

ELECTIONS

The choice of an electoral system has profound effects on the political life of the electorate and it, therefore, must reflect the social context in which it is developed. In a post-conflict society like Kosovo, where inter-ethnic relations are still a decisive issue, this crucial aspect of institution and democracy building needed to be approached very analytically and with great sensitivity to many different interests. This is where the OSCE Mission stepped in.

The Mission focused on two major challenges: building confidence in the electoral framework and ensuring its sustainability and fairness; and establishing a local independent body, capable of organizing and running elections in the future.

The OSCE Mission has organized and supervised all election cycles in Kosovo – at the municipal level in 2000 and 2002 and at the central level in 2001 and 2004. All have been qualified as free and fair, by both domestic and international observers. The electoral system used was that of simple proportional representation and closed political party lists, where seats won closely reflected the real vote. A gender rule also made certain that women would gain seats. To ensure minimal representation of

ethnic minorities at the central level, twenty out of 120 seats in the Kosovo Assembly were reserved for these groups.

To increase local ownership of the electoral process, the Elections Working Group was created in 2002. It was a consultative forum hosted and chaired by the Mission and composed of representatives of the main political and civil forces. This body recommended to the Special Representative of the UN Secretary-General the electoral framework of closed, proportional lists for the 2004 general election.

For the first time in 2004, the OSCE Mission turned over key operational responsibilities to the newly established local elections authority, namely the Central Election Commission (CEC) and its Secretariat. This marked an important step forward for Kosovo's institutions to take over ownership and manifested the OSCE's commitment to successively transfer the electoral process to the people of Kosovo.

The CEC is now on its way to becoming the local independent body capable of conducting technically efficient operations resulting in credible and legitimate elections. The CEC Secretariat (CECS) is its operational arm, functioning as an apolitical multi-ethnic institution. It will be responsible for managing all operational and technical aspects for the next elections in Kosovo.

To ensure compliance of the elections process and electoral legislation, the Election Complaints and Appeals Commission (ECAC) was established. The role of the ECAC is to adjudicate all election-related complaints and appeals that any stakeholder taking part in elections - voters, political parties, coalitions, candidates, citizens' initiatives, observers, CEC, OSCE and UNMIK - may submit.

Created in the same spirit as the Elections Working Group, an Election Forum was formed in 2005. This advisory body is constituted only by Kosovans. Its aim is to review the existing rules for the municipal elections and adjust them to the specific context of Kosovo through the organization of open and transparent discussions, taking into account the lessons learnt from past elections. Its input will lead to concrete proposals to the CEC on a future electoral framework.

The Mission hopes to take a purely advisory role in the next Elections scheduled for fall 2006. In the space of six years, Kosovo will be inheriting from the OSCE a framework to hold elections, one that is recognized as a stable, inclusive system that has provided the basis for a democratic future.

Increased responsibilities of locals in running elections

The general elections held in October 2004 were the first in which the OSCE started to hand over operational responsibilities to the Central Election Commission and its Secretariat. These included activities related to field co-ordination and planning, political entity and candidate certification, public information, accreditation of observers and distribution of election material.

According to Lars Lagergren, Director of the Mission's Department of Elections, this represented a significant change as the OSCE was now shifting its focus to building up local capacity, in order to make sure this institution is able to organize free, fair and democratic elections in the future.

"There was a shift of responsibility from the OSCE staff to the civil servants. The CEC and its Secretariat were responsible for central level planning, and together with the Municipal Election Commissions performed all operational tasks in the field," he adds.



Running the Count and Results Center was still an OSCE responsibility in the 2004 General Elections.

The Mission has so far been working to enhance awareness of the CEC members on crucial issues, such as gender and minority communities representation, through the organization of trainings. It will continue to do so in 2006 and further build the capacity of the CEC and its Secretariat.

The Mission's Election Department has not, however, fully stepped aside. Besides the expertise it will continue to offer to local institutions it retained responsibility for a few "sensitive" issues. These responsibilities were preparing the voters list, running the voting programme for out of Kosovo voters, and planning and

running the Count and Results Centre. In addition, the OSCE has maintained the political party registration and financial audit office.

However, the OSCE plans to hand over all of these responsibilities to the CEC and its Secretariat and other local bodies. The hope is that the 2006 municipal elections will be fully run by the local election management body.

With regards to election legislation, Kosovo's newly established Election Forum with a wide political and civic representation will make recommendations to the CEC on the best electoral models to be applied for the forthcoming municipal elections in 2006.

Kosovo Election Forum marks new stage in handover of responsibilities

The OSCE-supported Kosovo Election Forum began its work of reviewing election legislation and proposing recommendations for substantial improvements to the electoral system.

The start of activities by the Forum on 22 August marked a new stage in the handover of responsibilities from the UN Interim Administration in Kosovo to the local authorities.

The Forum was set up by the Central Election Commission (CEC) to review the legal framework for future elections. The upcoming municipal elections will be the first to be fully administered by the Kosovo authorities since the 1999 conflict.

Helping local bodies function independently

The CEC and its Secretariat are the two local bodies responsible for organizing elections. The Mission helped establish them both (the CEC in 2001 and the Secretariat in 2003) and has worked to build their capacity to function independently ever since.

"Our goal is not to run the elections but to create local bodies that will do the job in future. We want to hand over responsibilities and assume a purely advisory role," said the Head of Mission, Ambassador Werner Wrenndt, who also chairs the CEC.

Responsibility for the most recent elections in Kosovo - the central administration elections in October 2004 - was shared by the Mission and the CEC.

The Mission handled activities relating to creation of the voter register, out-of-Kosovo voting and the counting and results centre, while the CEC took on all the other operational responsibilities, such as certification of political entities, election observation, public information and so on.

The start of work by the Forum not only marked the opening of a new chapter, but also attracted significant media attention, including from one of the leading daily newspapers in Kosovo, Koha Ditore.

"The purpose of the Forum is to discuss the current electoral legislative framework and formulate recommendations to the CEC until March 2006," noted the paper.

"The Election Forum is the only body that will deal with possible changes in the election system. It will make its proposals in due time before the municipal elections," it added.

The Forum is comprised of 15 members: nine domestic representatives from the CEC, one from ORA (a political party with seven seats in the Kosovo Assembly), one from the Ministry of Local Government Administration and four from civil society.

Challenges ahead for the Forum

The Forum is facing a number of challenges, including:

- the introduction of an open list system whereby voters would vote for candidates rather than for political parties;
- direct election of municipal mayors; and
- securing equitable gender representation on ballots and representation in elected and appointed bodies.

The recommendations made by the Forum will be used by the CEC in defining the future shape of Kosovo's electoral system.

With the deadline set for March 2006, the Forum members will be very busy in the coming months. During that period, the OSCE Mission will provide the necessary advice to strengthen the ability of the local institutions to take on their duties in administering elections in Kosovo.



The Election Forum is a fully domestic body with 15 local members in its ranks representing political parties and non-governmental organization.

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Electoral legislation which is to be developed by the Election Forum and suggested to CEC will largely influence conduct of future elections in Kosovo.

Local bodies administering elections at the local level

Seeking to have transparent and efficient elections with local ownership, the OSCE and the Central Election Commission, back in 2000, established Municipal Election Commissions (MECs), led by a Municipal Executive Officer (MEO), in each of Kosovo's 30 municipalities. These bodies were made up of three to five local representatives who assisted in the administration of election cycles. Although MECs are only constituted during election periods, the MEO is a full-time position within the municipality.

The MECs responsibilities covered a wide range of duties, such as advising political parties and other entities about their rights and obligations and ensuring that activities at polling stations went smoothly. They assisted with appointing and training the polling station staff; took care of all technical arrangements; and ensured the proper conduct of polling, counting and compiling the elections results at the polling stations.

According to Lars Lagergren, Director of the Mission's Election Department, the Municipal Election Commissions proved very successful and worked in coordination with the polling centre.

MECs were mostly non-political. Legislation in place ensured that political representatives or activists were not allowed in Commissions. Furthermore, the CEC had the right to remove MEC members if they had acted in a biased or unprofessional manner.

In certain cases, when determined by the Central Election Commission, the number of people on the Municipal Election Commission increased to ensure fair minority representation.

The MECs represent a vital element in capacity-building, which is at the core of the OSCE mandate. These specialized civil servants will gradually be even more central to the election process in the future.



Municipal Election Commissions are directly responsible for the conduct of polling station committees.



Role of the OSCE Mission in Kosovo in 2006

Kosovo is facing a series of decisions as the process to determine its future status has begun. However, this also implies determination of its political and legal systems, as well as that of a functioning and stable economic system. The year 2006 will be crucial.

For more than six years, the OSCE Mission has operated under UN Security Council Resolution 1244 and OSCE Permanent Council Decision 305. As a distinct component of the UN Interim Administration, it has dealt with issues of institution building, and promoting human rights and the rule of law within the Provisional Institutions of Self-Government (PISG) in Kosovo; it has helped create an electoral system, a public broadcaster, and a police force, as well as advised on legislation – all prerequisites to future status talks.

However, the challenges during status talks and following a political settlement will have an impact on the legislative, executive and judicial branches of government, not to mention society as a whole. These changes will vastly affect people living in Kosovo who will be crafting their new reality, regardless of the outcome of future status talks.

The role of the international presence in Kosovo will also take new shape, which is yet to be determined. And, in each policy area, the OSCE is working very much in partnership with the European Union and the United Nations, as well as the PISG, in future planning.

The OSCE Mission will, more than in previous years, change as well and be required to show flexibility towards meeting the challenges ahead. Its mandate will need to be revised but the OSCE is to expect a shift from establishing and developing institutions and legislation, to take on the role of a monitor and advisor to its counterparts in Kosovo.

From the beginning of 2006, the OSCE Mission will work according to a strategy of pro-active monitoring. This implies that local bodies, in particular the PISG, will be encouraged to take preventive and self-corrective measures in their work to ensure their practices are compatible with practices in rest of the Europe.

We at the OSCE, to be effective in such a monitoring role, must be present in each of Kosovo's 30 municipalities and the pilot municipal units to help institutionalize existing "best practices" of good governance. More concretely, a new component of the Mission's activities will be Municipal Teams, which will work at the local level in partnership with municipal institutions and the UN Department of Civil Administration.

Co-operation with central PISG institutions will continue with no lesser intensity.

Our involvement in Kosovo will represent a more advanced stage of post-conflict rehabilitation whereby the OSCE will increase its engagement with authorities at all levels on issues such as good governance, human right compliance, and rule of law. Such a trend is now observed in places that have with the OSCE's assistance either entered or are entering European integration processes.

European principles are the driving force in the governance of Kosovo. Kosovo needs to continue moving forward on its European agenda which means working on the Standards. The European ideal is that democracy is based in the people and that there is no discrimination between peoples.

In sum, our focus in 2006 and after would be on making the democratic system and multi-ethnic society in Kosovo sustainable and responsive to the needs of its people. This means a transparent, effective and efficient government and judiciary, respect for the human rights of all, and adherence to the rule of law.

The will to extend the OSCE Mission's presence in the post-status phase is a clear indicator of the Organization's commitment to Kosovo and its people. We are confident that if we work together and if the local population and authorities take full advantage of the OSCE's presence that we can make great progress towards normalizing life in Kosovo in such a way that people will be able to concentrate on their work, to create a better well being for their families.

The development of such a situation will require people's active involvement in this time of changes. The OSCE Mission in Kosovo is a ready partner that will not give up on its principles by which human rights and democracy are meant for all - principles that can be found throughout the OSCE area – Vancouver to Vladivostok.

In that respect, OSCE is providing the cornerstone, the foundation, for the European future of Kosovo.