Kosovo's June 2017 Parliamentary Elections

Kosovo's snap parliamentary elections on June 11, 2017, have offered the country an opportunity to move past recent political impasses and reorient political institutions to the pressing needs of its citizens. Continuing a pattern of extraordinary elections, these elections were precipitated by a long-running political crisis set off by the previous parliamentary election, in June 2014. A six-month deadlock over forming the new government led to opposition protests in parliament, some of which turned violent. The crisis slowly ebbed by summer 2016, but not before it punctured an already low level of public confidence in political institutions to deal with such critical issues as corruption, economic opportunity, education, and healthcare.

Talk of snap parliamentary elections increased this year as the ruling coalition of the Democratic Party of Kosovo (PDK) and Democratic League of Kosovo (LDK), which was never completely unified in the best of circumstances, grew increasingly unstable and proved unable to pass controversial legislation needed to advance Kosovo's Euroatlantic aspirations. This included two international agreements – a border demarcation agreement with Montenegro and the Brussels-brokered agreement on establishing the Association of Serb Municipalities. The PDK joined opposition parties in supporting a vote of no-confidence in its own government in May, paving the way for former prime minister and PDK leader Hashim Thaci, now Kosovo's president, to call early parliamentary elections with an extraordinarily brief 10-day campaign period.

The results saw both PDK and Vetevendosje (VV) claiming victory, with a PDK-led coalition taking the highest number of seats at 39, and VV substantially increasing its mandates to 32 from 16 in previous elections of 2014. The LDK-led coalition will take 29 seats in the Assembly of Kosovo, while among the Kosovar Serb parties, Srpska List Party will have nine members of parliament (MPs) and Independent Liberal Party (SLS) one.

As part of ongoing programming in Kosovo, the National Democratic Institute (NDI) offered assistance to political parties ahead of the campaign period to orient platforms toward issues of interest to citizens, build and coordinate communication strategies on these issues, and promote women and youth as candidates in the elections. Election results indicate that 55 NDI participants were placed on political parties' electoral lists for the first time, and six were elected as members of parliament.

Citizens vote on June 11, 2017 in Kosovo

Photo credit: RTKlive.com

The Campaign

Following the call for early elections, Kosovar Albanian political parties quickly formed pre-election coalitions based on their anticipation of securing a viable majority in the Assembly. A new precedent set by the Constitutional Court after the 2014 parliamentary elections, by which the
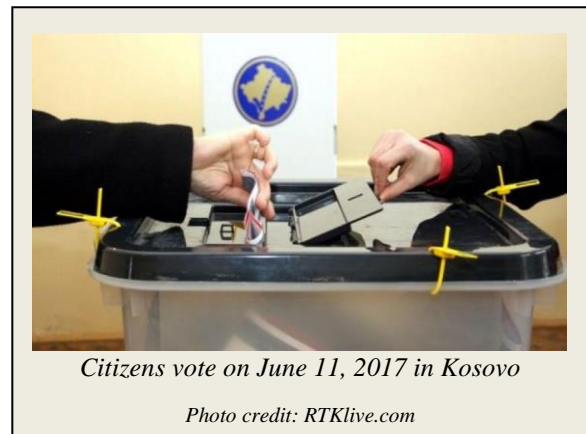
President must give the party or coalition with the largest number of elected MPs the right to form a government, led to hurried math, with coalitions built around electoral prospects rather than ideology or policy goals. Three major political entities emerged to compete:

- ➢ a coalition of PDK, the Alliance for the Future of Kosovo (AAK) led by Ramush Haradinaj, and NISMA, a PDK break-away party;
- ➢ a coalition consisting of LDK, New Kosovo Alliance (AKR) led by Behgjet Pacolli, and Alternativa, a new party led by the Mayor of Gjakova Mimoza Kusari; and,
- ➢ Vetevendosje, a citizen movement officially registered as a party for the first time this year.

The campaign began on June 1, though many parties had begun organizing for the campaigns long before the government collapsed. The campaign largely focused on issues that track among citizens' priority concerns according to NDI public opinion research, including: the fight against corruption, job creation, European Union (EU) visa liberalization, education and health, as well as the border demarcation with Montenegro and creation of a standing Kosovo army. PDK-AAK-NISMA (PAN) called for a "new beginning", with economic development and creation of the army as its two main priorities. LDK-AAK-Alternativa (LAA) claimed to have the best strategy and team to advance Kosovo economically, fight corruption, and improve the education system. VV continued to emphasize the fight against corruption, organized crime, confiscation of assets, reforms in justice system, revision of the privatization process, and improvement of the education and, particularly, health sectors. In a marked difference from its 2014 campaign, VV's candidates transformed into "ties and suits" and reduced calls for Greater Albania and other national stances to a minimum.

Party coalitions based their campaigns mainly around rallies and door-to-door meetings, and all parties took to social media to reach out to voters. Several televised debates were organized, though PAN raised criticism from media outlets and analysts for failing to participate, arguing, a bit nonsensically, that it was too busy meeting individual citizens to engage.

Kosovo's minority parties campaigned separately, as the electoral framework guarantees minimum levels of representation in the Assembly of Kosovo for minority ethnic communities. Four Kosovar Serb parties competed in the elections to pursue that community's 10 constitutionally-reserved seats, including:

- ➢ Srpska List Party, formerly Srpska Lista coalition, which registered officially as a political party with the Central Election Commission (CEC), led by Slavko Simic. Srpska List Party is closely linked to Serbia's President Aleksandar Vucic.

- ➢ Party of Kosovo Serbs (PKS), a new political party registered by former Srpska Lista leader Aleksandar Jablanovic. PKS originally submitted a candidate list as a coalition with Active Citizens Initiative, run by Serbian political analyst Dusan Janic, but just days before the CEC's deadline for candidates' certification, the Active Citizens Initiative and several other PKS candidates withdrew their participation – a blow to the coalition's chances in the elections.

➢ Independent Liberal Party, which determined to compete again, after several years of internal fractures that had seen the party divided among three factions. Candidates included former Gracanica Mayor of Bojan Stojanovic.

➢ The Progressive Democratic Party (PDS), led by a former SLS member Nenad Rasic. PDS suffered a setback prior to the elections when most of its candidates withdrew from the list, including the party's deputy president, general secretary, and several branch leaders, who joined with either the Srpska List Party or SLS.

The Kosovar Serb campaign saw a fair share of incidents including reported shootings at personal and business properties, destruction of campaign materials, and candidate detentions, including the temporary detainment of Jablanovic on charges of unauthorized possession and use of weapons. Presumably due to intimidation from Belgrade, candidates were removed from party lists without their knowledge and against their will, and some withdrew voluntarily without disclosing the reasons. Nationalist rhetoric and messaging, most frequently from the Srpska List Party, was higher than in past elections, with for example, campaigns calling for the protection – and strengthening – of Serbian parallel governing structures. Intimidation of candidates and voters among Kosovar Serb parties was so high as to draw a response from the international community.

Parties representing smaller ethnic minorities of Roma, Ashkali, Egyptian, Bosniak, Gorani, and Turks – which collectively have a constitutionally-reserved 10 seats in the Assembly – organized limited campaigns with little national visibility, largely due to the more concentrated population, demographics, geographical location, and financial resources of these communities. Due to limited resources, most of these parties campaigned in municipalities where their respective communities are concentrated, holding rallies, participating in radio interviews, taking to social media to cover their activities, and convening *Iftar* dinners with the public to commemorate the Ramadan holiday. In the rare opportunities where these parties were present in national television, they communicated in their respective communities' languages to promote their parties and platform.

The election campaign and election day were monitored by the multi-ethnic Democracy in Action (DiA) network of civil society organizations led by the Kosovo Democratic Institute. DiA's monitoring reported fewer citizens attending political rallies, with notably low participation of women; the organized use of children for campaign purposes, including taking them out of schools without parental permission; misuse of public resources for campaign purposes; and elements of hate speech in public discourses. Parties were generally criticized for having non-transparent campaign finances, as they did not release any financial information on campaign expenses and funding sources. By regulation,

DiA launched a large scale campaign calling on citizens not to vote for candidates who have been involved in corruption affairs in the past, with civil society and media identifying 25 candidates indicted by the prosecution for corruption and/or abuse of office.

parties have 45 days from the elections to report how funds were used during the campaign, but even if the parties meet this regulation, the reports are shared exclusively with the CEC and not made public. Two other NGOs, Democracy Plus and "Cohu", monitored campaign expenditures and, from May 31 to June 3, according to their reports, the three main political entities spent approximately EUR 300,000 in media promotional activities, including television, online portals, and newspapers, with the vast majority of the expenses registered by the two coalitions.

DiA observers criticized the Central Election Commission for limiting the participation of the diaspora through not extending the deadline to register for those living abroad; not providing voter education; and transferring the responsibilities for administering the elections in the four municipalities of the north to the Organization for Security and Cooperation in Europe (OSCE) as a means to increase confidence in the process through international administration. While the CEC noted that the snap elections offered little time for it to prepare and adequately respond in these areas, DiA called on the institution to draft a strategy to have in place for such occasions.

In days prior to the election, the CEC accredited significant numbers of observers – nearly double the number fielded by DiA – by the Regional Institute of Democracy, Human Rights, and Political Studies. Allegations arose that these observers were in fact affiliated with the PAN coalition, and deployed to circumvent an electoral rule limiting party representation in polling stations to one individual. PAN was criticized for violating the spirit of the rules for observer accreditation. The CEC was criticized for lack of due diligence in examining observer accreditation requests properly.

The Election

For Kosovo's June 11, 2017 elections, 1,872,941 citizens were eligible to vote, according to the CEC's certified lists, including 155,202 first-time voters. 2,490 polling stations were opened, with DiA observers deployed to every center and station around the country. International observers were also deployed by European and U.S. diplomatic missions. NDI/Kosovo staff also dispersed around the country to take the pulse of election-day. Voter turnout measured at 41.3%, down slightly from 42.6% in 2014. Kosovar Serb participation increased substantially from 24.5% in 2014 to nearly match the national rate, at 41% in 2017.

> *"The elections of 11 June 2017 were peaceful and not affected by severe and violent breaches that would undermine public trust in the electoral process"*
>
> *DiA preliminary statement on Kosovo's election day*

Local and international assessments generally concluded that election-day procedures were conducted in a generally democratic manner, with minor complaints registered[1]. Repeat irregularities included family voting; assisted voting; attempts of double voting; unclear voting registry/voters lists; presence of unauthorized party representatives in polling stations; and political

---

[1] Preliminary observation statements from DiA, the EU, and US Embassy may be found at the following links.
DiA:http://www.demokracianeveprim.org/en/index.php?subaction=showfull&id=1497362182&archive=&start_from=&ucat=&
EU: https://eeas.europa.eu/sites/eeas/files/eu_eom_kosovo_2017_ps_en.pdf
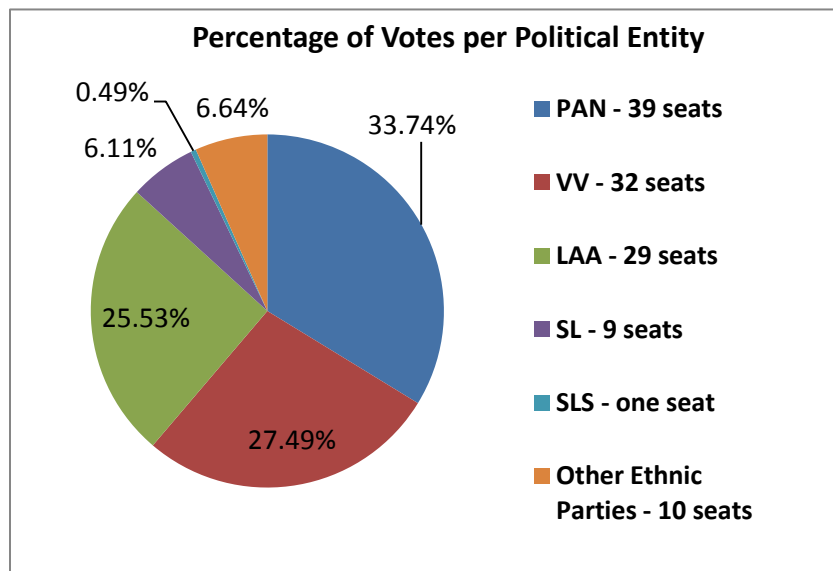US: https://xk.usembassy.gov/u-s-embassy-statement-on-june-11th-elections/

propaganda in polling station areas. Such irregularities were found in polling centers around the country regardless of ethnicity. On the whole, these incidents did not affect the integrity of the process or the validity of the results.

The municipal election councils (MECs) seemed to be well trained and organized in running the election process. Polling centers were easily accessible; each polling station had sufficient election material; and the MECs' staff demonstrated professionalism in their work. Each polling station included party pollwatchers and nonpartisan DiA observers, who did not interfere in the election process.

During the voting process, but particularly during the counting, polling station commissioners demonstrated tremendous caution in following the rules, and often consulted the election manual. While anecdotal, this indicates the impact of the 2013 amendments to the criminal law, made in response to widespread electoral fraud in the 2010 elections, which increased punishments for election fraud including higher fines and up to five years in prison. Polling center managers noted that the high number of international and domestic observers, along with efforts by the CEC and other authorities to raise awareness about the consequences of violating election legislation, contributed to better compliance by polling station commissioners and party pollwatchers, and greater acceptance of the preliminary results.
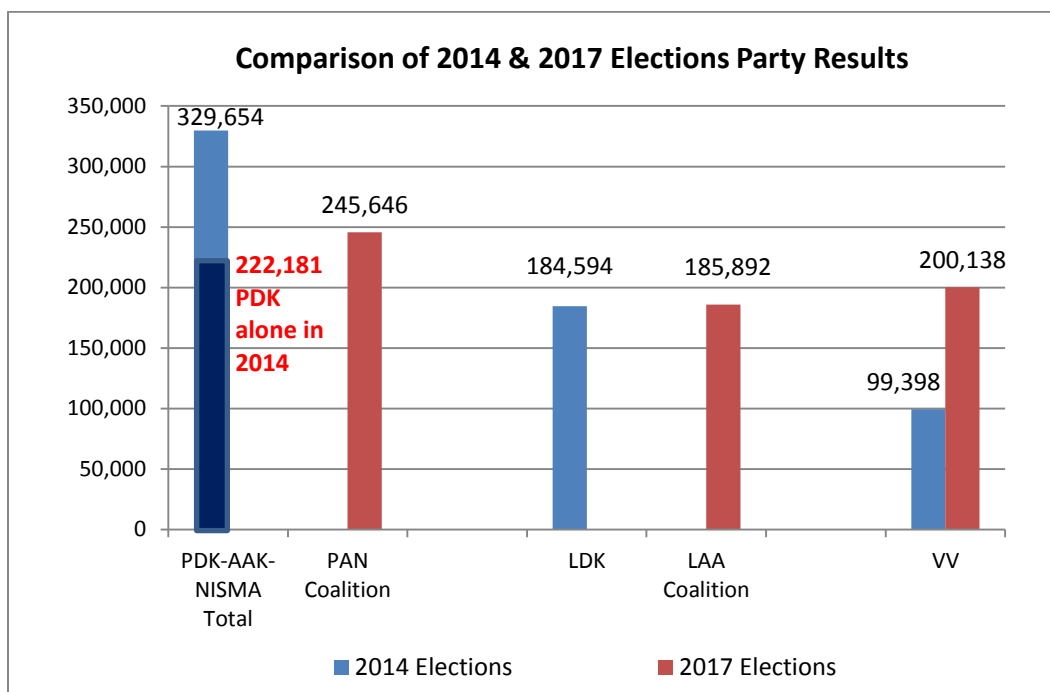
The Results

The formation of pre-election coalitions between PDK and AAK-NISMA (coalition PAN); and LDK-AKR-Alternative (coalition LAA) made it difficult to predict an election outcome, and the results were, to some extent, unexpected. The CEC released preliminary results immediately following the elections. Final results were certified July 10 following counting of conditional ballots and diaspora votes, as well as an appeals process of some contested results.

Percentage of Votes per Political Entity

- PAN - 39 seats: 33.74%
- VV - 32 seats: 27.49%
- LAA - 29 seats: 25.53%
- SL - 9 seats: 6.11%
- SLS - one seat: 0.49%
- Other Ethnic Parties - 10 seats: 6.64%

The Srpska List Party received nearly an absolute majority of votes from the Kosovo Serb community, with strong support from Belgrade.

Both PDK- and LDK-led coalitions performed poorly when compared to the respective vote totals received by PDK and LDK alone in the 2014 elections. PDK suffered the most, with the PAN coalition altogether taking just more than 30,000 votes above PDK's 2014 vote share. VV, however, doubled its votes from less than 100,000 in 2014 to just more than 200,000 in 2017.

Comparison of 2014 & 2017 Elections Party Results

	2014 Elections	2017 Elections
PDK-AAK-NISMA Total	329,654 (222,181 PDK alone in 2014)	
PAN Coalition		245,646
LDK	184,594	
LAA Coalition		185,892
VV	99,398	200,138

The New Government

PAN claimed victory and the right to form the government. VV has also proclaimed a win as the party with the most votes. All major entities expressed confidence in their abilities to form a government, and to do so quickly following certification of the results.

There are a few pathways to government formation that are not dependent on the votes of Serb and non-Serb minority members:

- ➢ The LAA coalition could join PAN and form a government. This option seems unlikely given problems of previous PDK-LDK governments, and LAA, as a coalition, insists it will not join PAN in the new government.
- ➢ LAA could join VV. LAA has not responded to an open invitation of VV. Reportedly, VV wants the prime minister position in such an arrangement as it has the highest number of seats as an individual party, and it is unclear if LDK would allow this. The arrangement might also be tense given that LDK backed out of a coalition arrangement with VV following the 2014 elections.
- ➢ PAN could convince several MPs from LAA and/or VV to join it to reach 41 votes, while needing to bring all 20 members from the minority communities on board to ensure the minimum 61 votes required to form the government. PAN officials indicate that they will count on AKR and Alternativa members, as well as any individual members of VV that want to join their coalition to pass the 61-seat threshold to form a government. President of AKR Behgjet Pacolli, along with the two founders of Alternativa, initially ruled out any possibility of joining PAN in the government, though more recent reports indicate that

Pacolli is in talks with AAK president Ramush Haradinaj, who would be prime minister under the PAN coalition government.

The Srpska List Party, on the other hand, has openly refused to support the nomination of Haradinaj for prime minister. No official stance has been made regarding its participation in an LDK or VV-led government, though an approach to collaboration with either would be potentially difficult given LDK's past failure to deliver on promises to its governing partner and in light of VV's nationalist agenda. Srpska List Party has continued its own nationalist rhetoric, echoing stances of the Serbian Government, to call for revitalization of UN Resolution 1244 and refer to Kosovo as a province of Serbia. Given the above, Kosovar Albanian parties may seek to form a government that would not be dependent upon votes of minority ethnic parties. Serbia's President Vucic has affirmed that Kosovar Serbs will cooperate with any government in Kosovo and would leave the question of who establishes the government to the people of Kosovo.

According to the Constitution, the Assembly must be established no later than 30 days after the certification of the results by the CEC—in this case August 10, 2017. In accordance with the Constitutional Court's 2014 judgment, the right to nominate the Speaker is granted to the party or pre-election coalition that wins the most votes, or in this case, to PAN. VV officials announced that they will respect the judgment and vote on the election of the Speaker, regardless of the fact that s/he will be nominated by PAN. Should PAN not be able to secure 61 members to form the government, PDK could block attempts by any other parties or coalitions to do so by delaying appointment of the Speaker and thus the constitution of the Assembly, as the Constitution is silent on what happens if the Assembly is not constituted within 30 days. This was a leading factor to why this process was delayed in 2014 for more than six months.

As and when the Assembly is constituted, the Constitution envisages that the new government is formed within 60 days, or new elections must be called by the president. According to the Constitution, the president shall, in consultation with PAN in this case, nominate the candidate for prime minister, who will have 15 days to propose a cabinet and take a vote in the Assembly. If the cabinet proposed by PAN's Prime Minister-candidate Haradinaj does not receive the support of 61 members, the president formally has to appoint a second candidate as prime minister to form the government.

According to the 2014 Constitutional Court judgment[2]: "*The President may decide to give the same party or coalition another chance to propose a second candidate*", or may "nominate a candidate from other parties or coalitions", meaning that President Thaci will have the discretion to either give PAN a second chance to form a government if it fails in a first attempt, or to give another party or coalition this right. The ruling stresses that "it is the President's responsibility to preserve the stability of the country and to find prevailing criteria for the formation of the new government in order for elections to be avoided", and that, prior to making the decision, "*the President has to assess what is the highest probability for a political party or coalition to receive 61 votes*". Thus, should VV or PAN publicly announce that they have 61 votes required to form the government, the

---

[2] http://www.gjk-ks.org/repository/docs/gjkk_ko_103_14_ang.pdf

president could risk violating the Court judgment if he decides to give the second chance to PAN with the reasonable expectation that it might not have the ability to secure 61 votes.

The Expectations

These elections offered many benchmarks of progress – an engaged civil society observing electoral processes, independent institutions fully implementing the electoral framework, and political actors showing respect to the electoral rules and procedures. This moment should be viewed as a turning point for Kosovo's democracy, and a call to action for parties – regardless of which forms the next government – to respond to citizens' demands for a more responsive and transparent government that can efficiently articulate their most immediate needs and deliver alternative solutions to them.

Citizens are frustrated with the country's slow pace of economic progress and impatient over government corruption and nepotism, and as a result, their trust in political institutions and their democracy is failing. These factors were on display in these elections, with low voter turnout and Kosovo's largest parties losing in traditional strongholds. The crisis of this most recent period sharpened citizens appetites for change, and parties must find a way to respond, including by governing on issues citizens care about, communicating with constituents, and engaging parliamentary caucuses to turn policy changes into legislative action. Likewise, as a multiethnic country, Kosovo's democratic order depends on the enfranchisement of minority groups and the ability of governing institutions to represent all citizens. These goals have been repeatedly challenged by domestic political instability and external pressures, and Kosovo must strengthen its political structures and representative bodies from within to absorb and manage these challenges.

New political entrants and leaders can precipitate improved leadership desired by the electorate, but the political structures in which they are to function must also develop to enable the government to perform in the public interest, and to do so across ethnic lines. Political parties old and new bear these responsibilities, and will need to be able to work together and in line with civil society – in government, in the Assembly, and without – to drive change for their constituents. This represents the only way forward to stem citizens' discontent, and, along with it fight a new wave of social unrest, increased migration, and/or religious extremism, and bring back hope to this young country. Specifically:

➢ Electoral administration should focus on voter education and improve training for election commissioners, as will is high to perform their duties as required by the electoral framework, but knowledge is low. A strategy should be in place to ensure that the election administration is prepared to perform these duties, whether elections are held early or on schedule. Party agents, likewise, should receive information on voter education and election procedures to help their supporters participate in future elections and to ensure their understanding of electoral procedures.

➢ Nonpartisan citizen election observation remains an important element to provide the public with information about the quality of their election processes. The false registration of partisan actors as nonpartisan observers diminishes this, and more attention should be paid to preventing accreditation of such individuals in the future.

➢ Civil society, political parties, and media should work together to create a more balanced party finance and regulatory system. Dialogue among them should center on how, as a matter of law and oversight, to achieve a balance between political party transparency that serves legitimate public interests and the proprietary rights that parties have with respect to their internal affairs. This dialogue should go hand in hand with efforts to ensure that enforcement agencies have the mandate, funds and freedom to implement legislation. Civil society and the media can strengthen their roles in this area, continuing to shed light on violations and pressuring both parties and enforcement agencies to improve compliance.

➢ Parties need to engage in greater outreach to citizens between election cycles. This election's low voter turnout reflects disillusionment with the political establishment, largely deriving from a lack of responsiveness on priority concerns and poor communication with constituents. Parties' efforts to engage with citizens outside of election cycles may help to bring citizens back into the process.

➢ Political parties should seek to form the government urgently, following constitution of the Assembly. This process should be informed by common policy goals and ideology to infuse greater stability into the government.

➢ Government and opposition alike must find a way to sit around the table to work on pressing issues of concern for Kosovo. This includes passing border demarcation to open the door for visa liberalization – a key priority for Kosovar citizens. Likewise, they must build multifaceted approaches to root out corruption and spur economic growth, and foster open dialogue within Kosovo on the country's priorities for Brussels Dialogue, and what the Association will mean for its citizens.

➢ This work will require a national, multi-ethnic, consensus-based platform for dialogue that draws on meaningful consultation with citizens, evidence-based research, and inclusive agreements on how to address and move forward with the country's most pressing issues regarding social and economic development and its European future.