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## GENERAL ELECTIONS IN KOSOVO: A VIEW OF ISSUES, CHALLENGES AND THE POLITICAL SCENE AHEAD OF VOTING ON JUNE 8<sup>TH</sup>

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### About ECMI Kosovo

ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.

## I. Introduction:

On June 8<sup>th</sup>, Kosovo is set to hold parliamentary elections after the Assembly of Kosovo voted to disband itself, amid political gridlock and an unstable ruling coalition. These come shortly after Kosovo held local elections in 2013, which brought about notable political change — especially in the larger cities — and are the first parliamentary elections where it is expected that the Serbs living north of the Ibër/Ibar river will vote in significant numbers, much like they did in the 2013 local elections. These elections are significant for a variety of reasons, not least for the fact that the Serb community will be running under a single unified list, the expected high turnout within the Kosovo Serb community, and generally the change that the election may bring on the ruling parties, after almost two terms of PDK led governments. An important change in the way minority communities are represented in the Assembly of Kosovo will take effect in these elections: the reserved seats system will be phased out, in favour of the guaranteed seats system. This switchover is expected to shake-up the minority political scene, as it will introduce a slightly more restrictive allocation of seats for minorities.

The following information bulletin seeks to provide a detailed look at the political situation unfolding and entities emerging with the start of the campaign. It also looks at the effects the guaranteed seats system will have on the way communities are represented in the Assembly of Kosovo. Finally, we shall provide a full list of minority community political entities that are competing in these elections, with a short background on each of them. The report is focussed primarily on the developments and parties of minority communities in Kosovo, with a special attention to Serb political parties.

## II. The political situation and new political entities:

The EU-brokered April 2013 agreement between Prishtinë/Priština and Belgrade was to herald a new era of integration and cooperation, not only between Prishtinë/Priština and Belgrade, but also Prishtinë/Priština and its citizens north of the Ibër/Ibar river, whose reluctance to accept its authority has been seen as an obstacle to integration and development. Subsequent local elections saw increased participation from the Serb community in the south and the north, and the Belgrade-backed “Srpska lista” won power in nine (9) out of ten (10) Serb majority municipalities, including the four (4) north of the Ibër/Ibar River.<sup>1</sup> Ever since, there has been a strong debate on the participation of the Serb community in Kosovo, which has shifted from integration of the Serb community within Kosovo institutions, a view promoted by the Kosovo government; to the possibility of the disintegration of the Kosovo constitutional and legal system, under pressure from the new mayors as well as Srpska, a view particularly held by some opposition parties. The developments on the ground have moved very slowly. Elections in Kosovo, Serbia, as well as the European Union have slowed down developments

<sup>1</sup> “Srpska” won mayoral elections in Leposavic/Leposaviq, Zubin Potok/Zubin Potok, Zvečan/Zvečan, Mitrovica e Veriut/Severna Mitrovica, Gračanica/Gračanice, Ranilluk/Ranillug, Partes/Partesh, Klokot/Kllokot, while SLS was victorious in Strpce/Shterpce. For detailed election statistics please see here: [http://www.kqz-ks.org/Uploads/Documents/Rezultatet%20sipas%20Komunave%20-%20Zgjedhjet%20Lokale%202013\\_xwmxwoapy.pdf](http://www.kqz-ks.org/Uploads/Documents/Rezultatet%20sipas%20Komunave%20-%20Zgjedhjet%20Lokale%202013_xwmxwoapy.pdf)

significantly, and all sides have tacitly accepted this. However, it is clear that major challenges lie ahead.

After the municipal elections held at the end of last year, all new mayors have taken office in their municipalities. The newly-elected Mayor of Mitrovicë/Mitrovica North, however, quickly resigned, as he did not want to take an oath of office as stipulated in the Kosovo law on Local Self-Government. A new mayor was subsequently elected and he took the oath, but, like all the other mayors, covered the seal of the Republic of Kosovo, and Kosovo's flag was not on display.

ECMI Kosovo has frequently met with all new mayors in the Serb-majority municipalities. They have taken a pragmatic approach to the central government; avoiding not only direct confrontation, but also all other "unnecessary" communication. Most of their documentation is issued with the seal and logo of the municipalities, having taken out both Kosovo's and the central government's seal. The new mayors who took office also inherited a full-blown relationship with the central level, which has now been cautiously rolled back. The situation is somewhat different north of the Ibër/Ibar River, where previously there was no communication at all with Prishtinë/Priština, and even outright hostility. The situation has now changed: in our meetings, there is always a discussion of the developments and instructions that are expected to "come" in terms of clarifying their relationship with Prishtinë/Priština. The new mayors in the north operate in the municipal buildings, with the parallel administration still on the payroll of Belgrade, and there has been very little change in real terms in terms of new funding and support to these municipalities from Prishtina.

On the other hand, the government in Prishtinë/Priština and the Ministry of Local Self Government, headed by Mr. Slobodan Petrovic (until recently President of SLS), have been very cautious in their dealings with the new mayors in the north. Prime Minister Thaçi publicly declared he intended to meet the new mayors, but so far no such meeting has taken. Deputy Prime Minister and chief negotiator with Belgrade, Edita Tahiri, has briefly met the newly-elected mayors in the north, and pledged her support and cooperation. The Government of Kosovo has announced the creation of a special "Fund for the North" to be financed through the taxes and customs paid in the North, and whose main objective is the financing and implementation of development projects for the four northern municipalities. Since then, no concrete steps have been taken and no project has been financed from this fund. In his recent visit to Kosovo, EU Enlargement Commissioner, Štefan Füle, announced that the European Commission has approved a new €38.5m package for development projects in the North and the rest of Kosovo<sup>2</sup>.

<sup>2</sup> For more information please see here: <http://www.neurope.eu/article/385-million-euros-support-normalization-between-serbia-and-kosovo>

These elections will complete the cycles in Serbia, the EU and Kosovo. New leaders and representatives have, and will, emerge in the next months, and a new momentum should develop to continue the dialogue, and the integration of the north in the overall Kosovo constitutional framework. However, major challenges lay ahead not least due to the creation of new political forces within the Serb community.

#### **The Effect of Srpska:**

Srpska (Srpska Lista, the Serbian List) was established by the Government of Republic of Serbia in October 2013, just before the local elections, as a political platform for all Serb political entities to run in the local elections. However, Srpska ran against the already well-established "indigenous" Kosovo Serb political scene, who were trying to organise themselves with the help of the international community in Kosovo, but no political patronage from Belgrade. The SLS (Srpska Liberalna Stranka - Serbian Liberal Party) was most prominent among them; they were the first mainstream party in the Serb community to openly recognise the "new realities" – that is, the Republic of Kosovo and its institutions. They received a significant number of votes, and took an active part in establishing the governments after the general elections of 2007 and 2010. The party representatives held high-level positions, including Deputy Prime Minister, and led three ministries – Social Welfare, Returns, and Communities and Local Self-Government – as well as several deputy ministers, and other offices and agencies.

Towards 2013, it was clear that the party was under tremendous strains, as internal rifts among different groups were surging, after years in power and controlling effectively all Government of Kosovo resources for minority communities, including local governments in the four municipalities created under the decentralisation plan. During these years, the position of the Serb community in Kosovo improved significantly, from near total isolation in 2006/7, to a community which is taking active part in all decisions concerning itself and had control over significant sway of the public funding in Kosovo.

When Srpska was established, with open help and support from Belgrade, it is of no wonder that many in the SLS camp felt betrayed by Belgrade and left out by Prishtinë/Priština. They saw themselves as pioneers who, against odds, initiated cooperation with the Prishtinë/Priština government, for the benefit of the Serbs living in Kosovo, and now they were being cast as "collaborators" by their own. No doubt, this created a huge surge in tensions in the last local elections, as some mayors saw themselves losing power to the candidates from Srpska (with incidents in Partesh/Parteš, Mitrovicë/Mitrovica, Klokot/Klllokot, for more see the ECMI Kosovo report at <http://www.ecmikosovo.org/?p=4318>). It is worth mentioning that in some municipalities, the mayors were running them like their own fiefdoms, for example the case in Partesh/Parteš, where the mayor had problems with the law, and there were many reports of his aggressive behaviour. However, there were also mayors, like the one from Graçanicë/Gračanica, Mr. Bojan Stojanović, who brought real change and tangible improvements in the living conditions for the Serb community.

In these elections Srpska has formed a unified list with most of SLS; only a few individuals remain in the old SLS and they are fielding one candidate for elections. The outgoing Minister of Labour and Social Welfare, Nenad Rašić has formed a new party ("Progresivna demokratska stranka", Progressive Democratic Party) which is expected to perform well in some areas. Others, like the former mayor of Gračanice/Gračanica, Stojanovic, have decided to sit these elections out. It is very clear that the lion share of votes from the Serb community will go to the now-unified Srpska List.

According to Kosovo law, minority communities ought to be represented in the Kosovo government no matter what governing coalitions takes power. Article 96 of the Constitution of the Republic of Kosovo states that any Government must have at least one (1) Serb, and one (1) non-Albanian and non-Serb minister. If there are more than 12 ministries, there needs to be an additional minister from other communities. The same article also states that there need to be at least two (1) Serb deputy ministers, and two (2) non-Albanian, non-Serb deputy ministers. In the outgoing government, as we have seen, it is clear that Serb and non-Serb minority representatives hold important positions. PDK and SLS's relationship was very close: there has been no disagreement on any of the policies among the two coalition parties. It remains a big question, however, how a relationship between an Albanian governing party and Srpska representatives will play out in the next government. While the policy of cautious engagement and disengagement and the avoidance of explicitly recognising the Republic of Kosovo may be an option for the mayors, this would be very difficult for ministers and a Deputy Prime Minister.

### III. Guaranteed Seats vs. Reserved Seats

The debate on reserved and guaranteed seats has been going on for a while in Kosovo. Unfortunately there has been a lot of misinterpretation of the rules and general lack of knowledge of the two systems: some minority political parties seem to think that the reserved seats are still in force. According to the Constitution of the Republic of Kosovo (Article 145, section 2), the reserved seats system should be changed to a guaranteed seats system after two electoral cycles. This provision enters into force "automatically" after two electoral cycles. Just before the Assembly disbanded, there was a motion to extend the reserved seats system for another electoral cycle, but it, along with the draft Law on General Elections, and the Law on the Establishment of Armed Forces, did not pass. In 2011, the question was raised over whether the Assembly of Kosovo mandate of 2007-2010 would count as one electoral cycle, as the Ahtisaari proposal implies that the two electoral cycles start "after" Kosovo's Declaration of Independence. Political parties representing communities were raising the issue that the 2007 general elections were held "before" the Declaration of Independence and before the Constitution entered into force. The Constitution settles this in Article 145, Section 2, where it states that the current mandate, that is the mandate of 2007, shall be counted as the first of the required two. A legal interpretation confirming this was issued by the then-ICO/EUSR Special Representative, Pieter Feith, when asked to interpret the Ahtisaari provisions. Thus, given that there was no special decision to extend the reserved seats system for another cycle, provisions of

Article 145/2 of the Constitution and also the interpretation of the Ahtisaari provisions, it is safe to assume that the automatic provisions for guaranteed seats are in effect and that keeping the reserved seats system would entail constitutional changes.

**Effects of guaranteed seats system on the composition of the Assembly of Kosovo:**

It is worth to mention at the outset that the reserved and guaranteed seats systems are just a part of a comprehensive mechanisms put in place for the protection and promotion of communities in the Assembly of Kosovo. The other parts are: the Vital Interest Procedures - where no law which affects communities can be passed without receiving the majority of votes from MPs coming from those communities; the Standing Committee for Rights and Interest of Communities – through which all laws are screened, debated and approved and as part of the second reading in the Assembly; and last but not least, the Presidential signing of the law – which requires screening the law for whether it violates community rights. The Constitutional Court may be also be triggered through a motion from community MPs.<sup>3</sup>

In order to have a better idea of how the guaranteed system works, let us first look how the reserved seats system works. The reserved seats system, or as it was originally called the “set-aside seats”, are just that, a number of seats set aside (20 for all communities), in addition to whatever they win through the regular election process, to increase the number of seats of minority communities in the Assembly, which has altogether 120 seats. With the reserved seats system, minority political entities competed for 100 seats in the Assembly of Kosovo and were spared the 5 % threshold for representation. Additionally, they got 20 seats on top of what they won through regular competition for the 100 seats. In the 2010 general elections they won the following:

2010 General elections	Votes cast	Out of which votes cast in north of Iber/Ibar	Votes for all communities political entities (inc. Serb)	Out of which votes for Serb political entities
Number of votes	706,317	Approx. 500	55,020	25,515
Number of seats won	100	0	5	3

<sup>3</sup> Article 81 of the Constitution of the Republic of Kosovo entitled “Legislation of Vital Interest” defines, among others, laws on the use of languages, local elections, laws changing municipal borders, etc., as laws of vital interest. These laws require votes from a majority of all MPs as well as a majority of MPs representing Kosovo’s communities for adoption and subsequent amendment. Article 81 also states that none of these laws may be submitted to a referendum.

Minority communities' political entities won 25 seats altogether, out of which 5 were won through competition for the 100 seats. There were a lot of votes that were "lost" as minority communities competed with a large number of political entities.

ECMI Kosovo, in its previous analysis, undertook a simulation, taking the results of 2013 local elections and calculating them on the national level with the reserved seats system, to test what would have been the results of a higher participation of minority communities in the elections, especially of the Serb community in the Assembly. Below is a table that shows the results of the simulation:

2013 Local elections	Votes cast	Out of which votes cast in north of Ibër/Ibar	Votes for all community political entities (inc. Serb)	Out of which votes for Serb political entities
Number of votes	811,489	11,835	79,728	47,947
Number of seats won	100	2	7	5

The simulation is based on a number of variable assumptions, like the number of Albanian political entities that don't pass the 5 % threshold, number of political entities from minority communities (how split is the minority vote and also within each community), number of invalid votes etc. The results shown above are meant for illustrative purposes only.

With the guaranteed seats system, there is a difference in terms of how the votes are calculated. The guaranteed seats system is meant to secure a minimum representation of minority communities in the Assembly of Kosovo. Hence, as opposed to the reserved seats system, their objective is not to increase the number of seats in the Assembly of Kosovo above their electoral weight of minority communities. Guaranteed seats are "triggered" only if the political entities representing one minority community win less than the number of the guaranteed seats assigned for them. For example, the Serb political entities would have won 5 seats in the Assembly of Kosovo through regular elections, and this would have triggered the guaranteed seats system, and they would have gotten an additional 5 seats, to fulfil minimum required representation of 10 seats. In the instance of the Serb community, they would need to win 15 seats through regular elections in order to get 15 seats, but if they win less than 10 they would still get 10, as those are guaranteed as a bare minimum.

ECMI Kosovo, in its 2013 analysis of local elections and trends within each minority community, undertook a simulation to test whether any of the minority communities would be able to win more than the number of guaranteed seats assigned to them in the Constitution.

Again, such a simulation was inevitable based on a number of variables conditions that change in each



election, hence a number of assumptions were made to reach approximate results, and the simulation showed that theoretically, none of minority communities would be able to win more than the guaranteed seats, even if the turnout in the north of Ibër/Ibar river would be higher than that of 2013 local elections

According to the Constitution of the Republic of Kosovo, Article 64, sections 1 and 2, the guaranteed seats system is divided as follows:

- 10 seats guaranteed for coalitions and/or political entities representing the Serb community
- 3 guaranteed seats for coalitions and/or political entities representing the Bosnian community
- 2 guaranteed seats for coalitions and/or political entities representing the Turkish community
- 1 guaranteed seat for coalitions and/or political entities representing the Gorani community
- 1 guaranteed seat for coalitions and/or political entities representing the Roma community
- 1 guaranteed seat for coalitions and/or political entities representing the Ashkali community
- 1 guaranteed seat for coalitions and/or political entities representing the Egyptian community
- 1 additional seat to be awarded to the Roma, Ashkali or the Egyptian community with the highest overall votes.

The 5% threshold necessary to enter the Assembly does not apply to those political entities representing communities for the 20 seats guaranteed to them. However, if those political entities want to win more seats than those guaranteed, they will have to compete directly with political entities representing the Albanian majority.

#### IV. Certified Minority Political Entities Running for Elections

##### **Political entities representing the Serb Community:**

a) The largest political entity representing the Serb community is the **“Srpska Lista”** (Serbian List) a conglomeration of several political parties representing the Serb community. “Srpska Lista” began running for the 2013 local elections in Kosovo. It challenged the then-ruling Serb party SLS (Serbian Liberal Party), and defeated them in all but one of the municipalities where they were governing. Financed, and supported by the Republic of Serbia, “Srpska Lista” has merged its candidates list with a number of smaller Serb parties as well as with SLS, and will present a strengthened Serbian political option in the upcoming national elections. The Head of the Electoral List for “Srpska Lista” is Aleksandar Jablanović.



b) The “**Samostalna Liberalna Stranka**” (Independent Liberal Party) is a political party representing the Serbian community in Kosovo. While SLS merged its candidates list with “Srpska Lista”, and are competing on that list, a few individuals have chosen to maintain the SLS name and branding, and will be competing on their own, with only 1 candidate for MP.

c) The “**Progresivna Demokratska Stranka**” (Progressive Democratic Party) is a political party representing the Serbian community in Kosovo. Headed by the ex-Minister of Labour and Social Welfare, Nenad Rašić, the PDS was founded after internal discord within SLS led to the creation of several factions.

d) “**Socijaldemokratija**” (Social Democracy) is a political party led by Saša Djokić, ex-MP in the Assembly within the SLS caucus. Socijaldemokratija is a relatively small party, and is active mainly around Graçanicë/Gračanica.

e) The “**Pokret za Demokratski Prosperitet**” (Movement for Democratic Progress) is a political party headed by Dragiša Mirić, ex-MP with the Group for Integration caucus during the 2007-2010 legislature.

#### **Political entities representing the Turkish Community:**

a) The “**Kosova Demokratik Türk Partisi**” (Kosovo Turkish Democratic Party) is a political party representing the Turkish community. Active mainly around the southern town of Prizren/Prizren, it has been part of governing coalitions ever since 2001. Its leader and principal political player is Mahir Yâğcılar, the outgoing Minister of Public Administration. Considered to be close to PDK, KDTP can be expected to be a part of any future coalition government.

b) The “**Kosova Türk Adalet Partisi**” (Kosovo Turkish Justice Party) is a relatively new political party representing the Turkish community. The party was founded in 2013, as an internal struggle for leadership in KDTP did not yield a new party leader, and the losing faction decided to create a new political alternative. Modelled after the Justice and Development Party in Turkey, the KADP will try to challenge KDTP for the 3 seats guaranteed to the Turkish minority. Its leader and head of list is Arif Bütüç.

#### **Political entities representing the Bosniak Community:**

a) The “**Koalicija VAKAT**” (VAKAT Coalition) is a coalition of three parties representing the Bosniak community in Kosovo. Composed of the “**Demokratska stranka Bošnjaka iz Prizrena**” (Democratic Party of Bosniaks from Prizren/Prizren), the “**Demokratska stranka Vatan iz Dragaša**” (Democratic Party Vatan from Dragash/Dragaš) and the “**Bošnjačka stranka Kosova iz Peći**” (Bosniak Party of Kosovo from Peja/Peć) it has been an active participant in the political life in Kosovo, and a coalition partner in several governing coalitions. Together with the Turkish and other communities, it was part of the “6+” parliamentary group, and part of

the PDK-AKR-SLS governing coalition. VAKAT is expected to be a part of any future governing coalition stemming from these elections.

b) The “**Centar za Demokratsku Uniju**” (Center for Democratic Union) is a new political party representing the Bosniak community. Led by Hamza Balje, the party advocates social and economic prosperity under a democratic union. With its centre in Prizren/Prizren, the CDU is set to run for the Assembly for the first time.

c) The “**Stranka Demokratske Akcije**” (Democratic Action Party) is a political party representing the Bosniak community in Kosovo. Previously led by the charismatic Numan Balić (ex-Minister of Health from 2002-2003, and an MP for three mandates), the SDA will try to regain some of its electoral power it lost to VAKAT and other parties representing the Bosniak community.

d) The “**Bošnjačka Stranka Demokratske Akcije Kosova**” (Bosniak Party for Democratic Action Kosovo) is a political party representing the Bosniak community in Kosovo. Active in southern and western Kosovo where the majority of Kosovo’s Bosniaks reside, it seeks to enter the Assembly of Kosovo for the first time in its history.

e) The “**Bošnjačka Jedinствена Lista**” is a political party representing the Bosniak community. Like the **Bošnjačka Stranka Demokratske Akcije Kosova**, it is active in the south-western Kosovo and is seeking entry into the Assembly for the first time in its history.

f) The “**Nova Demokratska Stranka**” (New Democratic Party) is a political party representing the Bosniak community in Kosovo. Headed by Emilja Redžepi, MP in the previous Assembly as part of the Alliance for the Future of Kosovo caucus (AKR), itself a part of the governing coalition.

## Political entities representing the Gorani Community:

a) The “**Koalicija za Gora**” (Coalition for Gora) is a political party representing the Gorani community. Concentrated mainly in the southernmost municipality of Dragash/Dragaš, it has been represented in the Assembly of Kosovo by Mursel Halilji. Its general goal is the promotion of social and economic rights of the Gorani community in Dragash/Dragaš, including the possible establishment of a new municipality named “Gora”.

b) The “**Gradjanska Inicijative za Gora**” (Civic Initiative for Gora) is a newly-established civic initiative representing the Gorani community. Headed by Avnija Bahtijari, its goal is to win the guaranteed seat for the Gorani community. Vezira Emruš, a previous MP with the SDA, is also on the candidates list.

## Political entities representing the Roma Community:

a) The “**Partia Rome e Bashkuar e Kosovës**” (United Roma Party of Kosovo) is a political party representing the Roma community in Kosovo, whose candidates list is led by Allbert Kinolli, an ex-MP in the previous legislature. Founded by Zylfi Merdza, it has been represented in the Assembly of Kosovo for several legislatures.

b) The “**Kosovaki Nevi Partia Roma**” (New Roma Party) is a newly-established political party led by Kujtim Paçak, who is also head of the candidates list. The party centre is in Prizren/Prizren.

## Political entities representing the Ashkali Community:

a) The “**Partia Demokratike e Ashkalinjëve të Kosovës**” is a political party centred in Ferizaj/Uroševac. Founded in 2002, it was represented in previous legislatures by Danush Ademi, and was part of previous governing coalitions (it held the post of deputy Minister of Youth, Culture, and Sports).

b) The “**Partia e Ashkalinjëve për Integrim**” (Ashkali Party for Integration) is a political party led by Etem Arifi. Founded in 2008 as a result of internal discord within PDAK, it was represented in the Assembly of Kosovo by its leader and head of list, Etem Arifi.

## Political entities representing the Egyptian Community:

a) The “**Partia Liberale Egjiptase**” (Liberal Egyptian Party) is a newly-founded political party headed by the President of the Consultative Council for Communities within the Office of the President, Veton Berisha (whose mandate will expire in July). It is focused mostly around Peja/Peć.

b) Founded in 2001, the “**Inciative e Re Demokratike e Kosovës**” (New Democratic Kosovo Initiative) is a political party led by Xhevdet Neziraj. With its party centre in Gjakovë/Djakovica, the party was represented in the Assembly of Kosovo by its leader Xhevdet Neziraj.