

Information Document

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COUNCIL OF EUROPE ELECTION OBSERVATION MISSION FOR THE 2002 KOSOVO MUNICIPAL ASSEMBLY ELECTIONS PRELIMINARY CONCLUSIONS

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1. INTRODUCTION

1. The Council of Europe Election Observation Mission in Kosovo (CEEOM III) observed the electoral process leading up to the Municipal Elections on 26 October 2002. The Mission deployed more than 120 observers on Election Day in Kosovo, as well as in Serbia and in Montenegro. A delegation of the Council of Europe's Parliamentary Assembly and its Congress of Local and Regional Authorities took part in the observation. Additionally, some 200 independent international observers were accredited by the Mission.
2. As CEEOM III stated in its preliminary statement issued on 27 October, the elections were conducted largely in line with Council of Europe principles and international standards for democratic elections.
3. The elections took place in a peaceful atmosphere, marking a significant step in the process of constructing a democratic society. They were organised in a unique legal context in which ultimate authority remains with the international community. The elections were particularly significant from a political perspective because they were the first in which all municipal assemblies were elected for a four-year term.

2. OVERALL EVALUATION

4. A number of features contributed to the overall positive evaluation of these elections:
 - 4.1 The elections were conducted in accordance with a legal framework that provided the conditions for free and fair elections. The Central Election Commission published electoral rules covering the entire electoral process, and their implementation was facilitated by the administrative procedures issued.
 - 4.2 Voter Services were carried out successfully, even though the number of new registrants was lower than expected. The accuracy of voter registers has continued to improve.
 - 4.3 There was a broad participation of political entities in the elections, including parties representing national minorities. Voters from all communities participated, although participation of the Serb community was inconsistent and generally low.
 - 4.4 The electoral process was administered in an efficient manner. Municipal Election Commissions generally conducted their work in a neutral and professional way. Polling Station Committees performed their duties constructively, whilst the level of international supervision was reduced.
 - 4.5 The overwhelming majority of observers evaluated the voting process in positive terms, with only minor and isolated irregularities reported. Polling stations opened and closed on time, and the vote count was evaluated equally positively.

- 4.6 The by-mail operation was efficient and transparent, with enough security guarantees to ensure that ballots were not mislaid or lost. A low-key information campaign, however, may have prevented some out-of-Kosovo voters from participating in the elections.
- 4.7 A broad range of electronic and printed press provided voters with sufficient information on the electoral process. Media coverage of the campaign was generally balanced, although certain media outlets at times failed to provide objective reporting.
- 4.8 The campaign was relatively low-profile, but party rallies were often well attended and the political leaders made themselves available to the voters in most areas. The campaign environment was largely free of violence or intimidation. There was a less overt role for nationalism than in previous elections, although it remained an underlying issue.
- 4.9 There was broad access for party delegates and non-partisan domestic observers to monitor the polling and counting.

3. SHORTCOMINGS

- 5. Whilst stressing the positive aspects of these municipal elections in Kosovo, CEEOM III nevertheless noted in its preliminary statement some shortcomings of the process:
 - 5.1 There was continued international dominance on the Central Election Commission (CEC) and other election administration bodies, which made it difficult to assess the performance of local election officials.
 - 5.2 The CEC, although on the whole operated transparently and professionally, at times could not overcome ethnic considerations and was unable to reach consensus, leading to the imposition of certain measures by the international Chair in order to protect minority interests.
 - 5.3 Confidentiality of the process was often over-emphasised, resulting in several party representatives, including members of the CEC, expressing a lack of confidence in the fairness and impartiality of important aspects of the electoral process, like the registration of voters in Serbia proper.
 - 5.4 The decision making process within the Election Complaints and Appeals Sub-Commission (ECAC) was lacked transparency, even if its decisions appeared to be professionally sound. Doubts were raised on the expediency of striking candidates at random for non-compliance of their parties with electoral rules or ECAC decisions.
 - 5.5 Although the Challenge and Confirmation period provided an opportunity for parties and individuals to check the voters' list, this period was short and the possibility to challenge was limited. There is a need to further strengthen public confidence in the voter registers.

- 5.6 Polling Station Committees, although composed of different party representatives, were mostly mono-ethnic, indicating a low level of trust and reconciliation between the different ethnicities living in Kosovo.
- 5.7 A late decision by leaders of the Serb community to participate selectively in the elections deprived their candidates of the opportunity of a meaningful campaign and confused their potential voters.
- 5.8 Overall voter turnout was around 54%. This is lower than last year, although largely in line with expectations. But the low turnout of Serbs, especially those currently living outside of Kosovo, was disappointing.
- 5.9 Most of the media coverage during the pre-election period went to the three main Albanian parties, giving scant visibility to the smaller parties and to representatives of the minority population.
- 5.10 The presence of community flags in and around polling stations was a cause of concern as in last year's elections, and should be the subject of future consultation and eventually a clear policy.
- 5.11 The overall administration of the electoral process by the international community, although highly professional and sophisticated, is also very costly, casting doubts on its sustainability once these responsibilities are fully handed over to a local election administration.

4. ELECTION DAY OBSERVATION STATISTICS

- 6. On Election Day, observers covered the opening procedures in 66 polling stations, voting in 638 polling stations and vote count in 56 polling stations.
- 7. Only minor problems were observed during the opening of the polling stations. One in five stations did not open at 7.00 am, but the delay in each case was limited to a maximum of 15 minutes. In a few stations the information on the number of ballots received was not filled in on the worksheet. According to the regulations, Polling Station Committee members should vote first, however, this was not possible in most cases, as they had to cast their vote in another station.
- 8. Intimidation, agitation and campaigning inside polling stations was negligible. Observers found campaign material in the vicinity of 6 % of the polling stations. Although community flags (except those on flagpoles) were forbidden, they were found in or around one out of every seven polling stations. This is only a slight improvement over last year, when the figure was one in five.
- 9. The essential procedures, like the ink check, identification, the issuing of the ballots, the signing of the voters' list and the application of the ink were performed correctly. Group voting was a problem in about 20 % of the polling stations, in 7 %, there were people who could not vote, and in 4 % the secrecy of the ballot was violated.

10. The circumstances of voting improved substantially, with only 2 % of the observers experiencing crowds inside stations and 10 % problems of accessibility. Observers were asked to summarise their findings in an overall assessment about the conduct of the poll. Only 2 % of the polling stations received poor assessments, which is equal to the figure from last year, but a significant improvement over the 2000 elections.
11. Some 10 % of the observers gave a negative evaluation of the conduct of the vote count, although only minor specific problems and irregularities were witnessed. These included the presence of unauthorised persons, incorrect completion of the worksheet, presence of pens or pencils on the counting table, failure to count invalid ballots or to announce the total number of voters on the voters' list.
12. The general evaluation of the work of the Polling Centre Committees was positive in 90 % of the cases. Based on the observers' findings on polling day, these elections only had a few minor irregularities, and the overall assessment is very good.

5. OBSERVATION OF THE MEDIA

13. Both electronic and printed press provided wide coverage of election related news and political debates. Whereas broadcasters generally showed an impartial attitude, in the printed press the picture was different: the three main Albanian-language newspapers openly supported the three main political parties.
14. As in previous elections, the media focused primarily on the activities of the three major Albanian parties, which together accounted for 58% of total airtime. Smaller parties suffered from a lack of visibility – partly due to a less intensive campaign, related to a lack of funds – and some of them complained about being discriminated against.
15. Compared to the 2001 election campaign, the electronic media was particularly active in broadcasting political debates. The European Agency for Reconstruction launched a project to support media outlets (especially local media) in producing election related programmes. There was thus a large number of aired debates during the campaign, but many of them appeared to be rather shallow.
16. Regarding political platforms presented in the media, these reflected general campaign topics, with candidates focusing on local issues, but the question of independence was always present in the background.
17. The Serbian media also provided sufficient coverage of the Kosovo municipal elections. Naturally, attention was focused on issues related to the Serb minority, including freedom of movement, security and the question of whether or not to participate in the elections. Throughout the campaign, editorials and other articles on Kosovo and the living conditions of Serbs were mostly negative, criticising the actions of the international administration in Kosovo. During the last week of the campaign,

the number of election related items increased – focusing essentially on Serb participation in the elections – and the tone appeared to be more neutral than before.

6. THE COUNT AND RESULTS CENTRE

18. The Count and Results Centre was very well organised in all its different operational areas: Receipts, reconciliation and counting, conditional ballot verification, batching, archives, audit and results. The operation in general left little worries about inaccuracies.
19. Almost all entries into the counting system are done in duplicate in order to exclude mistakes or manipulations of the election results. One exception is the adjudication of the conditional ballots, whose aim is to establish whether the persons who cast conditional ballots had the right to vote or not. Although the operators were subject to intensive quality control by international supervisors, this adjudication should be better carried out by two different persons.
20. The problem of those conditional ballots mistakenly cast without any or with wrong envelopes, thus preventing a final adjudication of eligibility, remained unresolved.
21. Generally, the secrecy of the ballot was well provided for. However, there was one exception, concerning those ballots given to homebound persons participating in the early voting programme. These relatively few ballots - in contrast with the ballots cast on polling day - were not stamped and could easily be singled out during the counting process.

7. ELECTION COMPLAINTS AND APPEALS

22. ECAC is the body responsible for the adjudication of all complaints regarding violations of any applicable rules and regulations during the electoral process. It also deals with appeals regarding voter services and registration, including the refusal of inclusion on the voters' list. In the 2002 electoral process, ECAC received 1425 voter eligibility appeals, out of which 252 were accepted.
23. In the process leading up to the elections, ECAC received 183 complaints on alleged violations of the electoral rules. In the 60 cases where violations were found to have occurred, ECAC imposed sanctions varying between remedial action, financial penalties and barring people or entities from taking part in the elections. The highest number of violations were found in the areas of financial disclosure (19) and rally notification (16), whilst 8 cases of fraud were identified and sanctioned.
24. 47 complaints on alleged violations were received relating to polling day, mainly concerning voter interference and undue influence. Decisions on most of them are pending, however these will not have a meaningful impact on the results or the overall assessment of the process.

8. CONCLUSIONS

25. These preliminary conclusions are issued after the announcement of partial preliminary election results and the completion of counting and tabulation in the Count and Results Centre, but before the adjudication of all election related complaints and appeals by ECAC and the final certification of the results.
26. In view of all the above considerations, CEEOM III reaffirms the view expressed in its Preliminary Statement that the elections were conducted largely in line with Council of Europe principles and international standards for democratic elections.
27. Consequently, CEEOM III recommends to the Special Representative of the UN Secretary General, Mr Michael Steiner, that these elections should be certified as valid.
28. CEEOM III wishes to express its appreciation to the United Nations Mission in Kosovo (UNMiK), the OSCE Mission in Kosovo and its Department of Election Operations, the Kosovo Force (KFOR), the European Union Monitoring Mission (EUMM) and the Commissariat for Refugees and Displaced Persons in Serbia and Montenegro for the assistance and co-operation received during the Mission.
29. The Mission expects all parties and political leaders to respect the result of these elections. It stresses the responsible role that must be played by political leaders and all municipal assembly members in promoting reconciliation and construction of democratic institutions in Kosovo. The Council of Europe, especially through its Congress of Local and Regional Authorities, pledges its continued support and solidarity to the people of Kosovo for establishing democratic governance at local level.

Pristina, 1 November 2002