



# Information Document

SG/Inf(2002)49      26 November 2002

PROVISIONAL EDITION

---

## COUNCIL OF EUROPE ELECTION OBSERVATION MISSION FOR THE 2002 KOSOVO MUNICIPAL ASSEMBLY ELECTIONS (CEEOM III) FINAL REPORT, NOVEMBER 2002

---

## Table Of Contents

### Executive Summary

1. Introduction
2. Political Background
3. Institutional and Legal Framework
4. Political Entity and Candidate Certification
5. Voter Services
6. Electoral Campaign and the Role of the Media
7. Election Day Observation
8. The Count and Results Centre
9. Conclusions and Recommendations

Appendix: CEEOM III Preliminary Statement

**EXECUTIVE SUMMARY**

1. The Council of Europe Election Observation Mission (CEEOM III) was responsible for the international long term observation of the electoral process leading up to the 26 October municipal elections in Kosovo. The mission also deployed more than 120 short term observers on Election Day in Kosovo, as well as in Serbia and in Montenegro.
2. 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 still rests with the international community. The OSCE Mission in Kosovo was mandated to organise the elections.
3. The elections were conducted in accordance with a legal framework that provided the conditions for free and fair elections. The electoral process was administered in a highly professional manner.
4. The electoral campaign was relatively low profile, mostly peaceful, free of violence or intimidation. Party rallies were often well attended and the political leaders made themselves available to the voters in most areas.
5. A broad range of electronic and print media 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.
6. The overwhelming majority of observers evaluated the voting process in positive terms, with only minor and isolated irregularities reported.
7. The Mission was satisfied that the electoral process was conducted in accordance with Council of Europe principles and international standards. Consequently, CEEOM III recommended to the Special Representative of the UN Secretary General, Mr Michael Steiner, that these elections be certified as valid.
8. Nevertheless, the Mission also pointed out some shortcomings, partly related to the broader political realities in Kosovo.
9. Although the 54% voter turnout was in line with general expectations, the low turnout of the Serbian population was disappointing. The key issue for UNMIK is now to assess options and develop a response to facilitate Kosovo Serb integration into the provisional institutions at local level in those municipalities where their leaders failed to mobilise the electorate.
10. The aim of the international community is to hand over the entire electoral process to Kosovo authorities and local election professionals. CEEOM III welcomes the creation of the Election Working Group with the task of establishing a permanent and sustainable local electoral administration in Kosovo and makes a number of recommendations in its final report, aiming to facilitate the process.

## 1 INTRODUCTION

11. On 26 October 2002, the people of Kosovo went to the polls to cast ballots for their Municipal Assembly representatives, marking another important step towards establishing democratic leadership at local level.
12. On 10 April 2002, the Committee of Ministers of the Council of Europe accepted the invitation of Michael Steiner, Special Representative of the Secretary General of the United Nations (SRSG), to organise the international observation of the electoral process in Kosovo, Serbia and Montenegro (including the vote by mail).
13. The Council of Europe Election Observation Mission III (CEEOM III) was set up on 15 July 2002 and placed under the authority of the Secretary General of the Council of Europe. Ambassador Carlo Civiletti from Italy was appointed Head of Mission (HoM), with György Bergou from the Secretariat of the Congress of Local and Regional Authorities of Europe as Deputy Head of Mission (DHoM) and Fredrik Blanck from Sweden as Field Operations Director.
14. According to the Terms of Reference of CEEOM III, the observation comprised four phases:
  - Registration and updating of the Voters' List
  - Electoral campaign
  - Election Day on 26 October 2002
  - Count and Results Centre
15. The Mission deployed 11 long-term observers (LTOs) seconded by the Council of Europe member States at the end of July. All thirty municipalities of Kosovo were covered by five teams, based in Pristina, Gnjilane, Prizren, Pec/Peja and Mitrovica. Only one team was deployed in Serbia, covering the whole territory from its Kragujevac base. No LTOs were deployed in Montenegro, which was covered by the team in Pec/Peja. Observation of the vote by-mail operation, which was organised by the OSCE in Pristina, was undertaken by the Core Team.
16. The Core Team held meetings with the following political representatives in Kosovo:
  - Ibrahim Rugova, President, LDK
  - Bajram Rexhepi, Prime Minister, PDK
  - Ramush Haradinaj, Leader of the Alliance for the Future of Kosova (AAK);
  - Hashim Thaci, Party Leader, PDK;
  - Bujar Bukoshi, Party Leader, PreK;
  - Rada Trajkovic, Head of Parliamentary Group Koalition Povratak (KP);
  - Oliver Ivanovic, Member of Kosovo Assembly Presidency (KP);
  - Mahir Yagcilar, President of the Turkish Democratic Party of Kosova (KDTP);
  - Hilmo Kondic, Bosniac Party of Demoratic Action of Kosova (BSDAK);
  - Sylejman Cerkezi, Leader of the Justice Party (PD);
  - Mark Krasniqi, Albanian Christian Democratic Party of Kosovo (PSHDK);

Numan Balic, Minister of Health, Chairman of Coalition VATAN.

17. Meetings were also held with various NGO's involved in the domestic observation and preparation of the electoral process, including the Council for Defence of Human Rights and Freedoms (KMDLNJ), IFES, Handicap International, KACI and HANDICOS.
18. During a visit to Belgrade the HoM and DHoM met with Sandra Raskovic-Ivic (Commissioner for Refugees), Dusan Prorokovic (Vice-President of the Democratic Party of Serbia, DSS), Vuk Draskovic (President of the Serbian Renewal Movement, SPO) and Simon James (Head of OMIK Coordination Office, Belgrade).
19. The CEEOM III worked in close cooperation with representatives of the international community responsible for various aspects of the electoral process. The Core Team had meetings with Ambassador Pascal Fieschi (Head of the OSCE Mission in Kosovo), Charles Brayshaw (Principal Deputy SRSG, UNMIK), Susan Carnduff (Director of Election Operations, DEO), Jaye Sitton (Chief Commissioner, Election Complaints and Appeals sub-Commission, ECAC), Anna Di Lellio (Temporary Media Commissioner), Francesco Bastagli (Deputy SRSG for Interim Civil Administration, UNMIK), Marek Anton Nowicki (Ombudsperson) and Jean-Paul Perruche (Deputy Commander, KFOR).
20. Regular meetings were held with Senior Election Officers in both the Department of Election Operations (DEO) and the regional OSCE offices. Representatives of the Core Team attend the weekly meetings of the Central Election Commission (CEC).
21. 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 of the Congress of Local and Regional Authorities of Europe took part in the observation. Additionally, some 200 independent international observers were accredited by CEEOM III.
22. The Mission published an interim progress report on 18 September 2002 (*SG/Inf/2002/36*), focusing on the observation of the early phases of the electoral process. On the day after the election, CEEOM III issued a statement of preliminary findings (see *appendix*), which was presented in the framework of a press conference in Pristina. This document stated that the elections were in line with Council of Europe principles and international standards for democratic elections.
23. On 1 November 2002, following the completion of counting, the HoM handed over the Mission's preliminary conclusions (*SG/Inf/2002/44*) to the representative of the SRSG, recommending that the elections be certified as valid. The conclusions reaffirmed the views expressed in the preliminary statement, acknowledging the high standards of election organisation, but also pointing out a number of shortcomings, partly relating to broader political issues in Kosovo.

24. This final report, published about a month after the completion of the electoral process, is intended to provide an overview of the political background to the elections, the legal and institutional framework, the pre-election phase, the observation of election day procedures, the Count and Results Centre and, most importantly, the lessons for establishing a sustainable election administration for the future in Kosovo.

## **2. POLITICAL BACKGROUND**

25. The past period in Kosovo has been marked by the transition which began after the November 2001 elections and the resulting establishment of the Provisional Institutions of Self-Government, including the Kosovo Assembly comprised of all ethnic groups.
26. There has been gradual improvement in security during this period with a decline in the frequency of serious acts of violence. Most of the military checkpoints around enclaves have been lifted. However, minorities continue to be vulnerable to attack, especially when moving outside circumscribed residential areas, even though the number of incidents is generally decreasing.
27. Freedom of movement remains a key problem for minorities, affecting their ability to live a normal life. Without freedom of movement, access to many of the essential services, employment and civil structures continues to be extremely difficult and in many cases impossible. Lack of freedom of movement had a much greater impact in the municipal elections than in the Kosovo Assembly elections, as there were 30 assemblies to elect and minority communities' candidates were not always able to move freely to campaign among their electorate.
28. Obstacles to the realisation of property rights, as well as the difficulties minorities have in accessing housing reconstruction assistance, are key problems hindering stabilisation of minority communities and return of displaced persons.
29. Minority return was given increased priority during the period, with the first organised returns facilitated by the international community. However, these return experiences highlighted that, encouraging return into an environment where ensuring security necessitates high levels of military protection, is not sustainable for large-scale return. Indeed, fundamental societal problems (such as lack of inter-ethnic dialogue) and institutional deficiencies (such as lack of implementation of property legislation) continue to be largely neglected. The root causes of insecurity, discrimination and alienation between ethnic groups still remain to be addressed.
30. There is a continued existence of parallel structures, which, in some cases, are preserving the isolation of minority communities. Such structures exist notably in the judicial system, education and health, particularly for Serbs, maintaining a system of both UNMIK-recognised structures (clinics and schools) as well as structures not approved by UNMIK (courts). In order to provide essential educational and health

services, certain parallel structures are inevitable as an interim measure, due to insecurity and restrictions of freedom of movement. However, these structures ultimately provide an unsustainable second-class service for minorities and inhibit important forms of inter-ethnic interaction.

31. This problem is particularly acute in Mitrovica, which the SRSG decided to maintain as a single municipality in spite of Serbian demands for self-rule in the Northern part. The potential change in the structure of Mitrovica was frequently used during the pre-election period as an enticement for the Serbs to participate in the elections. Shortly before election day, the SRSG presented a seven-point plan for improving the situation in the North, fixing participation in the elections as a precondition for any reform.
32. The issue of decentralisation raised controversies during the campaign period, with SRSG Steiner launching the prospect of transferring powers to sub-municipal structures after the elections. The Serbs interpreted this as an opportunity to create new administrative arrangements for Serb-populated areas, whereas the Albanians were generally opposed to the idea of establishing new administrative structures on an ethnic basis. The debate on both sides generally missed the point that the new decentralised “municipal units” should be integrated into the current municipalities to meet the criteria of subsidiarity. (Following the elections, the Council of Europe has been invited to provide expertise on the subject.)
33. At the beginning of the electoral process, the possibility of a Serbian boycott seemed unlikely, especially since a great number of Serb political entities, including several citizens’ initiatives, were certified to run in the elections in addition to Koalicija Povratak, which was the sole Serb political entity in last year’s Assembly election. However, with the progress of the campaign, there were many contradictory statements by Serb political leaders, confusing not only the organisers and observers of the elections, but also the potential voters.
34. A late decision by leaders of the Serb community to participate selectively in the elections (i.e. only in the five municipalities where they constitute a majority) deprived their candidates of the opportunity of a meaningful campaign. It also discouraged members of Serb communities from voting in those municipalities where they are not a majority, but of a considerable size, and could therefore have expected to achieve a corresponding representation.
35. On the Albanian side, the political spectrum has not changed substantially since last year, with the power struggle continuing between the LDK and the PDK, and with AAK being the third political force. Recently there has been a marked shift in the political rhetoric of representatives of the two main parties, and often it is the PDK and PM Rexhepi who appear to be more moderate on interethnic issues. In its public statements, the new government reaffirmed its commitment to work for interethnic reconciliation and the return of displaced non-Albanian communities.

36. The question of the final status and independence of Kosovo currently lies just beneath the surface. The international community generally maintains that there is no quick solution in sight, that nothing can be gained from discussing it, and that there is a great deal else that needs to be done in the meanwhile to develop a democratic basis for autonomous governance in multiethnic Kosovo. It is believed that premature discussions of the issue can only cause friction and exacerbate still sensitive wounds.
37. But the Kosovo Assembly's vote earlier this year against the Federal Republic of Yugoslavia and "the former Yugoslav Republic of Macedonia" border demarcation agreement, clearly outside the competencies established by the Constitutional Framework, is best understood as an indicator of pro-independence sentiment among the Albanians. Discouraged by UNMIK from addressing the status issue directly, the Assembly found another way to signal Albanian determination to achieve independence. The Kosovo Prime Minister has warned that ignoring the status issue will strengthen extremists willing to resort to violence. This seems to contradict the prevailing thinking in UNMIK that signs of a premature final settlement would weaken local commitment to achieve the benchmarks established by UNSC Resolution 1244, according to Mr Steiner's present formula "standards before status".
38. Whilst this issue was always present in the background of the electoral campaign, parties and candidates focused mainly on local issues in the municipalities to be contested, such as the local economy, jobs and public services, which seemed to be of a greater immediate concern for the local population. Most analysts believe though, that independence will remain the overpowering issue and municipal programmes were mainly prepared to take advantage of the growing discontent about the quality of local administration.

### **3. INSTITUTIONAL AND LEGAL FRAMEWORK**

39. The OSCE Mission in Kosovo (OMIK), as UNMIK Pillar III, was mandated to organise the municipal elections that elected the members of the 30 municipal assemblies in Kosovo. Preparations for the elections started late, mainly due to the budgetary problems of OSCE, which was also the main reason for postponing the elections to 26 October (the original date was 21 September).
40. The Central Election Commission (CEC), chaired by Ambassador Pascal Fieschi, Head of OMIK, was responsible for the conduct of the elections. The CEC's mandate includes the adoption of electoral rules, including rules governing the conduct of political parties, coalitions, citizens' initiatives and independent candidates, media coverage of the electoral process, domestic election observation and polling and counting procedures. The CEC grants the OSCE Director of Election Operations the authority to issue administrative procedures to aid the implementation of Electoral Rules.
41. The CEC has three international and nine local members. Three of the members were nominated by political parties in the Kosovo Assembly, which had been represented



in the former Interim Administrative Council. Kosovo's smaller communities nominated three further members. Three of the local representatives are not politically affiliated and represent civil society.

42. The CEC makes decisions by consensus. If consensus cannot be reached, however, the Chair can make final and binding decisions. CEEOM III attended meetings of the CEC, and whilst acknowledging the valuable work undertaken by this body, was also alarmed by the frequency of the use of the Chair's prerogatives, indicating that some of the CEC members were not yet prepared to rise above ethnic considerations. During debates on the certification of political entities for the upcoming elections, the ethnic motivation was clearly perceptible.
43. Municipal Election Commissions (MECs) play a crucial role in the preparation of transparent and efficient elections. They provide professional and technical assistance in the administration of the electoral process at the municipal level, appoint 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. The role of the MECs has grown steadily for each electoral cycle in Kosovo as these bodies will gradually take over the local-level administration of the election process in the future. With less international supervision and more responsibilities placed on MECs this year, CEEOM III was paying special attention to MEC activities during the electoral process.
44. The Election Complaints and Appeals sub-Commission (ECAC) is the 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. The ECAC is composed of one International Chief Commissioner and between three and five Deputy Commissioners from Kosovo. Where violations of Electoral Rules are found to have occurred, the ECAC can impose sanctions which may vary from ordering remedial action to financial penalties to barring people or entities from taking part in the elections.
45. In the 2002 electoral process, ECAC received 1,425 voter eligibility appeals, out of which 252 were accepted. 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 was found in the areas of financial disclosure (19) and rally notification (16), whilst 8 cases of fraud were identified and sanctioned.
46. Whilst CEEOM III received ECAC's judgements, complete with the description of facts and the analysis of the cases, and was convinced about the professional quality of the decisions, it would have preferred to be able to attend ECAC's meetings and observe the decision making process. Unfortunately, access to ECAC's meetings was

- denied on grounds of confidentiality. The observers also raised doubts on the expediency of striking candidates at random for non-compliance of their parties with electoral rules or ECAC decisions, even for non-payment of fines.
47. Provisional institutions for democratic and autonomous self-government at municipal level were established by UNMIK Regulation No. 2000/45. 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 and fixes the number of members for each of the 30 municipal assemblies in Kosovo. The SRSG may co-opt additional members to the municipal assembly if he considers it necessary to do so. The President of the municipality is elected by the municipal assembly from its members. 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.
  48. Admittedly, municipal governance has not been high on the priority list of the international community recently, and Regulation No. 2000/45, which is also referred to as the municipal law, has been implemented in a very uneven fashion. The priority this year has been improving governance at Kosovo level, since the functionality of the new Kosovo Assembly and the government has been relatively low so far.
  49. There are also many overlapping jurisdictions in the municipal law and the Constitutional Framework (UNMIK Regulation No. 2001/9). Therefore it will be a major task to clarify the division of powers and responsibilities between the municipal and provincial levels after the elections and to achieve a satisfactory level of local governance.
  50. Key provisions of the electoral system used for the purpose of the municipal elections are laid down in UNMIK Regulation No. 2002/11, which stipulates that the term of office for members of the municipal assemblies elected will be four years.
  51. 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 on the ballot in respect of each municipality they wish to contest, provided they satisfy the requirements established by the Central Election Commission in accordance with the applicable regulations and administrative directions.
  52. Certified political parties, coalitions of political parties and citizens' initiatives submit candidate lists in respect of each municipality they wish to contest. The candidate lists are considered closed lists. All candidate lists must have at least one third female candidates, with at least one candidate of each gender included in each group of three candidates counting from the first candidate on the list.
  53. There were no seats set-aside for minorities this year. The reasoning behind this is that they live in concentrated areas which gives them a fair chance to be elected to municipal assemblies without additional arrangements. (And the SRSG still has the

power to co-opt members to the assemblies after the elections, although this year he had no intention to do so.)

54. People residing in Kosovo were entitled to vote provided they were registered in the Central Civil Registry established by UNMIK and met the voter eligibility requirements. Such voters could opt to vote for either the municipality of their residence on 1 January 1998 or for the municipality of their current residence.
55. People residing outside of Kosovo who left Kosovo on or after 1 January 1998 could register to vote by separate procedure established by an administrative order. They were eligible to vote for the municipality where they resided on 1 January 1998. Persons from Kosovo currently residing outside Kosovo, who were officially recognised on or after 1 January 1995 as refugees, could register to vote by separate procedure.
56. These cut-off dates were strongly contested by many of the Albanian parties, claiming that a large number of potential voters, who were forced to leave the province earlier, were disenfranchised. However, those responsible for the electoral regulations claimed that an earlier cut-off date would have made the process unmanageable, and those who fled the country earlier could, in principle, return and civil register in Kosovo.

#### **4. POLITICAL ENTITY AND CANDIDATE CERTIFICATION**

57. Political entities (political parties, coalitions, citizens' initiatives and independent candidates) wishing to contest the municipal elections had to submit an application to DEO by 1 July 2002. The requirements for Certification in a given municipality are stipulated in CEC Electoral Rule No.4/2002. These include the submission of 100 valid support signatures of persons registered to vote in that municipality, which ensures that political entities running in the elections enjoy at least a measure of local support and legitimacy.
58. Political Party Services (PPS), a department within DEO, processed the applications (including the verification of signatures) and those entities which met all the requirements for certification, were certified by the CEC for running in the elections. Accordingly, 68 political entities contested the municipal elections, representing, for the first time, the full range of Kosovo's communities.
59. A number of political entities were not certified in individual municipalities because they provided either fraudulent or insufficient signatures, or signatures of voters not registered to vote in a particular municipality.
60. Certain Serbia-based political parties, including the DSS, were exempted from the requirement to register as a political party with UNMIK (as they were already registered in Belgrade), but were required to submit an application with all the required information and supporting material – including 100 signatures of registered

Kosovo voters for each municipality in which they wished to run. Their candidates also had to be registered Kosovo voters. The waiver for these Serbian parties was granted by a Chairperson's decision, and CEEOM III observers were alarmed by the uncompromising position of certain CEC members, not wishing to make any gesture of goodwill towards the minority. They also refused to correct obvious administrative mistakes made by OSCE international staff.

61. DEO also processed 360 candidate lists from the 68 certified political entities, including more than 5,700 candidate registration forms. The registration of each candidate was verified to ensure that the conditions of the CEC's Electoral Rule 8 were fulfilled. Each list was also checked to ensure compliance with the gender requirement. For the first time in Kosovo, candidates were required to fill out a statement of income and assets. It marked an important step forward to enhance transparency for candidates and future elected members of the assemblies.
62. 220 candidates were found ineligible for various reasons (e.g. members of the Kosovo Protection Corps, persons not registered for the given municipality, list not in compliance with the gender rule) and were consequently denied the right to stand for election. On election day, voters were only selecting a political entity and not individual candidates. However, as part of making an informed choice, it still was important for people to know the names of those on candidate lists.

## **5. VOTER SERVICES**

63. Voter services was the set of activities conducted simultaneously to update the Voters List in Kosovo, Serbia proper and Montenegro. The Voters List is an extract of the Kosovo Civil Registry, jointly managed by UNMIK and the Provisional Institutions of Self-Government. In Kosovo, voter service activities included the assignment of polling centres to voters, updating voter information and the recording of absentee voting options. The absentee voting option allowed displaced voters to vote for the assembly of the municipality in which they lived on 1 January 1998, instead of the municipality where they presently reside.
64. Outside Kosovo there is no civil registration, therefore OMIK, in partnership with the Serbian and Montenegrin Commissariats for Refugees, conducted voter registration. The OSCE set up, in cooperation with the respective Commissariats, a temporary field presence in Podgorica and Belgrade to organise in-person registration and voting for those voters living in Serbia and Montenegro. In Serbia proper and Montenegro, voter service activities therefore consisted of voter registration, polling centre assignment and updating of voter information for internally displaced persons (IDPs) meeting the requirements of registration in Kosovo.
65. Voter services started on 15 July, coinciding with the opening of CEEOM III, and were originally planned to close on 17 August, but were later extended to 23 August. Each of the locally staffed 30 Municipal Election Commissions (MECs) in Kosovo constituted a "fixed" Voter Service Centre (VSC), which remained open throughout

the voter service period. Additionally, there were 21 internationally supervised voter service teams, servicing some 145 mobile voter service centres.

66. In Serbia proper and Montenegro there were 100 fixed and mobile voter service centres, all run by 20 internationally supervised voter service teams.
67. CEEOM III was generally satisfied with the operation of voter service centres, but our observers noted that staff often did not wear the required identification badge, making it difficult to assess if only authorised persons were present. In one region, no international staff were present at the time of the visit, and in many cases only one or two team members were present instead of the required three.
68. In some centres staff did not comply with the procedures laid down in the manual, such as the requirement for voters to appear in person at VSCs, and allowed relatives to check for details without producing the necessary documents. Though this probably did not affect eligibility, it indicated a lack of willingness to adhere to rules that were introduced to enhance the credibility of the system.
69. Voter services for disabled persons were contracted out to a specialised NGO. Although the ambition was to allow disabled persons to participate in the elections on an equal footing, the criteria for the possibility to vote at home were very rigid. Therefore the total number of approved applications was less than 1,200. CEEOM III observers met a 100-year old person in a remote village, who was denied the early voting option on the grounds that she was still mobile. It was also possible to deny early voting with the argument that “the applicant does not understand the registration/voting process”.
70. It was expected that the number of people serviced would be lower than in previous years, as most voters had registered to vote during previous voter service periods, and, after two elections in two years, most voters knew their polling centre. Still, the final figures came as a surprise to observers: only slightly more than 36,000 people visited a voter service centre in Kosovo, and 20,000 in Serbia proper and Montenegro. The majority of visitors to Voter Service Centres (VSCs) in and outside Kosovo received a polling centre assignment or confirmed and/or changed their voter details.
71. Only 3,377 people registered as new voters for this election in Serbia proper and Montenegro, and less than 100 (!) were registered as absentee voters within Kosovo. The low numbers of voters in Kosovo applying for the absentee voting option was particularly astonishing. One of the most important reasons for conducting voter services prior to the municipal elections was precisely to record absentee voting preferences, especially when all of Kosovo’s communities were expected to participate in the elections.
72. An explanation could be that potential absentee voters - IDPs from both the Kosovo Albanian and Kosovo Serb communities – had settled in their new municipality and therefore did not wish to vote for their previous municipality. Furthermore, some of the IDPs were displaced within their original municipality of residence, e.g. many

Serbs from Pristina were displaced to Gracanica or other villages still within the municipal boundary. Another explanation suggested that, even if IDPs wanted to return to their previous municipality of residence, they had little information on the political entities to vote for.

73. It was also observed that voter services staff did not actively inform visitors about the absentee option, with some rare exceptions. The general voter services manual did not include this requirement, but the one on early voting specifically demanded active information.
74. The low turnout of absentees was also an indication that voters are apathetic about elections in general. CEEOM III observers also reported that the public information campaign during the voter services period was very low key. The initial message from OSCE, that residents of Kosovo do not need to visit a Voter Service Centre to be included on the voters list, since the in-Kosovo voters list is automatically generated from the Kosovo Civil Registry, has probably not raised the interest of voters either.
75. Alarmed by the low turnout at VSCs, OMIK decided on an extension of the voter services period to 23 August and launched an intensified public information effort. President Rugova recorded for radio and TV an endorsement of voter services laying particular emphasis on the absentee voting option. But, as the final figures show, this was too little to break the general apathy of voters.
76. Similar public information efforts were made in the Serb media, with quotes from Serb leaders, including FRY President Kostunica and Patriarch Pavle, Head of the Serbian Orthodox Church, urging Kosovo Serbs to register as voters. Still, voter registration turnout in Serbia proper and Montenegro remained unexpectedly low. When CEEOM III met with representatives of the Serbian Commissariat for Refugees in the beginning of the registration period, their preliminary estimate of new voter registrants in Serbia proper was around 30,000, based on the IDP registration figures. The preliminary expectations for Montenegro were around 10,000.
77. Various theories were put forward to explain the low voter registration turnout, including the August holiday period and the harvest time for agricultural workers in rural areas, which left IDPs largely without public information on the opportunity to register. Certainly, the remaining eligible population in Serbia proper and Montenegro either re-settled permanently, or was otherwise not interested in voting for Kosovo elections. The general disappointment with the international community among displaced Serbs was probably also a reason for the low turnout. CEEOM III observers witnessed total apathy within displaced Roma communities living in dire conditions in camps all around Serbia.
78. Towards the end of the voter service period, the Belgrade Commissariat became somewhat critical of the voter services operation, particularly with respect to individuals allegedly denied registration. Nevertheless, there was a clear progression from last year, when disagreement on data-protection issues led to a temporary shut-

down of voter service centres. This year, cooperation between Commissariat trustees and OSCE voter services staff went relatively smoothly.

79. 629 domestic observers were accredited during the voter service period, the majority of them representing NGOs. Through its multi-ethnic network, the Council for the Defence of Human Rights and Freedoms (KMLNDJ) mounted one of the most extensive Kosovo-wide voter service observations. They covered most voter service activities in Kosovo, either through the partnership of Serb or other minority NGOs or through mixed-ethnicity observer teams.
80. Serb NGOs were also active during the voter service period, especially the Centre for Free Election and Democracy (CeSID) and Kosovoski Bozur, which focused their observation activities in Serbia proper and the primarily Serb areas of Kosovo.
81. CEEOM III held regular meetings with domestic NGOs involved in the observation to exchange information and views on the electoral process.
82. There was little or no interest on the part of Kosovo Albanian political entities and NGOs in observing voter services in Serbia proper. This was mainly related to security concerns, but also to political considerations. The general view among Kosovo Albanians was that the eligibility criteria under which IDPs registered in Serbia proper were too permissive, thereby helping people, who were allegedly ineligible to participate in the Kosovo elections to get the documents necessary for registration.
83. The voter service operation in Serbia therefore touched on a highly sensitive and politicised debate between Kosovo Albanians and Kosovo Serbs (and the FRY authorities), who widely disagree on the number of IDPs in Serbia. Therefore, Albanian groups did not wish to undertake any activity, such as observation, which could unintentionally serve to legitimise the legal framework governing the voter services process in Serbia proper, which they viewed as decidedly pro-Serb.
84. CEEOM III also observed the vote by-mail operations, this year organised entirely by the OSCE, whose aim it was to promote participation for those eligible to vote in the municipal elections, but residing outside Kosovo, Serbia and Montenegro. This target group is spread over more than 35 host countries throughout the world. Due to budgetary constraints, it was not possible to outsource this operation to the International Organization for Migration (IOM), which was responsible last year for all out-of-Kosovo operations. Therefore, the OSCE had to work on an inherited international contact list to develop a non-resident electoral database for the municipal elections.
85. The public information campaign was also more modest this year, and although some 80,000 application forms had been mailed to persons on the list from last year (including also the unsuccessful applicants of the previous elections), some 50 % of these were returned undelivered. The reasons for the high number of returned envelopes should be analysed in order to establish whether the OSCE's efforts to

reach the diaspora had been sufficient. In any case, the number of applications dropped significantly, which was a further indication of decreasing interest among Kosovars living abroad. Apparently many of them had changed address since last year, some of them returned to Kosovo, but most of them are now settled in their new countries and voting for the Kosovo elections is no longer their priority.

86. For the by-mail registration applications the OSCE set up a rigorous data input system to determine eligibility. This work was assisted using the Kosovo Consolidated Database, which can confirm residence in Kosovo after 1 January 1998 through electricity and telephone accounts records, and other sources of information. A review officer examined all incomplete or contentious registration applications together with all supporting statements to determine eligibility. Unsuccessful applicants were sent an appeal form and instructions on how to proceed to appeal. Only about 8,000 voters were found eligible to cast their vote by mail.
87. CEEOM III was generally satisfied with the management and administration of the vote by-mail. Some concerns were expressed about the lack of information given to those people who registered while on a visit to Kosovo, and as a result have lost their right to vote by mail. Representatives of the Turkish minority also complained about the lack of information to Kosovars living in Turkey, including many students. It was confirmed that public information efforts directed towards this community were minimal, due to a lack of funds. There were also complaints about the impossibility to contact the by-mail centre by fax during the last days of operation, due to the low capacity of incoming telecommunication lines.

### **ELECTORAL CAMPAIGN AND THE ROLE OF THE MEDIA**

88. The electoral campaign, which started on 10 September, was relatively low profile but mostly peaceful. 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.
89. In terms of the content of the campaign, however, there was little new for the voters to consider. Most political entities relied on their old messages and failed to reach out beyond their already established constituencies and to the youth of Kosovo. No political entity stressed the need for ethnic integration in their campaign.
90. Some political entities and media outlets made irresponsible statements about the voters list, arguing, without compelling substantiation, that there were too many Serbs on the list. Whilst the campaign was without major incidents, the murder of the mayor of Suva Reka on the day after the elections overshadowed the positive general assessment, and was condemned by all political forces and the international community.



91. Media coverage of political parties during the campaign was governed by the following regulations: Code of Conduct for Broadcast (and Print) Media issued by the Temporary Media Commissioner (TMC) under the section 1 of UNMIK regulation 2000/36 and 2000/37 on the licensing and regulation of broadcast (and print) media in Kosovo. These codes lay out rules about impartiality of presentation and standards of professionalism for the media. Electoral rule no. 2002/10 – Media during the Electoral Campaign, issued by the CEC, regulated “equitable and fair treatment by the media during the electoral campaign”.
92. Most of the media endeavoured to comply with electoral rules implemented by the CEC and the TMC. Compared to the 2001 election campaign, the electronic media was particularly active in broadcasting political debates and, in most cases proved to be “fair and equitable” in its coverage of the political entities.
93. The European Agency for Reconstruction launched a project to support media outlets (especially local media) in producing election related programmes as part of a “fair and equitable” campaign. There was thus a large number of live debates during the campaign, but many of them appeared to be rather shallow.
94. Kosovo-wide broadcasters focused more on elections during the two final weeks of the campaign, covering many rallies and broadcasting many debates and political spots. RTK, KTV and RTV 21, the main Kosovo-wide TV stations, covered the greatest number of rallies and broadcast the greatest number of political debates. RTK broadcast a special report on political rallies within the framework of their “Elections 2002” programme every night from 10 pm. Differently from previous election campaigns, Radio Kosova Lirë’s news programmes were largely equitable this year, even if the TMC issued a warning letter to this station on a news item related to Serb leader Milan Ivanovic’s release by UNMIK authorities.
95. 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. Due to the uncertainty of Serb participation in the elections until the last days of the electoral campaign, broadcasters covered only a few activities of Serb political entities. Representatives of other minorities also appeared less frequently on Kosovo-wide programmes.
96. 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.
97. In the regional broadcast media the quality of political programmes did not reach high professional standards, with the notable exceptions of RTV Mitrovica, Radio Prizren, Radio Peja and TV Vali, which provided a variety of viewpoints in their coverage. Other regional broadcasters did not show much interest in the campaign, partly due to the passivity of local political entities.

98. Minority media was not very active during the campaign either. Kosovo Serb broadcasters did not cover any of the Albanian political party rallies or any other political activities or statements addressed to the people of Kosovo related to the local elections. They rather focused on the Serbian presidential elections, held in the middle of the Kosovo election campaign. The security situation and the issue of returns were the most frequently tackled subjects, often in the form of re-broadcast news from Serbia-based stations.
99. There was also some regional imbalance in election coverage by the minority media. Pristina and Mitrovica minority broadcasters were more active than the ones in Peja, Prizren or Gnjilane. During the last week of the campaign, election related broadcasts became somewhat more frequent, probably due to the decision of Kosovo-Serb leaders to invite their voters to participate in the elections, albeit in a selective manner.
100. 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. They were biased in covering their favourite parties both in terms of qualitative and quantitative aspects. “Bota Sot” pushed a strong LDK line, “24 Orë” dedicated its space exclusively to AAK, and only the PDK-affiliated “Epoka e Re” tried to provide occasionally a fair and equitable coverage to all political entities competing in the municipal elections.
101. A Media Advisory Panel referred 18 cases to the TMC, who subsequently addressed two warning letters to the newspapers. “Epoka e Re” was sent a warning regarding an article published on 30 September on the son of the mayor of Decani who had allegedly raped a 16 year old girl. Another warning letter was sent to “24 Orë” for an article published on 9 October, accusing the KP candidates in Gjakovë of being involved in crimes against the Albanians in this municipality.
102. Monitoring of the newspapers’ reporting style during the electoral campaign showed that the preferred format was the coverage of political rallies followed by reports on party press conferences and official visits by the politicians running for office. Independent analysis of election related issues was scarce.
103. The media in Serbia proper 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.

## 7. ELECTION DAY OBSERVATION

104. 120 CEEOM III observers were deployed in all the regions of Kosovo and in Serbia proper and Montenegro. In Kosovo there were approximately 550 polling centres comprised of over 1,700 polling stations. In Montenegro and Serbia proper there were 100 polling centres comprising approximately 250 polling stations. In Kosovo approximately 750 voters were assigned to each polling station, in Serbia and Montenegro 500 voters.
105. In total 768 observer forms have been processed: They covered the opening procedures in 66 polling stations, voting in 640 polling stations and vote counts in 62 polling stations (see table 1).
106. 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. This is an improvement over the municipal elections in 2000, when three in four polling stations did not open in time.
107. In a few stations the information on the number of ballots received was not filled in on the worksheet. Three observer teams witnessed that the ballot boxes were not sealed properly and one team reported that the ballot boxes were not verified to be empty before sealing. According to the regulations, Polling Station Committee members should have voted first, however, this was not possible in most cases, as they had to cast their vote in another station.

**Table 1: Observer reports processed by municipality**

	Name	Opening	Voting	Counting	Total
1	Deçan/Deçani		11		11
2	Gjakovë/Đakovica	2	18	2	22
3	Glllogovc/Glogovac		3		3
4	Gjilan/Gnjilane	4	31	2	37
5	Dragash/Dragaš	3	21	2	26
6	Istog/Istok	2	14	1	17
7	Kaçanik/Kaçanik		11		11
8	Klinë/Klina	1	13	1	15
9	Fushë Kosovë/Kosovo Polje	1	15		16
10	Kamenicë/Kamenica	1	11	3	15
11	Mitrovicë/Mitrovica	2	24	3	29
12	Leposavić/Leposaviq	1	13	1	15
13	Lipjan/Lipljan	2	20	1	23
14	Novobërdë/Novo Brdo		5		5
15	Obiliq/Obilić	1	16	1	18
16	Rahovec/Orahovac	3	19	3	25
17	Pejë/Peć	2	20	2	24
18	Podujevë/Podujevo	3	27	2	32
19	Prishtinë/Priština	7	64	6	77

20	Prizren/Prizren	6	62	5	73
21	Skenderaj/Srbica	1	12	1	14
22	Shtime/Štimlje		12	2	14
23	Štrpce /Shtërpçë	1	13	3	17
24	Suharekë/Suva Reka	2	32	2	36
25	Ferizaj/Uroševac	1	13	1	15
26	Viti/Vitina	1	17	1	19
27	Vushtrri/Vučitrn	2	19	2	23
28	Zubin Potok/Zubin Potok	1	4		5
29	Zvečan /Zveçan	1	5	1	7
30	Malishevë/Mališevo	1	8	1	10
	Serbia and Montenegro	12	86	10	100
	Unknown	2	1	2	8
	Total	66	640	62	768

108. 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. Observers reported that at most stations the organisation of polling was good (52%) or very good (47%) (see table 2).

**Table 2: Overall opinion by region**

	Total	Pristina	Peja	Prizren	Mitrovica	Gnjilane	Serbia/ Montenegro
<b>Overall evaluation</b>	<b>% (of polling stations visited)</b>						
Very bad	0	0	0	0	0	0	0
Bad	2	0	10	2	0	0	0
Good	52	43	48	60	60	53	47
Very good	47	57	42	38	40	48	53
Total observations	640	154	76	142	80	101	86

109. Observers were requested to give their overall opinion about the circumstances of polling. They were very positive in their overall evaluation (see table 3). The circumstances of voting improved substantially when compared to the 2002 municipal elections, bad circumstances were noticed only sporadically.

**Table 3: Overall opinion about the circumstances by region**

	Total	Pristina	Peja	Prizren	Mitrovica	Gnjilane	Serbia/ Montenegro
	% (of polling stations visited)						
<b>Overall evaluation</b>							
Very bad	0	0	0	0	0	0	1
Bad	1	1	2	1	0	1	1
Not good, not bad	9	8	12	7	7	13	6
Good	45	38	42	50	47	48	46
Very good	45	53	42	42	48	38	45
<b>Total</b>	<b>640</b>	<b>154</b>	<b>76</b>	<b>142</b>	<b>80</b>	<b>101</b>	<b>86</b>

110. Apart from their overall opinions, observers were requested to specify particular problems or irregularities. The physical access to the stations was difficult in 10% of the cases. In rural areas especially, the distances to the different polling centres were too long. Such problems were witnessed in all the regions, and varied from 3% in Peja to 26% in Mitrovica (table 4). Campaign material was found in 6 % and crowds were observed in 2 % of the polling stations. Intimidation, agitation and campaigning inside polling stations was negligible.
111. Although community flags (except those on flagpoles in a parking area or playground area at the polling centre) 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. Ethnic flags or symbols were noticed particularly in Gnjilane (31%) and Peja (27%).

**Table 4: Observed problems/irregularities as to vicinity and circumstances by region**

	Total	Pristina	Peja	Prizren	Mitrovica	Giljane	Serbia/ Montenegro
	% (of polling stations visited)						
<b>Vicinity</b>							
Physical access to station difficult	10	7	3	12	26	11	5
Campaign material	6	9	10	5	9	2	2
Other problems	2	1	4	3	5	0	2
<b>Circumstances</b>							
Polling station overcrowded	2	3	5	3	1	0	0
Intimidation of voters	1	1	0	1	1	0	0
Agitation/unrest	1	1	0	4	0	0	2
Campaigning at polling station	1	0	1	3	0	0	0
Flags or symbols visible	16	11	27	15	8	31	6
Other problems	6	1	15	8	9	2	4
<b>Total number of observations</b>	<b>640</b>	<b>154</b>	<b>76</b>	<b>142</b>	<b>80</b>	<b>101</b>	<b>86</b>

112. Observers were also requested to summarise their findings in an overall assessment of the procedures from very bad to very good on a 5-point scale. Bad procedures were seen in 3% of the polling stations, a further 9% were evaluated as neutral, 42% as good and 46% as very good. In 15 of the stations observed the procedures were apparently not followed correctly.

**Table 5: Overall opinion about the procedures by region**

	Total	Pristina	Peja	Prizren	Mitrovica	Giljane	Serbia/ Montenegro
	% (of polling stations visited)						
<b>Overall evaluation</b>							
Very bad	0	0	0	0	0	0	0
Bad	3	2	9	2	4	0	1
Not good, not bad	9	15	14	5	6	7	6
Good	42	37	34	53	42	44	39
Very good	46	47	43	41	48	49	54
Total observations	640	154	76	142	80	101	86

113. 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 in the vast majority of cases.
114. Disabled voters should have been allowed to vote before other voters, but observers reported that this procedure was not followed in 12% of the polling stations. Moreover, illiterate/handicapped people were not assisted as required by the rules in 12% of the cases.
115. Unfortunately in most elections visually impaired and illiterate voters have to depend on the assistance of another trusted person, which means compromised secrecy. This year a pilot project using a special template made it possible for blind and visually impaired persons to vote without any assistance. CEEOM III welcomed the project and its future potential to improve the secrecy of voting by blind people.
116. In 7 % of the polling stations, there were people who were refused the right to vote for various reasons, and in 2 % the secrecy of the ballot was violated. The presence of unauthorised people was witnessed in 2% of the stations observed. Policemen were present in another 2%. If police were inside the station, observers were requested to check whether the supervisor or chairperson called upon the policemen. This was however almost never the case.
117. According to the regulations, a list of political entities should have been available behind the screen of the polling booths. This rule was not followed correctly in seven out of ten polling stations.
118. The only problem of real significance concerned family or group voting, which was observed in 18% of the polling stations. It should be noted that this violation of the

rules was less frequent compared to the 2000 elections (31% ). However, the 18% figure is exactly the same as during last years' Assembly elections.

119. Each polling station was administered by a Polling Station Committee (PSC), which comprised nominated members from political parties and non-governmental organisations. Each PSC had a chairman and four members from the local community who were appointed by the Municipal Election Commission. The PSC was responsible for ensuring correct conduct of the polling, the counting of the votes and the preparation of a report on the results.
120. Observers noted a gender imbalance in most of the PSCs, and in many cases these were composed exclusively of men. This seemed to contradict the endeavours of the electoral system to create a gender balance in the municipal assemblies. PSCs were mostly mono-ethnic, indicating a low level of trust and reconciliation between the different ethnicities living in Kosovo.
121. The general evaluation of the work of the Polling Station Committees was positive in 90% of cases. Compared to former elections, fewer international polling station supervisors (IPSS's) were on the spot. Observers met IPSS's in 77% of their visits, and their performance was evaluated good or very good in 92% of cases.
122. IPSS's, however, had limited control over the polling process, given that they were responsible for several polling stations. In the decisions whether unstamped ballots should be regarded as valid, only 40% of IPSS's participated and a similar percentage was present during the whole duration of counting in the polling stations observed.
123. In a vast majority of the polling stations proxies of political entities observed the polling. Observers were also requested to check the presence of domestic observers. Such observers were seen in 74% of the polling stations. Most domestic observers were members of the Council for Defence of Human Rights (41%), CeSID (14%) and KACI (3%).
124. On average, 8 voters per station voted with a conditional ballot. A voter had to vote by conditional ballot if he could not be found on the Final Voters List or there was a red conditional ballot voter (CBV) stamp next to the person's name. The identification officer had to determine whether the voter was eligible to vote by conditional ballot based on the identification document presented. Each polling station had a supply of 200 ballots.
125. Observers were requested to make a judgement about the voters' understanding of the voting process. A negative judgement was provided only in 2% of the polling stations. 17% of the observations gave a neutral evaluation, whilst in 80% the overall opinion about the way voters understood the rules and procedures was good to very good.
126. According to the rules and regulations, voters who were in line after 7 pm were allowed to cast their vote. However, this rule was violated in three polling stations (5%). On the other hand, observers noticed that in 6 stations, voters who were not in

the line could enter the polling station after 7 pm to vote. This figure largely equals last years' 9%. It is noteworthy that in 2000 a much higher percentage of voters (42%) were allowed to mark their ballot after 7 pm.

127. In a vast majority of the observations the understanding of the counting process by the PSC and the supervisor was good to very good. A bad to very bad understanding of the counting process by the PSC was seen in 15% of the vote count observations. In a further 11% the Supervisors' understanding was bad or very bad.
128. Some 14 % of the observers gave a negative evaluation of the conduct of the vote count. This situation has hardly improved in comparison to the 17% negative judgements in 2000, 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.
129. Two observer teams reported that observers did not have a full view of the ballots during the count. Three teams saw that the ballots were not placed face down and in six observations the ballots were not checked for the official stamp on the reverse. Seven observer teams reported that the bundles were not double-checked by a PSC-member. This was a violation of the rule that during any part of the process when counting was taking place, the PSC chairperson had to assign one member of the committee to complete the counting and another member to recount each item. If the two counts did not agree, additional counts had to be conducted until the same total was reached twice.
130. In two stations there was no separate pile made for invalid ballots and in a further five stations this was not done for the blank ballots. Observers noticed that the chairpersons in three polling stations did not review the undecided ballots. Furthermore, six teams witnessed that the decisions on validity were not taken unanimously. Thereafter, the number of invalid and blank ballots had to be counted and recorded. In one station this was not performed for the invalid ballots and in another station this procedure was not followed for the blank ballots. Two teams reported that the counting for the conditional ballots was not done in a correct way.
131. In most cases, upon completion of the counting, supervisors oversaw the transport of the results to the collection centres (hubs). All observer teams agreed that the transport was secure, the handover of the material was done in an orderly way, the material was stored securely, properly identified, packed and sealed. Based on the observers' findings on polling day, these elections only had a few minor irregularities, and the overall assessment was very good.



## **8. THE COUNT AND RESULTS CENTRE**

132. 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. Our observers had access to all requested information, and the operation in general left little worries about inaccuracies.
133. Almost all entries into the counting system were made in duplicate in order to exclude mistakes or manipulations of the election results. One exception was the adjudication of the conditional ballots, the aim of which was 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, it would have been better to carry out this adjudication by 2 different persons.
134. The problem of those conditional ballots mistakenly cast without any or with wrong envelopes, thus preventing a final adjudication of eligibility, remained unresolved. Our observers reported that such cases occurred at various polling stations. The extent of this mistake and its impact on the distribution of seats in the municipalities could only be discovered after a thorough check of the Poll Books. Poll Books, however, were sealed in the ballot boxes in the archives, and would not be retrieved and consulted unless there was a case to investigate.
135. Generally, the secrecy of the ballot was well kept. 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. These ballots should have been stamped as well.
136. After last year's Assembly elections, CEEOM II expressed hope that "in future elections, the adjudication of valid or invalid ballots will 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 and the same directives were issued in this respect as last year.

## **9. CONCLUSIONS AND RECOMMENDATIONS**

137. This final report was written after the completion of all major steps of the electoral process, including counting and tabulation in the Count and Results Centre and the final certification of the results. 47 complaints on alleged violations were received by ECAC relating to polling day, mainly concerning voter interference and undue influence. Decisions on those complaints have not yet been communicated to CEEOM III at the time of writing, but they will not have a meaningful impact on the overall assessment of the process.

138. There were some worries before the start of the electoral process of 2002 that there might be a higher potential for fraud in the municipal elections than in last year's Kosovo Assembly elections. Place of residence gained greater importance this year, and the unreliability of residence data in Kosovo could have opened up the way for manipulations that might have influenced the outcome of the elections. Fortunately, these fears were not grounded during the electoral process. This was partly due to the work of the OSCE anti-fraud unit, which helped to improve the integrity of the election process and the credibility of the voters list.
139. The voter turnout was an issue even before elections. Overall turnout at 54 % was lower than last year, although largely in line with expectations. In municipalities where a political entity's majority was perceived to be vulnerable (Malisevo, Dečani), and in places where the ethnic balance of a municipality was in question (Novo Brdo, Štrpce) turnout was higher.
140. The low turnout of Serbs, especially those currently living outside Kosovo, but also in the northern part of Mitrovica, was disappointing. Mixed messages delivered to the Serb community in the pre-election phase caused confusion and contributed to the lower than expected turnout. The key issue for UNMIK is now to assess options and develop a response to facilitate Kosovo Serb integration into the provisional institutions at local level in those municipalities where their leaders failed to mobilise the electorate.
141. The observers were pleased to learn, that thanks mainly to the closed list system of composing candidate lists, 28 % of the newly elected deputies are female. This is a substantial increase from the 2000 elections, when only 8 % of the deputies were women.
142. The certified results indicate some changes in the political landscape. The LDK received 46% of the votes Kosovo-wide, which is lower than in 2000 and largely similar to last year's results. Whilst still holding a majority in 11 municipalities and a plurality<sup>1</sup> in 8, LDK has lost some of its positions at local level. Generally the PDK gained support, getting some 29% of the total vote and holding a majority of seats in 4 assemblies and a plurality in 2. The AAK, though failing to win an outright majority or plurality, also gained votes Kosovo-wide, particularly in the Western part of Kosovo.
143. The various Serb political entities together won the largest share of votes in 5 municipalities, but the distribution of votes between Serbian parties varied between the regions. KP received the largest number of votes in Novo Brdo, DSS (the party of FRY President Kostunica) in Zubin Potok and Leposavic and the SPS (the party of former President Milosevic) in Štrpce. The Serb National Council-North received most of the votes in Zvečan, where Milan Ivanovic headed their candidate list.

---

<sup>1</sup> In order to win a plurality a candidate must win a greater number of votes than anyone running against him or her, however a candidate does not have a majority unless he or she receives more than 50% of the total votes cast.

144. All of Kosovo's other smaller communities received representation in municipal assemblies, except for the portion of Kosovo's Roma community that is primarily Serb speaking. Other Roma communities (Ashkali and Egyptian) received mandates in seven municipalities, Turks won 10 % of the votes in Prizren and one seat in Pristina, while Bosniac and Gorani entities received representation in four municipalities.
145. **CEEOM III observers were satisfied that the electoral process was conducted in accordance with Council of Europe principles and international standards. Consequently, CEEOM III recommended to the Special Representative of the UN Secretary General, Mr Michael Steiner, that these elections be certified as valid.**
146. Nevertheless, CEEOM III also pointed out a number of shortcomings in the process, partly relating to broader political issues, but also to certain elements of the electoral rules and election administration. Therefore, in the final part of the report, CEEOM III wishes to make a number of recommendations to improve these aspects of the electoral process in the future.
147. There seemed to be a lack of coordination between the central civil registry run by UNMIK, and the traditional branches of local registration run by the provisional institutions of self-government. This led to a relatively high number of dead persons' names still appearing on the final voters list. *CEEOM III recommends that UNMIK updates the Civil Register on a continuous basis and improves the coordination between local branches and the central registry.* This will allow the automatic establishment of the FVL, without requiring an active participation of the electorate.
148. The cut-off date for civil registration to be eligible to vote was - in principle - 23 August, at the end of the Voter Services period. However the situation of those civil registered between this date and Election Day remained unclear. Even members of the election administration gave contradictory replies to CEEOM's enquiries on whether these people were completely excluded from the process, or whether they could cast a conditional ballot. *CEEOM III recommends that the organisers clarify this issue before the next elections, not only to administrators and observers of the process, but especially to the electorate concerned.*
149. All electoral processes require a possibility to check and correct mistakes in the voters list. In many countries this is only a formality as the administrative systems are so well designed that mistakes are extremely rare. In Kosovo this is not the case yet, and the political situation also creates mistrust. *CEEOM III recommends, therefore, that the provisional voters lists be open for scrutiny to as many people as possible.* This should include voters, political entities, professional NGOs, and the current restrictions on locations and time frame should be relaxed. The system used this year (9 confirmation and challenge centres open for one week, for a maximum of 30 minutes per visitor) was insufficient and should be reformed. It cannot be justified by data protection considerations, as it undermines confidence in the voters list. The

creation and maintenance of the voters list is more sensitive in Kosovo than voting itself.

150. Only a very limited number of physically disabled persons were able to register for participation in the Early Voting programme. The registration was entrusted to an NGO that visited those potential voters in their homes. However, many of them were not yet civil registered at the time of the visit. Their names were supposedly delivered to UNMIK, yet most of them were not visited again before the end of the Voter Services period and some were never visited before Election Day. CEEOM III considers the disenfranchisement of handicapped people unacceptable, and the delegation of this important aspect of the electoral process to an NGO questionable. *It recommends that organisers of future elections in Kosovo redesign the Early Voting programme in order to ensure all disadvantaged persons' right to vote.*
151. Regarding the rules on financial disclosure, the reasons to disclose contributions to political entities is to prevent future conflicts of interest and corruption. That 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 the vote. In the wrong hands this information can be used for retaliation. *CEEOM III recommends that the financial disclosure rules be revised in such a way that the privacy of individual donors is better respected.*
152. For a proper electoral system the legal framework needs to be completed long in advance of the elections in order to give the participants clear indications on what is expected from them. For 2002, the third electoral cycle in Kosovo, one would have expected that all rules were ready by the beginning of the process. Still, some administrative procedures were issued only on the eve of their implementation. This is hardly acceptable, especially that the CEC was often not given enough time to study the rules and to propose changes. *CEEOM III recommends that a consistent legal framework, including all election rules and regulations be drawn up well in advance of the next elections.*
153. The Election Complaints and Appeals Sub-Commission (ECAC) is a sub-committee of the CEC with judicial responsibilities concerning the main elements of the electoral process. It takes decisions on violations of the electoral rules and imposes sanctions on political entities and candidates. Before deciding on severe sanctions such as the de-certification of an entity, ECAC has to consult the CEC, which is chaired by the Head of OMIK. In this way, legislative, executive and judiciary powers are mixed up instead of being kept separate. It is difficult to accept that the same body gives a sanction, imposing a penalty, and when the penalty is not paid it takes executive action like striking individual candidates at random for their party's non-compliance. *CEEOM III recommends 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.*

154. 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. *CEEOM III welcomes the creation of the Election Working Group with the task of establishing a permanent and sustainable local electoral administration in Kosovo and recommends the following:*
155. The number of contesting political entities should be reduced. A combination of a higher deposit fee and stricter representation criteria could be imposed.
156. Checking all candidates for eligibility is a complex and costly procedure. It would be enough to check those actually elected, thus political entities would be made responsible for nominating candidates that are eligible.
157. Focusing on an inclusive and accurate Civil Register would eliminate the need for an extensive voter service operation. This should be replaced by an appropriate confirmation and challenge process.
158. Local election professionals, especially domestic core supervisors who took over many responsibilities from the internationals in these elections should be retained. Together with the MECs, they could form a basis for the emerging local election administration bodies.
159. The aim of the international community is to facilitate the handing over of the entire electoral process to Kosovo authorities and local election professionals. Whilst CEEOM III acknowledges the progress achieved so far, it also expresses its disappointment with certain incidents that occurred during CEC meetings. Observers witnessed that relatively insignificant administrative matters were turned into highly contentious political/ethnic issues, compelling the Chair to intervene in order to protect the interests of the minority.
160. If members of the CEC prove capable of rising above ethnic considerations when making decisions, then this body may lead future elections without such a strong international dominance. Otherwise the international community should probably continue to maintain a strong control and impose the necessary decisions through its representatives.
161. In either case, the Council of Europe, especially through its Congress of Local and Regional Authorities, should provide continued support and solidarity to the people of Kosovo for establishing democratic governance at local level.
162. The Council of Europe should also offer its extensive expertise to UNMIK, helping it to make its decentralisation plan a success, allowing all communities a say in the future shaping of Kosovo, bringing government closer to the people and giving them control over issues that matter most to them.

## PRELIMINARY STATEMENT

**Pristina, 27.10.2002:** The Council of Europe Election Observation Mission in Kosovo (CEEOM III) observed the electoral process leading up to the 26 October 2002 Municipal Elections. 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.

The elections were conducted largely in line with Council of Europe principles and international standards for democratic elections, when considering Kosovo's still complex social and political environment.

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 still rests with the international community. The elections were particularly significant from a political perspective because they were the first in which all municipal assemblies were being elected for four-year terms.

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 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 issuing administrative procedures.
- Voter Services were carried out successfully, even if the number of new registrants was lower than expected. The accuracy of voter registers has continued to improve.
- 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.
- 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.
- 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.

- 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.
- A broad range of electronic and print media 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.
- 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.
- There was a broad access for party delegates and non-partisan domestic observers to monitor the polling and counting.

Whilst stressing the positive aspects of these municipal elections in Kosovo, CEEOM III also noted some shortcomings of the process:

- 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.
- The CEC, although generally 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.
- 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.
- The decision making process within the Election Complaints and Appeals Sub-Commission (ECAC) was lacking 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.
- 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.
- 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.

- A late decision by leaders of the Serb community to participate selectively in the elections deprived their candidates the opportunity of a meaningful campaign and confused their potential voters.
- Preliminary data indicates that overall voter turnout was above 50%. 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.
- 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.
- 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.
- 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 will be fully handed over to a local election administration.

This preliminary statement 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. CEEOM III will 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 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 the 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 the local level.