



**ELECTION OBSERVATION DELEGATION TO
THE GENERAL ELECTION
IN KOSOVO
(12 December 2010)**

**Report by
Doris Pack, Chair of the Delegation**

Annexes:

A - List of participants and programme

B - Statement of the European Parliament Election Observation Mission

Introduction

In November 2010, the Conference of Presidents of the European Parliament authorised the sending of an Election Observation Delegation to observe the general election on 12 December in Kosovo. This general election was the first to be carried out under the sole responsibility of the Kosovo authorities; it was also the first since Kosovo declared independence in February 2008.

The general election was initially foreseen for 2011. The resignation, however, of President Fatmir Sejdiu on 27 September 2010 as a result of a Constitutional Court Decision and the subsequent political turbulences caused this snap election. The Constitutional Court had ruled that President Sejdiu had been in breach of the Constitution because he was holding the presidency of his LDK Party while being Kosovo President at the same time.

The European Parliament Election Observation Delegation was composed of seven Members: Doris PACK (EPP, Germany) Eduard KUKAN (EPP, Slovakia), Francesco DE ANGELIS (S&D, Italy), Jutta STEINRUCK (S&D, Germany), Fiona HALL (ALDE, United Kingdom), Jelko KACIN (ALDE, Slovenia), and Ulrike LUNACEK (Greens/EFA, Austria). Ms Doris PACK was appointed Chair of the Delegation.

The Delegation was in the country from 10 until 13 December and supported by the European Union Election Expert Mission to Kosovo, which the European Commission had deployed due to the absence of a long-term international election observation mission.

The European Union Expert Mission was tasked to assess the election process and to offer recommendations with a view to further improving the electoral process. It also assisted the European Parliament Delegation in every respect. It is worth noting that the OSCE Mission in the country, which forms an integral component of the UN Mission to Kosovo (UNMIK) since 1999, assisted the Kosovo Central Election Mission in the preparations for this general election. However, it did not organise the election nor deploy an observation mission.

The European Parliament Delegation followed the general rules of the OSCE methodology in the evaluation procedure and assessed the election for its compliance with OSCE and other international standards for democratic elections, as well as with the legislation of Kosovo.

The European Parliament Delegation also conducted its election observation mission in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005 and endorsed by the European Parliament in 2007. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in accordance with the decision of the Conference of Presidents of 10 December 2009.

Programme

The Delegation started with a preparatory briefing by Ambassador Daviddi from the European Union Liaison Office (ECLLO) and the European Union Expert Mission. This was followed by a dinner with OSCE Ambassador Werner Almhofer, who provided the delegation with insight about the Central Election Commission's preparations.

On the following day, the delegation met with EU Special Representative Pieter Feith, the EU Ambassadors in Kosovo, and Mr. De Marnhac, the Head of the EU Rule-of-Law Mission in

Kosovo, in separate meetings. EUSR Pieter Feith informed the delegation about the diplomatic poll watch, which he was coordinating.

The security situation was a specific topic in all of these meetings after the fatal incident during the election campaign in northern Kosovo. EULEX HoM De Marnhac and Deputy HoM Spaak encouraged the delegation to observe the elections in northern Kosovo. However, it was agreed that that the team from the delegation, which would observe the elections in this part of the country, would cross the *Ibar* River in EULEX vehicles and be escorted by EULEX all the time.

Furthermore, the delegation had an exchange of views with the international and local non-governmental organisations observing the elections. In the afternoon, the delegation met with representatives of all former coalition and opposition parties including representatives of the three newly established parties.

Throughout all these meetings, the delegation was assisted by the European Union Liaison Office and the European Union Expert Mission.

On Election Day, the delegation was deployed in four groups across the country including northern Kosovo. Altogether, the delegation observed elections in almost 100 polling stations at over 35 polling centres in the municipalities of Prishtinë/Pristina, Gracanicë/Gracanica, Prizren, Mitrovicë/Mitrovica including northern Kosovo and Gjilan/Gnjilane. The delegation also observed the counting process in four polling stations.

After the election observation and the return of all teams to the Hotel, the delegation had an exchange of information with the ECLO Head of Mission Daviddi and the European Union experts, who had stayed in close contact with all other observation efforts.

On 13 December morning, the delegation met with President Valdete Daka from the Central Election Commission, who said that the preliminary results would only be available in the evening of that day due to the great number of conditional ballots¹. Afterwards, the delegation held a well-attended press conference. Doris Pack was reading out the attached press statement followed by a question-and-answer session, where all members participated. It is worth noting that the delegation was the first observation mission issuing a statement.

General Observations

Overall, the delegation noted a significant improvement to the November 2009 municipal elections in terms of organisation, electoral conduct and voter turnout². However, exceptions were the Kosovo Serb municipalities south of the *Ibar* River, where the situation was quite often chaotic. The delegation also noted a number of recurring technical problems with regard to the UV lamps and ink, which was part of a mechanism established to prevent multiple voting as well as family/group voting and not following the proper procedures.

The delegation also differentiated between the generally acceptable election process in the country - except in northern Kosovo, where the elections were boycotted and three polling stations had to be closed due to intimidating obstruction - and the developments in two municipalities

¹ Conditional voting is a special feature of Kosovo elections. This refers to cases, where a voter can not be found on the voter list but can prove his/her eligibility to vote (by means of a valid ID card). This person can cast a conditional vote, which is then being counted separately. The problem with conditional voting is that it easily opens possibilities for manipulation and delays the counting process.

² It should be noted that a European Parliament ad-hoc delegation had watched the municipal polls on 15 November.

(Skenderaj/Srbica and Glogoc/Glogovac). Diplomatic poll watchers and local observation missions had reported serious allegations of fraud in these two municipalities.

It should be noted that, in addition to the delegation, around 250 diplomats and national Embassy staff watched the opening, polling and counting of these elections coordinated by the EUSR office. Furthermore, ENEMO (European Network of Election Monitoring Organisations) and the Kosovo organisation Democracy in Action, which is a coalition of 11 Kosovo NGOs, observed the elections.

In their first reactions, they noted some irregularities during the polling and counting process such as allowing for group voting, not proper checking of identification documents, poorly conducting the count and having a considerable number of unstamped ballots. Problems were also noted regarding the inclusion of names of deceased persons in the voters list.

Much of the attention on the night of the Election Day and Monday morning focused on the alleged irregularities in Skenderaj/Srbica and Glogoc/Glogovac. The voter turnout reached 94 and 87 per cent respectively in these two municipalities, which is twice the turnout across Kosovo at this election. It was also reported that the ballots in the box significantly exceeded the number of signatures in the voters' book in polling stations.

On 13 December in the evening after the departure of the delegation, the Central Election Commission released the following preliminary results:

<i>Party</i>	<i>Number of votes</i>	<i>Percentage</i>
PDK - DEMOCRATIC PARTY OF KOSOVO	238959	33,5%
LDK - DEMOCRATIC LEAGUE OF KOSOVO	168120	23,6%
Lëvizja VETËVENDOSJE! / SELF-DETERMINATION MOVEMENT	86924	12,2%
AAK - ALLIANCE FOR THE FUTURE OF KOSOVO	76859	10,8%
AKR-PD-PSD-PPI-PPK-PNDSH-PGJK	50720	7,1%
<i>Below the 5 per cent threshold:</i>		
LDD - DEMOCRATIC LEAGUE OF DARDANIA	23337	3,3%
FER -NEW SPIRIT PARTY	15559	2,2%
<i>Kosovo Serbian and other minority Parties:</i>		
SLS - INDEPENDENT LIBERAL PARTY (SERB)	12525	1,8%
JSL - UNITED SERBIAN LIST	5010	0,7%
VAKAT - COALITION VAKAT	4771	0,7%
KTB - KOSOVA TÜRK BİRLİĞİ (KOSOVA TURKISH UNION)	1833	0,3%
Number of Voters on FVL		
Number of Voters on FVL	1630636	
Expected Total Valid Votes		
Expected Total Valid Votes	712526	
Turnout (by signatures)		
Turnout (by signatures)	47,5%	

EU - Kosovo Relations

The June 2008, the European Council reconfirmed that the EU remains committed to playing a leading role in ensuring the stability of Kosovo and also repeated that Kosovo has a clear European perspective.

Since 2008 the country has participated in the Stabilisation and Association Process with biannual plenary meetings of the so-called Stabilisation and Association Process Tracking Mechanism.

In October 2009, the Commission presented its feasibility study on Kosovo (Communication from the Commission to the European Parliament and the Council "Kosovo - Fulfilling its European Perspective"). The main message was to bring Kosovo's citizens closer to the EU. This should be achieved through a visa dialogue with the perspective of eventual visa liberalisation when Kosovo has fulfilled the necessary conditions. Furthermore, the Commission proposed to begin preparations for a comprehensive trade agreement and to include cross-border cooperation in the scope of its financial assistance.

In its Enlargement Strategy 2010-2011 of 9 November 2010 the Commission stated that it would start the visa dialogue shortly and suggested to negotiate directives for a trade agreement. However, the Council stated in its conclusions of 14 December 2010 that the visa dialogue could only start once all conditions are met and only after another assessment by the Commission. Therefore, the Council is yet to give its green light for the start of the visa dialogue. With regard to the negotiations for a trade agreement, the Council annulled this altogether for the moment.

Overall, the EU's involvement has taken place through the following instruments:

- The EU Rule of Law Mission (EULEX), which has been the largest civilian mission ever launched under the European Security and Defence Policy (ESDP);
- The EU Special Representative, who is also the International Civilian Representative (ICR); and
- The Commission through its European Commission Liaison Office, which is tasked to provide support through the Instrument of Pre-accession (IPA) focusing on advancing key political and economic reforms.

Political Context

The assembly of Kosovo unilaterally declared Kosovo an independent and sovereign state on 17 February 2008. To date, Kosovo's independence has been recognised by 72 countries including 22 EU Member States. Spain, Greece, Romania, Slovakia and Cyprus have not yet done so.

In the declaration of independence, Kosovo committed itself to the principles of democracy, secularism, multi-ethnicity and to the obligations of Martti Ahtisaari's Comprehensive Settlement Proposal. The new Constitution, which was adopted in June 2008, is based on the Comprehensive Settlement Proposal and envisaged a significant role for the European Union in Kosovo. It also provided for an International Civilian Representative as ultimate supervisory authority.

At the same time, Serbia has continued to regard Kosovo as its province. However, the ruling of the International Court of Justice of 22 July 2010 and the subsequent adoption of the UN General Assembly consensus resolution on 9 September 2010 have created the opportunity for a first direct dialogue between the two countries since Kosovo's unilateral declaration of independence. This

dialogue will be facilitated by EUHR/VP Ashton and may eventually lead to a stabilisation in northern Kosovo.

The resignation of President Sejdiu on 27 September 2010 - following a Constitutional Court ruling that he breached the constitution by holding both the Kosovo presidency and the LDK Party leadership - destabilised the ruling coalition between Prime Minister Thaci's Democratic Party of Kosovo (PDK) and President Sedju's Democratic League of Kosovo (LDK). An initial political agreement had foreseen a general election on 13 February 2011. However, after the LDK withdrew its ministers from the Government in October - as a result of attempts by the larger coalition partner PDK to privatise the telecom operator without LDK's consent - the opposition New Kosovo Alliance Party (AKR) initiated a vote of no confidence. This motion was approved by the Assembly with a majority of 66 votes on 2 November.

Consequently, on 2 November, the acting President, Jakup Krasniqi announced the dissolution of the Assembly and called an early general election for 12 December 2010.

Despite the political turmoil, it is worth noting that the dissolution of Parliament and the announcement of early election took place in full respect of the constitutional provisions.

Political Parties

Due to the introduction of a five-per cent threshold in the Law on General Elections in 2008, the political landscape has consolidated since then. Before the general election the political spectrum consisted of six Kosovo Albanian political parties and one Kosovo Serbian party. Just before the general election, three new parties have been established: two mainly Kosovo Albanian Parties and one Kosovo Serbian list.

It should be noted that Kosovo Serbs from the South of the *Ibar* River showed an increased interest in the general election. Although the Government of the Republic of Serbia officially stated after its session on 10 November 2010 that the conditions have not been met to call upon the Kosovo Serbs to participate in the general election, it appears that it had tacitly accepted the participation of Kosovo Serbs from the South of the *Ibar* River in the election. Overall, 10 seats (out of 120 seats) in Assembly are reserved for Kosovo Serbs.

However, the situation has remained completely different north of the *Ibar* River where Kosovo Serbs have continued to reject all Kosovo institutions. Unsurprisingly, Kosovo Serbs boycotted this general election north of the *Ibar* River.

The other non Kosovo-Serb minorities (Bosnians, Gorani, Roma, Ashkali, Egyptians, and Turks) are represented in political parties and have ten reserved seats in the Assembly.

Election Procedures and Voters List

This general election was based on the Law on General Elections of 2008. The Assembly adopted a limited set of amendments to the Law on General Elections in early November 2010, which were a result from last year's recommendations following the municipal elections to improve the election system. The main changes refer to the complaints and appeal procedures. It was initially planned to adopt a more comprehensive reform but this early election reduced the efforts to the most urgent topics.

Altogether the Kosovo Assembly has 120 seats elected by secret ballot on the basis of open lists. The Constitution provides for an allocation of 100 seats on the basis of proportional representation among all political entities and for 20 seats reserved for minorities. Eligible for the allocation of the 100 seats are all political entities who have won at least 5 per cent of all valid votes.

Members of parliament are elected for a five-year term through a proportional party list system within a single nation-wide constituency.

Altogether the Central Election Commission certified 29 political entities (24 political parties, 3 citizens' initiatives and 2 coalitions) for the general election, which comprised 1,266 candidates. The EU Election Expert Mission criticized that the CEC had not verified the candidates' statements for compliance with the requirements from the Law on General Elections.

On 1 December, the ten-day election campaign started. The Central Election Commission set the limit for campaign expenditures at 50 cents for each registered voter (which meant total expenditures in the amount of around 818,000 euro). However, the EU Election experts highlighted the Central election Commission's lack of resources to oversee the implementation of this provision. It is worth noting that a new Law on Financing Political Parties was adopted in September 2010. A major loophole of this law is that donations from companies that win public tenders were not included in the provisions for special registration.

Regarding media coverage, the Independent Media Commission issued Codes of Conduct for broadcast and print media, which obliged them to give all certified political entities fair and equitable coverage.

The voting list, which is based on civil registers, comprised altogether 1,630,653 voters. This was an increase by 57,000 voters compared to the 2009 municipal elections. However, the EU Election experts and other interlocutors believed that this list comprised many people who are dead or had left the country earlier.

It should be noted that the Election Complaints and Appeals Panel (ECAP) has been strengthened since the 2009 municipal elections, when it was heavily criticized for its slow and intransparent procedures.

Conclusions

The European Parliament Election Observation Mission sent a very important message about the EU support for Kosovo's democratic process. All interlocutors stressed that the delegation's verdict would have great weight with citizens as well as within the region. At the same time, the Election Observation Mission was an excellent opportunity to get first hand information about the evolution in the Kosovo authorities' capacity to manage an important process for the country's democratic stability.

Overall, the first general election solely organised by Kosovo authorities were an important opportunity to show its strengthened democratic ability. In spite of the very short time frame, the Central Election Commission completed its preparations on time and was able to ensure the conduct of orderly elections.

The head of the delegation, in her presentation at the press conference on 13 December, encouraged all observers who witnessed irregularities to take advantage of the legal complaint and appeal procedures that protect the integrity of Kosovo's elections. The processes and timelines set out in

Kosovo's Election law would provide for a transparent review of contested elections results. The delegation also stressed that, unlike after the 2009 municipal elections, it would be important to identify perpetrators and prosecute them promptly in order to curtail the culture of impunity. At the same time, a rapid formation of a new government including the appointment of a President will be precondition to continue the Kosovo's advances towards the European Union. The main focus will be on two issues: first, the EU-facilitated dialogue with Serbia, and second, the start of a visa dialogue with the Commission.

The dialogue with Serbia may eventually lead to a stabilisation in northern Kosovo. Unfortunately, the visa dialogue was postponed by the Council on 14 December³ until Kosovo has met all conditions and only after a new assessment by the Commission.

The EU Election Expert Mission will remain in the country until 19 December and issue a comprehensive final report including recommendations for further improvements of the electoral process. It will be essential that these recommendations will be implemented in order to further improve the electoral process and increase trust among citizens.

The European Parliament Election Observation Delegation recommends that the Foreign Affairs Committee and the Delegation for Relations with Albania, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo follow up closely on the future developments after the elections.

³ See Council conclusions on enlargement/stabilisation and association process, 3060th GENERAL AFFAIRS Council meeting, Brussels, 14 December 2010;

EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION

PARLIAMENTARY ELECTIONS IN KOSOVO

10-13 December 2010

PROGRAMME

Members

Mrs Doris PACK, Germany, EPP (Chair)
Mr. Eduard KUKAN, Slovakia, EPP
Mr. Francesco DE ANGELIS, Italy, S & D
Mrs Jutta STEINRUCK, Germany, S&D
Mrs. Fiona HALL, United Kingdom, ALDE
Mr. Jelko KACIN, Slovenia, ALDE
Mrs. Ulrike LUNACEK, Austria, VERTS/ALE

Secretariat

Ewa MAHR, Administrator
Herbert PRIBITZER, Administrator

Political Groups advisors

Theodoros GEORGITSOPOULOS, EPP
Ciprian MATEI, S&D
Paolo BERGERGAMASCHI, Greens/EFA

Interpreters

Annalisa VENTURI, Team leader
Renata GIOVANELLI
Darja FLERE
Spomenka NINCIC-SOC
Svetlana SPAIC
Majlinda NISHKU
Ilir JAKUPI
Maksim DAIU

Programme of meetings

Friday, 10 December 2010

- Afternoon Arrival of Members and transfer to European Commission Liaison Office (ECLO)
- 17.30 - 19.00** **Entry briefing with the Head of EC Liaison Office to Kosovo and EC election experts**
Venue: ECLO building, 1st floor; room 101
Phone: +381 38 51 31 330
- 19.15** Transfer to the hotel and check-in
Venue: "ORA" Hotel,
Phone: +381 38 233 709
- 20.00** **Dinner with OSCE Ambassador Werner Almhofer**
Venue: "New Liburnia "
Phone: +381 38 222 719

Saturday, 11 December 2010

- 8.30 - 9.45** **Breakfast meeting with EUSR Pieter Feith and Oliver Allen EUSR Coordinator**
Venue: "ORA" Hotel
Phone: +381 38 233 709
- 10.00 - 11.00** **Meeting with EU Ambassadors**
Venue: ECLO building, 1st floor; room 101
Phone: +381 38 51 31 330
- 11.30 - 12.00** **Meeting with international NGOs**
- ENEMO
Venue: ECLO building, 1st floor; room 101
Phone: +381 38 51 31 330
- 12.00 - 12.45** **Meeting with local NGOs**
- Democracy in Action (Kosovo Democratic Institute), KIPRED, Lëvizja Fol (Movement Fol)
Venue: ECLO building, 1st floor; room 101
Phone: +381 38 51 31 330

13.00 - 14.30 Working Lunch with EULEX HoM De Marnhac

Venue: "Gagi" Café-Restaurant

Phone: +377 44 160 665

15.00 - 15.45 Meeting with Deputy PM and PDK Vice President Hajredin Kuci

Venue: ECLO building, 1st floor; room 101

Phone: +381 38 51 31 330

16.00 - 16.45 Meeting with LDK Party leader Isa Mustafa

Venue: ECLO building, 1st floor; room 101

Phone: +381 38 51 31 330

17.00 - 17.45 Meeting with representatives from the current opposition parties:

- Vice president and AAK Party leader Blerim Shala (including Rugova list),
- Coalition block (AKR, PSD, PD)
- LDD

Venue: ECLO building, 1st floor; room 101

Phone: +381 38 51 31 330

18.00 - 18.30 Meeting with representatives from newly established parties:

- Partia Fryma e Re, FER (New Spirit Party)

Venue: ECLO building, room 101

Phone: +381 38 51 31 330

18.40 - 19.00 Meeting with representatives from newly established parties:

- Vetëvendosje

Venue: ECLO building, room 101

Phone: +381 38 51 31 330

19.15 - 20.00 Meeting with representatives from Kosovo Serbian parties

- Ms Rada Trajkovic (Serbian Unique List)
- Mr. Randjel Nojkic (Serbian Unique List)
- Mr. Slobodan Petrovic (President of SLS)

Venue: ECLO building, 1st floor; room 101

Phone: +381 38 51 31 330

20.15 Transfer to hotel (free evening)

Sunday, 12 December 2010 - ELECTION DAY

Observation of Opening, Voting, Vote Count

6.00 - 21.00 Election Observation - Division into four groups and departure to polling stations:

- Team 1 (Prishtinë/Pristina including Gračanica/Gračanice)
- Team 2 (Prizren)
- Team 3 (Drenica region and Mitrovicë/Mitrovica - subject to EU security assessment)
- Team 4 (Gjilan/Gnjilane)

21.30 - 22.00 Debriefing from EC election experts

Venue: "ORA" Hotel

Phone: +381 38 233 709

22.00 - 23.00 Preparation of statement and coordination with EUSR Feith and ECLO HoM Daviddi

Venue: "ORA" Hotel

Phone: +381 38 233 709

Monday, 13 December 2010

8.45 Check-out from hotel and transfer to CEC

9.00 - 10.00 Meeting with members of the Central Election Commission

Venue: Central Election Commission

Phone: +381 38 200 23 044; +377 44 164 228;

10.30 - 11.15 Press conference

Venue: EU Information and Cultural Centre

Phone: +381 38 248 643

11.20 Departure to airport



The elections in Kosovo are an important step forward in its democratic development

Prishtinë/Priština, 13 December 2010. A generally well organised election day with a good voter turnout is encouraging for the continuous democratic development of Kosovo. This was underlined by the Election Observation Delegation of the European Parliament after monitoring the conduct of the polls. The delegation also acknowledged the successful effort of the Central Election Commission in organising this snap election in a short period of time.

This statement was issued prior to the completion of vote reconciliation and resolution of election complaints. This delegation is awaiting the results of various local and international election observation missions in order to make a full assessment of the election process.

The delegation states with satisfaction that the process has taken place in a peaceful atmosphere. It also notes some technical difficulties and regrets some worrying incidents. Serious allegations of fraud in two municipalities have been brought to the attention of the delegation. The delegation encourages the political parties to follow proper legal procedures. Identified perpetrators should be prosecuted promptly in line with the law in order to curtail the culture of impunity.

The members highlighted the increased participation of the Kosovo Serb community as a sign of further engagement with the country's institutions. However the delegation regrets that the Kosovo Serbs of northern Kosovo refused to use the opportunity to exercise their democratic rights.

These elections are key to Kosovo's democratic transition. The ten-day campaign was intensive, with lively debates in the broadcast media, focusing on economic growth, poverty reduction, the rule of law, and visa liberalisation in the context of Kosovo's European integration.

The delegation wishes to underscore that this creates a new momentum in the process of building a multiethnic Kosovo for the benefit of all its population. It also encourages all relevant actors to seize the opportunity to further contribute to peaceful regional stability and prosperity.

Therefore the delegation hopes for a rapid formation of the assembly and the government as well as the election of the president.

The delegation also notes the rights of the parties to appeal to the Election Complaints and Appeals Panel (ECAP) after the elections and trusts that in case of complaints, they will seek legal remedy. At the same time the delegation expects all complaints and appeals to be dealt with in full transparency, without delay.

European Parliament election observation delegation information: The delegation was led by Doris Pack (EPP, DE) and included Eduard Kukan (EPP, SK), Jutta Steinruck (S&D, DE), Francesco de Angelis (S&D, IT), Jelko Kacin (ALDE, SL), Fiona Hall (ALDE, UK) and Ulrike Lunacek (Greens, AT) who is also the EP's standing rapporteur on Kosovo. The delegation arrived in Kosovo on 10 December. Members of the delegation met representatives of the authorities, political parties, civil society and the resident international community. On election day, the delegation visited a number of polling stations in Prishtinë/Priština, Graçanicë/Gračanica, Skenderaj/Srbica, Glogoc/Glogovac, Mitrovicë/Mitrovica, Gjilan/Gnjilane, Partesh/Parteshi and Prizren, and had the opportunity to meet members of the election commissions, candidates and voters. The delegation drew on support from the European Union election expert mission.