



EUROPEAN PARLIAMENT

AD HOC DELEGATION TO OBSERVE THE PARLIAMENTARY ELECTIONS IN KOSOVO (17 November 2007)

Election observation mission 16-18 November 2007

Report by
Mrs Doris PACK,
Chairperson of the delegation

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Introduction

At its meeting of 17 October 2007, the Conference of Presidents decided to authorise the sending of a seven-member election observation delegation to observe the legislative elections in Kosovo of 17 November 2007.

According to the D'Hondt system, the distribution of seats was decided as follows:

- 3 seats to the EPP-ED,
- 2 seats to the PES,
- 1 seat to the Greens/ALE and
- 1 seat to the ITS.

The EPP-ED appointed Mrs Doris Pack and Mr Marian-Jean Marinescu. It also decided to cede 1 seat to the PES Group. Mr Marinescu then withdrew from the delegation, whilst the seat attributed to the PES Group was taken by Mr Hannes Swoboda.

The PES Group appointed Mr Csaba Tabajdi and Mr Göran Färm. The Greens/ALE appointed Mrs Gisela Kallenbach. The ITS Group appointed Mr Andreas Mölzer. Mr Mölzer then withdrew from the delegation, and his Group decided to cede 1 seat to the UEN Group. This seat was taken by Mr Ryszard Czarnecki.

The final composition of the Delegation was therefore: Ms Doris **Pack** - PPE-DE, Mr Hannes **Swoboda** - PES, Mr Csaba **Tabajdi** - PES, Mr Göran **Färm** - PES, Mr Ryszard **Czarnecki** - UEN, Ms Gisela **Kallenbach** - Verts/ALE.

At the constituent meeting of the delegation, Ms Doris Pack was elected Chairperson of the delegation and Mr Hannes Swoboda was appointed Vice-Chair.

At the same meeting the deployment of the mission was decided upon. Members exchanged views on the programme and on the political situation in Kosovo and heard briefings of the European Commission (Mr Kaldoun Sinno) and of the General Secretariat of the Council (Mr Stefan Tressing and Mrs Anna Maria Boura). With regard to deployment, it was decided that the delegation would split in five teams that would go to Pristina, Prizren, Peja/Pec, Ferizaj/Urosevac-Gjilane, Novo Brdo and Strepça, and Mitrovica North and South.

Political Background

The elections in Kosovo were a sensitive subject in the light of the future status issue. Ongoing talks between the Serbs and Kosovo are contentious and have thrown a spotlight on the region.

Following the war, Kosovo remains a disputed province and an international security and civil presence remains on the ground. After the rejection of the Ahtisaari plan which aimed to set Kosovo on a path to independence, talks between the two parties continued

on the status, assisted by the Contact Group (US, UK, France, Italy, Germany and Russia). However Belgrade and Pristina remain polarised in their demands and there appears little opportunity of bridging the gap between them due to the fact that neither is ready to cede their principle demands. The Kosovar Albanians will not accept anything less than full independence, whilst the Serbs will simply not agree to this.

The Kosovar Albanians had made clear their determination to resolve the final status issue by 10 December 2007, which was the deadline for the Contact Group-led talks, even if this would mean a unilateral declaration of independence. This ongoing status question somewhat overshadowed the election process although there was an agreement between the Kosovar political entities not to let it dominate the electoral campaign. This was the fifth election organised in Kosovo since the 1999 war and provided a good opportunity for the local authorities to prove that they could run credible elections, although there was substantial aid provided by the OSCE.

The legislative elections were intended to fill up 100 seats in the unicameral assembly, which actually consists of 120 members. Twenty seats are reserved for ethnic minorities. The system of set-aside seats was introduced in 2001 to ensure representation of smaller communities in the Assembly. The set-aside seats are allocated as follows: ten seats are reserved for the Kosovo Serb community in proportion to the number of votes parties receive in the election. The remaining ten seats are divided amongst Roma, Ashkali and Egyptian (4), the Bosnian (3), the Turkish (2) and the Gorani community (1).

Previous elections had being regarded by international observers as largely credible and democratic, although there had been continual concerns regarding the lack of participation by the Serbian minority. Voter participation was on the whole regarded as a problem as repeatedly low voter turn-out was regarded as a sign of voter dissatisfaction towards the political class.

For the first time this election was conducted on an open list system. It was believed that instituting an electoral system with open lists would encourage political parties to nominate new, often popular figures to stand in the elections. It would enable voters to directly choose not only the party, but also the candidates from a party list. There was a belief that this new system would prove to be more democratic as it would encourage greater links between the candidates and the citizens.

Although this was the fifth election to take place since the war, the organisation of the election was shared between the OSCE and the Central Election Committee (CEC), with the OSCE retaining responsibility for more sensitive areas including political party registration and the management of the voters list. The CEC is responsible for the conduct of elections in Kosovo. It regulates the electoral process by adopting Electoral Rules and supervising all aspects of the process to ensure that the elections meet international standards.

In total 26 parties and political entities submitted lists for the legislative elections, of which 8 were Serbian. It was however unclear just what attitude Serbian minorities would take regarding the elections and whether or not they would boycott it as they did in 2004. The UN Interim Administration Mission in Kosovo (UNMIK) reported that Serbian officials had been discouraging Serbian minorities from voting and reports on the ground suggested that Serbian local authorities had been obstructing the organisation of the election through such measures as not allowing schools and other public buildings to be used as voting stations. Some of the Serbian political entities expressed their desire to withdraw their names from the ballot due to pressure. This included threats of financial sanctions and in some cases this reportedly went as far as physical intimidation. Belgrade had issued a call for the Serbian minorities to boycott the election.

The European Parliament was the main Parliamentary body observing these elections along with the Council of Europe Head of Mission and a delegation of the Council of Europe's Congress of Local and Regional Authorities. The legislative elections were held at the same time as elections for Municipal Assemblies and Mayors.

Programme of the Delegation

Friday, 16 November

Meetings with representatives of EU institutions:

- **Mr Renzo Daviddi, Head of the European Commission Liaison Office to Kosovo**
- **Ms Karin Limdal, Public Information Advisor, Planning Team for the EU Rule of Law Mission**
- **Mr Jonas Jonsson, Head of the Preparation Team of the International Civilian Office**

Mr Renzo Daviddi welcomed the European Parliament delegation and invited the representatives of the EU Planning Team and Preparation Team of the ICO to brief the members on the state of play of the EU presence in Kosovo.

Ms Limdal stated that despite political uncertainties, the preparation for the ESDP Mission had continued and was now entering its final stages. Mr Casper Klynge had been appointed on 2 May 2006 by the Political and Security Council as head of mission. The mission would be involved in three areas, namely: justice, police and customs. It would have a mandate of two years. The main objective of the mission is to promote local ownership and retain limited executive and correctional powers in the following areas: inter-ethnic crime, war crimes, terrorism, corruption, organized crime, financial crimes and property issues. Concerning human resources, the mission will be working with 1800 international staff and about 1000 local staff.

Mr Jonas Jonsson stressed that the ICO was ready to take over its responsibilities. The ICO-EUSR Preparation Team was planning a possible future international civilian presence in Kosovo after a status settlement, with a view to overseeing the implementation of an anticipated status settlement. The Preparation Team was also involved, in close cooperation with the transitional administration of the United Nations (UNMIK) and the Kosovo authorities, in preparing those authorities for the new responsibilities that would fall upon them following a settlement.

Mr Renzo Daviddi added that there might be problems in accepting a strong international presence with considerable executive powers, once the status is settled. At the same time, Mr Daviddi underlined that the urgency of resolving the question of the status was evident, not only from a political point of view, but also from an economic perspective. The economic development of Kosovo is directly linked with the status situation.

Meeting with Heads of EU Member States Offices

Permanent Representatives from Austria, Finland, France, Germany, Greece, Italy, Slovenia, Romania and the United Kingdom welcomed the delegation of the European Parliament to Kosovo and exchanged views with regard to the electoral process, the status negotiations, the situation of minorities in Kosovo and the EU involvement in the area. During the meeting the following conclusions were drawn:

- EU reaction after 10 December:
After the 10th of December, pending the result of negotiations, it was important that the EU shows consensus and speaks with one voice. The EU needs to be prepared for both a status settlement and a prolongation of talks.
- Elections:
Regret was expressed by several representatives of the Member States regarding the lack of involvement of the Serbian community in these elections. It was emphasized that this is a problem that needs to be particularly looked at following the status settlement in the sense that ways and means need to be identified for the integration of the Serbian minority (and also other minorities) into the Kosovo society. The EU could have an important contribution in resolving this issue.
- EU contribution to the region:
The developments in the Western Balkans are of direct interest to the EU, as this is a European region where European values need to be implemented. Following the status settlement, the EU will have the opportunity to play an active role in Kosovo, with the general objective of engaging Kosovo on the path to European integration.

Briefings by the Council of Europe Election Observation Mission to Kosovo

- Mr Giovanni Di Stasi, Head of Mission**
- Mr Franck Daeschler, Deputy Head of Mission**
- Mr Frederick Blanck, Field Operations Director**
- Mr Franck Balme, Observation Co-coordinator**
- Mr Patrice Chanuel, Logistics and Security Officer**

Mr Giovanni Di Stasi informed the Members that the mission he was leading had been operational in Pristina since 1 October 2007. The mandate of the mission is to observe: the registration and certification of the political entities, the election preparations, the electoral campaign, the polling and counting on Election Day and the processing and proclamation of results (including conditional ballots and by-mail voting for out-of-Kosovo voters). Mr Di Stasi explained that the mission was composed of a core team of 9 experts, 14 long term observers and 150 short term observers. The Head of mission expressed his contentment that the delegation of the European Parliament would work within the framework of the Mission and accepted the issuing of a joint press statement together with the CoE Mission and the Congress of Local and Regional Authorities, on the 18th of November.

Mr Franck Daeschler underlined that the elections would be held in a rather complex and tense socio-political environment. The delays in the status settlement and the ongoing negotiations were a source of uncertainty and rumors. During the campaign, the first concern of Kosovo Albanian political leaders remained the status. As a personal comment, Mr. Daeschler noted that cultural, social and economic issues seemed to take the second place while the population of Kosovo was more concerned about them. At the same time, Mr Daeschler added, the Belgrade authorities had clearly indicated their desire that the Kosovo Serbs political entities, as well as the Kosovo Serbs voters, do not participate in the elections, not even at the municipal level.

Concerning the turnout, for the previous elections a decrease from 64% (2001 elections) to 53% (2004) had been registered. This trend could continue because of the non participation of the Serbs, as well as because of the disappointment of the population with the political class. On the other hand, Mr Daeschler added, for the first time there would be three different types of elections with open lists which might attract more voters. The final turnout was however expected to be under 50%.

The experts of the Mission briefed also the Members on different technical and logistical aspects with regard to the Election Day.

Meeting with the United Nations Secretary General's Special Representative, Head of UNMIK, Mr Joachim Rucker

Mr Rucker explained that, although the political situation looked calm on the whole, there was tension underneath this serene surface. People were generally disappointed

with their political leaders and this erosion of the credibility and trust would be reflected by a possible lower turnout. The Special Representative stated that the fact that the election process was parallel to the status negotiations would not produce any unnecessary interference.

Mr Rücker expressed his disappointment with the threats and intimidations of Belgrade over the Serbian community of Kosovo. UNMIK had called for all communities to participate in these elections. However in case of non-compliance, UNMIK could not oblige them (by using force or other constraints) to take part in the process.

With regard to the status settlement and possible new pre-term elections, Mr Rücker noted that as elections for municipalities and mayors were organized every two years, there might not be any need for early elections in this case. However pre-term elections could be envisaged for Kosovo Parliamentary Assembly.

Meeting with President Fatmir Sejdiu

President Fatmir Sejdiu welcomed the European Parliament delegation. The President mentioned that good preparations had been made for these elections which represented the 5th electoral process since the end of war. These elections were the first ones that presented open lists, in parallel with direct elections of mayors and a political threshold (5%). President Sejdiu explained the state of play with regard to the Serbian community. About 33 entities had been identified to run in the elections; however 7 political parties had asked to withdraw because of the political pressure from Belgrade. President Sejdiu mentioned that he had addressed the Serbian community calling them to take part in these elections. The President expressed his hopes for a good turnout during the Election Day.

Mr Hannes Swoboda mentioned the support that the European Parliament has continuously shown for the status settlement and made specific reference to the recently adopted resolution. At the same time Mr Swoboda explained that the European Parliament would respect the will of majority with a special care of the needs and expectations of the minorities. Mr Swoboda underlined that the EU wanted prosperity for Kosovo and peace and stability for the region.

Meeting with representatives of some political parties running in the Parliamentary elections

- Mr Beghet Pacolli, President of AKR**
- Mr Lulzim Zeneli, Secretary General, LDD**
- Mr Rame Manaj, Secretary General, LDK**

Mr Beghet Pacolli, AKR, a newcomer on the political scene, mentioned that his party had been founded almost one year before. For the ongoing elections, his party was competing in all municipalities. The party's programme was called "Project for Kosovo" and

contained references for a cleaner Parliament and a functional Government. Mr Pacolli accused the LDK of launching constant attacks against his party during the electoral campaign.

Mr Lulzim Zeneli, LDD, underlined that he was representing a new political entity with experienced politicians, having the broad objective of becoming a strong political force in Kosovo.

The approach of LDD during the electoral campaign was very practical and the overall assessment of the campaign was very positive. The political platform had been presented to the citizens, one of the main targets being that of resolving the energy crisis. During its campaign, LDD had not touched upon any other political entity. Mr Zeneli concluded that LDD hoped to have wide support amongst the population.

Mr Rame Manaj, LDK, stressed that his party was participating in this elections in order to prove that democracy was functional in Kosovo. LDK had a very intensive campaign all over Kosovo. Overall, Mr Manaj added, the campaign was peaceful and democratic. However, he mentioned that it was difficult to estimate the political landscape in the aftermath of the electoral process. Mr Manaj stated that LDK had a realistic programme, with different objectives, one of the most important being that of providing substantial economic growth (7-9%) in the immediate future. Mr Manaj expressed his perception that the trust in the state institutions was increasing and that the belief in democracy was rising.

Meeting with NGOs

- **Mr Lulzim Peci, KIPRED (election monitoring)**
- **Mr Agim Zogiani, COHU (Organisation for Democracy, Anti-Corruption and Dignity)**

KIPRED is one of the NGOs comprised in the wide coalition formed on 19 October 2007, called "Democracy in Action". The coalition had as elections-related activities the following: (i) a campaign to encourage voter participation, (ii) election observation, (iii) parallel vote tabulation. With regard to voter participation, the coalition had sponsored a television and print campaign in order to increase the turnout during the Election Day. Particular emphasis had been placed on the ability of the Kosovo voter to choose candidates from the list provided by the political entity of their choice, as well as on the election of the mayors. Concerning election observation, throughout the election period the activities were focused on campaign, media and municipal election commissions. For the Election Day the coalition would have over 600 observers to monitor the procedures in polling centers across Kosovo. With the close of polls at 19h00, over 2,400 observers would be deployed to follow the counting procedures. The observers would prepare specific reports regarding the counting process and on any issues and problems that could arise. The coalition was also prepared to work out parallel vote tabulation.

COHU represents the coalition of civil society movements and NGOs which participate in the “Civil Society for a Clean Parliament ” initiative. The project aims to research the background of candidates in the parliamentary elections. Reports had been produced on each candidate concerning allegations of corruption, involvement in organized crime, ethical breaches and nepotism. This represented one of the first efforts to compile an overview of candidates’ suitability for office. Mr Zogiani informed the MEPs that in a press release issued on 6 November, COHU had expressed its concerns with regard to certain candidates. Mr Zogiani named amongst the sponsors of COHU the Soros Foundation and the Helsinki Committee.

Saturday, 17 November, Election Day

During the Election Day the delegation split into five teams and observed the opening, voting and counting procedures in Pristina, Pec, Mitrovica North and South, Prizren and Gjilane. In total the delegation visited around 50 polling stations during the Election Day.

The voting day started generally on time, slight delays were noted in two of the polling stations visited in Pristina. The voting materials (ballots, ballot boxes, ink, stamp, voter register, protocols, UV lamp) were present in all polling stations visited. The polling staff was familiar with the opening procedures.

During the Election Day, the delegation noted a calm atmosphere in all the areas visited. The election procedures were applied professionally by the polling station committees. Voters seemed to understand the voting procedures. The delegation witnessed however a few cases of family voting. Conditional ballot voting did not pose problems to either the polling staff or voters.

The secrecy of voting was ensured in all polling stations. There was no attempt to influence the voters’ choice and no cases of intimidation were reported. The voting process was transparent; the members of the delegation were welcomed in all the polling stations. Moreover, domestic observers and party agents were present in all the polling stations.

The delegation observed the counting procedures for the Kosovo Assembly in several polling stations in Pristina. The procedures were followed correctly. No issue that would cast doubt over the results was noted. All problems were overcome and overall the assessment of delegation was positive.

Mitrovica North and Serbian enclaves – report on the Election Day

The delegation visited several areas where Serbian population was supposed to cast its vote. The delegation reported a general boycott of the Serbian community for all three elections. In Svinjare, for example, which is a Serbian village within Mitrovica South, the Local Community Office was supposed to be hosting a polling station during the Election

Day. No polling staff agent was present, no election material either. Actually the Local Community Office was closed.

The team deployed to Mitrovica North visited a polling station in the city, where the polling staff was present, but no voter cast their vote during the day. The team also visited a “mobile” polling station organized by the OSCE in a truck; however until 15h00 only one voter had cast his vote (who was also candidate on the list).

In other Serbian villages in the Albanian-majority areas of Kosovo, the delegation noted a certain participation (up to 10% in Gorazdevac) of the Serbian community.

Sunday, 18 November

The delegation met for a debriefing on Sunday morning. The conclusions of the delegation were included in the preliminary statement of the long term mission. The document is attached to this report (Annex D).

The chair of the delegation took part in the discussions linked to the drafting of the preliminary statement and in the joint press conference of the International Election Observation Mission. The press release is also attached to this report (Annex C).

Conclusions

The delegation together with the Council of Europe mission and the Congress of Local Regional Authorities concluded that, in general, both the elections and the electoral process were conducted in line with European and international standards for democratic elections.

The delegation considered it regrettable that voters from the Kosovo Serb Community had followed appeals from Belgrade and Kosovo Serb leaders not to participate in the elections. The delegation congratulated the Serb voters who did turn out for the polls and praised their courage for doing so.

The European Parliament delegation was alarmed by the low overall turn-out which reflected the population’s disappointment for the performance of their elected representatives and the uncertainty regarding their future.

The delegation urged all parties and political leaders to respect the results of the elections. In order to regain the trust of their electorate and to give a European perspective to Kosovo, elected politicians should vigorously fight corruption and give priority to enhancing the social and economic situation of all communities living in Kosovo.

Annex A

EUROPEAN PARLIAMENT

DELEGATION FOR ELECTION OBSERVATION IN KOSOVO

16 - 18 November 2007

LIST OF PARTICIPANTS

Members of the European Parliament:

Ms Doris PACK Chairperson	PPE-DE	Germany
Mr Ryszard CZARNECKI	UEN	Poland
Mr Goran FÄRM	PES	Sweden
Ms Gisela KALLENBACH	Verts/ ALE	Germany
Mr Hannes SWOBODA	PES	Austria
Mr Csaba TABAJDI	PES	Hungary

Secretariat of the Delegation:

Ms Sabina MAZZI ZISSIS	Administrator, Head of Secretariat
Ms Adriana BUCHIU-DRAGHICENOIU	Administrator
Ms Sarah WHITTALL	Assistant

European Parliament Press Officer:

Mr Lorinc REDEI

Abbreviations:

EPP-ED
Democrats
PES

Group of the European People's Party (Christian-Democratic Group) and European

Group of the Party of European Socialists

EUROPEAN PARLIAMENT

DELEGATION FOR OBSERVATION OF ELECTIONS IN KOSOVO

15-18 November 2007

Secretariat GSM: 0032(0)498.983.378

Programme

Thursday, 15 November

Arrival of the MEPs and staff in Pristina during the evening

Transfer to **Hotel Victory**
 Mother Teresa, p.n. Pristina
 Tel: +381.38.543.267
 Fax: +381.38.543.286

Friday, 16 November

09h00 Meetings with representatives of EU institutions
 Head of the European Commission Liaison Office to Kosovo,
 Mr Renzo Daviddi
 Head of the Planning Team for the EU Rule of Law Mission,
 Mr Casper Klynge
 Head of the Preparation Team of the International Civilian
 Office, Mr Jonas Jonsson
 Venue: EAR building 8th floor

10h00 Meeting with Heads of EU Member States Offices
 Venue: EAR building 8th floor

11h00 Briefings on Election context, Observation Methodology,
 Security and Communication

by the Head of the Council of Europe Election
Observation Mission to Kosovo, Mr Giovanni Di Stasi.
Mr Franck Daeschler, Deputy Head of Mission
Mr Frederick Blanck, Field Operations Director
Mr Francke Balme, Observations Co-ordinator
Mr Patrice Chanuel, Logistics and Security Officer
Venue: EAR building 8th floor

- 13h30 Lunch hosted by the Chairperson of the ad hoc Delegation
with representatives of the Contact Group
Venue: Restaurant Panevino, Fehmi Agani, 10
- Confirmations to date:
France- Mr Rudolf Richard
Russia - Mr Andrei Dronov
UK - Mr David Blunt
USA - Mr Alex Laskaris
- 15h30-16h15 Meeting with the United Nations Secretary General Special
Representative, Head of UNMIK, Mr Joachim Rucker
Venue: UNMIK HQ
- Transfer to Assembly Building (President's Office)*
- 16h30-17h00 Meeting with President Fatmir Sejdiu
- 17h15-18h30 Meetings with the leaders (or their representatives) of the
main political parties running in the Parliamentary elections
- Mr Eqrem Kryeziu, LDK
Mr Hashim Thaçi, PDK
Mr Ahmet Isufi, AAK
Mr Veton Surroi, ORA
Mr Beghet Pacolli, AKR
Mr Nexhat Daci, LDD
- Venue: EAR building 8th floor*
- 18h30 Meeting with NGO's
Mr Lulzim Peci, KIPRED (election monitoring)
Mr Agim Zogiani, "COHU" (Organisation for Democracy,
Anti-Corruption and Dignity)
Venue: EAR building 8th floor
- 19h30 Meeting between the Chairperson of the delegation and

Mr Di Stasi
Venue:CEEOM Headquarters, UN Camp Charlie

Individual arrangements in the evening. Minibuses will be available for transport into town

Saturday, 17 November

06.15 departure from the hotel of the observer teams of the European Parliament

Observation of opening of polling stations in Pristina at 07.00

Departure for observation of voting operations in team areas

Team 1 Pristina
 Mrs Doris Pack and Mr Hannes Swoboda

For the Head of the EP delegation: debriefings during E-day in the IEOM Headquarters in Pristina

Team 2 Peja/Pec
 Mrs Gisela Kallenbach and Mrs Sabina Mazzi Zisis

Team 3 Mitrovica South and North
 Mr Goran Färm and Mrs Adriana Buchiu-Draghicensoiu

Team 4 Prizren and surroundings
 Mr Csaba Tabajdi and Mr David Koranyi (tbc)

Team 5 Gjilane and surroundings
 Mr Ryszard Czarnecki and Mrs Sarah Whittall

Observation of counting and closing of polling stations in Pristina.

Sunday, 18 November

08h45 Breakfast debriefing meeting of the EP delegation
 (Hotel Victory)

10h00 Debriefing with the IEOM and the other short term observers
Venue: Grand Hotel

11h00 Meeting HoM CoE observation Mission, Head of EP
Delegation
Venue:CEEOM Headquarters, UN Camp Charlie

14.00 Press Conference
Venue: ABC Cinema

PM Departure of members and staff

Press Release



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United Kingdom

Council of Europe Elections Observation Mission in Kosovo (CEEOM V) Elections in line with international standards but alarmingly low turn-out

Pristina, 18 November 2007

The 150 short term observers, including the 29 elected members from the Congress (Council of Europe), the Committee of the Regions (European Union) and the European Parliament, evaluated the voting process in positive terms. In general, both the elections and the electoral process were conducted in line with European and international standards for democratic elections.

Whilst praising these positive aspects, the preliminary statement highlights the alarmingly low turn-out, which sends a strong signal to political leaders. The confirmation of this continuous downward trend, which started in the 2001 elections, reveals a profound dissatisfaction among the population.

Voters from the Kosovo Serb Community have followed appeals not to participate.

Formally, these elections were the responsibility of the Central Election Commission. However, due to the late call, the Organisation for Security and Co-operation in Europe (OSCE) was much more involved than formally envisaged. It is clear "that the international community has not met its obligation to contribute to capacity-building in the field of elections", explains the preliminary statement.

The Mission urges all parties and political leaders to respect the results of these elections. In order to regain the trust of its electors and to give a European perspective to Kosovo, 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.

For further information

http://www.coe.int/t/dc/files/events/2007_kosovo
Council of Europe Election Observation Mission
François Charlier, spokesperson
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A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.



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 Mayoral 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 fourth 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.

Annex E

The Results of the Kosovo Legislative Elections 17 November 2007

The turnout was 42.8% in Kosovo and 40.1% overall.

Party	Percentage of the Vote	Seats
PDK	34.3%	37
LDK	22.6%	25
AKR	12.3%	13
LDD	10%	11
AAK	9.6%	10
KDTP		1
VAKAT		1
PDAK		1
SDA		1

Seats set aside for ethnic minorities:

Party	Seats
SLS	3
SDSKiM	3
VAKAT	2
PDAK	2
KDTP	2
PREBK	1
SNSDKiM	1
IRDK	1
SKMS	1
GIG	1
SNS	1
SDA	1
Nova Demokratja	1