



Organization for Security and Co-operation in Europe
MISSION IN KOSOVO

**Remarks of Ambassador Werner Wnendt,
Head of OSCE Mission in Kosovo**

"The Kosovo Legislation for Elections: Who? What? When? How?"

Sponsored by KIPRED, the Kosovar Institute for Policy Research and Development

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Dear friends,

I am delighted to participate in this Roundtable to discuss the issue of the development of Electoral Legislation in Kosovo, an issue the OSCE in Kosovo has worked on intensively since 1999.

Elections remain a reserved power of the SRSG, a power entrusted in the OSCE. However, the OSCE role in the area of elections has evolved throughout the years, shifting from fully planning and organizing the elections in Kosovo to supporting and advising the local authorities in seeing through this task. Building local ownership is now the goal, as well as an ongoing long-term process.

In that context, OSCE is not drafting the electoral legislation anymore, but bears responsibility for ensuring that such legislation is in accordance with applicable international and legal standards, as well as the Constitutional Framework.

I do believe that the process established last year with the creation of the Election Forum as an advisory Committee of the Central Election Commission has successfully addressed the need for local ownership.

The Election Forum has focused its discussions on legislation for municipal elections. I am confident that the recommendations that emerged from the Forum – including the use of open lists with gender quota – have been based on a long process of discussion and consensus-building amongst the main political players and other interested parties. I would like to take this opportunity to thank KIPRED and the Government for their participation and constructive stance within the Forum.

And let me add that the OSCE and the Forum are making sustained efforts to enhance co-operation and co-ordination with the Assembly Legislative Committee on the matter of drafting election legislation. So far, a representative group Forum has twice visited this Committee to present the work of the Forum and receive their comments.

The development of legislation for elections should also be seen in the context of the current political environment. That is the ongoing status talks and the prospect of reaching a settlement on the future status of Kosovo by the end of the year.

We will soon know if the municipal elections scheduled for this year will be postponed or not; a decision of the SRSG on this is expected in due time. Whatever the case, there is a strong likelihood that at least new general elections would have to be conducted following a political settlement on the status. Such elections would bring to power the leaders of the institutions of Kosovo in a post-1244 phase. Details on when and how such elections would be organized depend, to a large extent, on the outcome and discussions of the status negotiations.

But there is one thing we can already be certain. To conduct such elections, Kosovo will need a comprehensive legal framework. Such legal framework could be based on previous experience and legal development since 1999, but should also evolve in accordance with the new political circumstances – as well as being in line with provisions within the status settlement. And it should ensure that those first elections after a status settlement represent a new first step to the right direction for Kosovo.

I think all of us here are well aware of the fact that preparation of important legislation, such as that relating to elections, takes time. Starting the discussions on this at an early stage, without waiting for a status agreement to be reached, is a welcome initiative and one that is also recommended by the OSCE.

Let me contribute to this discussion by offering one principle that in my opinion should be followed by all of us who will be involved in this process, but primarily by our local partners who will be responsible for the new Kosovo: any changes introduced on future electoral legislation should be based on consensus-building amongst all communities and all important sectors of society.

This is a principle that the OSCE has tried to follow throughout its long involvement in assisting the development of electoral legislation in Kosovo over the years. And although I have heard criticism that the OSCE has tried to “impose” one or another electoral system, let me reassure you that the building of local consensus has been one of the guiding principles for legislation developed so far with our assistance.

Other principles have included: (1) compliance with the Constitutional Framework; (2) ensuring strong representation of all smaller communities; (3) ensuring gender balance; (4) cost-effectiveness and operational flexibility; and (5) accessibility of the voting process to all voters. I believe that most if not all of the above will also be relevant considerations for the future.

Finally, let me make clear that the intention of the OSCE is to continue its longstanding involvement in the field of electoral legislation development. OSCE would be ready to offer assistance and expertise to the local institutions which will increasingly assume full responsibility for that task.

Thank You