot is questionable from a human rights point of view. These remarks are also valid for the generic ballot that was decided for the second round of Mayoral elections.

Lack of use of Braille:

93. The CEC decided to reject a request for Braille templates for the 17 November elections, referring to the complexity created by the many political entities, the three elections and the short timeline. On 23 November, the CEC reiterated its decision for the second round of the elections. The selected electoral system resulted in a time-consuming process and, in too many cases, required that voters with limited abilities had to ask for assistance to cast their ballot, thus infringing on the secrecy of the ballot. The Convention on the Rights of Persons with Disabilities would require that more efforts are made to secure voting in secrecy for visibly disadvantaged citizens³⁷.

V. POLITICAL CAMPAIGN:

94. The electoral campaign lasted 21 days, from 26 October (00h00) to 15 November (24h00). On 25 September 2007, the CEC passed ER 07/2007, declaring in accordance with the two regulations³⁸ on elections, inter alia, that the election campaign period would start 30 days

³³ Regulation 2001/9 as amended by Regulation 2002/9 Sections 4.4 (a) and (c), 9.1.50 and 51.

³⁴ Article 10 (1) a (i).

³⁵ Articles 10 (2) and 15.

³⁶ Section 9.2 and 3.

³⁷ Article 29 a (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

ii Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate.

³⁸ UNMIK Regulation 2004/12 Section 1.1 (b) and 2007/27 Section 1.1 (b).

before election day. The SRSB decided, however, in Executive Decision 2007/50, to shorten the campaign period to 21 days. On 11 October, the CEC not without concern from some of the political entities, amended the ER thus declaring that the campaign period was not to start before 26 October.

95. Some political entities did not adhere to this change and started broadcasting promotional advertising on TV and put up conspicuous posters in some places. For instance, on 17 October LTOs witnessed a 10-minute political speech delivered by PDK's leader at a concert organised in the centre of Prishtinë/Priština. As campaigning generally includes certain amount of detailed planning, where different activities are supposed to interact in order to have the maximum promotional effects, planning that often includes signing commercial contracts for services, these considerations should have been taken into account when deciding on when to call for elections and not at a later stage.
96. In fact, posters and billboards of the main political parties were erected many days before 26 October in the main cities. When CEEOM V arrived in Kosovo on 1 October, posters of Mr Ramush Hardinaj and of Mr Behgjet Pacolli, in particular, could be seen, although they did not mention the name of their political parties, nor the forthcoming elections. According to Mr Haradinaj's political party, the AAK, these posters "with Ramush for Kosovo" were erected as support from the population of Kosovo to their former Prime Minister. Concerning Mr Behgjet Pacolli, these posters "Now we will build Kosovo" showed pictures of buildings constructed by Mr Pacolli's building company (Mabetex), mainly in Kazakhstan, where his company is deeply involved in the building of the new capital, Astana. It is not always clear what could be considered as political campaigning as opposed to other kinds of messages.
97. Despite these cases of early campaigning from some of the main political parties, no complaint was put forward to the ECAC from any of the other parties despite their great number, whereas ECAC received complaints concerning minor problems such as over-posting.
98. It appeared that it was not clear for CEEOM V interlocutors, who, from the election administration, was in charge of the monitoring of the electoral campaign activities and making sure that the rules were respected in this field.
99. An issue that occurs in every election in Kosovo is what premises the political entities should be entitled to use for campaigning.

Considering the present infrastructure, the regulations should, from the beginning, make clear that public buildings such as schools and public assembly halls are available for all registered entities for campaigning, outside the hours of normal activities such as teaching, and preferably free of charge. It is not acceptable for the political entities to have to wait for such a decision several days into the campaign period.

100. CEC Rule No. 7/2007 on Political Entities Election Campaign in Section 2.3 prohibits a "person who has not attained the age of eighteen (18) years on Election Day," from being involved in election campaigning of any political entity.³⁹ However, a good way of learning the essence of democracy is to participate in the internal life of organisations and in particular political parties, including election campaigning. Young people's involvement in political matters should not, by legal matters, be restricted to youth leagues. This provision

³⁹ UNMIK Regulation 2004/11 Section 14.1 only allows an **eligible** voter to become a member of a political party.

seems to infringe on young people's rights to express their political views. Possibly, necessary restrictions should only be decided within families and not in legal documents.⁴⁰

101. Despite this regulation, LTOs noticed a wide participation of young people, sometimes children, in political rallies. In one rally observed, children were brought by coaches. They were also very much involved in the distribution of flyers or promotional material.
102. Respect for minority languages in the electronic media is of concern. During the campaign political entities are allocated free airtime in order to address potential supporters. The electoral system recognises the existence of diverse ethnicities/minority languages, as 20 seats in the Kosovo Assembly are set aside for such categories. However, when spots and other promotional material are broadcast on behalf, for example, Turkish entities, the voice of the Turkish-speaking person is covered by a translation into Albanian. This means that, in reality, the minorities are deprived of their right to address their prime electorate in their native language, which makes the production of campaign material in those languages useless. If the transmitters are of the opinion that providing a translation into Albanian is necessary, it should be done through sub-titles. This was already stressed by CEEOM II, in 2001.

The use of simultaneous translation covering the speaker should only apply to items in regular news programmes aimed at the entire Kosovo population.

103. Globally, the political campaign was peaceful and rather low profile compared to the previous four elections. These elections were not the first concern of the main Kosovo Albanian political party leaders, who were more interested and focused on the ongoing negotiations about the future status of the province. This campaign was, nonetheless, interesting in many aspects. First of all, no major political rallies, such as big gatherings in Prishtinë/Priština's football stadium, were organised even by the main political parties, in contrast to previous times (even in 2002 when the suffrage concerned only municipal elections). One cannot rule out that main parties might have been concerned by a possible low participation of supporters if such events were organised. Of course, it has to be noted that the main political leaders were often out of Kosovo during the campaign period, to take part in the negotiation process on the future status of Kosovo.
104. Political parties largely preferred the massive use of posters and billboards. Two of the 3 main political parties, LDK and AAK, chose to put Ibrahim Rugova and Ramush Haradinaj

⁴⁰ Convention on the Rights of the Child
Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

respectively on their posters, the first having died in January 2006 and the second being in The Hague awaiting his trial.

105. It was interesting to note the presence of the “stars and stripes” as well as the European “12 stars” flags in the background of the posters of the two main political parties, LDK and PDK (the American flag dominating the European one in the pictures). All posters of the political party ORA showed a picture of its leader, the Editor-in-Chief, Veton Surroi, shaking the hand of President George W. Bush. Kosovo Albanian political leaders obviously considered it important to convince their voters of support from Washington.
106. As wished by the international community, the political campaign was largely focused on employment, economy, education, health and local issues, rather than on the issue of the future status of Kosovo.
107. Political parties concentrated their campaign efforts in relatively small rallies, held in hotels and restaurants for the main ones, and public buildings such as cultural centres or schools for the smaller parties, as well as in door-to-door campaigning, which was difficult for CEEOM V to evaluate.
108. In general, political parties adhered to the “Gentleman’s agreement” signed on 5 October, contributing to a campaign largely free of violence and intimidation. No inflammatory messages were reported by LTOs. The only negative messages heard came from the newcomer on the political scene, AKR, saying that “if you want employment vote for us...if you want corruption and unemployment... vote for the others...”.
109. With the exception of calls for a boycott of the elections, there was no visible political campaigning in the northern part of Kosovo. The situation was slightly different in Serbian areas in South of Ibar River. On 28 October, LTOs observed the constitutive assembly of the Serbian Strength Movement (PSS) led by Bogoljub Karic, which took place in Graçanicë/Gračanica (Prishtinë/Pristina Municipality). About 250 persons attended that meeting, though the vast majority came from Serbia proper. PSS representatives called upon Serbs from inside and outside Kosovo to participate in the elections.
110. The group “Vetevendosje” (self-determination), mentioned above, campaigned against the elections, encouraging the population to boycott the poll. Its leader, Albin Kurti, has been either in jail or under house arrest since 10 February 2007 and is still awaiting trial. Their campaign consisted mainly of graffiti on walls. A member of the Core Team even witnessed a group of people, allegedly from this group by the message they left, tagging CEC posters outside the CEC building. They also used traffic lights for their campaign, writing “Vetevendosje” in the green lights and “elections” in the red ones. They did this throughout Prishtinë/ Priština even in crowded places.
111. In order to be able to hold the second round of mayoral elections on 8 December, the SRSG later decided to further shorten the campaign period to 2 days. This did not leave the candidates in the second round the possibility to prepare and conduct an election campaign. Such a situation pleads for a future provision to be adopted, fixing the dates of the first and second rounds, in order to allow sufficient time between rounds for the final results of the first round to be certified. An appropriate period in which to form informal coalitions between the contestants and their possible supporters among those parties that were defeated in the first round is necessary to prepare and conduct a meaningful campaign. It could be stated that the second round should take place either a certain time after the first election day

(eg: two weeks after the first round) or after the announcement of the final result of the first round.

VI. PUBLIC INFORMATION AND VOTER EDUCATION:

112. Due to the late call and the complexity of these elections compared with the previous ones (3 elections at once, plus the introduction of the open list and the 5% threshold), CEEOM V believed that public information and voter education was an essential issue for the good understanding of the voters and the smooth running of the polling. Public information is considered to be information to all voters about their rights to vote, while voter education is more centred on the practical side of how to vote.
113. Public information and voter education campaigns were mainly under the responsibility of the International Foundation for Election System (IFES), which had a significant budget of more than 500 000 USD, as well as the OSCE. The public information campaign was supposed to consist mainly of television and radio advertisements in Albanian, Serbian, Turkish, Roma and Bosnian.
114. LTOs assessed that the public information campaign had been good, equally effective and intense in all regions. However, it came too late in the process, especially in rural areas where the OSCE focused on a specific programme called VECTRA (Voter Education Campaign in Rural Areas).
115. Public information and voter education were almost non-existent in North Mitrovicë/Mitrovica. Municipal Election Officers received posters for voter information 10 days prior to E-Day and some only on 14 November.
116. With the exception of the NGO KIPRED (Democracy in Action), supported by USAID and NDI, observers noted a lack of involvement of civil society in voter education in terms of producing and distributing documentation, for instance.
117. Fully aware of the complexity of these elections, the main political parties provided their supporters with good voter education, some using PowerPoint presentations to explain to the voters how to vote. As mentioned above, political parties said that their supporters were door-to-door campaigning, during which they also provided voter education by explaining the polling process.
118. CEEOM V considered that proper and wide public information and voter education campaigns for out-of-Kosovo voters would be indispensable, especially for Kosovo IDPs living in Serbia proper, in order for them to be properly informed about these elections and on how to participate. According to UNHCR figures⁴¹, 206 879 persons from Kosovo have been internally displaced, 155 452 are Serbs and 22 345 are Romas. Media coverage targeting Kosovo IDPs living in Serbia proper was very low. Even though the interest of the IDPs in participating in these elections was very low, and despite the Serbian Government's position in favour of the boycott, illustrated by numerous messages and statements from various political and religious figures, more effort was needed for better dissemination of information to IDPs on how they could participate. CEEOM V noted that even international

⁴¹ "Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia: law and practice" UNHCR, March 2007

community representatives were not always aware of the conditions and possibilities for IDPs to take part in these elections.

VII. THE ISSUE OF THE SERB PARTICIPATION:

119. As in previous elections, the participation of the Kosovo Serb population (living in Kosovo as well as Kosovo Serb IDPs) was rightly considered crucial to the political significance of these elections. This concern was shared and expressed by all international community representatives that CEEOM V met during its mission. There are 10 seats set aside for the Kosovo Serb representatives in the Kosovo Assembly.
120. In previous elections, Kosovo Serbs, who were not registered for the October 2000 Municipal Elections (under the Milosevic regime), were numerous to register in 2001 and to take part in the Assembly Elections of November 2001. Rapidly disillusioned, their participation was very low in 2002 and 2004, with less than 1% turnout in the last 2004 Assembly Elections. Furthermore, the impact of the March 2004 events, the ongoing negotiation on the future status, as well as regular declarations by the Kosovo Assembly or Prime Minister Agim Ceku about a possible unilateral declaration of independence after 10 December 2007, have generated a general disillusionment and mistrust for the PISG institutions among the Kosovo Serb population.
121. Kosovo Serbs actively took part in the referendum for the new Serbian Constitution in October 2006 with a turnout of 81.6%, when the overall turnout was 53.3%, thereby showing their strong commitment for Kosovo to stay within Serbia.
122. The Serbian Authorities, as well as the Serbian Orthodox Church, have clearly recommended to the Kosovo Serb political entities, as well as to the Kosovo Serb eligible voters, not to participate in these elections, not even at the municipal level, since the Serbian Authorities are planning to hold local elections early next year and to extend them to Kosovo Municipalities. When met, Kosovo Serb representatives also mentioned the fact that these elections will elect an Assembly which will declare the independence of Kosovo, that since they joined the Assembly in 2001 no issue concerning the Kosovo Serbs was addressed, that whenever they wanted to address some of them they were outvoted, that 2/3 of Kosovo Serbs are still living outside Kosovo and that the current security situation does not allow them to return (reference to March 2004 riots), as reasons for the Kosovo Serbs not to participate in these elections.
123. Thirty three Kosovo Serb political entities had their candidate lists certified by the CEC. However, many of them requested their withdrawal, even after the deadline. In Štrpce/Shtërpçë for instance, all Serbian entities registered for local elections formally requested withdrawal from municipal elections. In Novobërdë/Novo Brdo, 15 candidates sent written requests for withdrawal from municipal elections. The "G17 Plus" political party requested collective withdrawal in Zvečan/Zvečan and Leposaviq/Leposavic. The Serbian Strength Movement (PSS) withdrew from Zvečan/Zvečan, Leposaviq/Leposavic, Viti/Vitina and Rahovec/Orahovac. Other Serbian entities decided to withdraw from the elections, many of them after 12 October. None of the main Serbian political parties registered for these elections.
124. Withdrawal of political entities, who originally wanted to run for these elections, only a couple of weeks after their certification, might certainly be the result of official and non-

official instances of pressure from Belgrade and Kosovo Serb Local Authorities. Even though the Association of Serbian Municipalities and Settlements of Kosovo and Metohija, in their session held on 12 October, called on all Kosovo Serbs “to stay peaceful and restful”, they also stated that they expected “Serbia to take sanctions against all those who disobey the call (...) to boycott”. Unlike most of the candidates or political entities who expressed their wishes to withdraw their candidatures or lists and who did not want to comment publicly or officially and explain the reasons or instances of pressure they have received, PSS leader Bogoljub Karic condemned threats against Kosovo Serbs who decided to turn out for the 17 November elections⁴².

125. Kosovo Serb officials threatened not to give access to the premises, public buildings and schools, supposed to host the approximately 200 polling stations in Serbian areas, as well as not providing the polling station committee members needed to run these polling stations. As a result, UNMIK and OSCE planned to deploy up to 50 mobile polling stations based on trucks and to identify 50 back-up PSC teams composed by UNMIK and OSCE staff members.
126. It should be underlined that election day went smoothly, without any major incident. No demonstration or attempt at disturbing the poll was reported in Serbian areas. However, only 54 out of 107 polling centres in Serbian areas were allowed to be open by local or municipal authorities, which was not in compliance with UN Security Council Resolution 1244. The OSCE deployed 7 mobile polling stations out of the 50 originally planned, as well as 17 PSC back-up teams. The other polling stations opened were run by Kosovo Serbs.
127. Kosovo Serb voters overwhelmingly followed the appeal to boycott these elections with less than 1% turnout. In the 3 Municipalities north of the River Ibar, mostly populated by Kosovo Serbs, elections faced almost complete abstention since less than 10 Kosovo Serb voters went to polling stations.
128. Participation by all communities in a democratic electoral process is essential in order to strengthen and improve a democracy for the benefit of all communities. CEEOM V respects the decision to take or not to take part in an electoral process, but firmly repeated that such a decision must be free of any kind of instance of pressure exerted by any group or individual, and that all measures should be put in place to allow voters to vote if they wish to do so. CEEOM V can only regret official and non-official instances of pressure, as well as the decision not to open all polling stations in Serbian areas on election day. However, bearing in mind the extremely low turnout of Kosovo Serb voters in the previous elections (less than 1%), despite the call (5 October 2004) from President Boris Tadic, CEEOM V does not believe that the Kosovo Serb turnout in the present election would have been much higher.
129. As a result of the Serbian Government’s position, the media coverage of the Kosovo elections in Serbia proper was rather poor and overshadowed by the numerous calls for boycott from various officials and religious leaders. Furthermore, local NGOs were reluctant to disseminate relevant information or provide voter education. Therefore, information available for the 155 452 Kosovo Serb IDPs living in Serbia proper was low and sometimes confusing. This situation deprived candidates of the possibility to conduct a meaningful campaign, although the vast majority of IDPs, whose main concern remains to get their property back, were not interested in taking part in these elections (*see the final report from LTO team in Belgrade in Appendix V*).

⁴² Source: “Koha Ditore”.

130. The late calling of these elections and the short period between the announcement and the deadline for the registration of the political entities was an additional difficulty. Thus, it did not leave much time and opportunity to the international community, as well as UNMIK and OMIK, to discuss with the Serbian Authorities, religious and political leaders, and to try to make them change their position and encourage Kosovo Serbs to take part in the process, as it was the case in previous elections where many discussions and intense diplomatic activities took place.

VIII. OTHER NON-ALBANIAN COMMUNITIES' PARTICIPATION:

131. Apart from the low participation of Serbian political entities and the absence of the main Serbian political parties, there was wide participation of political parties from the various communities. However, the degree of organisation of their parties and the mobilisation of their supporters was at different levels from one community to another. In the Kosovo Assembly, 10 seats are set aside for the representatives of other communities: 4 seats for the Roma, Ashkali and Egyptian communities, 3 for the Bosniak community, 2 for the Turkish community and 1 for the Gorani community. Five Bosniaks political entities were certified and 3 Turkish, 1 Roma, 1 Gorani, 1 Ashkali and 1 Egyptian (51 Albanian and 33 Serbian).
132. The Bosniak and Gorani communities were represented by 6 political entities: the Bosniak Democratic Action Party of Kosovo (BSDAK), the coalition "VAKAT", the Party for Democratic Action (SDA) and Initiative Prizren-Dragash (PDI) for the Bosniaks, and the coalition "VATAN" and the Citizen's Initiative of Gora (GIG) for the Goranis. Among the same community, some of these parties had a completely different approach; VAKAT (Bosniaks) and VATAN (Goranis) are in favour of integration within Kosovo society and active participation in Kosovo's Institutions, whereas SDA (Bosniaks) and GIG (Goranis) are closer to Belgrade's position and under the influence of the Co-ordination Centre for Kosovo (CCK⁴³). As a result, during the campaign, parties from the same community attacked each other, accusing one another of co-operation either with Albanians or with Belgrade. While there was no coalition between the 4 Bosnian parties, the BSDAK formed a coalition with the AKR party of the tycoon Behgjet Pacolli, but stayed rather passive.
133. According to the Observers, the main political party representing the Turkish community, the Kosovo Turkish Democratic Party, was active and well-organised with strong solidarity among its members. The Turkish community was very disappointed following the decision to exclude the Turkish language from electoral material, contrary to the previous elections (*see page 20 paras. 88-92, lack of Turkish language* as well as respect of minority languages *para 102, page 23*). Some of the community members discussed the idea of a boycott due to this decision.
134. The Roma is certainly one of the most vulnerable communities for various reasons. Many of them do not have identity documents and therefore do not legally exist, in Kosovo as well as in Serbia proper (after the Kosovo Serbs they are the second IDP group in Serbia proper with 22 345 individuals⁴⁴). Moreover, when they want to register they face the problem that their parents and grandparents were often not registered either, which creates a

⁴³ The Coordination Centre for Kosovo is a body established in 2001 by the Serbian Government to co-ordinate all state activities with regard to Kosovo. It was integrated into the Ministry for Kosovo and Metohija in 2007.

⁴⁴ "Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia: law and practice" UNHCR, March 2007.

“snowball” effect. The degree of education is very low among their community and many are illiterate, adding difficulties in undertaking administrative procedures, following electoral matters or handle the complicated ballots. As a result, their political structure is not very well-organised and Roma organisations often work closely together with other minority groups such as Ashkali, Turks and Bosniaks. Furthermore, their will to be very active in these elections came up against a lack of means, mainly due to the very poor economic situation of their fellow community members. This situation makes them a perfect target for wealthier political parties looking to buy votes.

135. Minorities were represented in some of the MECs; for example, there was 1 Bosniak representative in the Peja/Pec MEC, as well as in the Mitrovica/Mitrovicë MEC, 1 Gorani in the Dragash/Dragaš MEC, 1 Roma in Gjakova/Dakovica, and 1 Ashkali in Ferizaj/Uroševac. However, the situation could be improved; for example, the only Turkish member of Prizren's MEC was replaced in the new MEC by a Kosovo Albanian, which is contrary to the spirit, if not the letter, of ER 1/2007,1.3b.
136. On E-day, STOs reported that non-Albanian communities were represented in the PSCs in half of the polling stations visited during the opening phase and in 36% during the voting phase, which is rather encouraging considering that these non-Albanian communities, apart from the Kosovo Serbs, represent between 5% and 7% of the population of Kosovo.
137. As for the Kosovo Serb IDPs, public information and voter education reaching other Kosovo non-Albanian IDP ethnic groups in Serbia proper was very low. However, the participation of those living in Kosovo, enabled them to gain 4 additional seats to the 10 set aside. Of the 14 seats, five went to the Roma, Egyptian and Ashkali communities, five to the Bosniak, three to the Turkish and one to the Gorani communities.

IX. WOMEN'S PARTICIPATION:

138. The candidate lists were required to have between 30% and 70% female candidates⁴⁵. To ensure a minimum of 30 % elected women, the list of provisionally elected members from each political entity will be reviewed and an adequate number of more successful male candidates will be replaced with the number of female candidates necessary to meet the 30% requirement.
139. However, there was a general feeling among the observers that most of the women presented on lists were there mainly to comply with the regulations. LTOs noted that when they met political figures, they usually met men. Political party programmes did not mention specific women's issues. Some political parties (eg: PDK) did organise meetings for women, but those were more aimed at giving general presentations of the party and the women who were on their lists. In general, the percentage of women attending political rallies was very low, especially in rural areas. This situation was also noted in Serbian areas, eg: the meeting of union of Serbian Municipalities and Settlements, 12 October 2007, where only about 10 women were present, out of approximately 150 participants.
140. Women's organisations met by mission members underlined the low level of education and interest among women. They also expressed their disappointment regarding women elected in previous elections and their lack of raising women's issues such as gender-based violence, domestic violence and trafficking of women.

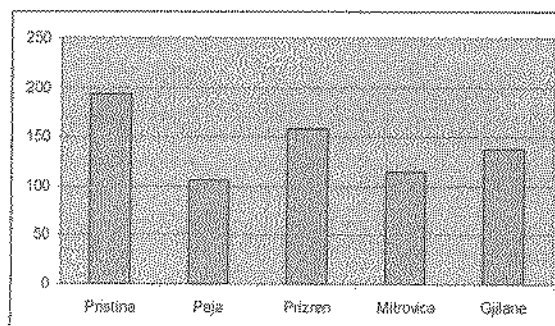
⁴⁵ UNMIK Regulation 2004/12 as amended 2007/26 Section 6.6; Electoral Rule 13/2007 Section 9.5.

141. Another concern of women's organisations was to give the opportunity to women hiding in shelters, following cases of violence, to vote under special circumstances and to sign on confidential voters' lists in order not to disclose their whereabouts.
142. Kosovo-wide composition of the MECs was male for the overwhelming majority. Women Municipal Election Officers were rare. In the polling stations, 16% of the chairpersons were women. On average, the composition of the Polling Station Committees was 73% male and 27% female, even though there were some interesting initiatives such as in the Albanian enclave of Boletin in the north of Kosovo, where the decision was taken to have 50% of women composing the PSCs.

X. ELECTION DAY OBSERVATION :

143. On Election Day, the mission deployed 160 international observers to observe the opening of the polling stations, the polling process and thereafter the vote count in all regions throughout Kosovo. Delegations of the Council of Europe's Congress of Local and Regional Authorities and of the European Parliament also took part in the observation.
144. In total, 866 observation forms have been processed: 79 on the opening of polling stations, 716 on the voting process and 71 on the vote count. In addition, 170 observation forms with additional comments have been completed and processed. 2 168 polling stations out of 2 323 opened on E-day (561 polling centres out of 621). They were due to be open from 7h00 to 19h00. CEEOM V observers visited almost all polling centres on E-Day.
145. The elections took place in a peaceful atmosphere, with the voting process assessed positively by the Observers as "very good" in 47% and "good" in another 47% of the polling stations visited. The process was described as being conducted in an efficient manner and with a high degree of transparency. There was no major security incident on Election Day, pre-empted also by a strong presence of the Kosovo Police Service (KPS). Some problems were observed, mainly during the opening and counting procedures.
146. As could have been expected by holding elections so late in the season, weather conditions on Election Day were bad (the worst compared to the four previous elections), with snowfalls the night before, especially in mountainous areas in the south of Kosovo (Dragash/Dragaš area), freezing fog and black ice on the roads in the morning, which resulted in several problems for the opening of some polling stations with polling material not delivered on time.

Observed polling stations by region



Observer reports processed by municipality

	Name	Opening	Voting	Counting	Total
1	Dečan/Dečani	1	20	1	22
2	Gjakovë/Đakovica	2	20	2	24
3	Glogovc/Glogovac	2	19	2	23
4	Gjilan/Gnjilane	1	28	1	30
5	Dragash/Dragaš	1	10	1	12
6	Istog/Istok	2	23	2	27
7	Kaçanik/Kaçanik	2	27	2	31
8	Klinë/Klina	2	20	2	24
9	Fushë Kosovë/Kosovo Polje	3	29	3	35
10	Kamenicë/Kamenica	2	19	2	23
11	Mitrovicë/Mitrovica	5	34	5	44
12	Leposavić/Leposaviq	1	7	0	8
13	Lipjan/Lipljan	2	16	2	20
14	Novobërdë/Novo Brdo	1	4	1	6
15	Obiliq/Obilić	2	20	2	24
16	Rahovec/Orahovac	2	27	2	31
17	Pejë/Peć	3	43	3	49
18	Podujevë/Podujevo	4	35	4	43
19	Prishtinë/Priština	13	65	8	86
20	Prizren/Prizren	5	64	5	74
21	Skenderaj/Srbica	7	35	4	46
22	Shtime/Štimlje	1	9	1	11
23	Štrpce /Šhtërpcë	2	13	1	16
24	Suharekë/Suva Reka	2	22	2	26
25	Ferizaj/Uroševac	4	27	2	33
26	Viti/Vitina	2	20	2	24
27	Vushtrri/Vučitrn	3	34	3	40
28	Zubin Potok/Zubin Potok	0	4	2	6
29	Zvečan /Zveçan	0	1	1	2
30	Malishevë/Mališevo	2	15	2	19
	No information	0	6	1	7
	Total	79	716	71	866

147. Regrettably, a comparison between all five elections observed by Council of Europe Election Observation Missions since 2000, in which the same methodology was used with almost identical forms, shows a worrying degree of deterioration as regards understanding and respect of procedures and safeguards.

Opening of polling stations:

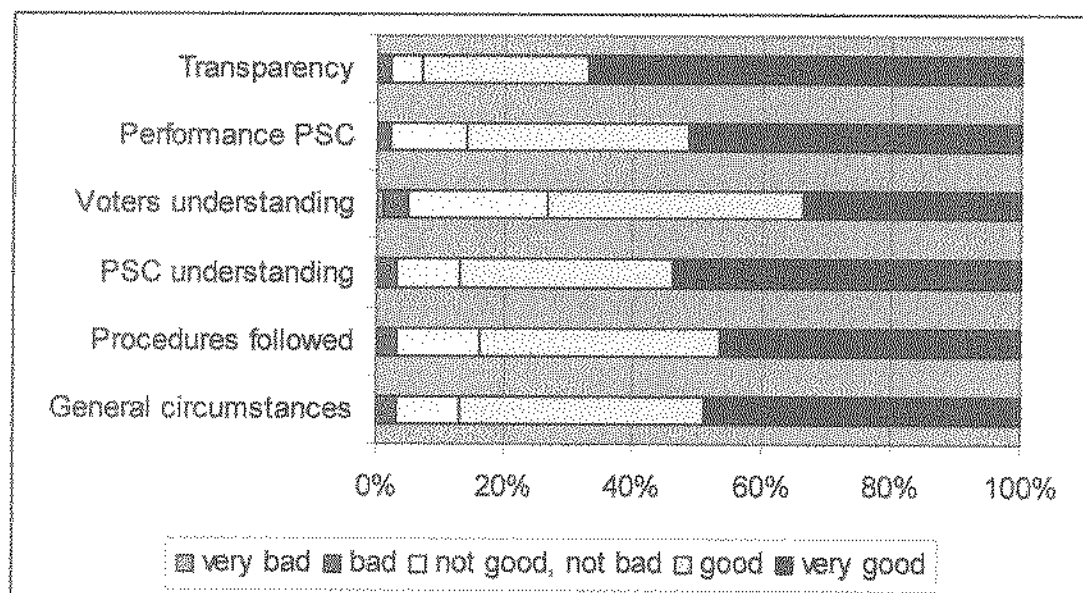
148. The overall assessment about the opening procedures was good or very good in 80% of the polling stations visited, but leaves a 20% bad overall evaluation, whereas in 2004 only 2% of the observations were negative.

149. As mentioned above, the bad weather conditions caused some delays in the delivery of polling material, especially in the city of Prishtinë/Priština. Moreover, in 12 polling stations some election material was missing. A majority of polling stations did not open on time (66%), but all before 8h00, except one in Prishtinë/Priština.

150. Unauthorised persons were witnessed in 10 PS, but no instances were reported such as directing the work of the Polling Station Committee members. In 13 cases, observers did not have a full overview of the process and, in 2 PS, CEEOM observers were restricted in their observations.
151. In half of the PS, non-Albanian communities were represented among the Polling Station Committee. In 41%, non-partisan observers were present to observe the opening. In 23% of the PS visited, a representative of Democracy in Action (KIPRED) was present.

Voting:

152. Observers evaluated positively the polling procedure in 94% of the PS visited. Bad conduct was reported in 5%, and very bad conduct in 1%, which is more than in the 2001 and 2002 elections, where only 2% negative assessments were reported, and more also than in 2004 (3% negative evaluations). These evaluations do not vary by region or from urban to rural areas, nor according to the type of PS⁴⁶. Hardly any instances of intimidation or tension were reported.
153. In line with the overall assessment, observers also evaluated specific aspects of the voting process positively. On a scale from (1) very bad to (5) very good, they noticed bad to very bad (positions 1 and 2):
- General environment / circumstances in 3%;
 - Procedures followed in 3%;
 - PSCs' understanding of voting procedures in 3%;
 - Voters' understanding of voting procedures in 5%;
 - Performance of PSC in 2%;
 - Transparency of the voting process in 2%.



⁴⁶ Apart from 386 regular polling stations, observers visited 208 dual stations (where voters could cast a conditional ballot), 3 homebound stations, 14 stations in institutions (such as hospitals, jails), 7 so-called special circumstances and 15 mobile polling stations in Serbian areas.

154. Physical access to the PS was reported as difficult in 8% of the observation. Such problems were observed in all regions and varied from 4% in the Prizren region to 14% in the Mitrovica/Mitrovicë region, mainly in rural areas (11%) rather than urban (5%). Campaigning activities, which were prohibited within 25 metres of the vicinity of any polling centre on election day, were reported in only 1% of the observations. Agitation, as well as tension or unrest was negligible (less than 1%). In 14% of the cases there were crowds outside the polling stations waiting to vote. There was no correlation between the problems outside the PS and the overall assessment, which indicates that these problems were of minor importance.
155. Inside the polling stations, all phases of the voting process were visible to PSC members, as well as observers, in 99% of the cases. On average, 5 PSC members were present inside the PS during the voting process, including a non-Albanian community member in 36%. In 4% of PS visited, PSC was composed of staff from the OSCE or UNMIK. Political party observers were present in 84% of the PS visited and, on average, non-partisan observers in 80% of the cases.
156. Essential procedures such as the ink check, identification of the voters, the signing of the voters' list, as well as application of the ink, were correctly performed in the vast majority of cases. In 23% of the cases, the procedure consisting of stamping, on the reverse side, each of the 3 ballots issued, was not always done at the issuing as stipulated in the procedure. It was sometimes done before the voter arrived in front of the ballot issuer, or before the ballots were cast in the ballot boxes.⁴⁷ Procedures for spoiled ballots were not adhered to in 11% of the cases.
157. One of the main problems reported during the voting process concerned the phenomenon of family voting, which was observed in 32% of the PS visited and which is more than the 24% observed in 2004 and the 18% in 2001 and 2002. In the 2000 municipal elections, family voting was observed in 31% of the PS visited⁴⁸. This state of affairs might have been influenced by the complexity of these elections and the introduction of open lists. However, it still shows that this practice is rather common in this part of the Western Balkans and CEEOM V would like once more to stress the importance of voter education in this respect, as the secrecy of the vote is fundamental in a democratic election.
158. Vision-impaired and illiterate voters had to depend on the assistance of another trusted person. However, according to the rules, the same person could only assist one person.
159. One of the main concerns expressed by the various interlocutors, political parties and NGO representatives during the period leading up to the elections, was the time necessary for each voter to cast her/his votes and therefore the possibility for voters to leave the queues. Finally, in 34 % of the observations, the time to process a voter took less than 5 minutes, and in a further 48% between 5 and 7 minutes. More than 7 minutes were needed in the other 19%, of which 3 % more than 10 minutes. In less than 1% of the cases, voters left because of the slowness of the process.

⁴⁷ To be considered as valid, all ballots had to be stamped on the reverse.

⁴⁸ An explanation could be the presence, beside international observers, of OSCE international supervisors in the polling centres in 2001 and 2002. In the 2000 elections, all PSC chairpersons were international supervisors.

Overall opinion by region⁴⁹

	Prishtinë Priština	Peja Pec	Prizren	Mitrovica Mitrovicë	Gjilan Gnjilane	Total
Overall evaluation						
Very bad	1	1	1	1	0	1
Bad	5	7	5	6	2	5
Good	47	37	48	50	52	47
Very good	47	56	47	43	47	47
Total number of observations	193	106	158	115	138	710

Closing and counting:

160. Due to the expected time necessary for the counting of the 3 elections, especially the preferential count per candidate, 2 teams of Polling Station Committee members were established. One for the opening and polling, and one for the counting. The PSC for the counting arrived 1 hour before the closing of the PS. They took over from the PSC in charge of the polling, after a preliminary accounting was carried out following the closing of the PS.
161. Observers reported that the PS did not close at 19h00 in 65% of the cases, since it had been decided, as in previous elections, that all voters present in the line outside the polling station at 19h00 were allowed to cast their votes. All stations were closed before 20h00, except one.
162. In 13 observations (19%), the slot of the ballot box was not properly sealed; in 10 observations the voters' signatures were not counted while in another 10 the number of ballots did not match with the signatures. In only a few polling stations were irregularities observed, such as the counting of conditional ballot envelopes at the polling stations, whereas such ballots were to be counted at the Counting and Results Centre.
163. It has to be stressed that there was no report of deliberate falsification of the results or protocols. Most of the problems observed were mistakes due to a bad understanding of the procedures, which was assessed as "bad to very bad" in 15% of cases, "not good and not bad" in a further 26% of the observations. A "good to very good" understanding of the counting procedure by the PSC members was observed in 64% of the PS visited and evaluation of the transparency of the process was excellent since no report was negative (0%). We should, however, keep in mind that these results are based on small samples (71 Observations).

⁴⁹ The table contains percentages, excluding missing observations (i.e. No answer), and refers to Polling Day Observation form, question J1.

Overall evaluations of the counting process

		J21 PSC understanding	J22 Organisation of the count	J23 Co-operation between PSC members	J24 Transparency counting process
very bad	Number	3	4	0	0
	%	5%	6%	0%	0%
Bad	Number	6	6	5	0
	%	9%	9%	8%	0%
Not good, not bad	Number	15	12	2	7
	%	23%	18%	3%	11%
good	Number	23	22	25	21
	%	35%	33%	38%	32%
very good	Number	19	22	34	38
	%	29%	33%	52%	58%

Secrecy of the ballot versus a clear intention of the voter:

164. The principle of the secrecy of the ballot is fundamental in a democratic election; therefore the paramount concern in any electoral system should be to secure it. Many different provisions aim to achieve this, such as fighting vote buying, chain voting, open voting, family or group voting and prohibiting asking the voter in the polling station whom she/he intends to vote for, or had voted for. In a post-conflict volatile political environment, these measures are extremely important if the intention is that the voter shall feel free to vote for the political movement of his/her choice without fear of repercussions.
165. The last chain in this process is the ballot which must not have any mark that could distinguish one from another. If this is not adhered to, there is no way to keep any of the other safeguards either. In that case, one could easily imagine future provocations as previously experienced in non-democratic countries when a voter starts to demonstrate his/her political beliefs by open voting and then challenges those who want to enjoy the possibility of secrecy: "Why don't you dare show us who you vote for? In that case, I assume that you are certainly not supporting the ruling party". This would be the end of secret elections, where the voters could securely and freely express their political will.
166. In the present elections, the issue of invalidating a ballot which has been marked in a way that makes it possible to identify the voter was not clearly referred to in the counting procedures, regulations, electoral rules, the manual or in the training. In Kosovo, this was started by the OSCE, further to a protest from CEEOM I, a protest that has been repeated ever since. In 2001, CEEOM II for instance, expressed the hope that "in future elections, the adjudication of valid or invalid ballots would comply with usual international standards. It is essential that the secrecy of the ballot is maintained, therefore it is important that improved voter education in the marking of ballots is undertaken before the next election." Regrettably, no improvement was observed in these elections. On the contrary, the situation has deteriorated to the extent that the secrecy of the ballot is not even mentioned any longer, and that a ballot with a mark could be considered valid as long as the intention of the voter was clear.

XI. THE COUNT AND RESULTS CENTRE (C&RC):

167. The initial Code of Conduct for the Count & Result Centre (C&RC) restricted the observers in an unacceptable way. They were not allowed to come and go as they wished, but according to the internal shifts for the staff working in the Centre. They were not allowed to bring food or beverages, even though they were not admitted to the refreshment area in the Centre. This showed a total lack of genuine understanding of the importance of inclusiveness and transparency, also during the counting and tabulation of the results and was a very bad example for the future. It even occurred that a CEC member, with the consent of the management, was close to being physically thrown out of the C&RC, who wrongly alleged that he was not entitled to be inside.
168. After a CEEOM V decision not to enter the Centre under these conditions, the OSCE senior management intervened, guaranteeing the observers freedom of movement. It can never be up to the body that is to be observed to decide on what methods the observers shall use. Indeed, the observers must be allowed to enter the C&RC, even during hours when no operations are supposed to take place there.
169. The C&RC has quite a sophisticated set-up, using computerised means for processing, which of course limits the possibilities to closely observe every step in the process. To meet the transparency requirements, in order to strengthen the trust and the willingness to accept the final results, all other means should be used to satisfy the observers. Methods of achieving this are, as was previously the case, to post printouts of all processed results consecutively, for those interested to check if these figures match the ones coming from the field and/or provide continuous updates for media and observers in the C&RC. Experts should also, on behalf of observation organizations, have the right to scrutinise all electronic devices and software applied, in order to assess if there are any risks that the tabulation process could be manipulated.⁵⁰
170. The layout for future C&RCs should be such that the observers be allowed to come closer to the tables where counting and recounting take place. The degree of transparency must not be lower than during the counting process in the polling stations. Above all, as the process of counting conditional and mail-in ballots is challenged by stakeholders, it becomes imperative to increase public confidence in the process as much as possible by providing close access to the counters.
171. The set-up of the C&RC seems to have been created for the case of perfect elections. It is doubtful that such a design is sustainable in the long run. From the point of view of capacity building, it would be preferable to simplify the process, even at the expense of a lesser degree of perfection, focusing on the essential elements for a balance between perfection and an acceptable degree of accuracy in order to obtain credible election results.
172. Over 17 000 envelopes were received at the C&RC⁵¹, 15 681 before the deadline of 20 November. 6 233 ballots for the Kosovo Assembly, 5 690 for the Municipal Assemblies and 5 491 for the elections of Mayors were validated. The main reasons for invalidating the remaining ballots were: ballots arriving after the deadline, ballots of voters who failed to submit the necessary documentation to prove eligibility, as well as attempts at double voting or fraud. The CEC also decided to invalidate all but 38 of the 4 100 ballots received via

⁵⁰ Venice Commission: "Code of Good Practice in Electoral Matters 2002" para 81. Even computer rooms, telephone links, faxes, scanners etc should be open for inspection.

express mail, allegedly from the PSS party of Bogoljub Karic, justifying that it appeared to be "organised voting" with suspect signatures.

XII. CERTIFICATION OF THE RESULTS :

173. CEEOM V closed down its mission on 30 November as planned and did not stay for the second round of elections⁵². However, the following should be mentioned:
174. The Election Complaints and Appeals Commission (ECAC), in its judgment of 30 November 2007 (case number ECAC 07/263C), decided to invalidate ballots for the three elections in 31 polling stations⁵³, due to irregularities and intentionally committed electoral fraud. It should also be underlined that, although three elections took place at the same time, with three different ballot boxes in each polling station, only one Final Voters List was used per polling station which made it practically impossible to distinguish between the conduct of the three elections.
175. CEEOM V does not have any comments regarding the ECAC's decision to invalidate these votes. However, according to the Code of Good Practice in Electoral Matters⁵⁴, "in the event of annulment, a new election must be called in the area concerned". An exception could, however, be made only if the irregularity did not influence the result. In the present case, it is difficult to assess this issue without looking at the results in detail; it would be possible that the repetition of the vote in 1.33% (1.43% in fact) of the polling stations would influence the results, in a proportional system with 100 seats. However, this could only apply for the Kosovo Assembly elections. For the Municipal Assembly and Mayoral elections, which took place at the same time in these 31 polling stations, repetition of the vote may well influence the final results in some of the municipalities.
176. In its decision, the ECAC mentions, besides the delay a repeat of voting may cause in the certification of the results before the second round of elections, that "*voters who are called for a repeat of voting would then be aware of the results (...) this would clearly influence their behaviour*".
177. One of the main reasons put forward is also that "*any decision on a repeat of voting needs to take account of the wider social and political context in Kosovo. Given this particular context, the damage caused by a repeat of voting would far outweigh the benefits which could be achieved by such a measure*". If one could agree with this assessment, especially in the current fragile situation of Kosovo, it means that the ECAC considered the political environment as important, if not more important, than what the international standards and good practice in electoral matters would recommend in such a case. Such a decision might create a dangerous precedent - the result of an election would be acceptable, to avoid major unrests, riots or even dismantlement of a society, even if this result does not correspond exactly to the democratic expression of the voters.

⁵² A delegation from the Congress of Local and Regional Authorities of the Council of Europe was deployed in Kosovo from 6 to 9 December 2007 to observe the second round of the mayoral elections.

⁵³ In its decision ECAC says that it corresponds to 1.33% of the polling stations out of 2 323 polling stations. In fact, only 2 168 polling stations were opened on E-day, therefore 31 polling stations correspond to 1.43% , but not exactly to 1.43% of the registered voters.

⁵⁴ CDL-AD(2002)023rev, pointII.3.3.e).

178. The Kosovo Serb boycott being almost complete, the SRSG annulled the results in five municipalities and was compelled to reappoint the serving municipal administration for another six months in the three northern municipalities of Zvečan/Zvečan, Zubin Potok and Leposaviq/Leposavic. He also reappointed Kosovo Serb representatives in the two municipalities with a Kosovo Serb majority in the south of Kosovo: Štrpce/Shtërpçë and Novobërdë/Novo Brdo. The results of elections for the Kosovo Assembly, as well as for the 25 other municipalities, were certified by the SRSG on 5 December.
179. The announcement of the second round on 8 December was made by the SRSG on the same day as the certification of the results of the first round, leaving only 2 days⁵⁵ for campaigning for the candidates running for the position of mayor in the 23 municipalities where a second round was needed, which left almost no time for organising a proper campaign with political rallies and posters, but also for potential negotiations, coalitions etc.

XIII. CONCLUSIONS AND RECOMMENDATIONS:

Conclusions:

180. The overall evaluation of CEEOM V remains positive and it reaffirmed that the 17 November elections were conducted in accordance with a legal framework that provided conditions for a democratic and credible electoral process, in which all communities could peacefully participate. CEEOM V is satisfied with the access and information it was given to the different parts and stages of the electoral process, which was administered in an efficient manner, with a high degree of transparency. Very good and effective working relations were maintained with electoral administration officials, OSCE, UNMIK and representatives of all other institutions throughout the whole election process.
181. Considering that three elections were held at the same time (which should have attracted more voters), the very low overall turnout of 42.80% for the Kosovo Assembly elections (40.10% when taking into account out-of-Kosovo voting), is rather alarming and shows a continuous downward trend which started in the 2001 elections. It undoubtedly reveals dissatisfaction among the population due to the lack of improvements expected following the previous elections. To a certain extent, this turnout reflects a particular loss of trust due to widespread discontent with the prevailing socio-economic situation, which affects all communities living in Kosovo in their day-to-day life.
182. The Mission urges all parties and political leaders to respect the results of these elections. In order to regain the trust of its electors, elected politicians should vigorously fight corruption and give priority to the enhancement of the social and economic situations, for the benefit of all communities living in Kosovo.
183. CEEOM V strongly believes that the quality of the electoral process would have been much higher if the announcement of the election had been made earlier, since many of the problems encountered were due to the short period of time for the preparation. However, despite the late call, the domestic electoral administration, together with essential support from the international community (mainly OSCE), succeeded in putting the necessary arrangements into place in order to enable them to hold elections in a timely manner.

⁵⁵ CEC decided on 5 December that campaign period should end on 7 December 24h00 but start "as of the date and time of the announcement of the results for the first round of the mayoral elections" i.e 4 December.

184. Notwithstanding the fact that local institutions did not plan for entirely locally-run elections, it seems that the international community has not met its obligation to contribute to capacity-building in the field of elections. Local staff members have been trained in the field of elections since the 2000 municipal elections by the OSCE Mission in Kosovo, but are still working within OSCE field presences and not within the local structure. The training provided by the OSCE and experience gained by these persons are very effective, as they played a key role in this electoral process in closely assisting the MECs. However, to have a successful capacity-building exercise, and in order to have a sustainable electoral administration, these persons should integrate the local structure. Unfortunately, due to the low salaries which are offered locally, it is feared that they might put their competences at the service of other international organisations or NGOs in other places around the world.
185. While stressing all positive aspects of these elections, CEEOM V noted a number of shortcomings which should be addressed. The following recommendations are offered for consideration in order to further improve or consolidate the electoral process and administration. Some recommendations are reiterated from previous CEEOM missions, others are based solely on specific findings of CEEOM V during its observation.

Recommendations:

186. CEEOM V strongly reiterates the recommendation from 2004, that all essential provisions should be in place at least one year before the beginning of the next electoral cycle. All relevant provisions should be consolidated in an electoral code.
187. In order to avoid postponement of elections due to be held and negotiations of the same, CEEOM V strongly reiterates the recommendation to hold elections on a day fixed in the electoral code.
188. A new electoral design should be found, dividing Kosovo into electoral districts large enough to allow a meaningful proportional distribution of seats, providing for local political accountability.
189. Encouraging elected candidates to have their permanent residence in one of the municipalities in the electoral district might be a way of promoting local political empowerment. However, the elected person should also forfeit the seat when changing residence to another electoral district.
190. The number of positions connected with governmental functions incompatible with elected offices should be reduced to a minimum in accordance with Comments 25 (16) of the UN Covenant of Civil and Human Rights.
191. There should exist a means of challenging the certified final results, preferably in the Supreme Court.
192. The mission is pleased to learn that the current electoral rules provide that at least 30% of elected candidates, to the Kosovo Assembly and the Municipal Assemblies, are women. However, this provision would have more sense if the political participation of women in Kosovo in general were to be encouraged. Legislative provisions for preferential treatment should be considered in order to increase the number of women, both in senior public positions and elected offices. Such measures might hopefully, in the long run, make these special electoral provisions unnecessary.

193. The reason for disclosing financial contributions to political entities is to prevent future conflicts of interest and corruption. This is especially valid as far as companies are concerned. However, it may be problematic to disclose the names of individuals and their contributions to a political entity, not only for privacy reasons but also for jeopardising the secrecy of vote. In the wrong hands, this information could be used for retaliation. CEEOM V recommends that the financial disclosure rules be revised in such a way that the privacy of individual donors is better respected, e.g. by restricting the need to disclose contributions from individuals under a certain amount, for instance, 1 000 euros during a set period/electoral cycle.⁵⁶
194. CEEOM V reiterates the recommendation to only verify the eligibility for those candidates who are elected (see paras. 74 and 75).
195. If the current design of the elections were to be retained, it is recommended that the candidate booklets be arranged in alphabetical order within the different political entities. The first letter of the list should be selected randomly.
196. CEEOM V strongly reiterates the recommendation to return to international standards, when deciding on the validity of ballots, emphasising secrecy of the ballot taking precedence over the intention of the voter.
197. The design of the ballots must meet the language requirements in the respective municipality. If the administration decides to have only one version Kosovo-wide, that must include all languages that should be respected locally.
198. CEEOM V reiterates the recommendation to disallow voice-coverage of broadcasted campaign material in community languages.
199. Only 1 381 Kosovars registered for the special needs voting designed for homebound registered voters. CEEOM V believes this to be an unrealistically low figure. CEEOM V recommends an inquiry, in conjunction with the planned census, in order to establish if the figure mentioned corresponds to the real need and whether those with a need were registered or not. Such an inquiry might prompt further measures in order to ensure all disadvantaged persons' right to vote.
200. To meet future obligations according to the Convention on the Rights of Persons with Disabilities, more measures must be taken for finding locations for the polling station, with easy access for voters with disabilities. In order to increase the integrity of the vote of the visually-impaired voters, it is strongly recommended that the ballots are designed to facilitate the use of Tactile Ballot Guides in all the elections taking place at the same time.
201. The electoral provisions should, once and for all, state that political entities have access to schools and other appropriate public buildings when the campaign events do not impede on the performance of normal activities.

⁵⁶ There seems to be an inconsistency between UNMIK Regulation 2004/11 and the forms annexed to ER 10/2007 on the one hand, and the regulations on the two elections UNMIK 2004/12 as amended, and 2007/27 on the other hand, as the former restricts the obligation to disclose contributions from individuals to over 100 euros per year while the latter include **all** contributions.

202. CEEOM V recommends that the electoral rules are amended in order to respect the principle of freedom of expression of youth, when it comes both to membership of political entities and campaigning.
203. CEEOM V believes that observers are an asset in creating trust in the electoral process, including the activities in the Count and Result Centre. In order to achieve this, the access rules and the conditions should be generous. All information entered into the database should be shared with the observers present, together with knowledgeable comments. The premises should have a layout that permits the observers the same possibility to follow the process as during the counting in the polling stations.
204. Even if the system should allow many political beliefs to be represented in the Assemblies, practical and political realities require some limits to the number of political entities that contest the elections and get a seat. These restrictions must be as neutral as possible, while they should not excessively exclude political participation through economical requirements. Information on individuals' political views in registers run by authorities can be used for all kinds of abuse against citizens supporting opposition groups, thus the number of required signatures should not be increased and perhaps limited for the sake of the citizens' rights to privacy. A threshold of 4-5% for participation in the distribution of seats in the Kosovo Assembly elections should be maintained and could be extended to Municipal Assembly elections. The registration fee of 2 000€ and 200 euros, respectively, for the Kosovo Assembly and the Municipal Assembly elections should be maintained for political parties, but these amounts should be reduced for individual independent candidate who wish to run for these elections. A refund of that fee could be subjected to a threshold of 2-3% of the votes. Over all, the suggested design would tend to reduce the number of political entities contesting, make the ballots easier to handle as the preferential alternatives per entity will be less, counting and tabulation will be facilitated and those elected will have a local political platform and can thus be held accountable by the electorate locally .
205. CEEOM V urges all relevant Authorities in Kosovo to fight group and/or family voting (observed in 32% of the polling stations on E-day), stressing that the secrecy of the vote is fundamental in a democratic electoral process. This could be done through designed and focused voter education (which could also be introduced in schools), as well as specific training of Polling Station Committees on how to address these situations and to be less tolerant.

Central Election Commission:

206. The rules for decision-making in the CEC should be amended, abolishing the Chairman's prerogative to decide when consensus is not reached. Special safeguards to protect vital interests of non-Albanian communities should be considered.
207. The CEC shall not define any obligations for observers towards their co-ordinating organisations. CEC meetings should become more transparent and open to the Kosovar public, through domestic observer and/or media presence.
208. CEC members' mandates shall last a full electoral cycle, starting at least one year in advance of the next foreseen election day.
209. CEEOM V recommends that the CEC hires an independent expert, with an outstanding international reputation in counting and tabulation, to assess the minimum needs for a

C&RC for the Kosovo elections, that is sustainable in the long run under present circumstances.

210. Support to the MECs is essential for good administration of the electoral process. CEEOM V recommends that the CEC ensures to provide, equally and on time, to all MECs, the necessary support, especially as regards premises, communications and equipment, as well as a budget in adequation with the performance of their tasks. CEEOM V would recommend CEC to hold meetings with all Municipal Election Officers (MEOs) on a regular basis, in order to provide them with the latest information and regulations as well as to discuss and solve potential issues.
211. Involvement of local NGOs in the electoral process, especially as regards information campaigning and voter education, should be improved.
212. CEEOM V recommends that training for election officials (MECs members, MEOs, PSCs members) takes place well in advance, and that all relevant material is made available.

Municipal Election Commissions:

213. For the sake of transparency and apart from being allowed to have observers present, political entities should be represented in the MECs, like in the CEC and PSCs.
214. Non-Albanian communities of a certain size in a municipality should be offered to be represented on the MECs.

Election Complaints and Appeals Commission:

215. Though improvements have been introduced in the proceedings of ECAC there is still no separation of power. CEEOM V reiterates previous recommendations that the role and powers of ECAC be reviewed in line with international standards, requiring that the judiciary be independent from the legislative and executive powers.
216. The procedural rules of ECAC should be amended in order to make the proceedings more transparent. The norm should be that all documents and sessions are open to the public. Secrecy should need justification.
217. It is imperative that ECAC accepts complaints and appeals in all domestic non-Albanian languages that are acknowledged in Kosovo. It cannot be up to ECAC's discretion what languages are admissible.

International Community:

218. Further measures should be taken by the international agencies to make the Civil Registry process more effective, in order to create a continuously updated register. This is not least essential in order to enhance the public confidence in the Voters List being an extract thereof. With a higher degree of accuracy, the need for extensive voter services and confirmation and challenge periods would be reduced. The anticipated census can be a good starting point but must be followed up by a sustainable and effective administrative structure, free of charge for the citizens. To facilitate further, it could also be considered to

amend the voter eligibility criteria from the age of 18 on election day to during the year of elections.

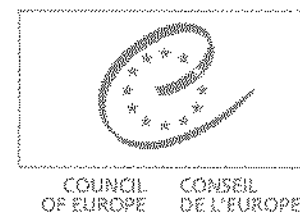
219. The international community should intensify the capacity-building in elections and find a means to profit from the know-how invested in staff presently working for international organisations. The efforts invested in these staff should not be wasted but brought into the permanent structure of the CEC and MECs.

Political entities:

220. The political entities should be encouraged to amend their charters in order to decentralise the decision-making on nomination, concerning leaderships and candidates at the district level, so that candidates and leaderships are democratically determined at that level. In the current situation, it appears necessary to keep gender requirements in line with present ones.

ACRONYMS

AAK	Alliance for the Future of Kosovo
AKR	The Alliance New Kosovo
ANA	Albanian National Army
BSDAK	Bosniak Democratic Action Party of Kosovo
C&RC	Count and Results Centre
CCK	Co-ordination Centre for Kosovo and Metohija
CEC	Central Election Commission
CECS	Central Election Commission Secretariat
ECAC	Election Complaint and Appeal Commission
EUMM	European Union Monitoring Mission
GIG	Civic Initiative of Gora
ICTY	International Criminal Tribunal for Ex-Yugoslavia
IFES	International Foundation for Election System
KFOR	Kosovo Forces / Multinational Peacekeeping Forces
KIPRED	Kosovo Institute for Policy Research and Development
KPS	Kosovo Police Service
KTDP	Turkish Democratic Party of Kosovo
LDD	Democratic League of Dardania
LDK	Democratic League of Kosovo
MEC	Municipal Election Commission
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
OMIK	OSCE Mission in Kosovo
OSCE	Organization for Security and Cooperation in Europe
PDI	Prizren-Dragash Initiative
PDK	Democratic Party of Kosovo
PSIG	Provisional Institutions of Self-Government
PSS	Serbia Strength Movement
RTS	Radio Television Serbia
SDA	Party of Democratic Action
SNC	Serbian National Council
SRSG	Special Representative of the Secretary General
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Mission in Kosovo
USAID	United States Agency for International Development
VAKAT	Bosniak coalition VAKAT
VATAN	Gorani coalition



PRELIMINARY STATEMENT

Pristina, 18.11.2007: Since 01 October, The Council of Europe Election Observation Mission in Kosovo (CEEOM V) has been observing the electoral process leading up to the 17 November 2007 Kosovo Assembly, Municipal Assembly and Elections. On Election Day, the Mission deployed more than 150 observers in Kosovo. A delegation of the Council of Europe's Congress of Local and Regional Authorities and from the European Parliament also took part in the observation.

Over 30% of the polling stations were visited by CEEOM's observers.

The elections were conducted generally in line with Council of Europe principles, as well as international and European standards for democratic elections, when considering the late call for elections and the particularity of running three elections concurrently in Kosovo's still complex political and social environment.

The elections took place in a peaceful atmosphere, despite the particularly tense political context at the approach of the deadline for the negotiation process on the future status of the province.

A number of features contributed to the overall positive evaluation of these elections:

- The elections were conducted in accordance with a legal framework that provided conditions for a democratic and credible electoral process. The Central Election Commission published electoral rules covering the entire process.
- Despite the late call, the domestic electoral administration, together with essential support from the international community, succeeded in putting into place the necessary arrangements to enable them to hold the elections in a timely manner. An important element was the SRSG's decision to issue a waiver for the procurement for the electoral process. Political stakeholders should also be praised for their ability to adjust to new conditions and for complying largely within the set rules and timelines.
- The electoral process was administered in an efficient manner, with a high degree of transparency. Our mission was invited to attend CEC meetings as observers. Municipal Election Commissions generally conducted their work in a neutral and professional way.
- Apart from the low participation of Serbian political entities and absence of the main Serbian political parties in these elections, there was a broad participation of political entities, including parties representing most communities. Except for the Kosovo Serbs, whose participation was inconsistent and extremely low, voters from all communities participated in these elections.

- Globally, the campaign was peaceful, but rather low profile compared to previous elections, political entities preferring the massive use of posters and billboards to big political rallies. However, campaigning was more visible and active in urban areas and main cities. In addition, the main political leaders were often out of Kosovo taking part in the negotiation process on the future status. In general, political parties adhered to the "Gentlemen's agreement" signed on 05 October contributing to a campaign environment largely free of violence or intimidation.
- The Ministry for Science and Education contributed to the success of the political campaign through its flexibility to allow political campaign events inside school buildings after school hours.
- CEEOMV noted an improvement in the functioning of the independent and semi-judicial body of the Election Complaints and Appeal Commission (ECAC). The Commissioner is now an international judge assisted by one other international judge and three high-ranking domestic judges. Decisions are taken by simple majority in panels of three judges including one international. An international judge's opinion carries the same weight as that of a domestic judge, which is a major improvement in the empowerment of local institutions.
- Safeguards and security features in place for the out-of-Kosovo by-mail operation are believed to be sufficient to guarantee the integrity of this process.
- The overwhelming majority of observers evaluated the voting process in positive terms, with only minor and isolated irregularities reported. Polling stations generally opened and closed on time, and the vote count was conducted in an acceptable manner. There was broad access for more than 26 000 party delegates and non-partisan domestic observers accredited by the CEC, to observe the polling and counting process.

Whilst stressing the positive aspects of these elections, CEEOMV also noted some shortcomings which should be addressed for the further improvement of the electoral process:

- Bearing in mind that the Final Voters List is not fully accurate and also includes, for example, the names of deceased persons, preliminary data indicates that overall voter turnout was just above 43%, showing a decrease from past elections considering:
 - that 3 elections were held at the same time;
 - the introduction of "open lists" for the Kosovo Assembly and Municipal Assembly elections;
 - the developments in the political landscape since the last elections;

all of which should have attracted more voters. The confirmation of this continuous downward trend, which started in the 2001 elections, reveals dissatisfaction among the population, due to the lack of improvements expected following the previous four elections. To a certain extent, this turnout reflects a particular loss of trust due to widespread discontentment with the prevailing socio-economic situation, which affects all communities living in Kosovo in their day-to-day life.

- Voters from the Kosovo Serb community have followed the appeals not to participate which were made by Belgrade's Authorities, Serbian political and religious leaders, as well as from the main Kosovo Serbs political leaders and entities, who did not register to run in these elections. 6 Mobile polling stations based on trucks as well as 17 back-up

Polling Station Committee teams were deployed in Serbian areas since only 54 of the 107 regular polling centres were allowed to be open by local or municipal authorities, and therefore were not in compliance with UN Security Council Resolution 1244.

- 33 Serbian political entities registered and were certified for the three elections. Many sent official requests to withdraw after the deadline. These withdrawals, as well as the absence of participation of the Kosovo Serbs in these elections, were certainly as a result of the statement adopted by the Association of Serbian Municipalities in its session held on 12 October, calling all Serbs not to take part in these elections and expecting the Serbian Authorities to take sanctions against all those who disobey the call for boycott. This is also the result of other official or non-official instances of pressure from Belgrade and Kosovo Serb Local Authorities. In these circumstances, Kosovo Serbs candidates had almost no opportunity to conduct a meaningful campaign.
- Although Kosovo is now in its fifth electoral cycle, there is still no consolidated electoral framework. While the elections were largely conducted in such a way that they can be considered credible and that the preliminary results so far seem to reflect the will of the people of Kosovo, international standards require that a set of electoral provisions be in place long before the call for elections.
- Keeping in mind that the international community has taken the lead in the four previous electoral cycles and that these elections could already be foreseen one year ago, regulations governing the Kosovo Assembly and the Municipal Assemblies were finally adopted by the SRSG as late as 7 September 2007 and 29 August respectively. The Central Election Commission had to pass electoral rules as late as 26 October with some of these rules amended as late as 12 November. Essential changes of the electoral rules should not be made less than one year prior to elections.
- The call for these elections was very late, even though the need for elections was known well in advance, as municipal elections were due in 2006 and the term of office for the Kosovo Assembly was due to expire in late 2007. To be in line with the requirement of the International Covenant on Human and Political Rights for "genuine periodic elections", elections should never be postponed unless there are exceptional circumstances.
- Formally, these elections are the responsibility of local institutions, primarily the CEC. However, due to the short notice, it became imperative that the international community, through the OSCE, take much more responsibility for the process than was foreseen. Notwithstanding the fact that local institutions did not plan for entirely locally run elections, it seems that the international community has not met its obligation to contribute to capacity-building in the field of elections.
- As already recommended by CEEOM in 2004, the decision-making mechanism within the CEC should be changed. It is still the case that the Chairperson, currently the Head of OSCE Mission in Kosovo, may occasionally determine an issue against all other members. The requirement of a qualified majority could guarantee the fundamental interests of the non-Albanian communities/opposition parties which could furthermore be strengthened by a request for agreement from the communities concerned.
- A further complication was that the mandate of the CEC expired in the middle of the electoral period. Most of the former Commissioners were reappointed (as from 11

October). But in addition the SRSG issued a regulation modifying the composition of the CEC and thus excluded participation from the civil society.

- Although in essence, the electoral system selected might not seem complicated, in practice, the format chosen, as well as the large number of participating political entities and the necessary design of the ballots for the Kosovo Assembly and the Municipal Assemblies proved quite difficult to handle for an ordinary voter. It resulted in a time-consuming process and in too many cases required that voters with limited abilities ask for assistance to cast their ballot, thus infringing on the secrecy of the ballot.
- According to our observations, in 70% of cases it took more than 5 minutes from the moment the voter received a ballot to the moment that the ballot was cast into the ballot box. This, of course, had an impact on the time voters spent queuing. Even though public voter education could have been more intense and efficient, it is doubtful that it would have made much difference. The number of voters leaving the queue because of this was, however, minor and voters should be commended for their patience.
- Concerning the election environment, observers reported that in 9% of the observations there were physical difficulties to access the polling stations, that in 16 % there were large crowds waiting to vote and that in 8 % the polling stations were overcrowded. On procedural issues it was reported that in 22% of the observations the ballots were not stamped when issued, in 10% that the provisions for spoiled ballots were not adhered to, in 7 % that the rules for assisting voters with limited abilities were not followed and in 15 % that the secrecy of the ballot was not respected. 32% of the observations included "group and family voting". 3% of the reports stated that voters were instructed for whom to vote.
- The counting lasted many hours but only in very few cases indicated some irregularities. However, in almost 20% of the observations, the assessment was that the Polling Station Committees lacked a proper understanding of the procedures, which had an impact on the organisation of the counting and cooperation between the PSC members.

It is rather worrying to note that in almost consistently 15% of the observations, safeguards during the reconciliation process were discarded. Despite focusing on the counting procedures during the training of the PSCs, cascade training provided at local level evidently was not up to the mark.

- It is premature to evaluate the effectiveness of public information and voter education for out-of-Kosovo eligible voters since the deadline for the by-mail operation is 20 November. However, public information and voter education have been extremely low for Kosovo IDPs from all communities. Certainly, the strong position of the Serbian Authorities prevented proper public information being disseminated, and in addition, due to the short preparation time, the election administration focused its resources on organising elections inside Kosovo.
- The Final Voter List (FVL) is an extract from the Civil Registry and is prepared by the CEC. Regrettably, the Civil Registry, which is the responsibility of UNMIK, is not updated as it should be and therefore, amongst other things, there were a substantial number of names of deceased persons still included on the list. It was not within the competencies of the Voter Services to solve the issue of the names of the deceased. During the period 27 September to 17 October, 24 119 Kosovars came forward. Out of

these 6 295 asked for a change in their Polling Centre. Despite the low numbers, the process has been considered a success by the electoral authorities.

This preliminary statement covers the process up to the counting for the Kosovo Assembly elections and is issued before the announcement of election results and before all complaints and appeals have been addressed by ECAC. The final assessment of these elections will depend, in part, on the completion of counting and tabulation, the final announcement of results and the effectiveness of the complaints procedure. CEEOMV intends to remain in place to observe the completion of these aspects of the electoral process.

The Mission expects all parties and political leaders to respect the results of these elections. It stresses the responsible role that must be played by political leaders and all Kosovo Assembly and Municipal Assembly members in promoting reconciliation and the construction of democratic institutions in Kosovo.

In case of discrepancy between the language versions, the English text shall prevail.

CEEOMV STAFF

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Field Operations Director (SE)	Fredrik Blanck
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Long-Term Observers

1	Prishtinë/Priština Prishtinë/Priština	Markus Adelsbach (DE) Björn Tedeman (SE)
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3	Prizren Prizren	Peter F. Kohlmeier (DE) Rodica Gonta (MD)
4	Peja/Pec Peja/Pec	Peter Curley (GB) David Dahmen (SE)
5	Mitrovicë/Mitrovica South Mitrovicë/Mitrovica South	Esko Ala-Hannula (FI) Hubertus Gielissen (NL)
6	Mitrovicë/Mitrovica North Mitrovicë/Mitrovica North	Irene Kaufmann (AT) Michael Paul O'Shea (IE)
7	Belgrade Belgrade	Finn Flensted Nielsen (DK) Aurora Ailincăi (RO/FR)

Setting-up and functioning of the Mission

Introduction:

Following the letter from Ambassador Werner WNEDNT (22 August 2007) the Deputy Head of Mission travelled to Pristina on a exploratory mission, from 30-31 August, to meet with OSCE and UNMIK representatives to discuss possible involvement of the Council of Europe, as well as practicalities, in order to deploy the Observation Mission as early as possible, and to guarantee a credible observation process. It was agreed, in principle, that UNMIK would assist the CoE in providing office spaces, office equipment and vehicles. OMiK agreed to provide the mission with VHF radios and include CEEOM V staff members in their security and evacuation plan. These arrangements were essential to enable a rapid deployment and allowed budgetary savings of more than €100,000 which were indispensable.

Based on the above, the Directorate General of Democracy and Political Affairs (DG-DPA) prepared a proposal, which was submitted to the Ministers' Deputies on 5 and 11 September, who accepted the invitation and appointed Mr Giovanni Di Stasi as Head of the Council of Europe Election Observation Mission.

Setting-up:

Despite the short notice, CEEOM V Core Team members were deployed in Kosovo by 1 October. They were joined 7 days later by 14 Long-Term Observers (LTOs) from 10 different countries. Four of them came from the CoE Secretariat.

LTOs received a 2-day fully-comprehensive training programme, encompassing the political background and current political context, electoral procedures, election observation issues, as well as security and communication procedures, mine awareness, medical advice etc.

On 11 October, LTOs were deployed in teams of 2 to 6 at different locations throughout Kosovo: Pristina/Prishtinë region, Gjiilan/Gnjilane region, Prizren region, Peja/Pec region, South Mitrovica/Mitrovicë region and North Mitrovica/Mitrovicë region. One team was deployed in Belgrade and based at the Council of Europe SRSG Office, as 206 879 Kosovo IDPs live in Serbia proper.

On 13 October the Core Team selected and confirmed the 150 Short-Term Observers (STOs) who were required to observe the polling and counting process on E-day (this estimation was based on the experience gained during the four previous elections in Kosovo, as well as on the size of the territory, the number of polling centres and polling stations, and taking into consideration the number that could be manageable with the human resources available).

It should be noted with satisfaction that the number of pledges for STOs was well above the maximum number of 150. This led CEEOM to carry out a difficult selection process. In order to create the best possible conditions for a highly professional independent, objective and credible observation, the following criteria were particularly taken into consideration:

- experience as international observers either long-term or short-term;
- national experience in electoral process;
- experience in international organisations, NGOs or diplomatic services;
- nationality, age and gender.

However, since the aim was to pair the 150 STOs in 75 teams, mixing as far as possible nationality (in order to have teams of 2 STOs familiar with different electoral systems), age, gender as well as experience, CEEOM V also endeavoured to select candidates with less experience enabling them to gain their first election observation experience with CEEOM, thus contributing to the pool of experienced observers for future observation missions and increasing capacity-building.

As a result, in addition to the delegations from the CLRAE, the Committee of the Regions and the European Parliament, CEEOM selected 116 STOs (69 men and 47 women) coming from 30 different Council of Europe member States.

An essential aspect of such a rapid deployment and smooth running was the fact that the Mission benefited from the experience of both the logistical and security expert and the Finance and Administrative Officer who were part of previous CEEOM missions.

Security arrangements for the mission:

The CEEOM set up the same well-established security and logistical arrangements as in previous missions:

All staff of the mission, (Core Team, LTOs and STOs), were included in the OSCE Mission in Kosovo security and evacuation plans, as well as with the OMiK warden system, which is itself included in UNMIK security and evacuation plans, and were provided with general and regional security training by OSCE Security and KFOR.

The CEEOM's International Security Expert was in charge of supervising all security aspects of the mission and liaised with OSCE and UNMIK Security as well as with KFOR.

As far as communication was concerned, CEEOM was integrated into the OSCE radio network, and staff members were equipped with personal VHF radios with access to the OSCE Security channel monitored on a 24-hour basis by the OMiK Situation Room. STO teams were provided with the same VHF radios.

In conclusion, CEEOM staff members benefited from exactly the same security arrangements as those which are currently in place for OMiK and UNMIK staff.

Functioning:

Good and effective working relations were established with officials from UNMIK, OSCE and the CEC, as well as representatives of all other institutions involved in the election process. The Field Operation Director/Election Expert attended, as an observer, all CEC meetings from the date of his arrival on 1 October. The Observers Co-ordinator attended all OSCE Election Task Force meetings which were held three times a week as an observer. In the field, LTOs met regularly with MECs and attended their meetings as well as OSCE field presences election-

related meetings as observers. They also met with local political leaders from the different communities, observed political rallies, met with local NGOs, women and disabled persons associations, as well as other relevant organisations such as the UNHCR or the EU monitoring missions.

Communication between LTOs and the Core Team:

All communication between LTOs and the Core Team was through the Observers Co-ordinator, who directly dispatched information to the relevant persons. Information and up-dates were sent to them on a daily basis. It included latest election regulations passed by the CEC, updated information gathered by the Core Team, practical information or instructions pertaining to observation, as well as preparation for STOs, daily press clippings etc.

Report templates were provided to the LTOs. They sent their weekly reports every Friday to the Observers Co-ordinator, who consolidated them for dissemination among the Core Team. The first observation weekly reports were sent on Friday 19 October.

LTOs returned to CEEOM Headquarters in Prishtinë/Priština on 3 and 4 November for extensive debriefing and to finalise preparations for E-day, including the training and deployment of the 150 STOs. A mock election was organised, with the assistance of the OSCE Election Department Training Unit. It helped the LTOs, as well as the Core Team, to fully understand the way polling, and particularly counting, would take place on E-day. Thematic workshops, where LTOs were split into groups, were also organised for more focused debriefing on some specific aspects of the electoral process.

STOs and E-Day observation:

The 150 STOs arrived on 12 November and were deployed in their areas of responsibility on 15 November, following a 2-day fully-comprehensive training programme, organised in Prishtinë/Priština, which included political background and context, electoral procedures, election observation issues based on CEEOM V findings, guidelines for filling in the observation forms, as well as security and communication procedures, mine awareness etc.

STOs were provided with observer forms corresponding to the different phases of the process: opening, polling, closing and counting. The Core Team and the Statistician tailored the design of the forms, taking into account the electoral legal framework, the electoral procedure, CEEOM V findings, as well as other relevant specifics. These forms were brought to LTOs regional offices during the day and entered into a database designed by the statistician. The results were sent at three previously determined times during the day and were processed by the statistical team as they came, enabling the CEEOM V to analyse them immediately. This way of processing is an essential part of the observation as it gives strong credibility to the observations, optimises STOs work and therefore gives the best accuracy to the preliminary statement.

In addition, to complete the results obtained through the observation forms, a specific reporting system was put into place between the STOs/LTOs and the Core Team for the E-day. Three situation report templates were established with short and precise questions, focusing on the different phases of the election day. LTOs had to call their respective STO teams according to a precise pre-established schedule and complete the different situation reports which were sent directly by e-mail to CEEOM headquarters for immediate analysis.

Press and visibility:

A communication strategy was established. Six Press Releases and the biography of the Head of Mission were issued in English and translated locally into Albanian, Serbian and Turkish. This information was dispatched to a mailing list of 52 journalists and to key actors, such as OSCE and UNMIK spokespersons, as well as to the "Media Centar" in Caglovica, mostly frequented by Serbian media representatives.

Several media events were organised: on the occasion of the arrival of LTOs on 10 October as well as during the mock elections on 3 November and also during the training of the STOs on 13 November. Major local TV stations covered these events, namely RTK, RTV 21, TVK (Kosova TV) and UNMIK TV. Major newspapers were also present: Koha Ditore, Bota Sot, Zeri.

Thirty one articles in the local newspapers, including two front-page articles and four references on the front page. These 31 articles were scanned and translated. The material was sent by FTP (File Transfer Protocol) to the relevant services in Strasbourg, in order to have them posted on the dedicated web page.

A team from Strasbourg arrived late October to make an 8-minutes report on the elections and their observation. This material was broadcast on Euronews a week ahead of the elections.

CEEOM Core Team, LTOs and STOs were provided with visibility equipment including jackets.

On the eve of the elections, a report on the training of the STOs was also made available on the European Broadcasting Union (EBU). Three different reports were broadcast on the Eurovision News Exchange programme on 16, 17 and 18 November

The press conference on 18 November was largely attended, with approximately 50 local and international journalists attending the press conference, among them 12 TV stations. The press review of the Council of Europe issued a 44-page document of international coverage regarding the coverage of the press conference on 18 November 2007, including quotes in "Le Monde » and even the Chinese News Agency.

On a daily basis, the Core Team received the following clippings:

- ✓ UNMIK Media Headlines
- ✓ UNMIK International clippings, morning and afternoon editions
- ✓ UNMIK Mitrovica Regional Headlines
- ✓ UNMIK Weekly Press Conference Transcript
- ✓ OSCE Broadcast Report
- ✓ OSCE Media Monitoring
- ✓ All clippings relevant to the Council of Europe activities in Kosovo.

All relevant material was printed and compiled in a folder.

**CONTACTS AND MEETINGS OF THE CORE TEAM
FROM 1 OCTOBER TO 30 NOVEMBER 2007**

A fundamental part of any observation mission is to hold regular meetings with representatives of all relevant institutions, political entities, technical, administrative and logistical bodies involved in the preparations for the election.

Accordingly, during the reporting period, the Core Team (HoM, DHoM, FOD – together and/or separately) held the following meetings:

a) The international community and electoral bodies

Mr Joachim Rücker, SRSG, UNMIK
Mr Steven Schook, Principal Deputy SRSG, UNMIK
Ms Emma Shitakha, Chief of Staff, UNMIK
Mr George Huber, Deputy Chief of Staff, UNMIK
Mr Jolyon Naegele, Acting Director for the Office of Political Affairs, UNMIK
Mr Tim Guldemann, Head of OSCE
Mr Markku Laamanen, Officer in Charge, OSCE
Mr Karring Moan, Head of the Election Department's Voter Services, OSCE
Mr Sven Lindholm, Mission Spokesperson, OSCE
Mr Joseph Brinker, Deputy Head of the Office for Political Affairs, OSCE
Ms Wilma Theuvs, Director of the Department for Good Governance and Democratic Institutions, OSCE
Mr Ovidiu Craiu, Deputy Director of the Department for Good Governance and Democratic Institutions, OSCE
Mr Hugh Fulton, Elections Technical Adviser, OSCE
Mr Patrice Quesada, Senior Political Officer, OSCE
Ms Martina Düttman, Training Adviser, OSCE
Mr Bujar Basha, Project Liaison Officer, OSCE
Mr S Mitchell Moran, Head of Legal Affairs, OSCE
Ms Amanda Ashford, Senior Legal Adviser, OSCE
Ms Maria Fihl Vetting, Political Affairs Officer, OSCE
Mr Mazlum Baraliu, Chief Executive Officer, Central Election Commission (CEC)
Mr Sadik Berisha, Executive Assistant, Central Election Commission (CEC)
Mr Alban Muriqi, Senior Legal Officer, Central Election Commission (CEC)
Ms Karin Marmsoler, Policy Officer, EU Special Representative, International Civilian Office (ICO)
Mr Neithard Hofer-Wiossin, Political Adviser, EU Special Representative, International Civilian Office (ICO)
Major General Gerhard Stelz, Deputy Commander, KFOR
Lieutenant Colonel Frank Duewel, MA to Deputy Commander, KFOR
Mr Marco Di Stefano, Political Advisor to Deputy Commander, KFOR
Mr Bruno Wahrlichler, Head of Mission, EU Monitoring Mission (EUMM)
Mr Norbert Koster, the Election Complaints and Appeals Commission (ECAC)
Mr Alistair Livingston, OSCE Regional Head of Mission, Mitrovicë/Mitrovica
Deputy Director, OSCE Regional Head of Mission, Peja/Pec

Mr Gani Mikulovci, Mitrovicë/Mitrovica Municipal Elections Officer (MEO)
Mr Zija Bala, Peja/Pec Municipal Elections Officer (MEO)
Ms Naile Selimaj, Executive Chief, Temporary Media Commission
Mr Dennis Besedic, Political Affairs Officer, Department of Peace-keeping Operations, (DPKO)
Mr Farniano Crucianelli, Italian Deputy Minister for Foreign Affairs

b) Political entities and religious leaders

Mr Fatmir Sejdiu, President of Kosovo, LDK
Mr Veton Surroi, President of ORA
Mr Fatmir Limaj, Vice-president of PDK
Mr Behgjet Pacolli, President of AKR
Mr Nexhat Daci, President of LDD
Mr Oliver Ivanovic, Member of the Presidency
Mr Ahmet Isufi, Vice-president of AAK
Bishop Artemije, Head of the Serb Orthodox Church in Kosovo
Mr Naim Temava, President of the Islamic Community of Kosovo
Father Sava, Decan Monastery, Deçani/Dečan
Mr Milan Ivanovic, Leader of the Serbian National Council for North Kosovo
Mr Ismet Beqiri, Mayor of Prishtinë/Pristina Municipality, Association of Kosovo Municipalities and Mayors

c) Diplomatic Liaison Offices

Mr Renzo Daviddi, Head of European Commission Liaison Office in Kosovo
Mr Wolfgang Koeth, European Commission Liaison Office
Mr Thierry Reynard, Head of the French Liaison Office
Mr Patrick Mura, Head of the Italian Liaison Office
Mr Andrei Dronov, Head of the Russian Federation Liaison Office
Mr Lukas Beglinger, Head of the Swiss Liaison Office
Mr David Blunt, Head of the UK Liaison Office
Mr Alex Laskaris, Deputy in Charge of the USA Liaison Office

d) Central Election Commission (CEC)

The Field Operations Director (FOD) attended all CEC Meetings, except one, from 1 October to 30 November.

e) OSCE Election Task Force meetings

The Observers Co-ordinator (OBSCO) attended the above-mentioned regular meetings every Monday, Wednesday and Friday.

f) European Union Heads of Mission Meeting

Regular meetings were held between Heads of EU Member State Liaison Offices in Kosovo. At the request of the members, the HoM and DHoM attended a meeting on 8 November to present the work of the Mission. Ms Genoveva Ruiz Calavera, Head of Unit ELARG, EC Brussels, and Heads of Liaison Offices of candidate countries Turkey, Croatia and “the former Yugoslav Republic of Macedonia” were also present.

g) NGOs

Mr Leon Malazogu, Research Director, Kosovo Institute for Policy Research and Development (KIPRED)

Mr Behxhet Shala, Head of the Council for the Defence of Human Rights and Freedom (KMDLNJ)

Mr Zinaide Kuçi Gruda, Member of the Board, Council for the Defence of Human Rights and Freedom (KMDLNJ)

Mr John Anderson, Office Director, USAID

Mr Refki Morina, Project Officer, USAID

Mr Dickson Bailey, Chief of Party, IFES Democracy at Large

Ms Maya Serban, Programme Officer, IFES Democracy at Large

Ms Dinora Aleksic, Project Officer, IFES Democracy at Large

Mr Carlo Binda, Country Director, National Democratic Institute (NDI)

Nail Selimaj Krasniqi, Chief Executive, Independent Mission Commission (IMC)

In addition, on 17 and 18 October, the HoM and DHoM attended a series of meetings in Belgrade:

Mr Feodor Starcevic, Assistant Minister, Directorate General of Multilateral Affairs, Ministry of Foreign Affairs

Mr Dragisa Dabetic, Serbian Commissioner for Refugees

Mr Milos Aligrudic, Head, National Delegation of the Parliament of Serbia to PACE

Ms Branislava Alendar, Assistant Minister, Ministry for Kosovo and Metohija

Mrs Jennifer L Brush, Chargé d'Affaires, USA Embassy in Belgrade

Mr Paulo Tiago da Silva, Ambassador of Portugal in Serbia

Mr Alexander Alekseev, Ambassador of the Russian Federation to Serbia

Mr Alessandro Merola, Ambassador of Italy to Serbia

Mr Jens Modvig, Director, United Nations Office and UNMIK Representative in Belgrade

Contacts with media

An important aspect of the Mission was the various media interviews conducted with the members of the Core Team. As well as *impromptu* interviews with local media during their visits, the HoM and DHoM met, were interviewed by, or took part in, debates with the following:

ZDF (German TV)

ANSA (Italy)

Euronews (TV)

Al Sat (Albanian TV)

RTK (Kosovo TV)

RTV 21 (Kosovo TV)

KTV (Kosovo TV)

Radio Koper (Slovenia)

Radio 24 (Italy)

RTK Radio Blue Sky (Kosovo)

Radio Free Europe (Kosovo)

Radio 21 (Kosovo)

BBC Radio (Albanian Service)

CEEOM V

COUNCIL OF EUROPE ELECTION OBSERVATION MISSION IN KOSOVO 2007

Team	Aurora Ailincăi and Finn Flensted Nielsen
Duty station	Belgrade
Period covered	15 October – 15 November 2007

1. Introduction

The Council of Europe Election Observation Mission for the out-of-Kosovo voting in Serbia was implemented by a team of two LTOs. The area of observation included the whole territory of Serbia, with a focus on the regions where most of the IDPs and refugees from Kosovo- the potential voters - live.

The observation was focused on the by-mail voting option that was available to the IDP potential voters.

- to what extent the IDP community was informed about their possibility to vote;
- if informed, would people understand the procedures on how to apply and how to vote;
- to what extent would international NGOs and national IDP-related NGOs engage in the dissemination of voter information;
- how would the government position “not to support the elections” influence the by-mail voting process;
- would Serb political entities participating in the elections be visible to voters out of Kosovo;
- how are the Kosovo elections perceived by the IDP and minority communities;
- what was the extent of media coverage for the Kosovo elections.

2. General overview

a. Political environment

At the session on 13 September 2007, the Government of the Republic of Serbia reviewed the issue of elections in the province of Kosovo and Metohija, stated by bodies of the Provisionary Institutions of local self-government. In conclusion: The Serbian Government decided to recommend the Serbs “not to participate in the provincial elections”. This message appears to have been very effective as it neutralised nearly all relevant and natural interlocutors who would have been, under normal circumstances, actively engaged in the preparations and conduct of these elections, the IDP and minority communities in particular. Many express bitterness towards UNMIK, Europeans and many towards the Government of Serbia as well. They feel completely forgotten. After more than eight years:

- many still have unresolved property issues pending;

- security problems, no secure access to Kosovo;
- no improvement of the general economy;
- no jobs available;
- their accommodation and economic situation as IDPs still unacceptable;
- Serb political entities in Kosovo pay little or no attention to Serb returnees;

Seen from an IDP and minority peoples point of view, the current electoral system and the political atmosphere are perceived to offer little or no incentive for active participation in the out-of-Kosovo voting programme.

The negotiation process for the status of Kosovo interferes with the election and there is a great deal of confusion present. The elections are scheduled in a sensitive period which allows many potential voters to think that they would vote for an Assembly which is expected to declare the independence of Kosovo at the end of the negotiation process, on 10 December 2007.

The out-of-Kosovo voting process is administered by the Central Election Commission from Kosovo, which provided the potential voters with information on their website as well as printed material on "how to vote". This information remains the only source of communication on the elections in Kosovo.

The Central Election Commission was supported by the OSCE mission in Kosovo, Belgrade office. The printed material, (posters and application forms), was sent to the OSCE office which distributed the material to the partners (UNHCR and a few NGOs dealing with IDPs).

Although the Central Election Commission offered the possibility of by-mail voting, the interest in the out-of-Kosovo voting is rather low⁵⁷, due to the Government's position. Very few voters registered, most of them being previous voters who participated in the 2001, 2002 and 2004 elections.

As far as political party participation was concerned, only PSS (Pokret Snaga Srbije – Serbia Strength Movement) was visible in Serbia. There were two of their candidates who withdrew from the lists because of the rising pressure. Nevertheless, their names are still on the list. PSS had candidates in thirteen municipalities in Kosovo and for the Kosovo Assembly. The PSS party was also planning to have members of the municipal election commissions (MEC) and as political party observers on E-Day but their candidates withdrew.

An example of "non-support policy" by the Government of Serbia for the Kosovo elections: at a visit to the IDP Trustee, Municipality of Subotica, the meeting was arranged well in advance and the purpose introduced. Any election-related questions asked during the meeting were consequently dismissed, referring to the Commissariat for Refugees, which had not provided any information on the subject and given no permission to share any information without pre-approval. Example to the contrary: the Trustee was very open regarding the forthcoming elections in Croatia on 24 and 25 November 2007 and allowed us to read an instruction from the Commissariat, to support these elections. People living out of Croatia could come to this office to check if they were on the voters list in the municipality where they lived before and voters would be provided with transport to vote in person. In other words, the Commissariat for Refugees can be very efficient in providing election support, if this is the policy adopted.

⁵⁷ The latest numbers provided by OSCE on 6 November 2007 are 493 approved registered applicants from Serbia for the by-mail voting for Kosovo elections and in addition 391 applicants are pending approval.

Resentment towards Serb IDPs and Serbians living in Kosovo.

Some ordinary Serbian people expressed resentment towards IDPs now living in Serbia and towards the Serb community living in Kosovo – stating very strongly that these people have to stay in Kosovo and not come to Serbia and take jobs from the Serbian people.

Serbia itself has more than 800 000 unemployed citizens – people coming from Kosovo would only make the situation worse.

b. Campaigning activities

The PSS was the only political party met campaigning outside of Kosovo, in Belgrade, Kragujevac, Valjevo and Nis. In Serbia, they campaigned by distributing their election programme, by organising door-to-door visits (including the collective centres).

During the visit to Smederevo Collective Centre, individual Serb IDPs reported that they had been visited twice after dark by a political party whose name they were not familiar with. They refused to have anything to do with them and asked them to leave. It is believed that the reason for the after-dark visits was to avoid confrontation with the government officials from the collective centre.

c. Dissemination of information and voter education

Dissemination of voter information for the out-of-Kosovo voters can be divided into two equally important phases: 1. the dissemination of the information that by-mail voting is an option that is available to the out of Kosovo voters and 2. how to do. The second and very important phase is about voter education.

Official information was very late and limited. In the middle of October, the three main newspapers⁵⁸ printed the information, the application form, how to apply and how to vote. UNHCR “IDP Bulletin” printed on 13 November in 5 000 copies and distributed in the following days, also brought information on by-mail voting to IDPs and to minority groups, but very late.

TV coverage – UNHCR broadcast the information on by-mail voting procedures in three of their IDP-related transmissions on Radio Television of Serbia (RTS).

Posters and application forms, provided by the Central Election Commission. Initially nearly all national and international NGOs were eager to participate in the distribution of the material. Within a period of two weeks, this was reduced to one international NGO (Danish Refugees Council) and to two national IDP-related NGOs (JUG and PRAXIS), the Government’s position being the main reason.

Only one of the NGOs met was interested in getting actively involved in the door-to-door distribution of various material, as they had done so in previous elections in 2004. However, lack of funding (from OSCE Pristina) put an end to this initiative.

⁵⁸ Politika, Vecernje Novosti and Blic.

Informal information, by word of mouth, is reported to have been rather effective. IDPs and minority groups discussed the issue extensively – but again it was too risky to go against the Government. The majority depends on the social welfare paid by the Government of Serbia.

Voter education, how to understand the rules, how to fill in the forms, where to obtain the necessary documents to prove eligibility (if not to hand) and how to build confidence in the mail-in and the counting process. If the by-mail voting option had been implemented under normal circumstances, the voter education, together with general information dissemination, would have been a necessity, but because the whole process was lacking support from the Government of Serbia – the absence of voter education did not cause much harm to the process. The voters that would cast a by-mail ballot are believed to be people who have done this in previous elections.

d. Involvement of international organisations, NGOs and local IDP associations

Irrespective of the Government of Serbia's viewpoint on the Kosovo elections, negative or positive, it is a fact that the majority of individual people met, whether being from an national/international NGO, from an international agency or a government official, the focus being mainly directed towards the ongoing negotiations on the status of Kosovo and speculations on the possible outcome. Little or no attention was paid to the Kosovo elections.

For access to the "Registration Application For Out-of-Kosovo Voting" form, a limited number of National/ International NGOs agreed to have the poster and application form available in their offices and to hand out the material to interested citizens upon request.

UNHCR was able to reach an agreement that the IDP organisations part of UNLIA Forum would post the information on the elections in their offices, where which are people could be informed and note down what they have to do, if interested in the elections.

The well-known position of the Government of Serbia seems very effective and makes the NGOs and other groups reluctant to engage in any form of voter education as mentioned above, but only to have the forms available upon request.

Only one of the NGOs met (JUG – UNLIA Forum), as mentioned before, was interested in getting actively involved in the door-to-door distribution of various materials. Others followed the recommendation of the Government of Serbia.

e. IDP concerns

The number of Kosovo Serbs previously residing in Kosovo, but now living in Serbia, is estimated to be 206 504 (IDPs from Kosovo in Serbia, source UNHCR Representation in Serbia "refugees and IDPs in Serbia as of 1 September 2007). The majority of these members have been registered in Serbia and therefore do not hold the status of IDP (this does not apply to the Roma IDPs). Current figures and estimates are not considered to be accurate. UNHCR is working on a comprehensive IDP survey which should be available in spring 2008.

The IDP concerns about the elections are different from one settlement to another: on the one hand, the ones who want to vote but are not informed and educated on the electoral process and on the other hand, the ones who are very loyal to the Serbian Government's position.

It is believed that most IDPs, especially from the south of Serbia, are well-informed about the Kosovo elections and the possibility of by-mail voting, but for obvious reasons there is little or no interest in participation. The lack of information on which political entities participate in the elections and the mistrust in the handling of the very sensitive materials that go with the by-mail envelope are arguments often used for not being interested in voting. They are not confident about filling in the application forms with their personal data and attaching an identification document. They might be easily identified and become subject to harassment. For most of them, the voting procedures are not transparent and the application procedures which allow them to be eligible for voting are not adapted to their specific situation (e.g. they do not have access to electronic media).

For those who are informed on the procedures, no education and information on the electoral campaigns and programmes are available. The lack of information on which political entities participate in the elections renders their participation "blind".

However, the reasons for non-participation are more serious and complex. Very often the economic and social situation, which is still precarious after eight years, was mentioned. They are more interested in getting their properties back than participating in the elections. They no longer trust either the provisional institutions from Kosovo or the Serbian Government. They do not see the benefit of their participation in the elections and do not feel well-represented at the political level in Kosovo.

f. National minorities

The Roma IDPs are considered the most vulnerable IDP group. The situation of the Roma IDPs in Serbia still remains one of the most difficult and complicated since most of them do not have any identity documents and therefore do not "legally" exist. According to the UNHCR, many Roma from Kosovo have never had documents while living in Kosovo, the problem known as "chronic unregistration". This creates a "snowball effect", since the lack of documentation makes it impossible to obtain other documents and thus prevents them from making their legal status regular. Without any identity document, they are not considered to be a part of society. Presently, there is no strategy or mechanism in place for them to be registered and integrated.

Given the political fragility and the continuing unstable security situation in Kosovo, very few of them opt for returning. At the same time, there is neither the strategy of integration nor any other national action plan adopted by the Government of Serbia for the special concern of Roma IDPs. Their lives are still characterised by the daily struggle to survive and a lack of real choice concerning the future. Finding adequate accommodation and living conditions are identified as the most pressing needs for a majority of Roma IDPs. Most of them are illiterate and even if the information on the elections reaches them, they are deprived of any means to be a part of the process.

3. Media coverage

Media coverage on Kosovo elections was very low. The information coming from the media can be divided in two parts: the information on the elections and the official statements calling to boycott the elections.

Only two TV stations broadcast information on the elections, Pink TV and RTS.

Pink TV transmitted the 70-second clip about the Kosovo elections several times (the information was confirmed by Ivan Vlatkovic, the Marketing Director).

RTS stated that "the elections in Kosovo is news equal to the other news" and they cover the elections despite the official position, but not in detail as they do not have direct access to the sources and the information they are receiving from Kosovo is not considered to be satisfactory. RTS broadcast on the UNHCR transmission space (a half-an-hour show which provides information on the IDPs and refugees). The last three shows contained information on the Kosovo elections.

The information on the elections, as received from OSCE Pristina, was published in the UNHCR IDP Bulletin "Povratak" (The Return).

A limited range of printed media provided potential voters with information on the elections. The following newspapers published the leaflet containing information on "how to vote": Politika, Vecernje Novosti and Blic. Pravi Odgovor (the Right Answer) refugee magazine dealing with IDP issues also disseminated the information on "how to vote".

B92 broadcast, the Secretary of the Ministry of Kosovo, Dušan Proroković' statement saying that Kosovo Serbs should boycott the province's elections scheduled for November. "Politika" (national daily newspaper), 12 November 2007, reported "Jaksic: Serbs will not vote". Member of the Serbian negotiation team, Marko Jaksic, said "I personally believe that the Serbian boycott of the elections will be complete". "In the last elections, less than 1% of Serbs took part. Now, when the Prime Minister, the President and the Serbian Orthodox Church call for boycott, I expect the number to be even less". Jaksic said: "the Serbs aren't being threatened about voting in Kosovo elections" and "that the Serbs know that by taking part in the elections, they acknowledge another Albanian state in the Balkans".

Regarding political advertisements, only the PSS (Pokret Snaga Srbije) addressed their potential voters over the local TV stations: TV Valjevo (Valjevo), TV Panonija (Novi Sad), TV Galaksija (Cacak), TV AS (Sabac), TV Svilajnac (Svilajnac), TV Belami (Nis). Most of the time, it was free of charge.

4. Conclusions

The very low interest of out-of-Kosovo voters in Serbia in these elections is directly linked to the official position of the Government of Serbia and the missing facilities meant to provide assistance in the process. The messages from various Serb leaders to boycott the elections deprived the candidates and the voters of the opportunity to conduct campaigns and most probably affected participation.

The out-of-Kosovo voting was likely to have received more attention from the very beginning of the planning of these elections from the Kosovo side. More resources and more time might have been made available, to allow a more intensive and direct contact to the

potential voter communities and more voter training and information on how to apply and how to vote.

The current voter information system that is being put in place might not succeed in reaching and activating the target-groups.

The current electoral system and the political atmosphere were perceived to offer little or no incentive for active participation in the out of Kosovo voting programme.

