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THE BUREAU OF THE CONGRESS

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Report on the Elections of the Kosovo Assembly
23 October 2004

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1. INTRODUCTION

a. At its meeting on 12 July 2004 the Bureau of the Congress decided to observe the elections for the Assembly of Kosovo on 23 October 2004 and to this effect, designated its delegation as follows: Günther KRUG (Germany), Head of Delegation; John BIGGS (United Kingdom); Joseph BORG (Malta); Alan CHENARD (France); Mohammad NAZIR, (United Kingdom); Louis ROPPE (Belgium); Gellert SZABO (Hungary); Wim VAN GELDER (Netherlands).

The delegation was to be accompanied by Richard HARTLEY, Secretary of the Chamber of Local Authorities of the Congress and Christine BELENESI, Administrative Assistant of the Congress.

b. The observation mission was somewhat different to customary observation missions of the Congress, in that it formed part of a wider, more general and longer term observation organised by the Council of Europe. The background to this is as follows.

c. On the 5 May 2004, the Ministers' Deputies accepted the invitation of Harri HOLKERI, then Special Representative of the Secretary General of the United Nations in Kosovo, that the Council of Europe organises the international observation of the forthcoming elections for the Kosovo Assembly on 23 October 2004.

d. Accordingly, an Election Observation Mission IV was established, with a Core Team in Pristina and the deployment of 14 long-term observers in different parts of Kosovo, to be followed immediately prior to the election by between 150-180 short-term observers.

e. The Head of Mission was Andrey TEHOV, of the Bulgarian Foreign Ministry; and the Deputy Head of Mission from its establishment until the beginning of September was Richard HARTLEY, of the Congress, followed from the 1 September to the end of the observation period by a fellow colleague of the Congress, György BERGOU.

f. Following its establishment on 15 July, the Core-Team held meetings with senior representatives of the international community and electoral bodies; political entities and religious leaders, diplomatic liaison officers, local authorities and their associations, civic society, human rights, election aid organisations and other relevant international organisations.

g. The core-team and the LTOs had also assessed the current political environment in relation to the forthcoming election:- the impact of the major disturbances of 17-18 March, the economic and social background, frustration with the status quo, the platforms of the political entities and the background to the current Serb boycott of the elections.

h. The core team had followed closely the preparations for the elections, looking particularly at the work of the Central Election Commission; the Central Election Commission Secretariat, established by OSCE as a local body, destined in time to assume full responsibility for future elections; the Election Complaints and Appeals Commission; the establishment of Municipal Election Commissions; the registration and certification of the 32 political entities; the situation concerning candidates, to be completed by 24 August; the by mail voting procedures; the arrangements under the voters service and checking of voters lists; the establishment of polling stations and conditional voting; regulations concerning equal access to media and the extent of domestic observation.

i. Much of the usual work of a Congress delegation, in observing an election, e.g. discussions with political representatives and electoral bodies had thus been done earlier by the main Council of Europe mission, which also helped to organise the on the spot arrangements for the Congress delegation, such as cars, drivers, interpretation, accommodation, itinerary advice, security and logistic support.

j. Following its arrival in Pristina, the delegation was briefed by the Core Team and relevant LTOs and deployed to different parts of Kosovo as follows:-

Pristina – Günther KRUG and Richard HARTLEY

Prizren – Mohammad NAZIR and Christine BELENESI

Peja – Wim VAN GELDER and Gellert SZABO

Mitrovica – Louis ROPPE and Alan CHENARD

Gjilane – John BIGGS and Joseph BORG

Upon arrival members of each team had the opportunity to take part in meetings with representatives of political entities and local electoral bodies, organised by respective LTOs.

2. POLITICAL ENVIRONMENT AND BACKGROUND

a. Major disturbances 17-18 March and the aftermath

Following the major disturbances of mid-March of this year, (which left 20 dead, more than 950 injured, more than 4 100 persons displaced, an estimated total of 935 houses, apartments and public buildings - including a number of churches, deliberately damaged or destroyed) the security situation throughout Kosovo was gradually improving before the elections.

Some progress to repair the material damages has been achieved. A sum of 4.5 million Euros had been earmarked for reconstruction.

However, as the UN Secretary General noted in his report of 30 July 2004 to the UN Security Council, in relation to the March riots, “The already limited trust between communities was gravely shaken” and many of the root causes, which gave rise to the March events, were largely still present.

b. The economic and social background

There is evident discontent with the socio-economic situation, which affects all communities living in Kosovo. Unemployment is high and growing (60% to 70% according to recent estimates); the prospects for economic development are limited, with little inward investment. The process of the privatisation of property has been ruptured on several occasions.

Inevitably, this situation generates widespread frustration, a potential source of instability.

c. Frustration with the status quo

Most Kosovo Albanian leaders consider the current policies of the international community in the territory as contributing to the deteriorating economic and social conditions. Likewise, some of them tend to regard the principle of “standards before status” formulated by the international community as a convenient instrument for postponement of the unresolved issue of “final” status. The international community, originally seen as the arbiters of peace, stability and security and the harbingers of the way forward, is now more associated with the maintenance of the status quo and lack of clarity over the future status.

These views seem to have wide support among the majority population, which besides the general economic difficulties, is faced with dwindling remittances from the diaspora (a traditional source of funds) and growing donor fatigue.

d. The 2004 Election: an element in Standards

In his report of 30 July 2004 to the Security Council, the UN Secretary General emphasized that “Standards implementation remains the fundamental and overarching means of improving conditions in Kosovo”.

Criteria regarding elections are an important part of the “Standards for Kosovo”, endorsed by the United Nations Security Council in December 2003. The relevant electoral requirements are contained in Standard I of the document - “Functioning Democratic Institutions”:

- Elections are regular, transparent, free and fair, conforming to international standards, allowing the full and peaceful participation of all communities and ethnic groups.
- Internally-displaced persons and refugees continue to be fully included in the Kosovo election process and their ability to vote is facilitated.
- An independent, representative and multi-ethnic Central Election Commission administers elections;
- A range of democratic political parties contests elections;
- A comprehensive legal framework covering political party operation and finances is adopted and enforced.

e. Participation of the Serb minority

In the context of the above requirements, participation of the Kosovo Serbs was considered crucial to the political significance of the October elections.

It should be recalled that in the three previous elections in the province (2000, 2001, 2002) the full participation of the Kosovo Serbs was also in doubt, although in the end the decision was positive.

Kosovo Albanian politicians and members of the international community clearly and strongly wish to have the Serbs participate in the electoral process and are actively encouraging such participation.

For its part, the CEC on several occasions postponed certain electoral deadlines with the aim of facilitating participation.

However, by the final certification date (11 August), the principal Kosovo Serb political entity, the Povratak Coalition (KP), did not submit the required documents for participation in the coming elections. Furthermore, on the same date, an already certified Serb political entity, PSS-SPOT, informed the CEC that it was withdrawing from participation.

In choosing, at that stage to boycott the election process, Kosovo Serb leaders also made it clear that any Serb appointed to take up one of the “set aside” seats would not be invested with any credibility.

This stance may be seen as continuing the logic of the earlier Serb boycott of the PISG, particularly after the events of March 2004.

The reasons given for non-participation in the elections were dissatisfaction with the absence of a positive response to Belgrade proposals for decentralisation; a perception that voting will condone institutions which have failed to guarantee Serb security; impact of the March riots, proof for the Serb community of the incapacity of PISG and the international community to protect minorities.

The picture was rendered more complex by the fact that, although many Serbs in Kosovo apparently were prepared to participate in the elections, provided certain conditions were met, that the political signals emerging from Belgrade were both crucial and confusing.

Whilst the President of Serbia and Montenegro was favourable to participation, the Prime Minister was against, for example his statement on 28 July 2004 “the turnout of Serbs for the elections at this moment hardly makes sense”.

Although in the end, the Belgrade position was more positive, the reality on the day of voting (see below) was a virtual, total boycott.

3. STRUCTURE AND MANDATE OF THE KOSOVO ASSEMBLY

Chapter 9 Section 1 of the Constitutional Framework for Provisional Self-Government (UNMIK/REG/2001/9 of 15 May 2001) provides that the Assembly is “the highest representative and legislative Provisional Institution of Self-Government of Kosovo”.

The Assembly shall have 120 members elected by secret ballot. For the purposes of the election of the Assembly, Kosovo shall be considered as a single, multi-member electoral district.

100 of the 120 seats are distributed to parties, coalitions, citizens’ initiatives and independent candidates in proportion to the number of valid votes received in the election. 20 seats are reserved, as “set aside” seats, for additional representation of non-Albanian Kosovo Communities, as follows: 10 seats for candidates representing the Kosovo Serb Community; four seats for the Roma, Ashkali and Egyptian Communities; three seats for candidates representing the Bosniak Community; two seats for candidates representing the Turkish Community and one seat for candidates representing the Gorani Community.

The term of the Assembly is three years, commencing on the date of the inaugural session, which shall be convened within 30 days after the certification of the election results.

4. ORGANISATION OF THE 2004 ELECTION PROCESS

a. Regulatory framework

UNMIK Regulation 2004/12 on the Elections of the Assembly of Kosovo (UNMIK/REG/2004/12 of 5 May 2004) contains provisions governing most aspects of the 2004 election process, in accordance with the “Constitutional Framework” (including distribution of seats, voter eligibility and voters’ list, political entity certification, candidate lists, incl. guarantees for balanced gender representation, candidate eligibility, campaign spending and financial disclosures, election observers, election complaints and appeals, voter information) It also defines the campaign period - 30 days before the Election.

b. The Central Election Commission (CEC)

The Central Election Commission (CEC) remains the principal regulatory body. It has an independent status, under international control. The Commission is chaired by the Head of OMIK.

The CEC is composed by representatives from the three strongest political entities representing the Kosovo Albanian community (3), from the Kosovo Serb (1), from the Turkish (1), the Bosniak and Gorani (1) communities and the Roma, Ashkali and Egyptian community (1) as well as from two local NGOs nominated by the Presidency of the Kosovo Assembly (2). Two more seats are reserved for internationals.

Decisions should be reached by consensus, otherwise the Chair decides on his/her own.

The CEC has responsibility for electoral rules, the voters’ list, certification of political entities and candidates, ballots, appointing members of Municipal Election Commissions, establishing polling station committees, accreditation of observers, voter awareness, publishing of election results, as well as research in relation to the electoral system and regulating coverage by news media.

By 1 September 2004 the CEC has adopted 13 Electoral Rules: 1/2004 Code of Conduct for Political Entities & their Supporters & Candidates, 2/2004 Certification of Political Entities, 3/2004 By Mail Voting, 4/2004 Candidate Certification, 5/2004 Political Entity Mailboxes, 6/2004 Electoral Process Observers, 7/2004 Municipal Election Commissions, 8/2004 Campaign Spending Limit and Financial Disclosure, 9/2004 Appointment of Polling Station Committees, 10/2004 Media during the Electoral Campaign, 11/2004 Challenge and Confirmation Period, 12/2004 Notification of Political Events and 13/2004 Polling and Counting Inside Polling stations. Several more Rules are expected in the near future.

c. Breaking new ground; the Central Election Commission Secretariat (CECS)

In a fundamental break from election management and practice of the three previous elections, the voter process is conducted by a new local election administration body, the Central Election Commission Secretariat (CECS), responsible for field co-ordination and planning; the observer programme; public information; production of ballots and Election Day material. It also prepares proposals for certification of political entities and candidates. It is multi-ethnic in composition, headed by Adnan MEROVCI, a Kosovo Albanian. His Deputy is Mr Bogoljub STALETOVIĆ, a Serb.

The CECS is non-political and funded by the Kosovo Consolidated Budget. It is represented in all 30 municipalities by its field staff, the Municipal Executive Officers (MEOs) who chair and coordinate the Municipal Election Commissions, composed of employees of the Municipal Administration nominated by the Chief Executive Officer in each municipality. They receive support from Municipal Assemblies for logistics, staffing and transport.

d. The OSCE Department of Elections

The OSCE Department of Elections supports the process by providing training, mentoring and monitoring and has its own reserved tasks, including out-of-Kosovo voting; registration of political parties after monitoring their internal democratic functioning; the Counting and Results Centre; anti-fraud structures; and voters' list.

e. Oversight/observation: The Election Complaints and Appeals Commission (ECAC)

The ECAC, an independent body established by the SRSG, is responsible for adjudication of all complaints and appeals concerning the electoral process.

The Chief Commissioner is an international and was officially appointed by the SRSG on 2 June. Four Commissioners, all locals, complete the membership of the ECAC. Decisions should be reached by consensus, otherwise the Chief Commissioner decides on his/her own.

Individuals, who consider that their rights concerning the electoral process have been violated, may submit a complaint to ECAC. The ECAC may also take cases on its own initiative on any matter within its jurisdiction. In addition to adjudicating complaints, ECAC serves as the appeals body against decisions of the Central Election Commission (CEC) on matters such as voter registration, participation in the by-mail voting programme, political entity certification and observer accreditation. ECAC may order remedial action to be taken or impose sanctions, including fines of up to 200,000 Euros. When the ECAC intends to sanction a political entity through e.g. removing a certain number of candidates from the list of candidates or decertify a political entity, it has to seek the prior approval of the CEC.

f. Municipal Election Officers (MEOs) and Municipal Election Commissions (MECs)

Municipal Election Officers (MEOs) are appointed and remunerated by the CEC. They have a task of proposing membership of the Municipal Election Commissions (MECs) in coordination with the Chief Executive Officer in each municipality. MEOs chair meetings and report regularly to the CEC. They are required to “endeavour” to ensure gender and ethnic balance in the MECs.

MEC members are required to be apolitical and professional. Under the exclusive supervision and direction of the CEC, acting through the CEC Secretariat, they administer the election within their municipality ensuring the legality, legitimacy and efficiency of the electoral process.

A MEC member can be dismissed, if the member has failed to adequately perform his or her duties as a member.

Logistic and administrative support for them is to be provided by local municipal assemblies.

g. Registration and internal democracy of the political entities

UNMIK Regulation 2004/11 on the Registration and Operation of Political Parties in Kosovo introduced new standards of internal democracy and financial transparency applicable to all political entities registered in Kosovo. Compliance with such standards was made a prerequisite for participation of the parties in election cycles. Requirements include the holding of an assembly meeting every 24 months, submission regularly of financial reports, compliance with the regulations on statutes and programmes, abstaining from letting certain categories of members holding functions contrary to the regulations, full cooperation with the auditors and paying of fines. Furthermore, they are encouraged to promote policies which support community reconciliation rather than division.

h. Certification of political entities for the Election

The closing date for certification of political entities contesting the October Election was postponed until 6 August, by which date 34 political entities had been certified by the CEC. Previously, the CEC had rejected two political entities for non-compliance with the regulations, (unpaid earlier fines imposed by ECAC). According to decisions given in 2002, 11 other political entities wanting to contest the 2004 elections were found not to have complied with, among other things, the Financial Disclosure Regulations and thus disqualified to be certified. ECAC, however, concluded in a reconsideration of its own decision from 2002 to withdraw the sanction and therefore recommend the 11 entities for certification.

All the principal existing parties, including the Alliance for the Future of Kosovo (AAK), the Democratic League of Kosovo (LDK), and the Democratic Party of Kosovo (PDK) will run, as well as some new entities, including the Citizens List ORA and the Democratic Alternative of Kosovo (ADK). The only Serb political entity on the ballot paper is the Citizens’ Initiative of Serbia.

i. The ballot paper

A lottery was held on 12 August to decide upon the order of the political entities on the printed ballot paper – an operation conducted successfully in the presence of election officials, observers, media and representatives of parties and individual candidates. As by 12 August two political entities had withdrawn – the Serbian PSS-SPOT entity and the National Movement for Liberation of Kosovo (LKCK) – 32 political entities participated in the lottery.

The printing of the ballot paper will begin shortly, the contract having been awarded after tender to a local company.

j. Candidates

Candidates will appear on “closed” lists of the political entities, i.e. the choice of persons and their place on the lists will have been selected by the respective entities. The names of the candidates will not appear on the ballot papers. However, they will be displayed at the polling stations. According to a special gender requirement, a third of the candidates must be women, otherwise political entities will be disqualified.

Candidates are required to complete a Personal Income and Assets Statement. They must be registered voters, over 18 years of age, must not be deprived of their legal capacity or under indictment by the International Criminal Tribunal for the Former Yugoslavia, cannot appear on more than one political entity, must not be a member of an electoral body nor a member of KPC, KPS or the Armed Forces.

By 24 August, all 32 certified political entities had submitted their lists of candidates making a total of approximately 1300 accepted by the CEC, after thorough verification of eligibility. Some candidates have been rejected, including notably seven of the 14 candidates of the Citizens’ Initiative of Serbia, either for failure to register with the Civil Registry or failure to submit a Financial Disclosure form.

k. By-mail voting

To ensure maximum inclusiveness, the election process foresees by-mail voting, conducted in two phases. The first one (ended on 18 August) consisted of an invitation to eligible voters living outside Kosovo to apply to register. Those who participated in the 2002 elections only have to submit a new application. Those who have not previously been registered to vote in an election must also submit documentary proof meeting the eligibility criteria - 18 years of age and having been a resident in Kosovo on 1 January 1998. The operation covers over 30 countries.

The process has already started in Montenegro through a Memorandum of Understanding with the Commissariat of Refugees in Montenegro. In Serbia proper the process has been complicated because of the Serb boycott of elections. Nevertheless, 100,000 application forms have been mailed to Serbia proper.

l. The Voter's Service Period and Provisional Voters' Lists

The Voter Services period formally commenced at the end of June and ran throughout all Kosovo Municipalities until 6 August. An extract of data from the UNMIK Central Civil Registry per 6 August will establish the Provisional Voters' List (PVL). The Voters' List gives the name, date of birth and residence as of 6 August according to the UNMIK Central Civil Registry.

m. The UNMIK Central Civil Registry

The UNMIK Central Civil Registry was begun in 2000 for the first Municipal Elections but at the time remained incomplete and controversial. However, since 2000 it has been progressively improved and recent screening has shown it to be highly accurate, (200 mistakes out of a sample of 130,000 names.) However, since civil registration is not mandatory, the Registry is considered by those officials responsible for it, to cover only 80% of the population (clearly more accuracy could be obtained through a new census, the last more or less reliable one having been undertaken in 1981).

All voters who were registered on the civil registry during previous elections and those who registered since the 2002 Municipal Elections will receive polling station allocations automatically. Civil registrants wishing to amend their Civil Registry details may do so at the Municipal Civil Records Centre (MCRC). Further assistance may be gained through contact with the Municipal Elections Office in different localities.

n. The Challenge and Confirmation Period

The Voter Services will then be followed by the challenge and confirmation period (30 August – 10 September), during which voters are able to challenge the provisional voters' list, both to check their own details and raise objections to entries, to be considered subsequently through an appeals procedure. Voters also have the option to check their polling locations in the tri-lingual Kosovo Elections websites.

o. Polling stations

No later than 40 days before the Election, the precise location of polling stations should be clarified. CEC Rule 13/2004 makes a number of stipulations relating to polling stations, their location, the organisation of materials, including ballots, hours of opening and closing, different types of acceptable voter identity, counting arrangements, return of spoiled ballot papers, etc.

There should be one polling station for every 1000 voters. Polling stations are grouped in polling centres. There should be no party political propaganda in or around polling stations 24 hours beforehand and other provisions concern the presence of police and security forces in or around polling stations.

p. Conditional voting

On polling day, voters who find that their names are not on the Voters' List in the polling station in question will be re-directed to an alternative polling station, physically situated in the same polling centre, where the voter may cast his/her vote following a special procedure that enables a later check of his/her eligibility, i.e. so-called conditional ballot voting.

This is a change from earlier elections when such voters could be put on a supplementary list on-the-spot, with the provision of adequate proof of identity and residence. The purpose is to give additional safeguards, as supplementary on-the-spot lists are not without risk of fraud; to encourage voters to check their details beforehand, during the Challenge Period; to avoid disturbances in the polling station on Election Day.

q. Equal access to Media

Media access is regulated by Rule No. 10/2004 of the CEC. Broadcasters must air CEC voter education material free of charge. All certified political entities shall receive "fair and equitable" news coverage and access to political discussions and debates. Political discussion programmes and debates on broadcast media shall have guests that represent diverse standpoints. Reporters, moderators and studio audiences shall project an image of impartiality. Media professionals standing as candidates for the 2004 Kosovo Assembly may not contribute or otherwise influence the material content of their respective media.

Broadcasters that air paid political advertising are required to offer a minimum number of minutes of free air time (excluding regular news coverage) to all certified political entities during the campaign period. If a private broadcaster offers free air time to any certified political entity, it must offer free air time to all certified political entities. The price per second charged for paid political advertising spots shall be no more than 60% of a broadcaster's normal prices for the same time slots in the 30 days prior to the campaign period.

No broadcasts or publications of any material pertaining to campaign activity is permitted during the 24 hours prior to the opening of the polling stations until the official close of the polling stations. There shall be no publication or broadcasts of opinion polls or surveys relating to the electoral campaign – including exit polls – during the 72 hours prior to the official close of the polling stations.

r. Public information

A public information campaign has been developed and conducted by the CECS both for in-Kosovo and out-of-Kosovo voters. It started on 28 June in support of the voter service period and will continue throughout the campaign for all other related purposes. All media vehicles are used - television, radio, posters, public meetings, direct contact with the political entities. Relevant material is available in at least three languages. Campaign monitoring is carried out, to ensure the accuracy of the transmitted information and the effectiveness of the campaign. Since the beginning of the publicity campaign, there have been over 7,000 individual hits from 53 countries on relevant websites.

s. Domestic observers

There are two main domestic election observation organisations: Kosovo Action Civil Initiative (KACI) and the Council for the Defence of Democracy and Human Rights (KMDLNJ) have been involved in previous elections in co-operation in different degrees with OSCE and other international organisations both on observation, voter education, training of election officials and public awareness. For the moment KMDLNJ is fielding approximately 100 observers but nearer to and on Election Day they will have approximately 2,500 in the field.

The current President of KACI has recently become the President and one of the most prominent candidates of the newly founded political entity ORA, thus creating a potential conflict of interest, which presumably will be resolved in the near future.

Political entities and journalists are authorised to be present as observers in polling stations, upon accreditation by the CEC.

5. THE ELECTORAL CAMPAIGN

This had been calm, surprisingly so given the difficult political environment.

Through the limited discussions held by members of the delegation with representatives of the political entities, there were very few complaints about access to media. The Council of Europe observation mission had closely monitored the campaign, since its beginning one month prior to polling and had observed no significant problem.

However, much of the campaign centred on the personalities of political leaders, rather on distinct political platforms, many of which were indistinguishable one from another. Most of the Kosovo-Albanian political entities put independence at the top of their programme, but there were some newer political parties emerging which emphasised economic and social development as much as independence.

6. THE DAY OF POLLING

Starting from the opening at 0700, the delegation visited over 70 polling stations in their respective areas of responsibility.

No major problem or incident was encountered.

All the electoral material had been delivered safely the previous day; the polling station committees were in place and understood their job. The urns had been properly sealed, the voting booths were correctly supervised, the ballot papers stamped before being distributed, the lists of the political entities were displayed, the procedures seemed to be understood adequately by voters.

The delegation saw no blatant cases of family voting and areas in the immediate vicinity of polling stations were free of electoral propaganda.

There were occasionally long queues, but there was no unrest or impatience, on the contrary, voting proceeded calmly and often in an atmosphere of good humour. Domestic observers from political entities and from civil society groups, addressed by the delegation, expressed their satisfaction.

Despite misgivings from the delegation about extensive use of conditional voting, the system seemed to work well i.e. the possibility of voting despite not appearing on the electoral list, provided adequate identity was forthcoming.

Members of the delegation were present at the closing of the polls and subsequent counting, conducted in accordance with the electoral regulation.

The most significant negative feature of the day was the virtually total absence of voting by members of the Serb community.

For example, by 1600 in the Serb enclave of Graçanica, in five polling stations each with approximately 1000 persons on the electoral list, the voting was 0, 0, 1, 3 and 4 cast votes respectively. This pattern was repeated throughout all parts of the territory where a Serb minority was present.

7. PRESS CONFERENCE, 24 OCTOBER 2004

There was a joint press conference, organised by the Council of Europe observation mission, with successive statements by the Head of Mission, Andrey TEHOV, the Head of the Congress delegation, Günther KRUG and the Head of the European Parliament delegation, Doris PAC.

The views of all three partners coincided, i.e. that the elections were well organised and represented a positive step in the achievements of the Standards for Kosovo, to be satisfied before negotiations on Final Status in 2005 were due to start.

Much had been made in the meeting and indeed in parts of the international community about the Serb boycott and that this impaired the election. Whilst of course the delegation expressed its disappointment at the boycott, it held a view that this did not detract from the organisation or fairness of the election. All communities were free to vote; the fact that some chose not to do so, or were encouraged or discouraged to vote, is part of legitimate electoral debate and practice, provided that direct coercion was not used.

The press communiqué is appended (Appendix I). The press conference was extremely well attended and the presence, programme and conclusions of the delegation were widely reported on TV and in the written press.

8. THE AFTERMATH OF THE ELECTIONS

Much of the political interest after the day of polling revolved around the credibility invested by Belgrade political circles and Kosovo- Serbs in the Serb political entities which took up the 10 set-aside seats.

There were also complaints lodged with ECAC about voting errors which the CEC preferred to resolve by a total recount.

9. RESULTS

[Elections results](#): LDK 45.42% (47), PDK 28.85% (30), AAK 8.39% (9), ORA 6.23% (7). Serb List for Metohija (8), Kosovo Democratic Turkish Party, KDTP (2), Citizens Initiative Serbia, GIS (2).

10. SOME OBSERVATIONS FOR THE FUTURE

Whilst the Congress delegation was satisfied with the organisation and conduct of the election and with the successful transfer by OSCE of substantial electoral responsibilities to local bodies, it drew attention to some possible improvements for the future.

It considered that the plethora of political entities, often with little difference from one to another, risked voter confusion and may have hindered genuine democratic choice. The delegation noticed that the campaign tended to focus more on personalities than political platforms. It suggests that thought be given in future elections to open rather than closed lists and to the development of a more constituency-based representative system.

The notion of setting aside seats reserved for minorities is debatable. It is probably justifiable in a transitional period, in order to ensure that, in the specific conditions of Kosovo, minorities are assured of seats in the Assembly that otherwise they may not have.

Whilst the delegation accepts that remaining discrepancies in the electoral lists, in the absence of a census or a full updating of the civil registry, necessitate recourse to conditional voting, it nonetheless hopes that this can be substantially reduced in future elections.

APPENDIX I PRESS RELEASE

Kosovo elections generally successful, but disappointing Serb turnout, says Council of Europe Congress

Pristina, 25.10.2004 - "Well-organised, a successful transfer of substantial responsibilities for election organisation to Kosovo institutions and conducted in a peaceable and friendly atmosphere," was the verdict of Günther Krug, head of the delegation of the Congress of Local and Regional Authorities of the Council of Europe, concerning the Kosovo Assembly elections held on 23 October, 2004.

The delegation, present in Kosovo from 19 to 24 October, met representatives of political entities as well as electoral officials and visited approximately 50 polling stations in the towns and surrounding areas of Pristina, Mitrovica, Peja, Gjilan and Prizren.

The delegation recorded its disappointment at the extremely low turn out of the Serb community, despite intensive efforts of the international community to encourage Serb participation.

In general, the Congress remarked that the high number of often very similar political entities risked causing voter confusion and may have hindered genuine democratic choice. The delegation noticed that the campaign tended to focus more on personalities than political platforms. It has suggested that thought be given in future elections to open, rather than closed, lists and to the development of a more constituency-based representative system.

Despite such reservations and despite a difficult political environment, the delegation nevertheless noted with satisfaction that the election campaign and the day of polling was without significant incident or disturbance; that access to media and finance was controlled and balanced; that there were adequate safeguards against electoral fraud.

The delegation concluded that the efficiency, transparency and fairness of the election respected international electoral norms and practice; that the elections constituted a major step forward in the achievement of the standards for Kosovo; and that voters of Kosovo are to be congratulated on the mature and peaceful exercise of their democratic responsibilities.

The Preliminary statement of the Council of Europe Kosovo observation mission is available at : <http://www.coe.int/Files/Kosovo-elections/>

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APPENDIX II

CERTIFIED PARTIES, POLITICAL ENTITIES AND INDEPENDENT CANDIDATES

Entity Acronym	Political Entity Name	Type of Political Entity	President of Political Entity	PE contesting set aside seats
AAK	Alliance for the Future of Kosovo	Political Party	Ramush Haradinaj	No
ADK	Democratic Alternative of Kosovo	Political Party	Edita Tahiri	No
	Belul Beqaj	Independent Candidate		No
BK	National Front	Political Party	Sylejman Daka	No
/	Citizens' Initiative National Democratic Front	Citizens' Initiative	Naser Bresa	No
BSDAK	Bosniac Party of Democratic Action of Kosovo	Political Party	Hilmo Kandić	Bosnian set aside seats
	Fuad Ramiqi	Independent Candidate		No
GIG	Citizens' Initiative of Gora	Political Party	Rustem Ibiši	Gorani set aside seat
/	Citizens' Initiative of Serbia	Citizens' Initiative	Slaviša Petković	Serb set aside seat
IRDK	New Democratic Initiative of Kosovo	Political Party	Bislim Hoti	RAE set aside seats
KDTP	Kosovo Turkish Democratic Party	Political Party	Mahir Yagcilar	Turkish set aside seats
LDK	Democratic League of Kosovo	Political Party	Ibrahim Rugova	No
LPK	People's Movement of Kosovo	Political Party	Emrush Xhemajli	No
ORA	Citizens' List ORA	Citizens' Initiative	Ylber Hysa	No
PD	Justice Party	Political Party	Sylejman Çerkezi	No
PDAK	Democratic Ashkali Party of Kosovo	Political Party	Sabit Rrahmoni	RAE set aside seats
PDASHK	Democratic Albanian Ashkali Party of Kosovo	Political Party	Beqir Bytiqi	RAE set aside seats
PDI	Initiative of Prizren – Dragash	Citizens' Initiative	Mehmed Meta	Bosniac set aside seats

PDK	Democratic Party of Kosovo	Political Party	Hashim Thaqi	No
PLK	Liberal Party of Kosovo	Political Party	Gjergj Dedaj	No
PNSDH	Albanian National Democratic Party	Political Party	Rexhep Abdullahu	No
PREBK	United Roma Party of Kosovo	Political Party	Haxhi Zylfi Merxha	RAE set aside seats
PReK	New Party of Kosovo	Political Party	Bujar Bukoshi	No
PSDK	Social Democratic Party of Kosovo	Political Party	Kaqusha Jashari	No
PSHDK	Albanian Christian Democratic Party of Kosovo	Political Party	Mark Krasniqi	No
	Ramë Dreshaj	Independent Candidate		No
	Riza Lluka	Independent Candidate		No
SDA	Party of Democratic Action	Political Party	Numan Balić	Bosnian set aside seats
UD	Democratic Union	Political Party	Mentor Kaqi	No
UNIKOM B	Albanian National Unification Party	Political Party	Muhamet Kelmendi	No
VAKAT	Coalition VAKAT (DSB, DSV, BSK)	Coalition	Džezair Murati	Bosniac set aside seats
	Xhevdet Rexhaj	Independent Candidate		No

REJECTED POLITICAL ENTITIES

Nr.	Entity Acronym	Political Entity Name	Type of Political Entity	President of Political Entity
1.	IQK	Citizens' Initiative of Kosovo	Citizens' Initiative	Qemajl Sokoli
2.	KOS	Kosovo Objective Party	Political Party	Milija Popović