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Report on the Council of Europe election observation mission to Kosovo (17 November 2001)

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1. CLRAE observation of the Kosovo Assembly elections

The CLRAE was pleased to take part in the Council of Europe Mission for the observation of the Kosovo Assembly elections (CEEOM II) not only because of its particular involvement in the development of local and regional democracy in this region, but also because the Mission was led by Mr Owen Masters, member of the UK delegation to the Congress.

The Head of Mission and his team have already submitted the final report on the elections (see appendix 1, in English only), therefore this paper will only briefly cover those aspects which have a particular relevance to the Congress.

It was not an easy task to set up the CLRAE observer delegation for this mission, since the conditions in Kosovo are still rather difficult and there are some potential risks to foreign observers. Therefore the CEEOM II rightly decided to provide two days of comprehensive training in Pristina to all observers prior to the elections, which meant that observers had to be absent from their normal duties during more than a week.

The 17 November date for the elections was decided by the Special Representative of the Secretary General of the UN, Mr Hakkerup last May, after the adoption of the Constitutional framework for Kosovo. As mid-November is a busy period for most local and regional administrations, the CLRAE delegation had to be complemented by some experts. The delegation was lead by Mr Alain Chenard, and Mr Christopher Newbury was appointed as rapporteur.

The CLRAE delegation worked alongside some 200 other observers, including members of the OSCE Parliamentary Assembly, the European Parliament, the Council of Europe Parliamentary Assembly, representatives of different NGOS and member States of the Council of Europe, as well as the USA and Canada.

The organisation of the training in Pristina was very good. Unfortunately it was impossible to accommodate all observers in Pristina, therefore the majority had to stay at the Kosovo Police Service School premises, some 20 kilometres from Pristina, where the conditions were rather spartan.

Two days before the elections (three days in the case of those deployed in FRY) members of the CLRAE delegation were deployed to their area of responsibility as follows:

Mr Chenard (France) and Mr Varga (Hungary) in Pec/Peja, Mr Crvk (Czech Rep.), Mr Moruzi (expert, Romania) and Ms De La Fuente (expert, Spain) in Prizren, Mr Newbury (UK) and Mr Mancini (CLRAE Secretariat) in Zubin Potok, Ms Pellinen (Finland) in Mitrovica, Ms Cebi (Turkey) in Srbica/Skenderaj, Mr Attard (Malta) in Leposavic/Leposaviq and Mr Bergou (CLRAE Secretariat) in Novi Pazar, Prijepolje and Kraljevo in FRY.

With the exception of two teams, most members of the CLRAE delegation worked in mixed teams, with representatives of national governments (Italy, Switzerland and Japan), NGOs or universities. Although this arrangement made the task of the delegation as a whole more difficult, it also provided them with a wider coverage of the elections.

Several members of the CLRAE delegation were deployed in the northern part of Kosovo, where Serbs are in a majority, as this was considered to be the most difficult destination. It was for all of them a very interesting experience, although somewhat depressing, given the low turnout and limited interest in the elections of the Serb community. In the FRY the turnout of the Serb voters was satisfactory, given that the authorities decided about their participation in the elections only shortly before election day.

A totally different atmosphere was observed in the Albanian majority part of Kosovo, where election day was almost considered a feast.

The Congress observers took part in the post-election debriefing and evaluation meetings and their observations are reflected in the final CEEOM report. A generally positive press release was issued in Pristina shortly after election day, which can be found in appendix 2.

2. Meeting with the board of the Association of Kosovar Municipalities (AKM)

At the end of the second day of the training seminars the CLRAE delegation was able to meet with the Board of the AKM, thanks to the readiness of the members to travel to Pristina and to the hospitality of the Mayor of Pristina who put the Municipal Council meeting room at our disposal.

Mrs Brett Jones, responsible for the training activities of the Municipal staff for the OSCE also attended the meeting. The discussion was very warm and frank. The AKM members were forecasting a very quiet election day, following a relatively calm electoral campaign period. They just referred to one major accident, that of the killing of Mr Rugova's spokesman and one of his bodyguards, which had occurred during a campaign rally several weeks before. They said that compared to last year the pre-election period was very calm.

Some of the mayors, including the mayor of Suhareka, who was present at the meeting, were running in the elections for the new Assembly. Those who were eventually elected were required to decide whether to keep the post of mayor or to become member of the new Kosovo Assembly.

The CLRAE delegation informed the Board members of the will of the Bureau of the Congress to examine very quickly the request of the Association for observer status. They were pleased with the news and also thanked the Council of Europe for inviting the mayors from Kosovo to the different events organised.

In this respect they drew the delegation's attention to a problem some of their members had encountered: They had been unable to attend some of the seminars organised by the Congress and other bodies of the Council of Europe, because the travel documents issued in Pristina by UNMIK are not accepted in some countries, like for instance in Turkey and Croatia. This was the case of the Mayor of Gjilan/Gnjilane, Mr Haziri, who was not able to attend the Istanbul Forum and other meetings organised by DG I.

Only the holders of Yugoslav passports can get a visa and therefore travel freely in these and some other countries. This has definitely been a major problem and although the Council of Europe and in particular its Pristina office has tried to offer assistance in this respect, things have not improved a lot. The Congress should therefore urge the governments of member States to recognise these travel documents and to allow the participation of Kosovar citizens in events organised on their territories.

Another major problem for the Kosovar elected mayors was also discussed during the meeting, namely their relationship with UNMIK-appointed municipal administrators. In general terms there seems to be a problem of no-confidence, or at least a lot of uncertainty on who should do what and who has the power to take decisions.

This sense of mistrust and unsatisfactory co-operation with the UNMIK municipal administrators is a very serious problem that should be tackled quickly and thoroughly.

Several aspects of this problem have been highlighted during the meeting: The mayors that have been elected one year ago will be facing new elections in the autumn of 2002. If they want to be re-elected they need to show that they are able to do the job correctly, but in many cases it is still the UNMIK administrator that takes the most important decisions.

In some cases this is due to problems of personal relations and cultural differences. But another reason for the difficulties is the very high turnover of UNMIK municipal administrators. They usually stay for short assignments of 6 to 12 months, which makes it impossible to establish stable working relationships and often slows down if not blocks the proper functioning of the municipal machinery.

In other cases the administrators are doing so well that they are promoted within the UNMIK administration. This was the case of Mr Ivo Sanc, former member of the Czech Delegation to the CLRAE who was proposed for the post of municipal administrator by the Congress. He had been in Gjilan/Gnjilane since the autumn of 2000, where he had worked closely with the Kosovar mayor, Mr Haziri, who is also Chairman of the Association. Last October Mr Sanc was promoted to the post of UNMIK administrator in Pristina. The mayor of Pristina, Mr Gashi, seems to be pleased with their co-operation.

With the election of the Kosovo Assembly, the mayors will not be the only elected representatives anymore, and their future relationship with the government and the Assembly should be clearly defined. Unfortunately, Regulation 45/2000 does not regulate this relationship between the Association and the government, because at the time when Regulation 45 was drafted, the Constitutional Framework, adopted in May 2001, did not yet exist.

The CLRAE, having been involved in the preparation of Regulation 45 since the beginning, should consider if an amendment to this regulation should be proposed. It could consult the future government administration (Ministry of Public Service) and the AKM whether they required any assistance on this matter. This issue will be even more important after the creation of the new government, when a new division of competencies and the related financial resources should be established.

3. Conclusions

The AKM is at the very early stage of its existence. It works thanks to the commitment of its Chairman and the members of the Board, even if they have not found a place yet for the headquarters or where they could meet regularly. The mayor of Pristina might be able to provide some office space in the future if the UNMIK administration, which uses part of the premises of the municipality building, would move elsewhere.

Clearly, there is a strong need for some basic assistance with the creation of the structures of the Association, as well as for training both elected members and the future AKM staff. The Congress should, therefore, discuss with the representatives of the Association concrete projects, which could be presented for funding to the different donors that support the CLRAE's activities in the framework of the Stability Pact.

It seems indispensable that a delegation of the CLRAE visit Kosovo in early 2002 to meet with the mayors but also with the newly established governmental structures in order to discuss the future development of the municipalities. The Congress should also offer its assistance (in co-operation with DG I) with preparing an amendment to Regulation 45/2000, to reinforce the role of the municipalities and of their association in the new political environment of Kosovo.

APPENDIX 1

COUNCIL OF EUROPE
ELECTION OBSERVATION MISSION – 2001
KOSOVO ASSEMBLY ELECTIONS
FINAL REPORT

(FIRST EDITION)

NOVEMBER 2001

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1. EXECUTIVE SUMMARY

The 17th November 2001 elections for the Kosovo Assembly marked a welcome step forward for the people of Kosovo in building a democratic society based on the respect of human rights and the rule of law.

The participation of all Kosovo communities is to be welcomed, and had an earlier decision been taken on Serb participation, then there could have been an even higher turnout of voters.

The Election was well organised, the voting was conducted in an orderly manner, and many lessons had been learnt from last year's Municipal Election. Following a de-briefing of our 232 short-term observers (STOs) deployed throughout Kosovo, Montenegro and Serbia¹ it is clear that the elections were conducted in an efficient manner.

The participation of 13,286 domestic observers is to be welcomed. Every effort should now be made to train the members of all Kosovo communities to play their part in the future administration of Kosovo elections.

The CEEOM II recognises the unique nature of the election under United Nations Security Council Resolution 1244, which calls for the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for the whole population of Kosovo. The whole election process was conducted in an efficient democratic manner largely free from intimidation and violence.

CEEOM II expects all parties and political leaders to respect the result of this Election. The significance of the 2001 Kosovo Assembly Election will depend on the work of the elected Assembly. CEEOM II stresses the responsible role, which must be played by all political leaders and all Assembly members, in promoting reconciliation and the construction of democratic institutions in Kosovo.

Consequently the CEEOM II recommends to the Special Representative of the UN Secretary General, Mr Hans Haekkerup, that this Election should be certified as valid.

2. INTRODUCTION AND ACKNOWLEDGEMENTS

This first edition of the Final Report will be revised following the certification of the final vote count, and completion of the statistical analysis of short-term observers' report forms.

On 4th July 2001, at the request of the Secretary General of the Council of Europe, Walter Schwimmer, the Committee of Ministers accepted the invitation of Hans Haekkerup, Special Representative of the Secretary General of the United Nations, and of Ambassador Daan Everts, Head of Organisation for Security and Co-operation in Europe (OSCE) Mission and Deputy Special Representative for Institution Building, to oversee the international observation of the electoral process, which following the Election of 17th November, will appoint representatives to the Kosovo Assembly, as established by Chapter 9 of UNMiK Regulation 2001/19 on the Constitutional Framework for provisional self-government in Kosovo. This observation has taken place in Kosovo, Serbia and Montenegro and included the mail-in process.

Owen Masters from the United Kingdom, of the Congress of Local and Regional Authorities of the Council of Europe, was appointed Head of Mission, with Vladimir Dronov of the Council of Europe Parliamentary Assembly Secretariat, as Deputy Head of Mission.

The Observation Mission comprised 3 phases:

- Registration
- The Electoral Campaign
- Election Day on 17th November 2001.

This report will contain information on the pre-election phases, and a summary of Election Day procedures. CEEOM II wishes to express its appreciation to the United Nations Mission in Kosovo (UNMiK), OSCE, Kosovo Force (KFOR), the European Union Monitoring Mission (EUMM), the Commissariat for Refugees and Displaced Persons in Serbia and Montenegro and the International Organisation for Migration (IOM) in Vienna for the assistance and co-operation received during the Mission.

3. POLITICAL BACKGROUND

The United Nations Security Council Resolution 1244 calls for the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo. The general statements that deal both with institutions and with the military include the Federal Republic of Yugoslavia in the process. As far as institutions go, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, and the other states of the region, are underlined in the general statement.

The Constitutional Framework, which was written almost 2 years after Resolution 1244, states in the preamble *"The gradual transfer of responsibilities to Provisional Institutions of Self Government will, through parliamentary democracy, enhance democratic governance and respect for the rule of law in Kosovo"*.

Municipal Elections were held on 28th October 2000, and were well received by the local community and by the international observers of CEEOM I. While there were some violations of the election rules, the elections were not marred by widespread fraud, violence or intimidation. The Election provided clear results, which were widely accepted by those political parties which participated. The main disappointment of the election was the decision of the Serbs and large sections of the Roma and Turkish communities not to participate.

In January 2001, the SRSG announced his intention to build on the success of the Municipal Elections by developing a structure for democratic Kosovo provisional self-governing institutions, and that elections for a Kosovo-wide Assembly should take place at an early date.

4. LEGAL FRAMEWORK

The Constitutional Framework provides for a 120-seat Assembly based on proportional representation, with the first 100 seats going to registered political entities in Kosovo; 10 seats reserved for Serbs, and 10 more reserved for other communities; 2 Turkish, 3 Bosniak, 4 Romas, Ashkali and Egyptian and 1 Goran. In addition, these communities can add to these reserved seats by successful election to the 100 seats of other candidates. This will, in effect, guarantee representation for those communities. The Assembly will elect a president, who will then nominate a prime minister. A 7-member presidency of the Assembly will guide its work.

The Framework contains as a key element, extensive safeguards for the protection of communities and human rights. Specific provisions in this respect include the guarantee of rights of communities in areas such as language education, employment and public services. There is a strong human rights provision, which includes the right of all refugees and displaced persons to return to their homes in Kosovo and recover their property.

The date chosen for the Election was 17th November 2001, when Kosovo became a single electoral district. The system of proportional representation was used with a closed list system of balloting.

Two main acts lead to the holding of elections of the Kosovo Assembly, they are UN Resolution 1244 (10 June 1999) and UNMIK Regulation 2001/9 (15 May 2001). The international community pressed for the title to be "*Legal Framework*", but the Albanian partners insisted on "Constitution". The final wording is "*A Constitutional Framework for Provisional Self-government in Kosovo*", which gives the impression that Kosovo is on its way to a large autonomy, although at this point, controlled at all levels by the international community. It is not a constitution in the usual sense in that the word "constitutional" is an adjective used to qualify "framework". Furthermore, "self-government in Kosovo" is qualified as being "provisional".

5. PRE-ELECTION PHASE

ELECTION ADMINISTRATION

International personnel staff all sections of the elections department, and local staff members support them. The OSCE operates from 5 regional centres, with 21 field offices situated throughout Kosovo. The organisation and administration of the Election is governed by an integrated system of UNMIK Regulation, and electoral rules adopted by the Central Election Commission.

Central Election Commission (CEC)

In accordance with UNMIK Regulation 2000/65, the role of the CEC is to establish and ensure the regulations for the Kosovo-wide elections.

The CEC is composed of:

- 9 members from Kosovo (including one from the Serbian Community);
- 3 international members, including the chairperson who is the Deputy SRSG for Institution Building;
- The Director of Election Operations who serves as an *ex-officio* member.

The CEC is supported by a secretariat located at the OSCE, and the CEC met for the first time on 27th April 2001.

The CEC has established and ensured the implementation of electoral rules and regulations for the Kosovo-wide Election, which were then approved by the SRSG. The CEC has been responsible for adopting a code of conduct, electoral rules on the Election Complaints and Appeals Sub-Commission (ECAC), and the certification of political entities.

CEEOM II has attended meetings of the CEC, and acknowledges the valuable work undertaken by this body, ensuring that legal electoral laws can be adopted in a democratic spirit and in a short time.

Municipal Election Commissions (MECs)

The Municipal Election Commissions (MECs) have been approved by the CEC for a period of 2 years, the number of members of an MEC varying between 3 and 5. The criteria for membership of a MEC is that each member is qualified in either administrative or electoral matters, and that ethnic communities across Kosovo are fairly represented.

MECs are appointed by the CEC in the 30 municipalities of Kosovo, and consist of between 3 to 5 members, depending on the size of the municipality and the number of polling stations. The members are recruited from within their municipalities and are expected to perform their duties impartially.

MECs play a vital role in preparing and conducting elections, and are responsible for the dissemination of information on the electoral process. Their responsibilities include the recruiting and training of polling station committees, and they also assist in the conduct of polling, counting and compiling the results of elections.

Polling Station Committee (PSC)

Each polling station was administered by a PSC, which comprised nominated members from political parties and non-governmental organisations. Each PSC has a chairman and 4 members from the local community who are appointed by the MEC. The PSC is responsible for ensuring correct voting by counting the ballots, and preparing a report of the results following closure of poll.

The Election Complaints and Appeals Sub-Commission (ECAC)

ECAC is a sub commission of the CEC, and is responsible for making a ruling on complaints, and appeals in respect of violations of electoral rules and administrative directives and procedures. The ECAC consists of 1 member of the international community and 3 Kosovo members. Authority is given to the ECAC to enforce remedies or enforce sanctions where there are violations.

REGISTRATION OF VOTERS

During preparations for the 2000 Municipal Elections, joint civil and voter registration was undertaken. For this election UNMIK and OSCE operated separately, UNMIK doing the civil registration and OSCE the voter assignment. In most cases the respective centres were located close to each other, in some cases the same team handled both types of administration. It was observed that at some civil registration sites people were not informed of the need to go to the voter service centre (VSC) unless they specifically asked. In some cases people only chose to register civilly.

In the Municipal Elections of October 2000, the Serb community boycotted both registration and polling. This year Serb leaders supported participation in the registration process, which took place over an 8-week period, from 30th July until 22nd September 2001. At the same time registration was being undertaken for those who failed to register in 2000. VSCs were installed throughout Kosovo for people who had already registered civilly but had to be assigned to a polling station.

Intimidation has prevented some Kosovo Serbs and Kosovo Roma from registering. Given the KFOR presence near all sensitive sites there were no physical security obstacles to registering. However the opinion of the village leader or neighbours may be the reason for some people abstaining from visiting municipal registration centres (MCRCs) and VSCs.

Gender did not appear to be an obstacle in registering, and some women visited VSCs on their own initiative. However, illiteracy may have deterred some elderly people in rural areas from visiting VSCs. A number of reports were received where men confirmed the polling station allocation for female family members, at the same time asking how illiterate family members would be able to vote.

There are reports that Serbs in Kosovo were in fear of registering because of the biometrics, i.e. the system of collecting fingerprints and photographs. There is also concern that data stored could be handed over to the International Criminal Tribunal for the Former Yugoslavia or lead to invalidation of Yugoslav passports.

As the method used for registration relies on a combination of highly technical and sensitive personal data, one would expect a fixed period for conservation of the data. It appears that there is a considerable change in the direction governing the Civil Registry. In the 2000 version it was stated in Section 16.3 that the "Personal data collected and processed during the initial registration period shall be... kept only as long as necessary for establishing the central Civil Registry and the voters' lists." This has been changed in the 2001 version Section 17.2 to "establishing and maintaining" the same register and there is no longer any reference to any initial registration period. Furthermore the 2000 version Section 16.5 states that "Personal data shall be deleted without unnecessary delay when it is no longer needed for the purposes set forth ... but not before the end of the initial registration period". There is no equivalent section in the 2001 version. Finally the 2000 version Section 16.7 states that, "At the end of the initial registration period, as announced by the Special Representative of the Secretary General, this central database shall be destroyed or, if there are competent civil authorities in place, handed over to such authorities pursuant to a regulation issued by the Special Representative of the Secretary General. However, only data falling within the strict competence of such civil authority may be handed over."

The number of people who registered to vote is as follows:

- Within Kosovo - 1,108,787;
- Outside of Kosovo in the Republics of Serbia and Montenegro - 105,159;
- Outside of Kosovo by mail-in voting - 36,041.

REGISTRATION OF PARTIES AND CANDIDATES

The certifying of political entities (political parties, coalitions, citizens' initiatives and independent candidates) has resulted in 26 entities participating in the elections. In order to be certified, entities are required to submit an application for certification, which requires signatures from 1,000 persons, eligible to vote in the Assembly Election. Any party, which gained 1,000 votes or

more in the Municipal Elections 2000 was not required to apply for certification this year. The signatures supporting the applications were checked in 3 separate ways:-

Signatures were checked for general credibility, which included full name signature and all signatories being 18 years of age or over.

100 randomly-selected signatures were then checked against the Civil Registry to verify that ID numbers and the dates of birth provided in the signature book, match the information in the database.

OSCE anti-fraud officers then conducted in-person checks for at least 10 names from a list of 25 randomly-drawn names from the signature book, visiting each person and requesting that the person counter-sign the signature, which was collected by the political entity.

The application from the Albanian Republican Party (PRSH), was refused because of fraud in respect of signatures. The party was given several opportunities to submit new correct signatures. At the final check, however, still only 55 out of 100 signatures were deemed valid. In addition, the Turkish People's Party of Kosovo (KTHP) and the Social Democratic Union (USD) have also been refused certification because of the lack of valid signatures of support.

CEEOM II is satisfied that every opportunity was given to the above-mentioned parties to comply with the required procedure.

This Mission is concerned that 3 candidates were not certified because they figured on United States President Bush's "Black List". Of the rejected candidates, 2 were on the candidate list of the People's Movement of Kosovo (LPK), and one was on the candidate list of the National Movement for the Liberation of Kosovo (LKÇK). These candidates were removed from the list as a result of an executive order issued by the SRSB Hans Haekkerup.

Both parties have made representations to CEEOM II concerning their removal from the candidate list and this Mission considers such action by the SRSB to be against normal international democratic standards. If evidence exists that the 3 candidates could be, or have been a danger to society, or that they were responsible for past crimes, then this evidence should have been made public. In a post conflict situation the rule of law, human rights and democracy should be established as soon as possible. It should be mentioned that this view is upheld by the Human Rights Ombudsman for Kosovo, who gave the SRSB until 2nd November 2001 to reinstate the candidates.

A candidate from the Bosniac Party of Democratic Action of Kosovo (BSDAK) who had previously been approved, later had his certification revoked when it was discovered that he was a judge.

Overall fewer candidates have been rejected in this election than in the 2000 Municipal Elections, when 92 proposed candidates were banned after it was discovered they were members of the Kosovo Police Service, the Kosovo Protection Corps and even for being under the age of 18.

Altogether 1,333 candidates submitted by political entities have been certified to participate in the Kosovo Assembly Election.

PARTICIPATION OF WOMEN IN THE ELECTION

In order to ensure a fair representation of women the 2000 Municipal Elections required that 30% of the first 15 candidates must be women. Unfortunately only 8% of women were elected to municipalities, as a result of candidates being on an open list. For the Kosovo Assembly Election the candidates' list was closed, this meant that voters voted for the political entity of their choice but did not express a preference for an individual candidate. This has ensured that women's interests have a fair representation in the Assembly. Furthermore any women who steps down from her seat on the Assembly must be replaced by another female candidate.

POLITICAL CAMPAIGN

The political campaign was conducted in a calm atmosphere; rallies and meetings were well attended. The political leaders personally conducted their campaigns and visited all regions of Kosovo. A large number of regional rallies were held, and local campaigns were visible in most areas. A number of incidents and disturbances did take place, but on the whole the level of violence was much lower than last year, which is to be welcomed.

The election campaign was of a much lower key than in last year's Municipal Elections. In general the media² gave good coverage to rallies and political events. However 70% of coverage went to the 3 main Albanian parties, which resulted in little visibility for the smaller Albanian parties, and parties representing other community groups. In particular, it is regrettable that when rallies by minority parties were broadcast on Kosovo wide television, the words spoken by the politicians were lost because of the Albanian language voiceover, which was superimposed on the original soundtrack. Sub-titles into the Albanian language would have been more appropriate. Furthermore flexibility in the times of minority language broadcasts should be made, particularly during the election period. It was difficult for minority group politicians to engage their often remote communities when the broadcast times allocated were late at night.

Many minor incidents occurred when rival political supporters were engaged in removing other parties' posters, and replacing them with their own. Overall the campaign was conducted in a much-improved political environment where the rules concerning notification of political rallies and meetings were largely respected.

6. MEDIA

During the whole pre-election period in Kosovo the media showed good will to inform voters. Both electronic and print media provided the public with reports on election activities, as well as political discussion programmes.

Although media performance was generally impartial the coverage given to political parties cannot be deemed as equal. The Council of Europe media monitoring activity discovered a remarkable lack of visibility towards smaller political entities during the election campaign. All media focused on the 3 main political parties, PDK, LDK and AAK, with the result that the remaining 23 entities did not have a real opportunity to make themselves known to the electorate. In addition, while the broadcast media had a fair and impartial attitude, in the print media some cases of clear bias towards a political entity were noted, as well as a strong attempt to denigrate opponents.

Electoral rules conceive that the media role during electoral campaign is on an equal access basis, that means that all political entities certified by the CEC are supposed to have free and equitable representation in Kosovo's media.

As a result, media campaign coverage appears not to be sufficiently balanced. Apparently voters were provided with a massive information campaign; nevertheless such information is incomplete and relegates smaller parties to a marginal role.

When democratic societies ensure freedom of expression and editorial independence, it must not be forgotten that an additional function of media is to inform all segments of society.

7. ELECTION DAY

7.1 VOTING

7.1.1 VOTING WITHIN KOSOVO

Polling was conducted in a relaxed and peaceful environment. A total of 1,668 in-country polling stations were established for 1,102,541 eligible voters, a further 105,159 out of country voters were able to cast their vote in 177 polling stations in Serbia and 25 polling stations in Montenegro. In addition 36,372 eligible voters voted by mail-in from 33 countries around the world.

On polling day 232 international observers, which included almost 100 members from the OSCE Parliamentary Assembly, the European Parliament, the Council of Europe Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe. This is the first time such a large contingent of parliamentarians has contributed to election observation. All observers were deployed to observe the opening of polling stations, and 13,286 domestic observers were also deployed throughout Kosovo, Serbia and Montenegro. It was noted that 15% of polling stations did not open at the designated time of 0700 hours, the delay was however in most cases less than 10 minutes. This result is much better than the situation during the Municipal Elections in 2000, when only one polling station in 4 opened on time at 0700 hours.

While queues of voters did occur early in the day it was encouraging to note that they were not widespread, and all those who wanted to vote were able to do so. It is now evident that the queues and disorder of last year's election were caused by the organisation of the Final Voters' List.

Observers expressed concern at the very low turn out of voters in some Serbian areas of Kosovo. In polling station number 1715, located at Gorazhdec/Goraždevac observers noted that at 1000 hours, 3 hours after opening, not one voter had visited the station. At the close of polling, 50% of the registered voters for that polling station had voted. The very high numbers voting after dark in other Serbian enclaves, raises questions of whether there was concern of being recognised by others in their community who did not support Serb participation in the Election. In North Mitrovica, the percentage of those who voted was well below that in other Serbian enclaves. In addition, there were reports of many Serbs in North Mitrovica travelling to the neighbouring municipalities of Zvečan/Zvečan and Zubin Potok/Zubin Potok where they would not be recognised, to cast a conditional ballot. The very high number of conditional ballots from these municipalities would indicate that this is the case.

Incidences of intimidation, agitation or unrest were noticed in only a very few polling stations, and the presence of unauthorised people was witnessed in 2% of the stations. It is understood that at least 2 people were arrested for attempting to intimidate or influence voters in a polling station.

It is noted that campaign activities outside and inside polling stations were rarely observed. Observers did report that in 17% of polling stations community flags or symbols were present, outside the polling stations, and in one case inside the station. The flying of community flags in and around polling stations was a cause of concern, as in last year's elections, and should be the subject of future consultation and eventually a clear policy.

The conduct of the operation of polling was substantially better than in last year's municipal elections. Observers reported that the operation was very good in 56% of the polling stations visited, and good in 42%. In only 10 polling stations was the conduct of the operation reported as being bad or very bad.

The physical access to polling stations was difficult in 8% of the stations visited, and at one polling station in Prishtina/Priština the entrance was difficult to locate. There were also reports of overcrowded stations in 5% of the polling stations visited, although this is a substantial improvement compared to the Municipal Elections. Family voting is still a matter of concern, this was observed in 21% of the polling stations visited. It should be noted that this violation was witnessed to be much less than in the 2000 Municipal Elections.

7.1.2 OUT OF KOSOVO VOTING

Serbia and Montenegro

Out of Kosovo voting was undertaken by in-person voting in Serbia and Montenegro, voting in 33 other countries was by postal ballot.

There were 105,159 people registered to vote, and 53,251 regular ballots were cast with 7,017 conditional ballots CEEOM observer teams reported that polling stations were well organised and the staff professional. There were only a few exceptions to this; at some polling stations there was a disproportionately high number of conditional ballots, 9 observer teams estimating that more than 10% of the ballots were conditional. At one station 50% of the ballots were conditional, this we understand was due to people going to different locations from where they had registered.

Every observer team in Serbia reported that people had been transported in to vote. This was especially apparent in rural areas, some buses having travelled up to 50 kilometres. It is noted that in some cases the Commissariat for Refugees and Displaced Persons provided buses, which carried people to the nearest polling station rather than the correct one. This resulted in some stations, as above, where there were a large number of conditional ballots.

Access to many polling stations was difficult, in some cases it was described as "treacherous". Every team except one encountered family voting, it was felt that some supervisors were too tolerant of this. Conditional ballots in Serbia averaged 10%, although in one particular polling station there were at least 50% conditional ballots.

The main issue of contention for most voters was that the names on the "Povratak" list (Serbian political entity) were incorrectly spelt, especially the ending of each name, where the incorrect alphabet featured. This problem was also in evidence in Serb enclaves in Kosovo. This was offensive to many voters. The short period the election organisers had to prepare the candidates' list is recognised, and efforts were made to correct this error in 3 out of 6 regions. In some areas the correct spelling was in evidence. Overall, the opinion of observer teams in Serbia and Montenegro was that the administration of voting procedures was good.

CEEOM II observers in Serbia escorted ballots from polling stations to Belgrade and the following morning were in the convoy, which transported the ballots to the counting, centre at Obiliq/Obilić.

Postal ballots were organised from the Elections Co-ordination Centre (ECO) in Vienna for Kosovo voters living in 33 countries around the world. CEEOM has visited the ECO on 2 occasions; as ballots were arriving and observers followed the in processing of all ballot envelopes arriving at the ECO.

The system of error checking with batch control sheets seemed to be very comprehensive with there being a total of 8 cross-checks for each control sheet. The security of ballot envelopes and during transportation to Kosovo for opening and counting is satisfactory. Due to the fear that there could be hoax anthrax or anthrax contamination in envelopes it was decided all envelopes would be opened at a separate location in Prishtina/Priština. CEEOM observers were present during the operation in addition to observing the counting of ballots at the counting centre.

VOTE COUNT

Counting of votes appears to have been carried out in a satisfactory and efficient manner. Observers reported that the counting of votes was "good" and "very good" in 97% of the counting stations.

During the counting of ballots there was no evidence of intimidation or tensions. Following the close of polling in 99% of polling stations the ballot box was sealed in the correct manner. On opening the ballot boxes the procedure followed was in accordance with the rules in well over 90% of the stations observed. It is of note that at all counting stations observed, all members of the Polling Station Committee agreed with the results. In 15 polling stations a member of the PSC signed a note of dissent, which was added to the results form.

CEEOM II is satisfied that the handover of documents and material was done in an efficient way, and that the security of the transfer of materials to the field office was conducted in a proper manner.

ELECTION RESULTS

The calculation of election results is a long process, as the counting of mail-in ballots, special needs ballots, conditional ballots, together with ballots cast in Serbia and Montenegro is conducted in a central counting centre in Prishtina/Priština. The most recent communication indicates that 63% of registered voters cast ballots.

8. CONCLUSIONS

CEEOM II congratulates the people of Kosovo for actively participating in the elections. The turnout of voters was less than in the 2000 Municipal Elections, but this was compensated for by the participation of voters from all communities.

Registration was carried out successfully, and sufficient time and resources were given to this vital process.

Serb participation in the Election was essential for building confidence in the future administration of Kosovo. It is unfortunate that the Serb decision was delayed.

In general the media gave good coverage to political rallies and meetings. However 70% of the coverage went to the 3 main Albanian parties, and visibility to the smaller parties and representatives of minority communities received less than fair media exposure.

Mail-in voting was organised worldwide from 33 countries with the IOM in Vienna, once again processing these postal votes. The mail-in process was efficient, and transparent with enough security guarantees to ensure the ballots were not mislaid or lost.

There is dissatisfaction amongst all Kosovo communities living outside of Kosovo that they are denied the right to vote in the Kosovo Election, unless they can prove they were a resident in Kosovo after 1st January 1998. There are reasons for the choice of this date for both the 2000 Municipal Elections and the Election to the Kosovo Assembly. It is hoped that discussions will continue in order to find a satisfactory solution to this cut off date.

The Election was well organised in difficult circumstances and many lessons have been learnt from last year's Municipal Election.

9. RECOMMENDATIONS

The incorrect spelling of candidates' names on the Povratak (return) list was offensive to many voters. Great efforts were made to correct this error and it was corrected in 3 out of 6 regions. In future elections there must be an earlier cut off time for the submission of candidates' names in order to ensure such an error is not repeated for any community.

The flying of community flags in and around polling stations is still a cause of concern as in last year's elections, and this issue should be the subject of future consultations and eventually a clear policy established.

Future elections should be organised prior to the month of November. Fortunately no adverse weather conditions were experienced this year, which could have seriously affected voter turnout.

While recognising the valuable role conducted by MECs in this Election, CEEOM II calls on the OSCE and the new Assembly to accelerate the training of MECs in order to transfer more responsibility for the administration of elections to the people of Kosovo.

CEEOM II expects all parties, movements, and political leaders to respect the results of this Election and calls on the international community to give practical support to the new Assembly.

Consequently the CEEOM II recommends to the Special Representative of the UN Secretary General, Mr Hans Haekkerup, that this Election should be certified as valid.

APPENDIX 2

Kosovo Assembly Elections Bring Democracy Forward and Strengthen Regional Stability

Pristina, November 18: Yesterday's Assembly elections in Kosovo were a significant step towards constructing a democratic society based on human rights and the rule of law in the aftermath of the 1999 conflict, concluded the International Election Observation Mission in a statement issued in Pristina today (*).

The joint statement welcomed the peaceful atmosphere of the election period and Election Day itself. It was issued by Roman Jakic MP (Slovenia), on behalf of the Council of Europe Parliamentary Assembly delegation; Doris Pack MEP (Germany), on behalf of the European Parliament delegation; Bruce George MP (UK), on behalf of the OSCE Parliamentary Assembly delegation; and Owen Masters, Head of the Council of Europe Election Observation Mission (CEEOM).

"The people of Kosovo are ready to take a larger part in managing their own affairs. The election opens the way for a better-balanced partnership with the international community," said Doris Pack, head of the European Parliament delegation.

"We understand the difficulties of ethnic Serbs and other communities in Kosovo. It is vital that the new Assembly, as provided for in the Constitutional Framework, should work from the start on a multi-ethnic basis," said Roman Jakic, head of the Council of Europe Parliamentary Assembly delegation.

"Democracy based on the integration of all ethnic communities is the key to stability and economic improvement in South East Europe. The test of this election will be the functioning of the new Kosovo Assembly," said Bruce George, head of the OSCE Parliamentary Assembly delegation.

The Mission leaders said that the elections were well organised and that yesterday's voting was orderly. The turnout of around 65% is markedly lower than last year's municipal elections and this is a cause of some concern. However, indications are that all communities participated in these elections. Although they were late to enter into the election campaign, well over 40% of the Serbs cast their vote. The Mission also welcomed the very high number of domestic observers.

The International Observation Mission

The International Observation Mission was one of the biggest of its kind ever organised, with a strong parliamentary component - a 12-strong delegation from the Council of Europe Parliamentary Assembly, 9 Members of the European Parliament and a 50-strong delegation of the OSCE Parliamentary Assembly.

The three parliamentary delegations were also joined by the Congress of Local and Regional Authorities of Europe (CLRAE) and by international observers from Europe, North America and Japan, bringing the total to over 200.

The observation was led and organised by the Council of Europe Election Observation Mission (CEEOM), which has worked with 21 long-term observers in the field and a core team in Pristina since July.

Operational Information

This is an interim assessment only. A final assessment will follow a detailed analysis of data collected. A press conference is scheduled in Pristina on Thursday 22 November at 11am in the ABC cinema. A press conference will be held in Belgrade on Sunday November 25 at 11am in the Tanjug International Press Centre to coincide with the final count

(*) International Election Observation Mission

Preliminary Statement

Pristina 18/11/01: These first Kosovo-wide elections - held in the aftermath of the 1999 conflict - were a significant step in the challenging process of constructing a democratic society based on the respect of human rights and the rule of law.

The International Observation Mission welcomes the fact that the elections took place in a more peaceful atmosphere than the local elections of 28th October 2000.

It recognises the unique nature of the elections that follow United Nations Security Council Resolution 1244 which calls for the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo. The people of Kosovo were given an opportunity to elect their Assembly, with political and technical support by the international community.

The Mission congratulates the people of Kosovo for actively participating in the elections. It was encouraging that voters from all communities participated, giving hope for reconciliation between them. Serb participation in the elections was essential for building confidence in the future administration of Kosovo. It was also positive to see so many domestic observers active on Election Day.

The Mission concluded:

The Electoral Code provided conditions for free and fair elections.

Registration was carried out successfully. Enough time and resources were given to this vital process. Even more importantly, the people of Kosovo made a decision to fully participate. It was significant that a large number of the Serb population of Kosovo registered.

The campaign was not as high profile as last year, but party rallies were often well attended and the political leaders made themselves available to the voters in each region. A number of incidents and disturbances did take place, but the level of violence was much lower than last year, which is to be welcomed. Sadly the Serbs delayed the decision to participate, leaving a short time for their campaign.

In general, the media gave good coverage to rallies and other political events. However, 70% of coverage went to the three main Albanian parties, giving scant visibility to the smaller parties and to representatives of the minority population.

Mail-In voting was organised worldwide from 33 countries. The International Organisation for Migration in Vienna was in charge of processing these postal votes. The mail-in process was efficient and transparent, with enough security guarantees to ensure that ballots were not mislaid or lost.

Based on the debriefing at 12h00 today (Sunday 18th November) of over 200 short-term observers, the elections were conducted in an efficient manner. Polling stations opened and closed on time. Last year's queues were not repeated and this is proof that lessons learned have led to improvement.

Overall turnout was markedly lower than last year.

Questions remain about the participation late in the day of some non-Albanian communities.

The flying of community flags in and around polling stations was a cause of concern as in last year's elections, and should be the subject of future consultation and eventually a clear policy.

The organising authorities performed their duties in a constructive and professional manner.

The Mission expects all parties and political leaders to respect the result of these elections. The significance of the 2001 Kosovo Assembly election will depend on the work of the elected Assembly. The International Election Observation Mission stresses the responsible role that must be played by the political leaders and all Assembly members in promoting reconciliation and the construction of democratic institutions in Kosovo. Their main task will be to develop a civil society based on the respect of European standards of human rights and the rule of law. Immediate issues include ensuring free movement and finding solutions to the question of missing people.

The Council of Europe Parliamentary Assembly, The OSCE Parliamentary Assembly and the European Parliament pledge their continued support and solidarity to the people of Kosovo in this historic task.

For further information and complete appendix please contact webcplre@coe.int

¹ For the purposes of this report references to Serbia do not include the region of Kosovo.

² See chapter on Media