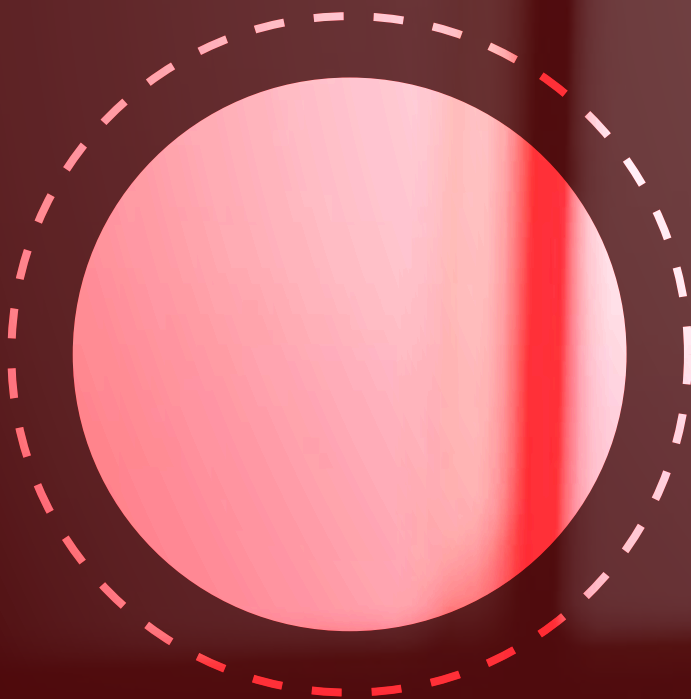

ELECTORAL AND PARTY
IN KOSOVO SYSTEM

A PERSPECTIVE OF
INTERNAL PARTY
DEMOCRACY DEVELOPMENT





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**ELECTORAL AND PARTY SYSTEM IN KOSOVO
– A PERSPECTIVE OF INTERNAL PARTY DEMOCRACY DEVELOPMENT**

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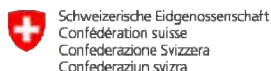
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Swiss Agency for Development
and Cooperation SDC



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DEMOCRACY DEVELOPMENT**



**BALKAN COMPARATIVE
ELECTORAL STUDY:
IMPACT OF PERSONAL VOTE
ON INTERNAL PARTY DEMOCRACY**

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BACKGROUND

J.M. Colomer said that an “efficient electoral system for a representative democratic government must include rules for both, parties’ and personal representation”. Balkan countries have passed through a very turbulent and violent democratic transition, which resulted with unstable political system dominated by political parties. Party representation is dominating over personal representation. Parties are dominating over institutions. Strong parties in combination with weak institutions are damaging the rule of law. Party leadership is imposing strong authority, but they are lacking legitimacy.

Due to the electoral system, representatives are more responsible to party leadership than to citizens who voted for them. In order to have more responsible representatives, to have more responsible party leadership, to have more responsible state officials, we should have more democratized political parties. Citizens seek stronger influence on electing their representatives, party members need more influence on the process of selecting candidates for Parliament members, state officials and electing party leaderships.

This project intends to research the influence of electoral system on internal party democracy and its impact on the rule of law. More precisely, the influence of personalisation of electoral system on intra-party democracy and its impact on the performance of elected and appointed state officials on the rule of law. Research will include four countries (Serbia, Bosnia and Hercegovina, Kosovo and Montenegro).

In all these four cases, electoral systems are producing negative outputs. This research will help to investigate and analyse negative outputs produced by such electoral systems, but also the reasons of such problems and will propose various policy recommendations. Researchers will try to find answers why the same, or similar electoral systems are producing different outcomes in consolidated, compared to non-consolidated democracies. Results will have an academic significance, but also concrete policy recommendations in time when all countries are in the process of consideration of electoral reforms. This project falls under section „Governance and decentralization“ and it is related to topics of rule of law, corruption, morality and politics, constitutions and political practice, democratic accountability and responsiveness of local (and central) government and legitimacy of political institutions.

INTRODUCTION

This part of our mutual work consists of five chapters, consecutively dealing with the political system, party system and the election system in Kosovo, as well as with the internal democracy of political parties in Kosovo and the campaigns they perform during elections. In the Introduction, in regard to the political system, attention is paid to the specifics of the historical development in Kosovo, which has made the construction of the current political system to be as it is. The political and social forces that existed in Kosovo prior to 1989, the way they developed in 1990 during the efforts to become independent from Yugoslavia, as well as the main events from the legal aspect from the period of 1989 (the dissolution of communism) up to 2010 (the Decision of the International Court of Justice in regard to the Independence of Kosovo in 2008) have been mentioned. In the second part of the chapter it is spoken about some of the most important aspects of the actual political system in Kosovo, looking at the role of the President and Parliament as well as the specifics of the relation between the legislator and executive authority in the context of Kosovo. The party system in Kosovo is reviewed in chapter two, where initially in a critical manner the legal basis of creation and operation of the political parties in Kosovo is described and analysed. A short description is made also in regard to the development of the political pluralism as from the time of the dissolution of communism until nowadays. Furthermore all elective political parties in Kosovo are mentioned, with a concentration in the main parties, describing the main factors that have impacted their political profile: the Kosovo war (1999) and the internal developments that have followed the period prior to this war (meaning, the way that several political groups were profiled and began to be treated as the “war wing” and the “peace wing”), as well as different ideological and political factors which during the post-war period have impacted their crystallization in today’s political parties of Kosovo. In the political scene of Kosovo there is no party which is big enough to get the ruling power without making coalitions with other parties, therefore in this paper some attention is paid also to the specifics of creation of coalitions between parties. Furthermore, this chapter treats also the most significant specifics of internal processes of parties, in particular the ones related to their internal reforming and democratization, as well as their key legal aspects, which regulate the financing of the political parties and their election campaigns. As far as the chapter on elections system is concerned, initially it offers a description of the way this system has changed the elections in Kosovo – passing from closed lists to open lists, in the beginning with 10 candidates, and later with 5 candidates – providing the reasons that impacted those changes. Also, a description

and analysis is made in regard to the consequences of introducing open lists – during elections of 2010 and 2014, 39% of the members of the Assembly of Kosovo have been elected thanks to the embracing of open lists. Nevertheless, the election system in Kosovo has features that have not changed as from the beginning of the multi-party system: the election system is proportional, with one single election zone, where the number of seats for minorities is 20 out of 120, and the gender ratio is 30%. In this chapter it is seen the impact of the combination of election system features, which have changed and the ones that have not changed, as from the time of the first elections (for example, what have been the consequences of the proportional systems of closed lists vs. open lists towards the political developments, etc.). Moreover, this chapter describes a range of issues related to election system in Kosovo: types of voting ballots, counting of votes in mandates, adaptability of the election system in Kosovo with international standards, as well as some voting features: secret, general, direct, equal, free ballot, etc.

The democracy and internal democratization of the political parties in Kosovo is one of the most important issues for the entire democratization of Kosovo. In the chapter regarding to the internal democratization of parties, it is emphasized that democracy, as pluralism of political alternatives, is a new experience in Kosovo, and also that the internal functioning of the political subjects is determined from outer forces, such as the elections system, political culture, rules of elections, etc. From this point of view, this chapter describes the internal organizational structures and the decision making processes of political subjects in Kosovo, and the analysis is based on four main subjects, Democratic Party of Kosovo (PDK), Democratic League of Kosovo (LDK), Self-Determination Movement (VV) and Alliance for the Future of Kosovo (AAK). Here the legal framework is analysed in regard to the process of internal democratization, the internal democratization of the political subjects, the rights and restrictions of members of the political parties, the function of subject in the local level, the role and impact of women, youth and communities, etc. An important focus is paid to the internal functioning of the political parties, mainly about the aspects of the level of the internal democracy: in selection of candidates for political posts, and the role of the leaders of the parties in the internal processes of their political parties.

Everything described and analysed in these chapters leads us in a logical manner to the way in which the Kosovo political parties develop their election campaigns. In the beginning, the analysis is made from the point of view of past elections, those of June 2014, which led to a government crisis that lasted for about half a year, until the creation of the new government in December 2014. Here the election campaign, with the decision of the Central Election Commission lasted only 10 days, however, political parties activities had started much earlier. Here they used

the shortcomings of the applicable law on general elections, which did not explicitly stipulate the actions taken before the campaign. An attention is also paid over the lack of transparency in regard to the financing of the campaign –out of four big political subjects in Kosovo (PDK, LDK, LVV, AAK) up to date only two of them published their financial reports in their official web sites. The promises related to their programmes and non-programmes given during the campaign were too ambitious and they expressed hardly achievable targets – there were promises for an extraordinary economic growth and employment. The expansion of the campaign was mainly done on regional basis, in the main bastions of the respective political subjects, with occasional efforts to expand the electorate in other areas. Here we have mentioned also some of the greatest opportunities that PDK had thanks to fact of being the party in ruling power prior to elections: for example, significantly they were prepared way in advance for the election campaign, they also had the best media coverage of its election activities. In this chapter, a few topics carry the main focus, such as: the legal framework that has to do with election campaigns, political parties' programmes, and the impact of government decisions on the election campaign and media coverage for the pre-election campaign of the political subjects. As far as the selection of topics to be reviewed in this paper is concerned an effort is made to provide a comprehensive analysis of Kosovo political aspect related to the political parties and the multi-party system. An effort is also made to provide an analysis which is deeper and more practical in regard to the manner of treating these topics. In the next study a comparison of multi-party systems of some of the Balkan countries will be made, and the data of this study together with the data related to the studies for the other countries shall locate the Kosovo multi-party system in the context of Western Balkans.

Mentor Agani

PART ONE

POLITICAL SYSTEM

1. POLITICAL SYSTEM

1.1. Historical overview

In this section we will discuss the particularities of the historical developments in Kosovo, which influenced the emergence of Kosovo's post-war multi-party system, and the ways in which they have affected circumstances in Kosovo that made its experience and condition to be distinctive when compared with those of other regional countries that belonged to the former Communist bloc.

Firstly, we will mention the social and political currents that characterized Kosovo before the fall of Communism. As a consequence of Kosovo's peculiar condition before 1968, there were two major social-political forces within Kosovar society. The first one, the institutional League of Communists of Kosovo (a branch of the League of Communists of Yugoslavia), and the second, the movement of prohibited groups of supporters of the regime of Enver Hoxha in Albania, which had Marxist-Leninist leanings. Given the considerable improvement of the condition of Kosovo Albanians from 1968 up to, at least 1981, the major political tendency was the one of benefiting from the opportunities that suddenly emerged before Kosovars (Agani, M. and Istrefi, 2011: 179-83). Here, the major achievement was the adoption of the Constitution of 1974.

This condition represented a feature that distinguished Kosovo's further experience from that of all the other countries that were to emerge from the Communist bloc. While in those other ex-Communist countries the political struggle during the period after 1968 was the one between the Communists that were in power, and the liberal and liberalizing opposition that was diffused throughout society, in Kosovo the struggle went between the Communists of the League of the Communists, who were in power and had undertaken significant steps towards liberalization, and the Stalinist type of Communists who were inspired by Enver Hoxha's Albania. Furthermore, this extreme leftist ideology was in a large measure expressed as patriotism (Agani, M., 2015: 5-8).

After the large demonstrations of 1981, the progress of Kosovo within Yugoslavia started to diminish, as a consequence of the increasingly hostile policies that were being imposed by Serbia. This progress continued for a while by inertia, but very soon it got reversed. Given that the League of the Communists of Kosovo and its credibility within the Kosovar society depended in a large measure on this progress, its decline provided a good opportunity for the Marxist-Leninist groups to try to take over the social influence for which they were yearning. That's what they did, and their influence over the attitudes of Kosovo Albanians started to grow. The reaction of Kosovo Albanians towards the growth of aggressive policies applied by Serbia was an increasing willingness to accept aggressive attitudes towards Serbia and Yugoslavia (Agani, M. and Istrefi, 2011: 179-85). The League of Communists of Kosovo was understanding (up to a certain level) what was going on, and there might have been efforts made by them with the goal of influencing the developments for the better, but it was under the yoke of the League of the Communists of Yugoslavia, and particularly, of Serbia, which was not ready to accept anything short of complete surrender of Kosovo in front of its demands.

Shortly after the emergence of the Memorandum of Serbian Academy of Science and Arts, Milosevic seized the power, and this was followed by disturbances in Montenegro and Vojvodina, in which Milosevic took the control over their newly established puppet regimes. After that came the violent change of the Constitution of 1974 in Kosovo, and with this, the promises of Milosevic, as well as the objectives of the Memorandum regarding Kosovo, were de facto accomplished.

Nevertheless, this was a disastrous victory for Serbia. First of all, as a consequence of all these events, the ties that were binding the Yugoslav federal units together were seriously damaged, and, on the other hand, the moment was wrong. Exactly when the above mentioned federal units came under the control of the League of the Communists of Serbia (which was, already, led by Milosevic), the Communism started to collapse all over the Central and Eastern Europe. And this new momentum was utilized perfectly well by Kosovo Albanians. The League of the Communists of Kosovo dissolved within a very short period of time – in less than a week. And this was also accompanied with a total discreditation of the Marxist-Leninist groups whose influence, during 1980's, was growing continuously. Thus, in 1989, these groups withdrew into obscurity, and there were two major factors that account for this (Agani, M. and Istrefi, 2011: 183-7). First, the gradual opening of the Communist Albania provided the opportunity to all the Kosovo Albanians to see the squalor of “the paradise” of the Stalinist regime of Enver Hoxha. And, second, the great events that were taking place all over the former Communist countries of Europe were indicating overtly to all the Kosovo Albanians the path that Europe had chosen (Agani, M. and Istrefi, 2011: 183-7)..

Consequently, at the end of 1989, the Democratic League of Kosovo (LDK) emerged as the first non-Communist political party in Kosovo ever since the World War II. However, even the emergence of LDK created a situation distinctive from that of other former Communist countries. In those other countries, when their (former) Communist parties were ousted from power, they went into opposition. In Kosovo, both types of Communisms at the disposal of the people disappeared altogether. Essentially, in Kosovo the year 1989 did not mark the transition from one-party into a multi-party system, but, rather, the transition from the Left, Communist, one-party system into the Right one-party system (Agani, M., 2015: 5-8). Indeed, after 1989 the creation of new political parties was allowed, and there were a lot of of them that emerged during this period; nevertheless, in both elections organized in Kosovo during 1990's, all these other parties together never achieved to get more than 3% of the votes, in a situation when LDK was regularly winning about 97-98% of them. LDK was an opposition towards Milosevic's regime and Serbia – as far as the internal relations among Kosovo Albanians are concerned, the relations position/opposition were not articulated yet, given the fact that under the tyranny of Milosevic's regime all the Kosovo Albanians became like one.

Yet another particularity distinctive for Kosovo was in the fact that, while in other former Communist countries the collapse of Communism marked the triumph of civil society, in Kosovo the civil society started to develop exactly after the Communism disappeared. However, the development of civil society in Kosovo was rapid, and within a short period of time the Kosovar civil society achieved numerous astonishing successes (Agani, M., 2012: 13-32). There were several factors that account for them, and here we will mention only the two major ones. First, the Milosevic's regime had seized the control of all the political institutions in Kosovo, and, thus, the Kosovo Albanians remained out of them, that is, they remained in society, which they rapidly transformed into an immense civil society. And, second, the LDK was not recognizing the rule of Milosevic's Serbia, so it didn't even bother to join the political institutions – it is impossible to act through institutions that one does not recognize. Therefore, the only way that remained to Kosovo Albanians for political articulation of their demands was civic activism. Consequently, within a very short time span, Kosovo Albanians achieved to organize the so-called “parallel state,” in which most of the activities organized by a state were being conducted on a voluntary basis. The biggest success was in the field of education: for almost a decade, the Kosovo's educational system, with more than 400.000 participants, from kindergartens up to the Academy of Sciences and Arts, was functioning on a voluntary basis. Similar, if smaller, successes, were achieved in other fields, such as economy, health system, welfare system, etc. (Agani, M., 2012: 13-32).

Thus, the reaction of Kosovo Albanians to the dissolution of Kosovo's state by

Milosevic's Serbia was to organize another, "parallel," one, and they did this by applying general civil, non-violent, disobedience to Serbian authorities, in order to avoid military confrontation for which they knew they were not prepared. In this peaceful civic movement, Kosovo Albanians were calculating that Yugoslavia was being destroyed by the wars being waged in its other parts, and, under the influence of the impressions on the collapse of Communism, they had immense hopes that the international community will find the way to reward them for the non-violent path they had chosen in such a violent environment.

However, this non-violent movement led by LDK suffered a tremendous blow at the Dayton Conference, in which the Kosovo issue was not taken into the consideration at all. Given that the major objective of the non-violent civic movement of LDK was independence of Kosovo, the non-inclusion of Kosovo's issue in this Conference provided an extraordinary opportunity to the retreated Marxist-Leninist groups to present LDK as a failure. These groups utilized this opportunity, by starting a campaign for ceasing the nonviolent resistance, and for starting a violent one. This led to the first armed clashes with the Serbian Police and the Yugoslav Army in 1997, and to the emergence of the KLA (the Kosovo's Liberation Army) within the political-military scene of Kosovo (Agani, M. and Istrefi, 2011: 179-202). Among its leaders there was a number of those whose resentment against LDK had the same proportions as their resentment against Serbia. And, what is the most important thing, the emergence of KLA, essentially marked, not only the beginning of the war against Serbia, but, also, the creation of the preconditions for the multi-party political scene in the post-war Kosovo (Agani, M., 2015: 5-9).

Given the proportions of the crimes committed in Bosnia, and the unwillingness of the international community to see them being repeated in Kosovo, the growth of the intensity of conflicts led to the increasing involvement of the international community in the developments in Kosovo. At the end, the international community organized the Conference of Rambouillet, aiming to stop the conflict that was threatening to get out of control. After about a month of negotiations between the representatives of the sections of the Kosovo Albanian political-military scene, and the Serbian-Yugoslav delegation, the Kosovar representatives agreed to accept and sign the Rambouillet Accords, and the Serbian representatives did not. This led to the 78-day bombing campaign of NATO Alliance against Serbia and Yugoslavia, which started on March 24th and ended on June 12th, 1999. On June 12th, the Serbian and Yugoslav police and army units started their withdrawal from Kosovo, which lasted one week, during which the troops of NATO Alliance entered and took control over Kosovo.

1.2. The independence after the dissolution of the Socialist Federative Republic of Yugoslavia (SFRY) – The legal aspects

The road of Kosovo towards the achievement of independence was prolonged and difficult, and it was accompanied with immense sufferings. The final phase of the conflict over Kosovo started considerably earlier than the conflicts in other parts of former Yugoslavia, and it ended considerably later. We can say that the state of conflict was characteristic of Kosovo, at least, from 1981 until 1999, where its intensity was changing from the level of a frozen conflict, up to the state of war. In this section, we will focus at the judicial aspects of the achievement of Kosovo's independence, and we will mention and briefly analyze some from the major events in this process. The period that we will cover will be the one from the end of 1989, up to, at least, 2010. The reasons for choosing these years will become clear from the analysis that follows, and the events that will be discussed will be numerated.

1. On March 28, 1989, Milosevic's regime accomplished the change of the Constitution of Kosovo. This was one from the goals he had promised to his constituency when he was coming to power. In contrast to the previous events in Montenegro and Vojvodina, in which these two federal units were put under the control of Serbia, the developments in Kosovo turned bloody. Dozens of Kosovo Albanians were killed, hundreds were injured, and thousands were imprisoned in violence that erupted as a consequence of this event (Malcolm, 2002: 334-57). The Constitution that was adopted was called "the Tank Constitution," given that during the process of its adaptation, the building of the Assembly of Kosovo was surrounded by tanks of the Yugoslav Army. This constitution abolished almost all the elements of the statehood that Kosovo had under the previous constitution, except for the fact that the Assembly of Kosovo still retained the constitution-making power in Kosovo.

2. The December 23d, 1989, marks the creation of the LDK (The Democratic League of Kosovo), which was the first non-Communist political party that emerged in Kosovo ever since the end of the World War II. The emergence of LDK came at the time when the conflicts that later brought about the disintegration of the former Yugoslavia were reaching their apexes. Immediately after its establishment, the LDK became the major, and the only representative of the political aspirations of Kosovo Albanians, and it brought with itself an altogether new ideology and political culture. The most prominent feature of its approach was an active and civic non-violent resistance to Serbia's measures. Ever since its creation, and up to the achievement of the independence of Kosovo, the LDK was one from the major factors in all the processes that occurred in Kosovo.

3. As mentioned, the change of the Constitution of Kosovo in March 1989, ousted Kosovo violently from most of its state-elements; however, the Assembly of Kosovo remained the institution with the right to change (as well as to approve) the constitution of Kosovo. This fact was used by the Albanian deputies of the Assembly of Kosovo, who, on July 2d, 1990, gathered in front of the Kosovo's Assembly, and, after ascertaining the quorum, adopted the Constitutional Declaration which declared Kosovo to be the Republic within Yugoslavia, which meant that it would have equal status with Serbia and Montenegro (Malcolm, 2002: 334-57). It should be noted that this Constitutional Declaration is known among the Kosovo Albanians as the Declaration of Independence. The reaction of Serbia to this event was to declare the emergency measures.

4. The Constitutional Declaration declared Kosovo to be a Republic of Yugoslavia, but it didn't go further than this disposition. Thus, about two months after this Declaration, the same deputies of the Assembly of Kosovo gathered in Kaçanik, on September 7th, 1990, in a meeting that was hidden to Serbian authorities, where they adopted the Constitution of the Republic they have declared two months ago. Serbia reacted by beginning efforts to punish the deputies, who, in the meantime, had fled from Kosovo to emigration. Then, Serbia denied the validity of the decision. The quorum of the deputies in this meeting was confirmed.

5. The above mentioned events were followed by the organization of the Kosovar Referendum on Independence (1991), the creation of the Government of Kosovo in exile (in Germany, 1991), and the first and the second internal Kosovar elections that took place, respectively, in 1992 and 1992. In the meantime, the KLA emerged, and Kosovo plunged into war, and the intensity of fighting was constantly increasing (Malcolm, 2002: 334-57). It should be stressed here that the KLA was the spring of two from the major parties of Kosovo after the war: the Democratic Party of Kosovo (PDK), and the Alliance for the Future of Kosovo (AAK), which were created as an opposition to LDK. In spite the fact that they had leftist leanings, their opposition to LDK was not ideological, but rather on an issue of how the independence of Kosovo should be achieved (Agani, M., 2015).

6. The increase of the intensity of war brought the increasing inclusion of international community into the Kosovar developments. This eventually led to the negotiations for the resolution of the conflict in Rambouillet, France, in February-March, 1999. There, after almost two months of talks, organized by major actors of the Western community, the final version of the Rambouillet Accords was developed and given for signing to both sides. After numerous objections on the text of the Accords, the representatives of the Kosovar delegation signed the document (Agani, F., 1999: 402-28); the Serbian delegation failed to do this, and, this, consequently, led to the beginning of the 78-day long bombing campaign of Serbia and Yugoslavia by the NATO Alliance.

The text of the agreement that failed included sections that were temporarily preserving the sovereignty of Yugoslavia over Kosovo – although Yugoslavia had to withdraw its forces from Kosovo – but it also included the provision that “three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, ...” (Rambouillet Accords, 1999). There were members of Kosovar delegation that were unsatisfied with the fact they had to wait for three years (although, it was not quite clear how they would have liberated Kosovo for a shorter period than this – or how they would have liberated Kosovo at all), and this is what they stated as a reason for the postponement of their signature. On the other hand, Serbian and Yugoslav delegation were not satisfied with the idea that the final settlement for Kosovo, after three years, had to be based on the will of the people – this meant referendum and independence for Kosovo after three years (Agani, F., 1999: 402-28).

7. The bombing campaign of NATO ended with the signing of two documents: the Military Technical Agreement between the International Security Force (KFOR) and the Governments of Yugoslavia and Serbia (June 9th, 1999), and the Resolution 1244 of the UN SC (June 10th, 1999) (The UN Resolution 1244, 1999).

The Military Technical Agreement determined the withdrawal of all the FRY forces from Kosovo, and the entrance of the NATO’s Kosovo Force (KFOR), and the Resolution 1244, on the other hand, established the UNMIK – the United Nations Interim Administration Mission in Kosovo.

UNMIK was established with the purpose of administration of Kosovo after the withdrawal of Serbian authorities. In the introductory section of the Resolution 1244, the UNSC reaffirms the commitment to the sovereignty and territorial integrity of the FRY, a detail that was emphasized numerous times by Serbia, but in, at least two other sections, this Resolution mentions the final settlement on Kosovo based on the Rambouillet Accords (The UN Resolution 1244, 1999) – and these, as mentioned, envisaged that this settlement will take place within three years, based on the will of the Kosovar people.

There were numerous regulations that were adopted by UNMIK, but the most important ones were two: the Regulation of January 2000, on the establishment of the Joint Interim Administrative Structure, which included the establishment of the Kosovo Transitional Council, which determined the political power in Kosovo for the upcoming near future, and the Regulation of May 2001, on the Constitutional Framework for Provisional Self-Government for Kosovo, which returned the constitutional structure to Kosovo.

8. The most important steps towards the independence of Kosovo started to take

place in 2005. In June 2005, the Secretary General appointed the Norwegian Ambassador, Kai Aide as his Special Envoy for carrying out a comprehensive review of the situation in Kosovo. In his review of October 2005, Kai Aide assessed that “the time has come to move to the next phase of the political process.” A short time after that, in November 2005, the Secretary General then appointed the former President of Finland, Martti Ahtisaari, as his Special Envoy for the future status process for Kosovo. The Guiding Principles for this process stated that the “negotiated solution should be an international priority.” A number of rounds of negotiations ensued between February and September, 2006, in which the delegations of Kosovo and Serbia discussed the issues relevant for their relations (decentralization, cultural heritage, religious sites, economic issues, and community rights). On February 2007 Martti Ahtisaari submitted a draft comprehensive proposal for the Kosovo status settlement, and on March 2007 the final round of negotiations took place in Vienna for discussing the Ahtisaari’s proposal. There was no additional progress in these negotiations. At the end of March 2007 the Ahtisaari’s report was submitted to the UNSC. In this report Ahtisaari stressed that “after more than one year of direct talks, bilateral negotiations, and expert consultations, it has become clear that the parties are not able to reach an agreement on Kosovo’s future status ... It is my firm view that the negotiations’ potential to produce any mutually agreeable outcome on Kosovo’s status is exhausted. ... The time has come to resolve Kosovo’s status. Upon careful consideration of Kosovo’s recent history, the realities of Kosovo today, and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial period by the international community” (Ahtisaari, 2007).

9. In spite of the disagreements on the above mentioned issues at the UNSC, these events paved the way for the declaration of independence by Kosovo. This is what was done, on February 17th, 2008, and Kosovo started the process of the supervised independence, based on the Ahtisaari’s blueprint, in which the international representatives had governing functions along with Kosovar authorities. The supervised independence ended in September 2012, and the European Union Rule of Law Mission (EULEX), as well as NATO peacekeeping troops are still remaining in Kosovo.

Given that there were permanent members of the UNSC that were against its independence, Kosovo did not become a member of the UN. Instead, it started to collect the recognitions by individual countries – up to now, there are 111 out of 195 countries that are members of the UN, that have recognized Kosovo’s independence. In spite of this success, there are considerable difficulties ahead of Kosovo, and we will mention only the two major ones. Among the non-recognizing countries, there are five of them that are members of the EU, and this creates a considerable difficulty for the perspectives of Kosovo for EU membership. On the other hand, a northern portion of Kosovo is de facto controlled by Belgrade, rather than by the

central authorities in Prishtina, and this causes considerable difficulty for Kosovo's normal functioning.

10. In August 2008, Serbia requested the UN to seek the opinion of the International Court of Justice (ICJ). The question, as it was posed, was: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with the international law?" This started the judicial process that lasted until July 22d, 2010, when the opinion of the ICJ was delivered. The ICJ considered that the Declaration of Independence was not a violation of international law, and, among other things important from Kosovar point of view, it determined that the Declaration was issued by the representatives of the people of Kosovo, acting outside the normal Provisional Institutions of Self-Government (International Court of Justice, 2010).

As a very broad generalization of this process, the arguments of Serbia and of its supporters were that there are no provisions in the International Law that gave to Kosovo the right to declare independence. On the other hand, the arguments of Kosovo and of its supporters were that in the International Law there are no provisions either that prohibited Kosovo from declaring its independence. Essentially, this legal process was a contest between two legal states of mind, one that considers the international law as an international "right,"¹ and the second that considers the international law as an international "law."

1.3. The actual political system and constitutional order in Kosovo – Legislative and executive powers

In terms of its political system, the Republic of Kosovo is a multi-party, parliamentary, representative, democratic republic. The major institutions of power of Kosovo's political system are the Assembly of Kosovo, the Government of Kosovo, and the President of Kosovo. The Government of Kosovo, which exercises the executive authority in the Republic of Kosovo, is composed of government ministers, and the Prime Minister of Kosovo, who is also the head of the Government. The President is the head of the state, and he/she also has a role in the executive branch. The legislative power is shared between the executive (that is, the Government) and the Assembly of Kosovo. The judiciary is independent of the executive and the legislature (The Constitution of the Republic of Kosovo).

1 In numerous languages, including Serbian and Albanian, the expression for international law is literally translated into English as "international right".

The Assembly of Kosovo is the legislative institution of the Republic of Kosovo directly elected by the people. It consists of 120 deputies, elected by a secret ballot, on the basis of open lists, for a four-year term. 20 from the seats are reserved ones, 10 for Kosovar Serbs, and 10 for other minorities of Kosovo. Among other things, the Assembly adopts laws, decides to amend the Constitution (by 2/3 of all of its deputies, including 2/3 of all the deputies holding the reserved and guaranteed seats), approves the budget of the Republic of Kosovo, ratifies international treaties, elects and dismisses the President and the Deputy Presidents of the Assembly, elects and may dismiss the President of Kosovo, elects the Government and expresses no confidence on it, oversees the work of the Government, oversees foreign and security policies, gives consent to the President's decree announcing the State of Emergency, etc. The deputies in the Assembly of Kosovo cannot exercise any executive function. Laws adopted by the Assembly of Kosovo are promulgated by the President of Kosovo (The Constitution of the Republic of Kosovo).

The President of the Republic of Kosovo is the head of the state, and represents the unity of the people. He/she represents the Republic of Kosovo, internally and externally, announces elections and, after them, convenes the first meeting of the Assembly, promulgates laws and has the right to return the adopted laws (one return per law), signs international agreements, leads the foreign policy of the country, is the Commander in Chief of the Kosovo Security Force (KSF), appoints the Commander of the KSF, appoints the candidate for Prime Minister and for establishing the Government, appoints and dismisses the President of the Supreme Court, decides to declare the State of Emergency, appoints the Chair of the Central Election Commission, etc. The President of Kosovo is elected by the Assembly, and he/she should get 2/3 majority of all the deputies, or, if this is not the case, he/she should get, in the next ballot, the simple majority of all the deputies. If the President is not elected in the third ballot, the Assembly will be dissolved, and the new elections announced (The Constitution of the Republic of Kosovo).

The Government of Kosovo, as mentioned, exercises the executive power, and it consists of the Prime Minister, deputy Prime Minister (s), and ministers. It implements laws adopted by the Assembly, proposes and implements the internal and foreign policies, promotes economic development, proposes draft laws to the Assembly, issues legal acts necessary for the implementation of laws, proposes the budget, etc. The Prime Minister represents and leads the Government, ensures that Ministries act in accordance with Government policies, ensures the implementation of laws, chairs the Kosovo Security Council, appoints the Kosovo Police General Director, in cooperation with the President jointly appoints the Director, Deputy Director and Inspector General of the Kosovo Intelligence Agency, etc. (The Constitution of the Republic of Kosovo).

Here, in this last section, we will mention briefly several aspects of the relationships between legislative and executive branches of power in Kosovo, which have shown themselves to be somewhat problematic in the day-to-day functioning of both.

Firstly, we will discuss several aspects of the position of the President of Kosovo. There is an impression that the post of the President is very weak when compared to that of the Government. This is due to the fact that the same political actors that create the Government, have a fundamental say in nominating and electing the President. Consequently, in the Kosovar context, the President quite often has only two alternatives for fulfilling his/her duties: if the President wants to fulfil his/her duties properly, the President will find out that he/she is impotent; and if the President wants to create the impression of being potent, he/she will have to be subjected (de facto) completely to the Government. When these situations emerge, the choice before the President is very simple: impotent President, or Potent president. The only remedy we can think of for this problem is to have the President being elected directly by the people.

The second problematic issue regarding the position of the President is the level of his/her executive power, which is overtly weak. Indeed, the President is the Commander-in-Chief of the KSF, and he/she has the right to declare the state of emergency, etc. Nevertheless, in the Kosovar context (the military presence of international community through NATO) these things do not really matter a lot. On the other hand, the appointment of the Kosovo Police General Director – an issue that really matters – is done by the Head of the Government, that is, by the Prime Minister. Now – to take just one important example – there are plenty of complaints in Kosovo regarding corruption. These complaints are always on the corruption of the Government, and never on the corruption of the President. If those most suspected of corruption are exactly the ones who appoint the Head of the Police, why should, then, anyone be surprised with the persistence of the corruption? Indeed, there is also the judiciary, and, according to the Constitution, the President appoints and dismisses the judges, from the lower levels of courts, up to the Supreme Court. Nevertheless, the judiciary is the weakest chain in the Kosovar power system. There were plethora of political discussion on why is the Kosovar judiciary so weak and messy; however, there were no attempts to explain academically the weaknesses of the judiciary with potential deliberate activities of actors within other branches of power, with the aim of keeping the judiciary weak in relation to those other branches. And, the third issue is related to the weaknesses of the legislative in the oversight of executive. Thus, a study conducted recently showed that there is a very low level of oversight of Government by the assembly. Indeed, this study indicated that “the members of the government still fail to attend parliamentary question sessions or relevant meetings of parliamentary committees.”

Electoral and party system in Kosovo

At the end, Kosovo's multi-party system has numerous parties, and none of them has any possibilities to seize the power alone. Since the end of the war, there were no elections in which any party gained half of the votes. While this feature of the Kosovar political system might be favourable to democracy – no one is strong enough to do anything without others – it also creates obstacles which make its functioning considerably slower. Thus, for instance, the last general elections of June 2014 were followed with a political crisis in which it took half a year for the new Government to be created.

Gent Gjikolli

PART TWO

PARTY SYSTEM

2. PARTY SYSTEM

2.1. Legal basis in forming political parties

The function and activity of the political parties in Kosovo is guaranteed with the Constitution of Kosovo, in the framework of human rights and fundamental freedoms (Article 44.1), which guarantees the freedom of association which includes the right of every citizen to established organizations, in this case the political ones. Also, pursuant to Article 45.1 of the Constitution of Kosovo, every citizen who has reached the age of 18 is entitled to elect and to be elected. There might be an exception only if this right is denied with a judicial decision.

The legal basis for elections in Kosovo is determined with the Constitution, Law on General Elections, the Law on Local Elections and also the Law on Financing Political Parties, which represent the primary legislation. Through these four laws the organization of elections and operation of political parties is regulated only partially, as the majority of this is done through the secondary legislation, which are the Election Regulations issued by the Central Election Commission (CEC). Up to date this institution has issued 17 Election Regulations, regulating the elections aspects, registration of political parties and their reporting. CEC is composed of 11 members, with four seats being reserved for communities, and one member from each of these six biggest parliamentary groups being represented in the Parliament (CEC, 2015). It can be stated that the current format of the CEC against opposition favours the position due to the dominance in numbers from 7 to 3, also taking into account the four members coming from communities that are usually part of the ruling coalition.

All registration procedures, reporting, compliance with the by-laws and organization of internal elections of the political parties are under the competences of CEC, which conducts them in compliance with its Regulations. One of the most important Regulations of CEC is Regulation No. 01/2013 on Registration and Operation of

Political Parties. Based on the Law on General Elections (Article 12.3, 64.2 a) and b)) as well as the Law on Local Elections in the Republic of Kosovo (Article 14 and 20), CEC has established the Office of Political Party Registration and Certification. The Office which operates within CEC is responsible for the maintenance of registration of political parties, certification of all political subjects, which shall be included in the voting ballot and the limits of expenditures for the campaigns as well as the provisions for the financial disclosures (Office for RPPC - CEC, 2015).

The mechanisms that guarantee the compliance with the legislation regarding the function of the political parties have never been empowered that much as to be able to effectively monitor the operation of political parties and sanction those parties that breach the applicable legislation, and this has subsequently brought alongside the undemocratic practices within political parties (Krasniqi and Shala, 2012:5). According to the estimation of experts, the Office of Political Party Registration, with the capacity of a controlling and sanctioning mechanism operating within CEC, it has failed to play its role accordingly. This has negatively impacted the political parties as they did not feel obliged to comply with the legal requirements regarding the operation of political parties. KIPRED interviews with experts reveal that the main reason why this Office is not performing properly is due to the lack of capacities. The Office does not have sufficient staff to carry out the tasks which are required by law. Also, it is estimated that there is lack of professional integrity among Office staff, who know how to submit in front of political pressures (Krasniqi and Shala, 2012:16).

The registration procedures require the political parties to submit their request for application, the symbol of the party, the data about representatives of the party, the establishing document, at least 500 signatures of registered voters, the by-laws of the party, which should be in accordance with the legal requirements (CRC Regulation, 2013, Article 3), the political program, signing of the statement for respecting the Code of Conduct for Political Parties, as well as the payment of the registration fee in the amount of 500 euro. After application, the Office reviews the applications and within the time limit of thirty days, CEC announces the status of the application. If the documentation is deemed to be complete, then CEC shall within seven days announce it in the newspapers and on its website. Each political party has the right to reject the request based on the reasons submitted in writing to this Office. If there are objections, they shall be examined and a decision is issued either for rejection or approval of the request. In case of rejection, the parties are notified in writing regarding any reason for such refusal. Within the next twenty-four hours the parties may appeal with the Elections Complaints and Appeals Commission and within seventy-two hours after the appeal is announced, it shall be decided about the appeal. If there are no objections, then it is concluded that there are no

grounds for refusal and the Office within three days recommends CEC to register the political party. Upon registration, the party is obliged to call its Assembly within six months from the date of registration, and this Assembly is obliged to elect the President of the party and the highest executive body (CEC Regulation No. 1/2013, Article 15.3).

Therefore, as it is seen, the organization of elections and the operation of political parties in Kosovo is mainly conducted based on CEC Election Regulations and partially based on laws. Among the priorities of the political reforms in Kosovo would be the empowering of the Office of Political Party Registration, which is lacking in capacities and personnel with integrity, which would then serve to conduct the tasks stipulated by law, which would consequently enable the sanctioning of political parties up to the level of prohibiting them from participating in elections. Also, the professional integrity of the Office in question, which would not allow the surrender before political pressures and enable regular information of the public opinion, would therefore play an essential role in the advancement of the democracy within parties in Kosovo (Krasniqi and Shala, 2012:17).

2.2. Development of the political pluralism from the end of the one-party system up to date

The democracy as pluralism of political alternatives is a new experience in Kosovo. Although the multi-party system is installed during the same period of time when the political pluralism is spread throughout the South-Eastern Europe, the conditions of the repression in Kosovo since the abolition of its autonomy from Serbia in 1989, did not provide no room for a genuine democratic and pluralist political life. Although during the 1990s in Kosovo operated many political parties, they were operating in an environment that allowed a normal development of the political and democratic life. The Kosovo Albanians established the first party on 23 December 1989, known as the Democratic League of Kosovo (LDK). Other established parties at that time were the Social Democratic Party of Kosovo, Parliamentary Party of Kosovo, Christian Democratic Party, Peasants Party, Liberal Party, Turkish Democratic Party and the Bosnian Democratic Action Party, (IKS, 2011:70-85), who built a parallel system of political self-organization outside the occupying system in the new Serbian quasi-pluralistic system. The legal basis of these parties was the Kosovo Constitution of 1990 that permitted the free right of assembly and association of citizens.

Throughout the decade of political parallel activity, the Kosovo elections were held twice in 1992 and 1998, and both were won by a large number of votes from the LDK. The end of the war, between 1998 and 1999 marked a turning point where the Kosovo had a political scene that consisted of LDK, which at that time referred to the legitimacy of the 1998 elections, and other political wing, who was called the war wing, and it relied on the legacy of the Kosovo Liberation Army.

During that period together with the settlement of the United Nations Mission in Kosovo (UNMIK), a new environment was created for the development of the political pluralism and the building of the democratic institutions at local levels as well as at the central level. Most of the old parties continued to operate, while in the meantime new parties were established, too. This way, a genuine political transition from the one-party system to the multi-party system began to appear in Kosovo only after the war. This was a transition delayed for more than a decade.

Since 1999 in Kosovo five parliamentary elections were held and that in 2001, 2004, 2007, 2010 and 2014. The first two parliamentary elections held in 2001 and 2004 were administered by the Organization for Security and Cooperation in Europe (OSCE). Elections held in 2007 were monitored by the European Parliament (Pack, 2007:2), while the elections held in 2010 from International Monitoring Mission “Enemo” (Enemo, 2010). The latest parliamentary elections for the Kosovo Assembly in 2014, as the second parliamentary elections that were held after the declaration of independence in 2008, were the first parliamentary elections that were held throughout the country under the Kosovo laws. This was a result of the Brussels Agreement for the normalization of relations between Belgrade and Prishtina, dated 19 April 2013 (EEAS, 2013).

In the elections for the Parliament of Kosovo that were held in 2001, the voter turnout was 64%, when 100 members of the parliament were elected, with 20 reserved seats (General Elections, CEC, 2015). During these elections, LDK was the first with 46%, Democratic Party of Kosovo (PDK) with 26%, Serbian Coalition “Povratak”² whereas the Alliance for the Future of Kosovo (AAK) turned out with 8% of votes (Crisis Group, 2001:9). The second parliamentary elections were held in October 2004, where the voter turnout was 51%, and they also confirmed LDK as first party with 45%, followed by PDK with 28%. Meanwhile, the multi-party system in Kosovo gradually started to be formed, and day by day it marked the growing heterogeneity of smaller parties representing diverse society groups. Among the 17 political parties that competed, there were also new parties from minorities such as Serbs, Turks, Bosnians, and civic initiatives (Voice of America, 2010). Meanwhile, the 2007 elections were held on 17 November, and for the first time it was set the “election threshold” of 5%. The overall turnout was 40.10% and PDK was the party

2 Alb. Kthimi, Eng. Return

with the largest number of votes with 34%, LDK with 22.6% and the Alliance for the Future of Kosovo (AAK) with 9.6% (General elections - CEC, 2015).

On 17 February 2008 the Assembly of Kosovo declared the independence of Kosovo, and this opened the doors for transferring all state powers to local institutions. The post-independence stage was characterized by the establishment of other state institutions that previously did not exist or had been administered by international missions. This step of institutional and democratic consolidation emerged also as a major challenge for the Kosovo society.

After declaring independence in 2008, two parliamentary elections were held, in 2010 and 2014. In the 2010 election, voter turnout was 45%, and PDK again won the elections with 32%, LDK was the second with 27%, while the Self-Determination Movement (VV) with 13%, as a new political entity for the first time competed in the elections (CEC, 2011:2). While in the last parliamentary elections in 2014, voter turnout was 43%, with PDK together with other coalition parties won the election with 30% of the total votes, while LDK came in second with 25% and VV gathered 13 % of the votes (CEC, 2014: 2).

It was expected that during this more mature political period, the economic, programmatic and ideological orientation of political parties will begin to articulate in a more concise way, and with this the political scene in Kosovo would be consolidated even better. However, the consolidation and ideological profiling of political parties in Kosovo was not easy at all. The main problem of this process was the emergency phase of the economic and social reconstruction in which Kosovo society was found after the war. Encountering the immediate need for physical reconstruction of settlements, fulfilment of immediate needs for physical survival - in the early days of the war - as well as the consolidation of local institutions, without having the time to focus on the economic development and social policies during the years after the emergency phase, as well as the unresolved issue of the status of Kosovo, have made the political parties notable to develop and compete with policies about crucial matters (Krasniqi and Shala, 2012:9).

2.3. Elective parties

The 1990 political scene in Kosovo inherited only the LDK as a party that continued its full and dominant operation even after the war until nowadays. Other parties such as the Social Democratic Party of Kosovo, the Kosovo Parliamentary Party, Christian Democratic Party, the Liberal Party, etc., either lost or remained

with minimal impact, or, in other words, they were hardly alive. The year of 1999 is of particular importance as it brought changes in pluralistic political scene in Kosovo. During this year the great division occurred with the representing parties that invoke the legacy of the Kosovo Liberation Army towards the other “peaceful” side, which is led by LDK. It is this period that even today dominated in Kosovo, although in the meantime other important political parties appeared, such as VV, which is not identified with any of the above two mentioned political concepts, or AKR which was in governmental coalition with PDK during the years 2010-2014, whose aim is to promote economic development plans more than any other political concept. In spite of this enmity of concepts in the post-war years, these parties have not considered the differences between them as an obstacle to form governmental, such as AAK - LDK after the 2004 elections, or PDK - AKR in 2010, and two post-election coalition between the PDK and the LDK in 2007 and 2014.

Although the number of population is relatively small, based on the data of CEC, the general number of the political subjects certified to participate on the general central elections (2014) was 30 (thirty), and out of them, 18 were political parties, 7 civil initiatives, 1 independent candidate and 4 coalitions (Koha, 2014). Out of the participating parties in the last elections, 23 were small parties, which count from 2,500 till 7,500 voters (CEC, 2014:2-3). Also, in the last 20 years in Kosovo there were created and closed a number of political parties, which were led mainly by small intellectual groups of the country, such as the Parliamentary Party of Adem Demaçi, Rexhep Qosja (DBD), then Veton Surroi (ORA), Shpend Ahmeti and Ilir Deda's (FER), and so on (IKS, 2011: 70-85).

Also even nowadays we have a formation of new subjects, groups that represent different social interests and which are mainly related to ethnical or religious issues. In the other hand it is very much expressive the creation of clientel relation between political parties and the Kosovo electorate, taking into consideration the fact that over 30% of the Kosovo population (144,829 persons) are unemployed (ASK, 2013:9). The connection of the electorate with the political parties is done mainly for personal benefits rather than for political convictions, as this in the Kosovo reality creates advantages and privileges for employment in the public sector.

Below it is provided the complete list of all political parties, with their representing numbers, through which they competed in the final central elections (2014).

Table 1: *Competing parties in the central elections, 2014*

31 The Egyptian Liberal Party
32 The Democratic Party of Ashkali
33 Progressive Democratic Party
34 United Roma Party of Kosovo
35 Self-Determination Movement
36 CoalitionVakat ("Return")
37 The Strong Party
38 The Serbian List
39 The Movement for Democratic Prosperity
40 New Kosovo Alliance
41 Social – Democrat Party
42 Kosovaki Nevi Romani Partia
43 Bosnian Unity List
44 Alliance for the Future of Kosovo
45 Hasan Gashi
46 The New Democratic Party
47 The New Democratic Initiative
48 Coalition for Gora
49 Party of Ashkali for Integration
50 Democratic Action Party
51 The Democratic Centre Union
52 Kosova Turk AdaletPartisi
53 Kosovo Bosnian Democratic Action Party
54 Democratic League of Kosovo
55 Coalition for Gora
56 Independent Liberal Party
57 Kosovo Turkish Democratic Party
58 Democratic Party of Kosovo, Party of Justice, the Movement for Unity, Albanian Christian Democratic Party
59 Initiative for Kosovo
60 The Movement for Albanian Traditional Alignment

Source: Central Election Commission

2.4. Relevant parties

Even nowadays, same as throughout the entire post-war period, the political scene of Kosovo has been largely dominated by two political parties, that of PDK and LDK, which have the highest percentage of voters in the central level as well as in the local level. Although these two subjects simultaneously represent two different conceptual political wings – PDK the war wing, and LDK the “peace” wing – ideologically these two parties are right parties.

The ideology of other subjects with large electorate basis, which are represented in the actual Parliament of Kosovo, such as the Self Determination Movement and the Initiative for Kosovo, are declared to be left wing parties, whereas the other relevant subject, AAK, is declared to belong to the left centre (Malazogu and Gautam, 2014: 5). Therefore it may be stated in general that the Kosovo political scene is dominated by the right wing political subjects’ belief. Also, even from the aspect of the ideological background of the political subjects in Kosovo, their broader establishment under the desired ideological framework was also delayed, as the political subjects and the leadership of Kosovo was encountered with the challenges of meeting Standards before the Status, tasks which were set by the Special Representative Secretary General of the United Nations (the document “Standards for Kosovo” handed to Kosovo authorities which contained 8 points) (UN, 2004: 9-135). Kosovo had to implement these tasks by 2005, in order to be able to estimate the achievements and then initiate the next phase of determining its final status. The negotiations with Serbia regarding the final status of Kosovo, intermediated by the special envoy of the Secretary General of the UN, the former Finnish President Ahtisaari, began in early 2006 and lasted for 15 months (Wellner, 2008: 61). Since the proposal of President Ahtisaari was unable to pass in the Security Council of the UN, due to the Russia’s veto threat, Kosovo in coordination with key actors of the international community declared independence on 17 February 2008.

Today the Parliament of Kosovo has a diverse composition, composed of different subjects, where the main difference is the ethnical approach of them, without excluding also the ideological and religious approach of them. Out of 120 seats in the Parliament, 100 seats are won by the major Albanian parties, whereas the minor communities have ensured only 20 guaranteed seats, divided 10 for the Serbs and 10 for the other non-Serbian communities (Constitution of the Republic of Kosovo, Article 64).

Below is the full composition of the Parliament, as per the data of CEC, where based on the counting of votes is done the proportional counting of the acquired percentages during elections and number of seats in the Parliament (CEC, 2014:2-3). It is worthy to be mentioned that apart from the subjects that had officially applied for elections, there were also Members of the Parliament who moved from one party to another, however this has not impacted the ruling coalition (PDK with 35 seats, LDK with 33 seats, VV with 16 seats, Serbian List with 10 seats, AAK with 9 seats, the Initiative for Kosovo with 6 seats, Group 6+ with 6 seats, and the 5 seats for candidates with no group).

Table 2: *Parties represented in the Parliament based on the results of the last national elections 2014*

Name of the Party	Percentage	Votes	Number of seats in the Assembly
Democratic Party of Kosovo, Party of Justice, the Movement for Unity, Albanian Christian Democratic Party, Kosovo Conservator Party	30,38%	222.181	37
Democratic League of Kosovo	25,24%	184.594	30
Self-Determination Movement	13,59%	99.398	16
Alliance for the Future of Kosovo	9,54%	69.793	11
Serbian List	5,22%	38.199	9
Initiative for Kosovo	5,15%	37.68	6
Kosovo Turkish Democratic Party	1,02%	7.424	2
Progressive Democratic Party	0,82%	5.973	1
The Kosovo Democratic Party of Ashkali	0,46%	3.335	1
The New Democratic Party	0,39%	2.837	1
The Egyptian Liberal Party	0,27%	1.960	1
Party of Ashkali for Integration	0,22%	1.583	1
Coalition for Gora	0,16%	1.193	1
Roman New Party of Kosovo	0,09%	645	1

Source: Central Election Commission

2.5. Party coalitions

If the political parties are separated based on their size, we can categorize them into three different groups: major, medium and small political parties. In the first group, the major parties enjoy strong and loyal electorate. One of the major advantages of the parties is the fastest opportunity to come to power by becoming the ruling party or by leading a coalition government. Then we have a second group, which can be called the medium group, which lacks the resources and political power which are a sufficient basis to win, but which has the sufficient resources to electorate seats in the Parliament in order to have its position in the decision making. In the end we have a third group that represents the interests of different (or close) social classes, and which moves towards different political wings, same as the second group.

As the main party in Kosovo, with the majority of voters are the LDK and PDK. In Kosovo, apart from these two political parties, there was no other party to have won the parliamentary elections (General Elections, CEC, 2015). With this it is implied that these two parties have also the largest electorate basis in the country. Whereas, as medium parties we have the VV and in particular AAK, whose size of electorate changes on continual basis, and which have a significant role in the formation of the government coalitions.

As a third group we have the small parties, which are mainly organizations with non-effective possibilities to govern, due to the small numbers of voters, which is insufficient for the election system in Kosovo. The final purpose of these small parties is to attain their objectives by merging with other major political parties in government, and in the meantime these political movements are sufficient elements in order to accommodate any small group of people associated to them. As a main reason for such movements of small parties is the electoral threshold of 5%, which for them is hardly passable (General Elections - CEC, 2015).

In the post-war political history of Kosovo, which lasted little more than a decade, with the exception of LDK who initially had a high percentage of voters, there has been no absolute domination of political parties. Consequently, to the possible extents of the political system in Kosovo, the political parties have always been forced to conclude coalitions with other entities in order to achieve the required numbers for a stable government.

The relevant political subjects mentioned above have been taken as examples due to their primate in the political scene in Kosovo in the last elections. Also, these parties, have harmonised their by-laws with the current election system, which among others also regulates the conclusion of government coalitions, in the central

level, as well as in the local level (with an exception to the Initiative for Kosovo, which does not have its by-laws, and the Serbian List, which is not registered as a political party). According to the findings, the competences for conclusion of coalitions is given to (or it is distributed to) two bodies of the parties in question: to the Leading Council and the Leadership of the Party (the Regulation on conclusion of coalitions according to the by-laws of political parties in Kosovo is treated in greater detail in Chapter 6. Internal Democracy of Parties).

Therefore, in Kosovo we have a political scheme where the rise of political parties is impossible without coalitions. As the ideological framework of most political parties in Kosovo is still in the initial stages, they do not have numerous alternatives in electing their governing partners, and this proves that since the end of the war, in Kosovo all governments were formed with post-election coalitions.

2.6. Internal processes of political parties

The main challenges of the internal democracy of the political parties, in Kosovo as well as in the entire region, are the domination of elites, non-competing elections of leadership, discriminatory selection of candidates and clientelism (patronage) (Daskalovski, 2012: 10). These are typical problems of political parties throughout the world, particularly in emerging democracies, which are reflected in elections and the internal operation of the political parties, where the leadership that holds the power within the organization, has no interest for democratic reforms, which are desired by the supporters of the party (Carothers, 2006: 2). This is demonstrated by the political parties in Kosovo, who are reluctant, or who do not prefer to be reformed after all. One of the main causes is the destruction of the status quo within the party that defends the interests of certain groups and members of the party. We may also encounter the change of leadership of any party without the leadership change; nevertheless, these superficial changes do not result in any democratic reform within the party. Among the major parties in Kosovo, LDK changed its leader through voting, nonetheless it has failed to reform the party, and also VV has changed the leader through voting, but it has failed to change the leadership and it has shown no expressed willingness for reformed processes.

If we look at the by-laws of the political parties in Kosovo, it can be maintained that they are well regulated by submitting specific competencies to the relevant bodies of the party. When we are speaking about the competencies, which are acquired by the subject, a matter of concern is the informal power given to particular members

and non-formal way of decision-making of these subjects in Kosovo. The leader and the people who are close to him, exercise more power than actually given to them through the by-laws. Very often important decisions are taken in informal meetings. The informal ways of the decision-making are often presented as the main ways of making important decisions for the subject that they represent, leaving behind all bodies of the party and the requirements that come from its basic documents. Very important decisions of parties, and especially ones regarding the government coalitions, have been taken in the coffee bars of Prishtina. (Krasniqi and Shala, 2012:10-12). The place might not very relevant as much as the way and the process of decision-making, as all bodies of the party and duties and obligations stipulated with its main documents are therein disregarded, including also the disregarding of the will and the voice of the electorate that they represent.

2.7. Legal framework in financing political parties

The financial activity of the political parties in Kosovo regulated with the Law on Financing Political Parties and the Law on General Elections, as well as with the CEC Election Regulation on Financing the Political Parties and Sanctions. Following the remarks given by the European Commission Progress Report and the Study of the Feasibility (European Commission, 2012:13), the actual legislation was amended by the Parliament of Kosovo, amending and supplementing the Law on Financing Political Parties.

The public funds for financing the political parties or the political candidates are based on the state/government resources. The political subjects should have equal access to the public funds, whereas the rules regarding these funds should be specified clearly in the law. These funds are divided in direct public funding and indirect public funding, depending on the public resources that are available. The direct public funding is done for the political parties in the form of money – usually through periodic bank transfers. Whereas, the indirect public funding refers to resources in monetary values that the state offers to the political parties, such as free media coverage for election activities, public spaces to be used for organization of activities and gatherings, exemption from taxes, etc. (TEKN, 2012: 23).

The Law on Financing Political Parties regulates the way, the terms of financing, administration, supervision, transparency and reporting for the costs of the expenditures of means and incomes of the political parties in Kosovo. Article 3 of this Law defines political parties as non-profit legal entities.

According to Article 4 of the Law on Financing Political Parties, the financial and material sources of the political subject are: a) dues (membership fees); b) contributes; c) financing from the Budget of the Republic of Kosovo; d) every assets gained as foreseen by this law and e) incomings from the activities of political subject determined with Article 6 of this Law.

Among other resources mentioned above is also the public funding of the political subjects from the Budget of the Republic of Kosovo, respectively the fund for supporting the political parties (Article 7). This Fund operates within the CEC, where the amount of budgetary funds intended to support political subjects cannot exceed 0.34% of the Kosovo Budget. This amount is intended for financing regular activities of the political subjects represented in the Assembly according to the number of seats for that mandate (Article 9).

As for the registration of all incomes, together with the expenses of assets, the political subjects shall appoint an authorized financial representative. Apart from these, the financial representative holds responsibility also for submitting the final report of assets expenses, for submitting the financial statements report of the campaign and also for other liabilities related with incomes, expenses, presentation of the aim and sharing amounts of subject's fund (Article 14).

As for the election campaigns in Kosovo, costs of this process are stipulated by Law, where for their financing the Assembly of Kosovo shall allocate funds not exceeding 0.05% of Kosovo Budget, (Article 10). Also, political parties cannot spend more than 0.5 euro per registered voter (CEC Regulation No. 12/2013, Article 3.1). Out of the total funds, 90% are allocated to parties according to the number of seats in the parliament, whereas 10% of them are proportionally allocated to other political entities, registered and certified by the CEC, for the respective elections.

The Law on Financing Political Parties also foresees that the political subjects are allowed to receive contribution from natural persons in the amount not exceeding two thousand (2.000) Euro per calendar year, then legal entities in the amount not exceeding ten thousand (10.000) Euro per calendar year, and these financial resources are forbidden for personal benefits (Article 5). Also, as financial incomes may be considered in regard to the political parties the profitable business activities, such as publications, editions, advertisings, posters with party emblem or acronym of political subject and other allowed legal sources, whereat all incoming and outgoing payment from financial activities of political subjects shall be registered in the financial registries (Article 6).

All political parties are obliged to submit the Campaign Financial Disclosure Report in the Office for Registration and Certification of the Political Parties at CEC, not later than 45 calendar days following the day of elections (CEC Regulation

No, 12/2013, Article 4.1). The financial report of the political parties in Kosovo is regulated by law, respectively with Article 15 of the Law No. 03/L-174 on Financing Political Parties. According to this Law, which thoroughly stipulates the financial regulation, the party is obliged to keep correct and detailed evidence for the financial records for a period of seven years, and registered political subjects submit to CEC every year the annual financial report at latest till 1 March of the coming year in a manner as foreseen by CEC (Article 15).

Each annual financial report of political parties must contain a balance sheet that shows the assets, profit and loss statement, and the statement indicating any payment made to another person during the period covered by the report. The annual financial report should contain also the information about balance sheet, a record of all contributions, and receipts for all expenses.

In regard to the transparency, the political subjects are obliged to publish and keep published the previous Annual Financial Report and the Campaign Financial Disclosure Report of the previous elections at least for one year in their official web pages, and also they are obliged to publish their shorter versions in any of the local national newspapers.

Also, in regard to the internal financial control, referring constantly to the Law 03/L-174, the political subjects are obliged to define in the Statute, the rights of members to be informed for all incoming and expenses of political subject and also for the responsibility of appropriate authority for financial transactions (Article 17).

The Annual Financial Reports and the Campaign Financial Disclosure Reports are audited in accordance with the standards by companies selected from the Assembly. An auditor cannot audit the financial reports of the same political subject twice in a row. The process of the audit of the annual financial reports of the political subjects should be concluded the latest till the 15 June of the following year. Also, CEC should publish all annual financial reports together with auditing declaration of political parties in its official page (Article 15).

All persons and entities that participate in the electoral process are obliged to respect the laws in force and the electoral process, including electoral Regulations. According to Article 2 of the CEC Electoral Regulation No.14/2009, which regulates the sanctions and penalties, CEC upon the recommendation of the Office may impose penalties for violation of the provisions of the law, when they do not constitute a criminal offense and not under the competences of the Elections Complaints and Appeals Commission (ECAC), which are chargeable with a fine from 200 up to 2,000 Euros, in compliance with Article 126.1 of the Law on General Elections in Kosovo No. 03/L-073.

Therefore, the financial reports are controlled by the Office in compliance with the accounting standards which are applicable in Kosovo. In case of failure to comply with such legal requirements for reporting, CEC based on the recommendations of the Office, may charge the political subjects for the delay of submitting the required documentation and may categorize them as per the criteria of representation and meeting of time limits (CEC Regulation, No. 14/2009, Article 3).

The lowest fine is 200 Euros for incorrect accounting records for the subjects that are not represented in the Assembly of Kosovo, whereas 250 Euros subjects that are represented in the Assembly (CEC Regulation No. 14/2009, Article 4). The highest fine is foreseen to be 2,000 Euros for concealment or falsification of the amount that is between 3/4 to 4/4 of the relevant category for those entities that are represented in Assembly, and for subjects not represented in the Assembly the fine is in the amount of 1,400 Euros (CEC Regulation no. 14/2009, Article 7). In cases where the political entity cannot prove the origin of funds from donations exceeding the amount of 20,000 Euros, the fine imposed to them is the triple amount of the received sum. In the end, according to the Law on Financing Political Parties, all accrued fines are deposited in the State Budget (Article 7). Apart from financial fines, the CEC has also the right to punish undisciplined entities, by not certifying them to participate in elections.

Albert Krasniqi

PART THREE

ELECTORAL SYSTEM

3. ELECTORAL SYSTEM

3.1. Electoral System in Kosovo

Kosovo is a Parliamentary Republic, where voters, by secret ballot every four years, directly elect the members of parliament (MPs). The Assembly has 120 members elected by secret ballot, based on open lists. Seats in the Assembly are distributed amongst all parties, coalitions and civil initiatives and independent candidates in proportion to the number of valid votes received by them in the Assembly elections.

Table 3: Election system of the Republic of Kosovo

Popula- tion (million)	Number of seats in the legislative	Number of elec- tion zones	The system of voting lists	Election threshold (%)	Gender Quota (%)	Calculation rule for distribution of seats	Guaranteed seats for the ethnic minorities
1.7	120	1	Open lists	5	30	Sainte-Laguë	20

During the parliamentary elections held in 2001 and 2004, the voting for the members of the parliament is done through the proportional system with closed lists. This system of proportional representation and closed lists, served to its own purpose in the first mandate, enabling the political parties to be consolidated right after war, however this was a wrongful decision for the second mandate, as Kosovo had to enter a new stage of the democratic development (Dugolli and Malazogu, 2006). A huge democratic step occurred in 2007, when the parliamentary elections were developed with open lists, and the voters were able to vote up to 10 candidates. Irregularities that occurred during these elections were partially due to the selection of 10 candidates in one voting ballot. The large number of candidates created confusion among voters and it increased the number of invalid voting ballots (Berisha and Morina, 2012). The last changes in the voting system were done in 2010. In an effort to decrease irregularities during the voting process, the number of

candidates to be voted was reduced from 10 to 5. The election threshold for a party, coalition and independent candidates is 5% of general votes, whereas for the parties representing ethnic minorities there is no election threshold. The Law on General Elections stipulates the general provisions of the election system in Kosovo, which defines the entire country as a single voting zone with many candidates, from which 100 members get included in the parliament through a proportional representation with open lists, whereas 20 other seats are reserved for the members of the ethnic minorities. Table 2 illustrates in a chronological order the general elections from 2001 till 2014, with an outline of several specifics in the election system.

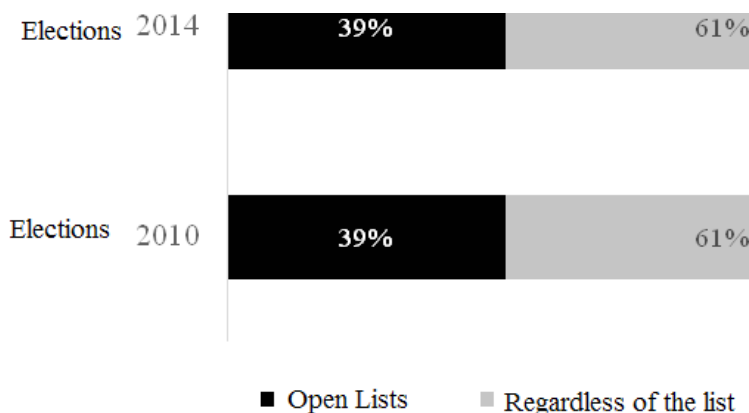
Table 4: Presentation of general elections from 2010 till 2014

2001	2004	2007	2010	2014
Proportional System	Proportional System	Proportional System	Proportional System	Proportional System
Closed Lists	Closed Lists	Open Lists (10 candidates)	Open Lists (5 candidates)	Open Lists (5 candidates)
Single Zone	Single Zone	Single Zone	Single Zone	Single Zone
20 seats reserved for minorities	20 seats reserved for minorities	20 seats reserved for minorities	20 seats reserved for minorities	20 seats guaranteed for minorities
30% gender quota	30% gender quota	30% gender quota	30% gender quota	30% gender quota

Source: Central Election Commission (CEC)

Open lists are a chance for the voters to decide which political candidates will be representing them. Taagepera maintains that the proportional system with open lists favours groups which are under-represented, including women (2007:238-41). The main criterion in the preferential voting according Karvonen (2004) is that the voters are given the chance to choose between parties, candidates or both. The election results for the Assembly in 2010 showed that open lists had a positive impact, allowing 39% of members of the Assembly of Kosovo to be elected thanks to open list. In the other hand, 61% of the elected members of the Assembly of Kosovo would have been elected either through open or closed lists. This effect is more prominent for large parties, where 48% of the members of the parliament from these parties are elected thanks to open lists. Moreover, the number of members of the parliament elected through open lists from the major parties is increasing (D4D, 2011: 24). Identical results were observed in the 2014 elections, where 47 out of 120 members of the parliament were elected thanks to open lists, or, said in percentage it is 39%, while 73 members of the parliament or 61%, would have been elected either through open or closed lists.

Chart 1: Percentage of selected members of the parliament thanks to open lists during elections held in 2010 and 2014.



Source: Central Election Commission (CEC); calculation by author

Voting from abroad – Almost 150 years after the American State of Wisconsin approved the first law which enabled voting from abroad for its soldiers fighting in the American Civil War, today many democracies provide the possibility of voting from abroad to many citizens living abroad (Ellis, 2007:11). In societies, emerging from a conflict, with a large number of refugees and displaced persons, the voting operations outside the country are being organized in massive level, in order to enable the inclusion of these persons in the electoral and political processes of the country.

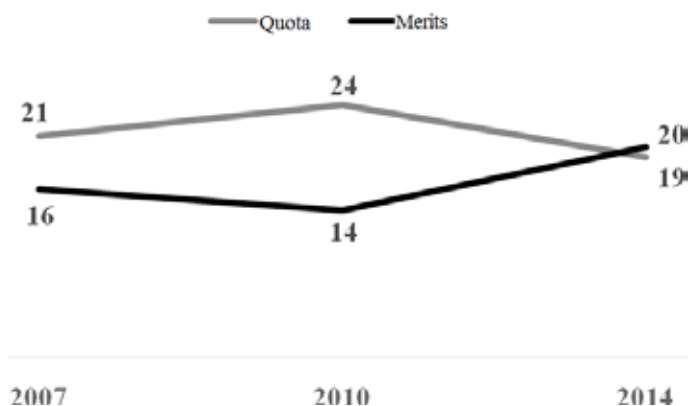
Kosovo is in the middle of 115 countries and territories with legal provisions allowing its electorate to vote from abroad. The applicable legislation guarantees the voters with the right to vote, temporarily living abroad or who are displaced, and who have the right to vote, to actually exercise this right. In order to vote the voters should be registered as permanent residents in the Central Civil Registry, or for the last elections they should be registered as voters from abroad (CEC, 2013a). The voters should submit a filled Form/Application for Registry during the period which is 25 days after the elections have been launched and 60 days before the day of elections. The names of the successfully registered voters are included in a special list and they are removed from the Voters List, which is used at polling stations. Different countries apply different forms of voting from abroad, depending on the specifics of the country and financial costs. IDEA (2007) lists five methods of voting from abroad: Personal voting in diplomatic missions or special places, voting through mail, authorized voting, electronic voting and fax voting. Out of these five methods of voting from abroad, Kosovo votes from abroad only through mail.

Conditional voting – Conditional voting is a practice mainly used in post-conflict countries for the purpose of enabling the displaced persons to exercise their right to vote. Such a practice is followed also by Kosovo as from the first free elections. The Law on General Elections (Article 95) to all voters, who cannot find their name and surname in the Voting Lists, allows them to vote in conditional voting ballot in compliance with the rules of CEC. The voices raised to defend the conditional votes are a few, mainly due to the great potentiality of them being manipulated and the great time spent to count them (D4D, 2011).

Gender Quota – Application of the legislation regarding gender quota for participation of women in politics, as well as enable women to overpass the obstacles for political engagement (NDI, 2015). Two of the most common types of gender quotas in elections are candidate quotas and reserved seats. Candidate quotas specify the minimum percentage of women candidates for election and which should be applied for political party lists of candidates for election. *Reserved seats* set aside a certain number of seats for women between the representatives in a legislature, which are specified, either in the constitution or legislation. Today, quota systems aim to ensure that women constitute at least a “minimum” of 30% or 40%, or intend “gender balance” as required in various international treaties and conventions. Quotas may be seen as a provisional measure, while the obstacles for women engagement in politics are not yet overpassed (Dahlerup, 2006). A third type of quotas which is less used is *neutral-gender quota*. Quota systems, however, can be constructed as neutral-gender. In this case, the requirement should be, for example, that neither gender should occupy more than 60% or less than 40% of positions in the party lists or in any decision-making body. While quotas for women determine the maximum seats for men, neutral-gender quotas set limits for both genders. The rules for neutral-gender quotas are often used as a strategic choice, in order to challenge the arguments of the opponents of quotas who claim that such quotas are discriminatory against men (Dahlerup, 2006). According to the Constitution and the applicable electorate legislation, the system of the neutral-gender quota is selected to be used also in Kosovo. The Constitution determines that 30% of seats are reserved for candidate of the gender less represented, whereas with the legislation the political subjects are obliged to have not less than 30% of the concerned gender, and also that every third candidate should be from the concerned less represented gender. Failure to respect the gender quota in the lists of candidate of political parties is sanctioned with not certification for participation in elections. The application of the gender quota has been successful in Kosovo, as continually there has been a positive trend in the representation of women in the Assembly, based on merits. In percentage, the fifth legislative period has 32,5% of women members, and thanks to this, compared to other countries Kosovo is listed as the 27th country in the world with women representation in the Assembly (IPU,

2015). Chart 2 illustrates the election of women in the Assembly based on quota and merits, with a chronological order for the last three elections.

Chart 2: *Female members elected for Assembly in 2007 - 2014*



Source: Central Election Commission (CEC)

Guaranteed seats for ethnic minorities – Currently, in Kosovo there are seven ethnic groups as official minorities: Serbs (1.5%), Bosnians (1.6%), Turks (1.1%), Ashkalia (0.9%), Gorani (0.6%), Egyptians (0.6%) and Roma (0.5%), (ASK, 2012). In order to ensure the representation of these non-majority communities in Kosovo, the Article 64 of the Constitution has foreseen that within the allocation of seats, 20 out of 120 shall be guaranteed for the communities. The political subjects or interdependent candidates that are declared to represent the Serbian community shall have the number of seats won through open elections, with a minimum of 10 guaranteed seats, in case the number of acquired seats is less than ten. While according to the same logic, 10 other seats are guaranteed to other communities, including a place for the community of Ashkali, Egyptian and Roma, as well as an additional place will be given to one of these communities who wins the highest number total votes. For the Bosnian community three seats are guaranteed, two for the Turkish community, and one for the Gorani community.

The Central Election Commission (CEC) - is an independent institution established by the Constitution of the Republic of Kosovo, whose aim is to administer the electoral processes. CEC is a permanent body, which prepares, supervises, directs, and verifies all activities related to the process of elections and referenda and announces their results. In fulfilling these duties and constitutional obligations, CEC is supported by two administrative bodies, the CEC Secretariat and the Office of Political Party Registration and Certification.

The Central Election Commission consists of eleven members, the Chairman of CEC who is appointed by the President of the Country from among the judges of the Supreme Court and other courts exercising appellate jurisdiction. Six (6) members shall be appointed by the six largest parliamentary groups represented in the Assembly. One (1) member shall be appointed by the Assembly deputies holding seats reserved or guaranteed for the Kosovo Serb Community, and three (3) members shall be appointed by the Assembly deputies holding seats reserved or guaranteed for other Communities that are not in majority in Kosovo. The mandate of the CEC Chairman is seven years and he/she cannot serve for more than two consecutive mandates. CEC members cannot serve in more than three consecutive mandates (Constitution, Article 139).

3.2. Election units

One of the main challenges of election systems is the balance between the need to produce more effective and functional institutions and the need to create more representing and accountable institutions towards its citizens. The direct election of deputies from the electorate of a single election zone, without any doubt shall make the deputy more accountable towards his/her voters (as the latter ones shall have a correct address for seeking accountability), however, the sense of exclusive responsibility towards a geographic electoral groups in particular countries, can make the deputy, during the exercise of his/her duties, to give priority to close regional interests at the expense of general interests and effectiveness of government that he votes (Maliqi, 2011). According to the Law on General Elections, the entire territory of Kosovo is defined as a single electoral zone with many candidates and voting is done at central level.

3.3. Types of voting ballots

One of the most important dimensions of the election system is also the structure of the ballots. Two of the most used ballots are: *The Australian Ballot* (according the name of origin) and the *“Ballot and Envelope”* System. The Australian Ballot is a ballot where the names of all competing parties and candidates are included in a single sheet, to be marked by the voter. The Ballot and Envelope System requires

the printing of a special ballot for each competing party or candidate, by requiring from the voter to include a single sheet in an envelope, which will be thrown into the ballot box. In between these two types there is an intermediate solution: the *French Ballot*, which lists candidates that will be marked by the voter. This type of ballot is used in some jurisdictions where proportional representation is combined with the right of voters to express preferences for individual candidates within the party list (ACE, 1998).

The ballot in Kosovo is closer to the Australian type of ballot, which is a single sheet of A3 format, on the left side of which political entities are arranged according to the number determined by the lot cast done way in advance. Ordering of political parties on the ballot is done from the smallest number to largest one. Besides the number of the political party, in this side there appears also the symbol, acronym and full name of the political subject. Whereas, on the right side of the ballot are the numbers of candidates to from 1 to 110 (the political subjects have the right to include in their lists 10% more candidates than the number of seats for which they are competing). Voters can refer to the leaflet of candidates inside the voting screen, which shows which number corresponds to the name of the candidate.

3.3.1. For the assembly

The deputies of the Assembly are elected based on the proportional system of open lists with the possibility of expressing preferences with up to five candidates from the same political subject. According to the Law on General Elections, the voter is given a single ballot for election, to be marked with a vote for a political party. A voter also can select up to five candidates from the political subject. If a ballot is marked with more than five candidates, then only the votes given for the political subject shall be counted.

In the absence of zones, the possibility of selecting more than one person is initiated in order to avoid the dilemma of voters to elect either the party leader or the favourite local person. The system with one choice in the ballot puts the central leadership against some influential regional leaders. It is estimated that more choices avoid unfair competition and increases the possibility of women and local leaders to collect more votes. However, the current system favours the influential leaders who have access to the media, funds and as a result it practically creates a two level competition, the central and local ones (D4D, 2011:23).

3.4. Counting votes in mandates

Different democratic states apply different systems for the election of representing institutions, such as the Assembly. The way a state translates the votes of citizens in parliamentary mandates is determined by different factors related to the specifics of the country: the nature of the state, traditions, demographic composition, regional division, etc. Nevertheless, the decisive factors in the selection of the electoral system of the country are not always the considerations of general public interests or the assessment whether a certain system shall meet in the best possible way the needs of a country. Often the decisive factor in the selection of a particular system is the fact that it would favour parties that have an impact on its selection, damaging in this way the challenging alternatives and narrowing the democratic space in the country.

The distribution of seats for the Assembly of the Republic of Kosovo is stipulated by the Constitution (Article 64), and it includes one hundred seats amongst all certified political entities in relation to the valid number of votes received by them; and twenty seats are guaranteed for the representation of non-majority communities in Kosovo, out of which at least ten seats are guaranteed to the subjects representing the Serbian community (if the number of seats won is less than ten), and other subjects, declared represent other communities, shall have in the Assembly a minimum number of guaranteed seats as in the following: the Roma community one seat; the Ashkalia community one seat; the Egyptian community one seat; an additional seat is given either to the Roma, Ashkalia or Egyptian community, depending on which of these groups has the largest number of general votes; the Bosnian community has three seats; the Turk community has two seats and the Gorani community has one seat, if the number of seats won by each community is less than the number of guaranteed seats.

The Law on General Elections (Article 111.2) determines that the one hundred (100) seats of the Assembly shall be allocated based upon the total number of valid votes received by each Political Entity, amongst political entities representing the Kosovo Serb community and other non-majority communities, which have received at least 5% of the general number of valid votes from the parliamentary elections.

The general number of valid votes won by every political subject in the elections for the Assembly shall be divided by 1, 3, 5, and so on until the number of used divisors responds to the number of seats. This method of distribution of seats is also known as Sainte-Laguë formula, and according to it the distribution of seats is done in a proportional way through the coefficient. The total number of the party votes is divided by the number of seats allocated to the party, which initially is zero

(0) for all parties. The party with the highest coefficient takes the next seat and then the new coefficient recalculated until all mandates are distributed.

If, after the allocation of seats, the candidates of the minority gender within a Political Entity have not been allocated at least 30% of the total seats for that Political Entity, the last elected candidate of the majority gender will be replaced by the next candidate of the opposite gender on the reordered candidate list until the total number of seats allocated to the minority gender is at least 30%.

3.5 Adaptability of the election system with international standards

The legal framework for the elections in Kosovo is defined by Constitution, the Law on General Elections, the Law on Local Elections, as well as the Law on Financing Political Subjects, as a primary legislation, however particular parts of local elections are regulated also with the Law on Local Self-Government and the Law on Administrative Boundaries. The Constitution of Kosovo (Article 81) considers the Law on Local Elections and the Law on Administrative Boundaries as part of the legislation with vital interest, which in case of a requirement for amendment of nullification they require the majority of votes from the present deputies of the Assembly, who vote, as well as the majority of present deputies of the Assembly, and who vote and who represent non-major communities. Furthermore, none of these laws can be subject of referendum. (Krasniqi, 2014: 6).

In the basic provisions of the Constitution of the Republic of Kosovo (Article 19.2) it is determined that ratified international agreements and legally binding norms of international law have superiority over the laws of the Republic of Kosovo. This scope includes also the Universal Declaration on Human Rights, which is accepted by all member states of the United Nations, and which sets forth the universal right for real elections. Article 21 of the Universal Declaration maintains that: "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." The same Article determines also that free elections are the mere basis for the authority of a government: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

The rights listed in the Universal Declaration are reconsidered more thoroughly in the International Covenant on Civil and Political Rights (ICCPR), which is a

treaty of the United Nations on human rights. Since it is a treaty the International Covenant on Civil and Political Rights is legally binding to the states, which are obliged to respect its clauses. Article 25 of this Covenant acknowledges every citizen without any distinction to vote and to be elected for public administration. ICCPR also codifies and elaborates a larger number of civil and political rights, embodied in the Universal Declaration.

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols, approved by the Council of Europe, Article 3 of the First Protocol of the ECHR requires from member states to “hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.” The states, which are members of the European, each individual may address the European Court of Human Rights, asking it to examine violations committed during the elections, provided that they have first used all legal remedies of the country. Given that Kosovo is not yet a member of the Council of Europe, its citizens can not refer the matters to the European Court of Human Rights if they consider that their electoral rights have been denied. In 2014, Kosovo became a member of the Venice Commission, which is one of the advisory bodies of the Council of Europe. One of the most important documents of this Commission is the “Code of Good Practice in Electoral Matters,” which defines common principles of the European constitutional heritage, which comprises the basis of any true democratic society. According to these principles, elections must respect five basic ground rules: *voting should be universal, equal, free, secret and direct*. Furthermore, *elections must be held periodically*. These principles are derived from universal principles and other international obligations regarding elections. The government of every country is the main responsible and it should ensure the full compliance with these commitments (OSCE / ODIHR, 2006).

3.5.1. Secret Voting

Secrecy of the ballot is one aspect of voter freedom, its purpose being to shield voters from pressures they might face if others learned how they had voted. Secrecy must apply to the entire procedure – and particularly the casting and counting of votes (Venice Commission, 2002). The presence of more than one person in the voting screen, as it would compromise the secrecy of the vote. Exceptions should be made only in special conditions and upon the request of the voter for assistance, for example in case the voters are illiterate or with limited abilities. Every voting outside the voting screen compromises the secrecy of the vote (OSCE/ODIHR, 2006). The voters have the right to have secrecy of the vote, but they should also respect the

secrecy of the other voters too. Violation of this secrecy should be sanctioned by declaring any ballot whose content is disclosed as invalid.

In Kosovo the secrecy of the vote is guaranteed with the Law on General Elections and in case of violation of the secrecy it is sanctioned with the Penal Code. According to the law no person has the right to prevent a citizen from voting, force one to vote in a certain way, hold anyone accountable for the vote, or request that anyone reveal his/her vote or state the reasons for failure to vote against his/her will. Whereas, according to the Criminal Code, anyone depriving the secrecy of the vote shall be sentenced with fine or imprisonment up to six months. Whereas if someone unlawfully prevents, obstructs, hinders or influences the free decision of a voter or in any other manner prevents another person from exercising his or her right to vote shall be punished with fine or by imprisonment up to one year. Thus, the legal framework lacks no deficiencies in regard to sanctioning of all types of deprivations of the secrecy of the vote. Yet the effectiveness of laws relies completely on their application. Photographing of the vote, open voting, and family voting are some of the forms encountered most often in the voting stations during election processes in Kosovo. According to an observation report by the local organization “Democracy in Action”, monitoring elections, it is estimated that the phenomena of family voting has been 33.1% at polling (DIA, 2014: 21).

3.5.2 Universal voting – universality

According to the Venice Commission, universal suffrage (voting) covers both active (the right to vote) and passive electoral rights (the right to stand for election). With other words, universal voting requires that all legally capable citizens be given with the right to vote. The registration procedure of voters should be effective, unbiased, non-discriminatory and accurate, guaranteeing to all citizens the right to vote, and protecting this right against the group voting. There should be no voting fees or hindrances in registration. Also, there should be no restrictions on the voting process for persons belonging to national minorities, being women or belonging to a different group of citizens. All voters, including people with physical disabilities should have access to the polling stations or other voting procedures. The Constitution of Kosovo guarantees the right to vote to every person over the age of 18 years, on condition that his/her name is registered at the Central Civil Registry. Voting is possible to all eligible voters who temporarily live abroad or who are displaced from Kosovo. For all people with special needs and circumstances, the CEC through mobile teams organizes the voting process on the Election Day. Voters under this category are homebound voters (for either physical or health reasons), voters confined to an institution (hospitalization, elderly people or prisoners), and

voters in special circumstances (displaced from their local polling station or due to security reasons).

3.5.3. Direct Voting

With direct elections it is implied the election of legislature in a direct way, in accordance with Article 3 of the Additional Protocol to the European Convention on Human Rights. Likewise, local authorities, as a vital component of democracy, cannot be conceived of without local elected bodies. On the other hand, the direct election of the President done by the people in various countries, although it is often in practice, it depends largely on each country's constitutional choice.

Legislative power is exercised by the Assembly of Kosovo, and direct elections by the people (Constitution, Article 63). The activity of local self-government is guaranteed by the Constitution (Article 123), regulated by the law and respecting the European Charter of Local Self-Government. Local self-government is exercised by representative bodies elected directly by the citizens. The President of Kosovo is elected by the Assembly by secret ballot with a mandate of 5 years (Constitution, Article 86).

3.5.4 Equal voting

Equality in electoral matters comprises a variety of aspects. Some concern equality of suffrage, a value shared by the whole continent, while others go beyond this concept and cannot be deemed to reflect any common standard. The principles to be respected in all cases are numerical vote equality, equality in terms of electoral strength and equality of chances. On the other hand, equality of outcome achieved, for instance, by means of proportional representation of the parties or the sexes, cannot be imposed (Venice Commission, 2002).

In Kosovo the voters, with the right to vote, are equal in exercising their right to vote, casting equal number of votes during the same elections. Every citizen of Kosovo has the right to vote and be elected without discrimination on the basis of race, ethnicity, colour, language, gender, religion, politics, education, social background or any other similar criteria. Regardless of the fact that the Parliamentary Assembly of the Council of Europe recommends a threshold of the parliamentary elections to be not higher than 3%, in Kosovo the election threshold is 5%, and furthermore this threshold is the same for the political parties and party coalitions as well as for the independent candidates. Setting the election threshold for independent candidates

is in violation with principle of equality and the right to free elections as foreseen with Article 3 of the Protocol 1 of the European Convention on Human Rights.

3.5.5 Free voting

Free voting requires that all citizens enjoy their fundamental rights of freedom of expression, association, assembly and movement. Free voting comprises two different aspects: free formation of the elector's opinion, and free expression of this opinion, i.e. freedom of voting procedure and accurate assessment of the result (Venice Commission, 2002). Local observers, from parties (representatives of candidates or party), as well as from the independent ones, it is required to be free to observe the election process in all its stages, before, during and after the day of elections (OSCE/ODIHR, 2006). Basic principles of the Constitution of the Republic of Kosovo guarantee the freedom of expression which includes the right to express, to distribute and receive information, opinions and other messages, without any prevention, the freedom of peaceful gathering and the freedom of association, which cover the right of anyone to establish an organization, without the need to have permit, to be or not to be a member of an organization, and also to participate in the activities of an organization. Violating the freedom of voting is also sanctioned by the Criminal Code of Kosovo which provides that whoever by violence, serious threat and bribery or by taking advantage of the economic and professional dependency, affects voters in Kosovo to vote in a particular way during elections is punishable by imprisonment from six months up to three years. With respect to free observation of elections, it should be mentioned that local as well as international observers have unlimited access throughout the entire monitoring process. Interested organizations to monitor elections must submit their applications for accreditation to the CEC not later than twenty days before the election. So far there have been recorded cases of unjustified refusals to requests for observation, and the legislation does not impose barriers beyond international practices.

3.5.6 Periodical elections

Periodical Elections enable elections to be held on regular time intervals, as stipulated by law. The time period between two elections should not be prolonged in an unreasonable way. Generally speaking, seven years is considered a reasonable maximum time period between two elections for the chief of executive, although most of the countries have chosen a time interval in between two elections to be from four to five years. The period of five years is generally viewed as the maximum

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reasonable period of time between elections for the Lower Chamber of Parliaments (OSCE/ODIHR, 2006). Kosovo Assembly elections are declared by the President upon consultation with the political parties, and these are held every four years. Elections cannot be held earlier than sixty days and not later than thirty days before the end of the mandate. According to the jurisdiction of the President, defined by the Constitution, the decision of the President to set the date of elections shall be made no earlier than six months and no later than four months before the date of elections

Blerim Murtezi

PART FOUR

**ORGANIZATION
OF POLITICAL PARTIES
AND INTERNAL
PARTY DEMOCRACY**

4. ORGANIZATION OF POLITICAL PARTIES AND INTERNAL PARTY DEMOCRACY

4.1 Legal framework

The activity of political parties in Kosovo is guaranteed by Article 44.1 of the Constitution, as the highest political and legal act of the country. According to this Article, the freedom of association includes the right of everyone to establish an organization without obtaining any permission, to be or not to be a member of any organization and to participate in the activities of an organization.

As for the Freedom of Election and Participation Rights, the Constitution foresees that every citizen of the Republic of Kosovo, who has reached the age of eighteen, even if on the day of elections, has the right to elect and be elected, unless this right is limited by a court decision (Article 45.1, 2008).

The procedures about registration of the political parties are set by the Central Election Commission through the Regulation No. 01/2013 on Registration and Operation of the political parties. Through this Article, Central Election Commission adjusts the procedures for suspension, complaints, joining and merging of political parties, the contents of the statute of the party, assemblies and deregistration of political parties.

However, certification of political parties as well as their candidates is adjusted by Central Election Commission (CEC) in accordance with Regulation No. 08/2013. Moreover, this purpose of this Regulation is to regulate the reasons of refusals of request for certification, complaints of applicants for certification, review of applications, withdrawal or substitution of political party candidates, preserving and verifying all their data, payment of certification fee and included in the list of the ballot.

According to the Article 14.1, Regulation No. 01/2013 of CEC, on registration and operation of the political parties, every registered party has its statute which regulated actions of the party in general, including its branches. Article 14.2 of this regulation foresees what the statute of the registered party includes.

In relation to internal democracy of political parties, according to this Article, among others, the statute of the registered party includes: procedures through which citizens become members of the party, also the rights and responsibilities of the members; procedures that need to be implemented in the nomination of the party candidates for Kosovo Assembly as well as Municipal Assemblies; the possibility of exercising internal financial control and the creation of a body for resolution of contest within the party related to interpretation for the statute . Nevertheless, the modalities of these internal procedures of the parties are determined by the political parties themselves.

Law on Financing Political Parties regulated the way, financial conditions, administration, observation, transparency and reporting about the wealth expenses and the incomes of political parties in the Republic of Kosovo, whereas the Law on General Elections and the Law on Local Election regulate the organizational aspects of elections and the division of the seats within the Assembly.

So, as far as the legal framework for regulating the activity of political parties in Kosovo is concerned, a challenge remains the registration and certification of political parties only on the basis of the above mentioned regulations, but not based on any specific law. This practice can easily promote undemocratic practices within political parties, such as violations of applicable rules and decision making through informal paths. For example, the Party of the Turkish Community, KDTP, and the Initiative for Kosovo (NISMA) have not respected the decision of the CEC to prohibit the placement of posters in public spaces (Telegrafi, 2014). Also, there are cases when the candidates for deputy break the Regulations of CEC (Zëri 2014). Moreover, it is possible to have political influence in the work of CEC, as far as this institution is comprised of representatives of political parties. In this regard, CEC in the past has been accused by various political actors for being controlled by the Government, namely the ruling parties (Albeu, 2013).

4.2 Internal organization of political parties in Kosovo

In general, all political parties, except for LVV (Self-Determination Movement), can be classified with a similar scheme of organization. In statutory aspect, the way of organization in PDK (Democratic Party of Kosovo), LDK (Democratic League of Kosovo) and AAK (Alliance for the Future of Kosovo) is based on Branches and Sub-Branches in the basic level, whereas the other leading bodies of these parties are: Assembly (LDK, AAK) or Convention (PDK), Leading Council (PDK, AAK) or General Council (LDK), and the Headship of the Party in all above mentioned parties. Otherwise, the way of organization of LVV is separated into three levels; the first organisational level formed by the Focal Council, the second organisational level formed by Central Council, Central Headship and Central Secretariat, and the third organisational level formed by General Council, Headship, and General Secretariat.

Branches, Sub-Branches (LDK) but also sections (PDK), and actives (AAK) are units of territory organization and activity, where in all political parties, Branches or Centres (LVV) show the highest level of organization in municipal level (PDK Statute, Article 21-23); (LDK Statute, Article 16.2); (AAK Statute, Article 4); (LVV Statute Article 5).

Assembly of LDK (Statute, Article 17) and AAK (Statute, Article 13), General Convention in Democratic Party of Kosovo, (Statute, Article 30), presents the highest party body. In LVV the third organisational level, the General Council is considered to be the highest decision making authority, since this party does not have an Assembly or a General Convention. Not having this kind of body, can be justified with the fact that for different issues such as the election of the Leader of the LVV, the election of Central Leader or politic program etc. is voted by the LVV activists through direct democracy, based on the principle one vote for one activist. (Statute, Article 28). This means that comparing with the other parties where only Assembly/Convention Delegate can vote about the issues related to their political party, in LVV this is possible for every activist inside the party. So, during the internal party elections, every activist who has a booklet of LVV, can go in any of the election centres and vote for certain issues.

Leading Council (PDK, AAK) or General Council (LDK, VV) is the highest organ in decision making between two Assemblies/Conventions (PDK, LDK, AAK) (PDK Statute, Article 38); (LDK Statute, Article 22); (AAK Statute, Article 18); (LVV Statute, Article 61). Central Headship is the highest political-executive body in all political parties (PDK Statute, Article 43); (LDK Statute, Article 28); (AAK Statute, Article 21); (LVV Statute, Article 68).

In the end, we can conclude that political parties in Kosovo, separate the bodies and the competences based on the Statute. However, as we can see during thorough analysis, in practice, the manner of how the organisational model of political parties in Kosovo functions, makes the independence within the local level to be limited, the influence of women, youth and other communities to be dimmed, important public posts to be “reserved” for members of the highest party bodies, and finally making the decisions of the party leaders uncontested.

4.3 Members rights and restrictions

Almost all political parties in Kosovo provide similar or related conditions to citizens who wish to join the party. In general, the obligations of members of political parties or activists (LVV) are related to issues such as: respect the party statute, the willingness to participate in the definition and implementation of party policy, binding with the decisions and party program targets, enhancing the honour, authority and party interests, acceptance of majority decisions and respect for different opinions, payments of membership fee, and so on. Otherwise, according to the statute of LVV those who are involved in the misuse of public funds, acts of terrorism, intelligent services or fascist ideologies protection cannot be members of LVV (Statute, Article 17). Statute of the PDK, LDK and AAK does not regulate these aspects.

The rights of members are quite similar with different political parties. Therefore these rights mainly deal with: the right to elect or be elected within the party structures, the right to be proposed as a candidate in the lists for parliamentary elections or municipal elections, the right to initiate or give proposals that are consistent with party statute etc. (PDK Statute, Article 16 and 17); (LDK Statute, Article 8 and 11); (AAK Statute, Article 6); (LVV, Article 22 and 27).

As far as limitations are concerned, in general, political party members do not have any right and may be expelled from the party if they abuse with the values and party objectives, if they perform any action that bring the party in an unsatisfactory or discreditable situations, if they act against their own party candidates in parliamentary, local or other level elections; or in case they support other political parties and their candidates in the elections.

As far as disciplinary measures are concerned and which can be taken against any political party member or activist (LVV) who have broken the aforementioned principles, the Disciplinary Committees shall be responsible in cooperation with

the Central Authorities or the body that has received the member as in the case of PDK (Statute, Article 17). These disciplinary measures mainly result in observations, suspension of membership status for a time period, and the exclusion of members from the ranks of the party. LVV activists may face a particular measure, which is not imposed by other parties, for compensation for the damage caused to the Movement or any of its activists (Statute, Article 88). A challenge for LVV is considered to be the full implementation of direct democracy and the representatives because activists are obliged to participate in meetings of the Focal Point and if absent more than three times they lose their status and become supporters only (Statute, Article 21). According to the statute of the LDK, its members may be excluded from the party if they bring LDK before unenviable and disgraced situations; however it is not made clear what it is meant with unenviable and disgraced situations.

In practice, political parties in Kosovo face different situations where the members waive of their status in the party due to different types of dissatisfactions. In most of the cases the members resign from a political party and join with another party or they establish a new political party (Krasniqiet *alia*, 2012:5). There are also cases when members of any political party are expelled by the party of their status itself (Telegrafi, 2015). This leads to a conclusion that political parties in Kosovo have not created a democratic climate among them and that fraction tolerance between parties is hardly tolerated. For example, disagreements in LDK pushed some of the members to create another political party called Democratic League of Dardania, just before parliamentary elections in 2007 (Magazine Jetanë Kosovë, 2011). Almost the same case happened with the PDK in 2014, where two members that held high posts inside the party, created another party called Initiative for Kosovo (Nismapër Kosovën) (Kosova Live, 2015).

4.4 Impact and function of the local level

Organization in the local level, does not serve only as a framework of expressing the members' willingness, but it also serves as a political party field work organizer, mostly during the election time period (Cular, 2004:37). In all political parties, Branches or the Centres (LVV), provide the highest organisational level inside the municipality. Regarding the independence of local levels in the selection of candidates for public posts at the local level, almost under all statutes of these political entities, the list of proposed candidates for political posts is proposed by the Party Branch and approved by the senior decision making authorities such as

the Governing Council (AAK, PDK) or General Council (LDK), and occasionally it is required also the approval of the Leader of the Party.

In PDK, candidates for Municipal Elections are proposed by the Headship of the Party, whereas the decision for list approval is taken by Leading Council of the Party (Statute, Article 46), leaving the branches even without the role of proposers. Compared to PDK, LDK has the Headship of the Branch, which is the body that makes decisions about the list of candidates for counsellors in the Municipal Assembly (Statute, Article 45.5). The headship of AAK, with the majority of votes, approves the list of the Leading Council (depending on the level of organization) of candidates for counsellors for Municipal Assembly, whereas just after the approval of the Headship, lists are sent for approval at the Leading Council of AAK, in a proposal form from the Leader of AAK. (Statute, Article 22.2). In LVV the created list with candidates after Central Council review, passes into voting, and based on the taken votes, the official list with candidates for Counsellors for Municipal Assembly is created. (Statute, Article 82.2).

Regarding the nomination for Mayor in PDK, candidates are proposed by Human Resources Commission (Statute, Article 50), whereas the decision for the final list is taken by the Headship of the Party (Statute, Article 46&50). Branch headships in LDK propose their candidates for Mayor, and then their candidacy is approved by the Head of the Party (Statute, Article 30). The head of Alliance for Future of Kosovo, with the majority of votes, approves the list of Leading Council for Mayors. After the approval from the headship, the list of candidates is sent for approval to the Leading Council of AAK, in form of proposal from AAK Leader (Statute, Article 22). Candidates from LVV are proposed or are self-proposed by gathering 1/5 of delegates' signatures in the Central Council, where after that the candidate for Mayor is elected by votes from all activists of that municipality (Statute, Article 82.3).

Considering the number of heads of branches that are members of the Governing/General Council in political parties, and statutory restrictions, except for LVV, we can say that their influence on this important organizational body is quite vague. Only 19 members (14%) out of 138 that the Leading Council PDK has are heads of branches. Also in LDK, only 27 members (24%) out of 110 members in the General Council are heads of branches. The same situation is also in the AAK, where 12 (12%) out of the 100 members of the Governing Council are heads of branches (KIPRED, Internal Comparative Database). What remains even more worrying is the fact that the statute prohibits LDK branch heads the right to vote at meetings of the General Council (Statute, Article 23.7). Such a thing is prohibited also with the statute of PDK (Statute, Article 40). AAK does not provide such restrictions by statute. While LVV clearly defines the statute that the General Council is composed of Heads of Centres and Delegates of Centres (Statute, Article 66).

Although they are not prohibited by the Statute, the heads of branches are represented by a small numbers in the Headships of political parties in Kosovo. This thing leads to an understanding that they have a small impact or they do not have an impact at all in the highest executive bodies of the party. In PDK, 6 (20%) out of 30 members of the headship are leaders of the branches. In LDK, 6 (31%) out of 19 members are leaders of the branches. In AAK, 8 (15%) out of 51 members of the headship are leaders of the branches. In LVV, 3 (21%) out of 17 members of the headship are coordinators of Centres (KIPRED, Internal Comparative Database). It should be emphasized that according to the LVV statute, members of the headship cannot be Mayors, Municipality Counsellors, Deputies, and Government Cabinet Members (Statute, Article 68.3).

Limitations within the local level can be noticed even from the perspective of coalitions before and after elections because the competences for joining a coalition belong to higher political bodies. In LDK, the head of the party decides for other coalitions before and after the elections in the local level (Statute, Article 30) whereas in PDK for these kinds of things it is decided by the Leading Council of the Party (Statute, 42.14). In AAK, there is also the Leading Council that reviews and approves the coalition in the local level; however, coalitions should be approved in advance by the Headship (Statute, 18.7). Otherwise, for LVV in the past it was possible to have a higher impact related to coalitions in the local level, because through the principle of one member one vote, the members decided about pre-election coalitions with other political parties, except in the cases of extraordinary elections, where such a decision is made by General Council of the Movement (Statute, Article 28). However, in the last internal elections held in 2015, members through v the principle of one member one vote decided to pass this right to General Council (Self-Determination Movement, 2015).

On the basis of the statutes, the delegation of members from the local level in Central Assembly (LDK, AAK), the General Convention (PDK), and the General Council (LVV) is successfully applicable. Central Assembly of AAK (Statute, Article 14) and LDK (Statute, Article 42.3) is comprised by the Branch delegates, elected in the Branch Assemblies. Central structures Delegates in the General Council of LVV are elected by the simple majority of votes of all members of the Central Council (Statute, 50.1). General Convention of PDK consists of delegates elected proportionally with the number of votes won in the last elections (Statute, Article 31).

Table 5: Impact of the local level

Impact of the Local Level in:						
Political Parties	Central Assembly/ Convention		General/Governing Council		Central Headship	
	According to Statute	In practice	According to Statute	In practice	According to Statute	In practice
PDK	Possible	Possible	Somehow possible	Limited	Possible	Limited
LDK	Possible	Possible	Limited	Limited	Possible	Limited
LVV			Possible	Possible	Possible	Limited
AAK	Possible	Possible	Possible	Limited	Possible	Limited

Chart 1 - Impact of the local level into the central level

Although delegation of representatives in the General Assembly/Convention of political parties is regulated with the Statute, there are also informal forms of decision making that are very frequent and powerful. The leader and his close people have more power than defined by statute. Important decisions are made in informal meetings (Magazine *Jetanë Kosovë*, 2012); (Lajmi, 2014); (Info Arkiva, 2013); (Blic, 2015). These informal forms of decisions are often presented as the central way of making important decisions for the party, disregarding in this way all the party structures as well as requests and documents of the party (Krasniqi et alia, 2012).

4.5 The role of women, youth and communities in decision making of political parties

LDK through its Statute foresees the Women Forum (FGLDK) and the Youth Forum (FRLDK) as structures that are in charge of fulfilling the politics of LDK in the areas they operate and in creating stable politics in relevant fields (Statute, Article 38). Organization and the election of these two structures are made through special rules which are approved by General Council of the Party (Statute, Article 45.5).

PDK in its statute defines the internal party organization of women and youth through Democratic Woman (GD) and Democratic Youth (RD). The normative role of these organizations is the promotion of ideas, values and vision of PDK into social groups where they operate, whereas their task is adjusted through some special rules that are approved from the head of the party (Statute, Article 55).

AAK as a form of party organization of women and youth has the Women Alliance of Kosovo (AGK) and Youth Alliance of Kosovo (ARK) which have their structures and can choose acts which must be in accordance and cohesion with the party Statute (Statute, Article 4).

Otherwise, LVV does not foresee the forming of youth and women bodies within its structures. However, in the local and national level the activist women secretariat is foreseen, as part of the central secretariat and the general secretariat (Statute, Article 77).

Regarding representative of the Youth and Women in the decision making bodies in the local level of the party, PDK statute foresees that the heads of the Youth and Women Branches must be represented *ex-officio* in the Headships of Branches (Statute, Article 24). In LDK representation of leaders of branches of Women Forum and the Youth Forum is also regulated *ex-officio* (Statute, Article 45.3). AAK is the only political party in Kosovo that except for having a representation of Women Alliance of Kosovo and Youth Alliance of Kosovo in the Heads of the Branches, it also foresees a quota for women and the youth who have to be represented in the Leading Council (Gjini, 2015).

In the central level, respectively in the Headship of the Party, PDK statute foresees the representation of the Leader of Democratic Youth (RD) and the Leader of Democratic Women (GD). Members of Central Headship of RD as well as GD are also members of General Congress of PDK. However, representation of RD and GD in the Leading Council is not foreseen with the Statute. But, nevertheless, 33 members out of 110 (30.0%) of the Leading Council of PDK are women (KIPRED, Internal Comparative Database).

In Central Headship of LDK the representation of FRLDK and FGLDK is also foreseen (Article 29.3). In LDK statute, representation of women and youth in General Assembly is required, but no quota for representation is thereof foreseen. The Leader of FRLDK and FGLDK can participate in the General Council meetings of LDK but without having the right to vote, except if they are not chosen members of this body (Article 23.7). Despite the lack of the quotas, 22 out of 100 (22%) members of General Council are females (KIPRED, Internal Comparative Database).

Above we emphasized that LVV does not have any organization of the youth or women within its structure, but in fact 3 out of 15 of its members in the Head of LVV are women. 23.6% of members in General Council are also women, whereas the General Secretariat is formed by 36.6% of them (KIPRED, Interview, 2015).

In AAK, we have the only case here the quota for women and youth representation in the Leading Council is foreseen. Thus, AKG and ARK are represented by the five members in this body (KIPRED, Interview, 2015) Otherwise, in practice women's representation in the Governing Council exceeds the quota because 25 (25%) out of the 100 members are women. Regarding the actual situation of representation in the Headship of AAKm women are represented with 21.56%, or 11 out of 51 of its members (KIPRED, Internal Comparative Database)

As it is noticed, all the parties foresee women and youth organizations within their parties, except for LVV which has only the secretariat for gender issues. However, they have not formed a political system about women and youth, but they consider themselves of having a culture of consulting within the party (Peci, 2015). These circumstances have made the youth and women training to be a little belated in political party programs as well as in elections. Women representation in political parties leadership is not adapted proportionally even in politic forming, therefore this shows a disproportion of decision making representation in relation with the capacity of forming politics within the political parties in Kosovo (Peci, 2015).

Political Parties of Kosovo have not developed a political system for ethnic communities, and they also do not have any party sector that deals with these issues. Policy-making in this field is sporadic and reactive, and it resembles more to an answer towards requests of political representatives of ethnic communities in government and parliament, and international community pressure, rather than towards creating of ideas for active politics in treating their problem. Also, a major handicap is the non-existence of any sector policy-making within the party that would deal with ethnic communities. In essence, the politics towards ethnic communities in Kosovo, from the Albanian majority parties practically is treated as a government and legislative politics, and not as an internal party politics (Peci, 2015).

4.6 Candidates election for public posts

One of the basic principles of internal democracy of any political party is the nomination of the candidates to compete in elections for public posts, but also for the posts inside the party. Recruitment and the selection of candidates is a crucial duty for political parties, because the profiles of political parties during the elections, and for the time of being in charge, are largely defined by the candidates that are chosen and the standing of their legitimacy (Scarrwo, 2005).

According to almost all the statutes of these political parties, the list of the candidates for political posts are proposed or elected by the bodies of Party Branches, being approved by the highest decision-making bodies such as General Council, General Headship or Central Council, depending on the denomination that political parties gives to internal bodies of the party, and occasionally the approval of the Party Leader is required. So, political parties willing to include a huge number of supporters in the process, rely on the mechanism of nomination by the party.

According to the statute of PDK deputy candidates are proposed by the Human Resources Commission (Statute, Article 50) and the final approval is given by the Headship (Statute, Article 46.11). The same procedure is also similarly with LDK where based on the initial list of branches, upon the proposal of the Headship, the General Council determines the final list of candidates of LDK for the deputies in the National Assembly (Statute, Article 24.1). Even in AAK, the Governing Council approves the list for the Assembly of Kosovo, but the proposal of a list of candidates is made by the leader of the party (Statute, Article 18.6). LVV General Council approves the final list of candidates for the Kosovo Assembly Elections where $\frac{3}{4}$ of the list of candidates for deputies are elected by the Councils of the Centres and should consist of activists of LVV (Statute, Article 83.1) while also LVV leader proposes candidates for deputies, approved by majority of votes in the General Council meetings (Statute, Article 83.6).

In practice, a considerable number of candidates for deputies are also members of the Leading/General Council, bodies which make final decisions for candidates' lists. To be more concrete, 55 (35%) out of 138 members of the General Council of PDK have been candidates for deputies in the last elections in Kosovo. In LDK, 39 (35%) out of 110 members of General Council have been candidates for deputies in the last elections in Kosovo. In AAK, 37 (37%) out of 100 members of Leading Council have been candidates for deputies in the last national elections in Kosovo.

In PDK, 25 (80%) members out of 31 of the Central Headship have been candidates for deputies in the last national elections in Kosovo. In LDK, 13 (68%) members out of 19 of the Headship have been candidates for deputies in the last elections

in Kosovo. 32 (63%) members out of 51 of the Headship have been candidates for deputies in the last elections in Kosovo. And even in LVV, 8 (57%) members out of 14 have been candidates for deputies in the last elections. (KIPRED, Internal Comparative Database). These data show that the members of the Headship, apart from the important functions that they hold in the party, they can also apply for high posts, such as the post for the deputy is.

Regarding the nomination for the post of Prime Minister and Ministers, in PDK the Leader together with the Headship gives the last proposal for the list of candidates for ministers (Statute, Article 37) where the last approval is given from the Headship (Statute, Article 46). In LDK the candidates' election for Prime Minister is done by the Headship proposal and with the decision of the Leading/General Council (Statute, Article 24). While in AAK this kind of thing is not defined with statute, LVV candidates for Prime Minister are proposed by 1/5 of the General Council and are chosen with the majority of the votes by this Council (Statute, Article 85). In practice, all the nominees for Prime Minister in the last national elections in Kosovo are leaders of the relevant political parties. At the same time, they are also leaders of the competent bodies in proposing and electing the Prime Minister candidate.

4.7 Role of the party leader

Based on political parties' statutes in Kosovo, the impact of the Leader in decision making processes inside the party, or even outside, is very powerful. In practice, political parties do not have any democratic history regarding the election of the President (Leader) of the party.

The Statute of PDK defines the President as a leader who represents the unity of all the members within the party. The president is elected by General Convention and his mandate lasts four years (Statute, Article 36). Apart from the fact that he represents his party in the local and international bodies, he also has a number of competences as following: he calls and leads all the meetings of the Headship and the Leading Council, and together with the Headship he gives the last proposal for the candidates' list of PDK for the Assembly of the Republic of Kosovo, together with the Headship he can also expel from PDK those who act against the policy or are not disciplined, in consults with the Headship and the Leading Council he decides to enter in a coalition before or after the elections etc. (Statute, Article 37).

LDK Leader is elected in the Party Assembly, with secret voting, with more than one candidate. At the same time, LDK is the only party that requires having two

or more candidates for the party leader competition (Statute, Article 25.1). LDK Leader is simultaneously the Leader of Assembly, of General Council and of the Headship (Statute, Article 25). More over LDK leader is competent to represent the party inside and outside the country, is competent in leading LDK works and its bodies as in Assembly, General Council and works of the Headship, for making decisions and political standings and so on. (Statute, Article 25).

In AAK also, the Leader represents the party in all the levels. He leads and calls for the meetings of the Headship and Leading Council; he appoints his counsellors, appoints the members in his cabinet and defines the delegation in official meetings etc. (Statute, Article 23). AAK Leader has the right of cooperation, which means that in all levels of organization he has the right to propose to increase the number of members in the Headship, at any time and subject to the needs (Statute, Article 54).

LVV Leader is the highest representative who leads the Headship, but cannot hold any other leading position delegated within the Movement structure. Regarding the duties, among others, LVV leader calls and leads the ordinary and extraordinary meetings of the Movement Headship, he sets duties for Headship members, and he monitors the work of the executive bodies and consulting bodies of the Movement (Statute, Article 72). In case LVV Leader is elected for Prime Minister, he should resign from the post of the Leader. (Statute, Article 72.5). Since its establishment in 1999 until nowadays, PDK has had only one leader, and he did not have any opposing candidate for the first post of the party. (Magazine Jetanë Kosovë, 2014). Even the second person with more votes following the leader, who was clearly against the decision process within the party, has never applied for the post of the leader in internal elections held in 2012. Instead, he established another new political party resigning from PDK entirely (Kosova Live, 2015). In LDK internal elections with more than one candidate have begun in 2006, just after the death of its uncontested leader. In the next elections in the Assembly of LDK, held in 2006, there were two candidates for party leader, but that Assembly did not resemble at all to a democratic Assembly, because it ended with a verbal and physical conflict between its delegates. However, in the election assembly held in 2010, LDK elections were considered as democratic ones and there was a regular competition between two candidates for the Party Leader (Evropa e Lirë, 2010).

In the last elections held this year, there were a lot of obscurities. Even though LDK statute requires to have more than one candidate for the party leader, in the last elections, the (female) candidate for the leader of LDK did not achieve to challenge the actual leader, who is at the same time Prime Minister of the country, and candidate for the party leader, because the latter did not have 51% of the votes to apply for LDK leader. This voting practice to apply was challenged by the candidate herself, indicating that the right of being a candidate for the party leader was being

denied to her. As the only candidate, LDK leader was elected for the four following years as the head of this party. (Zëri, 2015) LVV was established on 12 June 2005. Its operation started as a citizen initiative, entering this way into election competition for parliamentary elections in 2010. Since the day of the establishment until in 2015, the leader of this party was its founder. This year, LVV changed the leader through the direct voting of members, but in the elections there was only one leader candidate, so there wasn't any competition that would offer more political alternatives from different candidates (Vetëvendosje, 2015). AAK was established on 2 May 2000 as a coalition of 5 parties. After the withdrawal of two parties from the coalition, in 2001 AAK was registered as a real party not as a coalition. Since the day of its foundation until now, it has had the same Leader. Even when AAK leader could not work for his post because of being in the International Criminal Tribunal Penal for Former Yugoslavia, AAK did not elect another Leader. Even after his return, internal elections were more formal because there was never any opposing candidate to claim the post for the Leader of the Party. No opposing candidate is expected to apply for the post for the Leader of the Party on the internal elections that are going to be held this year (Albeu, 2015).

Violeta Haxholli

PART FIVE

**PARLIAMENTARY
ELECTION
2014 CAMPAIGN**

5. PARLIAMENTARY ELECTION 2014 CAMPAIGN

5.1 Legal framework for organization and funding the pre-election campaign

The legal framework for the election campaign in Kosovo is defined with the Law on General Elections (LGE) and the Law on Financing the Political Parties, approved in 2008 and 2010 respectively. Besides the primary legislation, approved by the Assembly of the Republic of Kosovo, the Central Election Commission (CEC) approved in 2013 four election regulations: The Code of Conduct for Political Entities, their Supporters and Candidates, The Campaign Spending Limit and Financial Disclosure, Electoral Campaign and Notice for Political Events, On Financing Political Entities and Sanctions, respectfully.

According to the Law on General Elections “Political Campaign Activity” shall mean any political rally or speech, gathering, public presentation, or another activity designed to propagate a political message in relation to the elections. This law also stipulates the “Campaign Period” which shall mean the thirty (30) day period for election campaigning by Political Entities ending on the day immediately preceding the Election Day. (Law No. 03/L-073, Article 3). Apart from this, the election campaign of 8 June 2014 lasted only for ten days. This term was determined by the CEC as a result of the dissolution of the Assembly, on 7 May 2014 and the announcement of early elections by the President a day later.

While the Law on General Elections does not define the meaning of the “Pre-Election Campaign Period”, the draft law on general elections³, defines the “Pre-Election

³ This draft law was approved upon first reading by the Assembly of the republic of Kosovo, in April 2014.

Campaign Period” as the period of time commencing from the date of declaration of election up to the day before the period of election campaign, during which no election activity may occur (Draft Law on General Elections, Article 3). As a result of the lack of a definition for the pre-election campaign for general elections political subjects during elections made premature activities and operations for the political campaign, which may be considered as political propagation.

Furthermore, the Independent Media Commission (IMC) gave five remarks regarding the publication of the advertising political spots and party statements before the official beginning of the campaign (Report of the European Union Election Observation Mission - EU EOM, 2014:2). However, the Elections Complaints and Appeals Commission (ECAC), complaints regarding posters/banners with elements of election campaign in public roads before the official beginning of the campaign, has decided to declare them as inadmissible, with the reasoning that neither the Law on general Elections nor the other election regulation foresee any sanction regarding such actions (Decision No. 54/2014, ECAC, 2014).

During the twenty-four (24) hour period prior to the opening of Polling Stations for the casting of the vote, and until their closing, political entities, their supporters or candidates, are prohibited from campaigning in any manner (Law No.03/L-073, Article 36). During the last elections in Kosovo, ECAC received 252 appeals for the pre-election period, the election period and the break of the election silence, based on prohibited actions, determined with the LGE and the aforementioned election regulations. Therefore, ECAC evidenced approximately 70 violations by the political subjects, imposing fines for the political subjects in the amount of 89.200 euros (ECAC Report, Koha Net, dated on 13 June 2014).

The Law on General Elections stipulates very clearly that regular election activities should be held only during the time period of the election campaign and beyond it. However, this law fails to decisively foresee the pre-campaign actions. However, a logical interpretation of the Law on General Elections implies that during the pre-campaign no political propagation is allowed (Koha.net, 2014). Additionally, the Law on General Elections of the Republic of Kosovo defines the framework of the campaign expenditures (Law No. 03/L-073, Article 3) and regulates campaign spending limits and financial disclosure obligations. The expenditures of the last election campaign in Kosovo are defined with the Election Regulation 12/2013, and they cannot exceed 0.5 EUR per registered voter (Decision No. 903/2014 of the CEC, 2014). Details of reporting campaign expenditures are regulated by the Law on Financing Political Parties (LFPP) and Election Regulation 12/2013.

In compliance with the LFPP, the Assembly of the Republic of Kosovo may allocate means from the State Budget for the Fund on Financing the Election Campaign, but not more than 0.05% of the budget. 90% of the Fund is allocated based on the

number of seats in the Assembly, whereas 10% are proportionally allocated to the newly registered and certified political subjects for elections by the Central Election Commission (CEC). In early 2014, CEC allocated supporting fund only for the first quarter of the year (Decision No. 203-2014 CEC, 2014), where the beneficiaries of the fund were political parties that were represented in the 4th legislature of the Assembly of the Republic of Kosovo. However, since the elections held on 8 June 2014 were premature, the political parties were not allocated with additional money for the rest of the year (Report of the European Union Election Observation Mission 2014: 15), and therefore the political parties underrepresented before the Assembly remained without any supporting fund.

With the Law on Amending and Supplementing the Law on Financing Political Parties in 2013, more subjects were added from which the political parties are prohibited to gain financial assistance, for example, private enterprises while they are in a contractual relationship for the provision of goods and provision of services with the institutions of the Republic of Kosovo, Non-governmental organizations, charitable organizations, religious organizations and trade union organizations (...) (Law No. 04/L-212, Article 6, paragraphs 1.6; 1.7; 1.8; 1.9). According to this law, it is also stipulated that no donation can be made directly to the candidate, but must pass through a political entity.

The obligation to submit the Campaign Financial Report is defined in LGE (Law No. 03/L-073, Article 40.1) as well as with LFPP (Law No. 03/L-174, Article 14, paragraph 1.4). According to the Election Regulation 12/2013, this report is submitted to the Office for Registration of Political Parties, not later than forty five (45) days from the day of elections. In compliance with the Election Regulation for Extraordinary and Early Elections (Election Regulation No. 15/2013, Article 3.2), the campaign financial disclosure reports will cover the period from the announcement of early or extraordinary elections until Election Day.

The amendment of the Law on Financing Political Parties obliges the political subjects to publish the campaign financial disclosure reports not later than six (6) months from the day of elections, and to keep it published for at least for a period of one year in their official web pages and also publish their shorter version in the daily national newspapers. Actually⁴, although one year has not passed yet from the last general elections, out of four main political parties (Democratic Party of Kosovo-PDK, Democratic League of Kosovo-LDK, Self-Determination Movement-LVV and the Alliance for the Future of Kosovo-AAK), only two of them LDK (Campaign Financial Disclosure Report of LDK, 2014) and LVV (Campaign Financial Disclosure Report of LVV, 2014) have published their Campaign Financial Disclosure

⁴ The last access in the official web pages of the political parties mentioned above was done on 27.04.2015.

Reports in their official web pages. Consequently, all political subjects that have not published their reports are violating the above-mentioned laws. Furthermore, not publishing these Financial Disclosure Reports shows the lack of transparency of the political subjects towards their voters.

Annual Financial Reports and Financial Declaration Reports of Campaign which are submitted by political entities to CEC, shall be audited in accordance with accounting standards applicable in Kosovo by auditors to be elected by the Assembly of the Republic of Kosovo through the Committee for the Oversight of Public Finances through an open public invitation for application. The basic criteria under which these auditors are selected are defined under the law (Law No. 04 / L-212, Article 11).

Political entity shall be fined with ten percent (10%) of the basic amount realized by the Fund in the previous year if they don't present the Annual Financial Report and Campaign Contribution Disclosure Reports by the deadline prescribed by law, and with a daily fine of 0.01% of the amount of the basic fine, till the presentation of the report. Political entity not receiving funding from the Fund is penalized with a basic penalty of one thousand (1000) Euros with a daily penalty of 0.01 % of the amount of the basic penalty, until the presentation of the report. (Law No. 04 / L-212, Article 12). Furthermore, the political entities which do not present the respective reports within the time specified by law, lose the eligibility to benefit funds from the Fund for the next year.

5.2 Programs of political subjects for June elections

Parliamentary election campaign in June 2014 held in Kosovo was no different from other past election campaigns. Once again political party activities were characterized by very ambitious promises and hardly achievable targets.

The programs of the largest political parties stressed the clear lack of their profile orientation. It was noticed that most of the subjects were still functioning under the system known as "Catch-all Party", meaning all parties who do not have a clear programme and ideological scheme shall try through some *ad hoc* mechanisms to please groups of people coming from different social classes (Kirchheimer, 1966). Thus, they lacked adequate ideological definition, which is necessary not only for political parties which would have a basic format of policy-making, but also for its citizens, because in this way it is easier for them (citizens) to identify, guide and advocate their interests in decision-making levels.

Larger political subjects competing in the June elections, such as the Democratic Party of Kosovo (PDK), the Democratic League of Kosovo (LDK), the Self-Determination Movement and the Alliance for the Future of Kosovo (AAK) drafted their governing programs that describe potential solutions for numerous problems that concerned most of its citizens. Political parties' programs seemed to be designed in that way as to be satisfactory to each class of the society. However, the term "economic development" was the common denominator of almost all political parties.

The programs of the larger political parties were characterized from one another in some aspects (See Table 1). For example, PDK with its program called New Mission - was intended, as stated, to have a rapid economic development, the establishment of the Employment Fund for the creation of new jobs, as well as accelerating the Euro-Atlantic integration (Governing Program of PDK, 2014). This would be done through several steps as, investment in agriculture, in industry, strengthening the private sector and attracting foreign investment. Thus, the basic goal was the tendency to strengthen small/medium enterprises, to replace imports with domestic products. However, when it comes to the tax system, the program of this subject did not clearly define what form of taxes would be used (Governing Program of PDK, 2014).

LDK program, unlike other entities, as a central point had the economic development and a large part of the program of this party dealt with this field (Governing Program of the LDK, 2014). LDK, as a party with established right centred profile, through its program, its directed objectives towards the private sector development, specifically the development of Small and Medium Enterprises (SMEs). This happened due to two reasons, a) because 99% of the enterprises in Kosovo are SMEs (Governing Program of the LDK, 2014) and b) because SMEs employ 80% of employees in the private sector and in this way it aimed the growth of the party's electorate. While PDK and LDK made promises for possibilities of development of SMEs, AAK, through its program called "New Direction" claimed something even greater. In terms of economic development it was considered the use of natural resources (heavy industry), attracting foreign direct investment and moreover making the adjustment of credit policies and conditions for concession or resources (Governing Program AAK, 2014). All this would be done through the development of mines and energetics. The Alliance's direct policy in this field would be the construction of new power plants as for example "Kosovo C" (Governing Program AAK, 2014).

And unlike the other parties, the Self-Determination Movement stressed its platform for the development of manufacturing enterprises and the development of the industry in a different form. In its program this subject intended, through strengthening of public companies, to start the revitalization of Kosovo's economy (Short Program of VV, point 52). However, its program was somewhat contradictory. For

example, while, one of the program targets of the Self-Determination Movement in terms of economy were also facilities for the Albanian diaspora to invest in the public and private companies (Short Program of VV, paragraph 49), they appeared to be against any privatization and giving with concession of any public enterprise (Short Program of VV, point 56).

Table 6: Program points of view of political parties for five different fields

	Tax Politics	Health	Foreign Politics	Education	Economic Development
PDK	<ul style="list-style-type: none"> - Providing a simple tax system (however not clearly specified which system is to be used). - Decrease of tax norms, through which it is aimed the stimulation of businesses. 	<ul style="list-style-type: none"> - Reforming the health sector, application of health insurance. - Adequate and stable financing of health. 	<ul style="list-style-type: none"> - Maintaining the sovereignty, territorial integrity and constitutional order. - Strengthening economic diplomacy. - Normalizing relations with Serbia. - Recognition of Kosovo's independence and integration into the EU, NATO and the UN. 	<ul style="list-style-type: none"> - Educating pupils, students and teachers, according to labour market offers 	<ul style="list-style-type: none"> - Creating the Job Fund (200,000 new jobs vacancies) - Fiscal and financial facilitations. - Strengthening of the public-private dialogue.
LDK	<ul style="list-style-type: none"> - Using a simple tax system, through the proportional distribution of the tax burden. 	<ul style="list-style-type: none"> - Development and enhancement of the health system, - Health system financed through increased public funding and public-private partnership 	<ul style="list-style-type: none"> - Membership in international organizations - Pan-Albanian Integration and close cooperation with the regional Albanian municipalities 	<ul style="list-style-type: none"> - All-inclusive education system and education in accordance with labour market. - Adoption of the system "Life-long-learning" and development of the private education sector 	<ul style="list-style-type: none"> - Economic development through private sector development, with a focus on supporting small and medium enterprises (SMEs).
LVV	<ul style="list-style-type: none"> - Progressive tax system. 	<ul style="list-style-type: none"> - Health insurance for the employees of the public sector – managed by a public company. 	<ul style="list-style-type: none"> - Protecting national interests of Kosovo and the Albanians. - Unique Foreign Policy towards Albania. - Different Access to countries that respect Kosovo citizenship from those who do not respect it. 	<ul style="list-style-type: none"> - Public education at all levels should be free for everyone. - The creation and funding of scientific institutes. 	<ul style="list-style-type: none"> - Economic growth, employment, and welfare. - The replacement of imports with local products. - Against privatization and concession of public enterprises.

AAK	<ul style="list-style-type: none"> - There will be no increase in tax rates, but there will be an expansion to meet fiscal obligations. - New businesses that open 10 jobs will be exempted from profit tax for the first 3 years of work. 	<ul style="list-style-type: none"> - Establishing public health insurance fund, financed by the Ministry of Health. - The new law on health reform and quality services for citizens 	<ul style="list-style-type: none"> - Diplomacy as an instrument for investments behaviour. - Preserving and strengthening relations with US. - Integration to EU. 	<ul style="list-style-type: none"> - Reduplication of the budget for education. - Adoption of the system Life-long learning and higher education de-politicization 	<ul style="list-style-type: none"> - Support the development of natural resources (heavy industry). - Ensuring foreign direct investment. - Establishing a guarantee fund for small and medium enterprises.
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Source: Governing Programs of respective political parties for 2014

Despite different views on these political parties regarding different areas, some of the common points of their programs were potential investments and opening of new jobs, which in reality were difficult targets to be reached. With the level of unemployment in the country, say with 44%, out of which there are approximately 70% unemployed young people (UNDP Report, 2014), PDK and AAK promised 200,000 new work places each, while LDK promised 120,000 such work places. The fact as to why employment in those figures was hardly achievable is related to the weak economic capacity of Kosovo administration to fulfil the promises over those figures (European Commission Reports on Kosovo).

The largest political subjects unfolded their programs mainly in their central regional bastions and oriented their strategy in two fronts: one was concerned with the preserving of votes to their home bastions, whereas the other one concerned the possibility of expansion of their electorate in other regions. Thus, in the case of PDK a typical example to illustrate these fronts is the statement of the President of the party and former Prime Minister *Thaçi* made in *Skenderaj* region where he declared that “the vote against PDK is a vote against *Drenica*” (Speech of the President of the PDK, *Skenderaj*, May 2014). Second Front was followed by a great number of visits of the President of the party in the municipalities where the party had not such large number of votes compared to other political entities. Apart from the PDK, the strategy of majority of the political parties running in these elections was mainly directed towards the second front.

The lack of precise division of government programs on specific regions leaves room for tricks during the campaign promises. For example the PDK promised investments in hospitals, and businesses of various cities, but projects did not figure in the program of this party (*H. Thaçi* Speech in *Ferizaj*, June 3, 2014). LDK was not exception for major investment promises (LDK Government Program, 2014), however, the program of LDK was somehow linked with promises made during the campaign and what was written in their program. To illustrate this, during

the campaign in Anamorava (Gjilan) this party promised the highway Prishtina-Gjilan-Bujanovc, a project which was described in the program of this party, too.

Also, the programs of political parties lacked the details of fulfilling their objectives. This reflected in the promises that political parties gave during their electoral campaign. For illustration, AAK, in disclosing its program in the region of Anamorava, promised economic development, but without specifying in what form this development would be achieved and in which sector it would concentrate its investments (AAK campaign in Gjilan, June 2014).

5.3 The impact of decisions of the government during the pre-election campaign

The campaign of parliamentary election of 8 June 2014 in Kosovo was characterised with a number of decisions made by the Government of Kosovo (GoK), led by the Democratic Party of Kosovo (PDK). With these decisions PDK intended to increase and enhance its electorate for elections. PDK was the driving force behind many decisions voted by the Government of Kosovo, and although the government consisted of other governing partners, such as, the AKR - New Kosovo Alliance, PD - Party of Justice and the minority parties, their impact in government was lower.

Before scheduling the date of 8 June 2014 as a date for holding the parliamentary elections, other dates were considered as potential ones for elections, as from the first months of the year. Therefore even the government had begun to take important decision as from the beginning of February 2014.

Therefore, at its meeting on 5 February the government approved the draft law for veterans of the Kosovo Liberation Army (Decision No.01/169 of the GoK, 2014), which is expected to have budgetary implications in the amount of 24 million Euro per year (Budget of Kosovo, 2015). As war wing party, the veterans were still one of the most important and influential groups of PDK.

Besides this category of the population, the government also marked the next major part of the electorate, namely the population employed in the public sector. Thus, on 10 March, the Government decided to increase wages by 25% for all public sector employees. It also increased at about 25% all pensions and compensations for some other certain categories of persons (Decision No. 01/176 of the GoK, 2014).

Within the benefits for the public sector employees, four days later, the government approved the draft of the General Collective Agreement of Kosovo, the so-called

Collective Agreement (Decision No. 02/177 of the GoK, 2014). During the same meeting, the government changed its decision of 10 March to increase salaries, excluding from this decision public officials. Moreover, the funds provided to increase salaries of excluded officials from this increase will be directed to the creation of a program under the Ministry of Health for the treatment of children suffering from cancer, leukaemia and other related diseases (Decision No. 03/177 of the GoK, 2014).

Apart from decisions, from which certain categories of the population benefited, the government also took a decision to establish free economic zones, aimed at attracting foreign and local investment, improving conditions for business development and raising living standards and creation of new jobs. Thus, at the meeting held on 18th March a decision was taken to establish the Free Economic Zone in Cadastral Zone of Gjakova (Decision No. 02/178 of the GoK, 2014). The proposal came from the governing coalition partner, PDK, New Kosovo Alliance (AKR) which governs the Municipality of Gjakova, since the local elections of December 2013, with Mayor, before taking this position, being the Deputy Prime Minister in the Government. During the same Government meeting, the free economic zone was also created in Cadastral Zone Mitrovica (Decision No. 03/178 of the GoK, 2014), whereas on March 28th a decision was made for the creation of the Free Economic Zone in Cadastral Zone Prizren (Decision no. 01/180 of the GOK, 2014). In both these cities PDK aimed at maintaining and increasing its electorate votes.

In addition to the above decision, which excluded the means of senior public officials from raising salaries to destine them for healing of the sick children (Decision no. 03/177 of the GOK, 2014), on the 2nd April, the Government took another decision, to allocate 1 million Euros for the recovery of these children (Decision No. 17/181 of the GoK, 2014). This decision could also bring potential votes for another party in the ruling coalition, the PD, one of whose members was the Minister of Health. Also in the same Government meeting, a decision was taken to allocate the sum of 150 thousand Euros per annum for the protection of women and children, which included the use of money for housing needs, the reintegration of women and children, compensation for victims, domestic violence education and implementation of the Law on Protection from Domestic Violence (Decision no. 18/181 of the GoK, 2014).

In this meeting another important decision was rendered for another category of population, considerable in number, respectively for pupils and students of Kosovo. This decision had to do with reducing payments to 50% for semesters for students of Bachelor and Master studies at public universities and reducing payments up to 50% of food in the cafeteria and accommodation in dormitories (Decision No.19/181 of the GoK, 2014).

Apart from exempting high public officials from the increase of salaries, in the government meeting held on the 11th April it was decided to exclude from the increase of salaries also the leaders, board members and other representatives of all agencies and independent institutions, appointed and elected from the Assembly of Kosovo (Decision No. 02/182, of the GoK, 2014).

Following the decisions of a social nature, the Government took a decision that directly affected the budget of Kosovo families on social assistance, respectively in regard to the electricity bills. In its meeting held on 18 April, the government through a decision recommended the Board of the Kosovo Energy Corporation (KEK), to analyse the possibility that these families will be discharged of KEK debts (Decision No. 02/183 of the GoK, 2014).

In addition to veterans of the Kosovo Liberation Army, the Government took another decision which affected another category, that of political prisoners and victims. Thus at its meeting held on April 22nd the Government decided that a fund in the amount of 5 million Euro for 2014, to be transferred for compensation of political prisoners and persecuted (Decision No. 02/184 of the GoK, 2014).

A few days later, respectively on 25 April 2014 the Government approved the draft law for the amending and supplementing the laws on Armed Forces of Kosovo (Decision No. 04/185 of GoK, 2014). Also, exactly on this day, the Government included in its agenda further benefactions in regard to pupils and students, deciding that all students who were to begin their studies at the Public University would have the first year free of charge. Furthermore, the number of students, profiting scholarships would increase from 1000 to 1500. Also, the Kosovar families who had more than one student at the University would pay the studies fee only for one student, and the second one would be free of charge (Decision No.07/185 of the GoK, 2014).

The more the election date of June 8th was approaching the more the government was hasting to make major decisions that aimed at maintaining and increasing the votes in the election. Only during one of its meetings the Government made the following decisions. On May 23, 2014, just two weeks before the election, the Government decided to establish a Government Commission that was tasked to conduct the relevant analysis for the establishment of the Fund for Employment and Development (Decision No. 04/189 of the GoK, 2014).

Even the relationship with Albania was used for the campaign, and on the same day the Government decided to establish the so-called Inter-Institutional Task Force for Facilitating the Movement of Persons, Vehicles and Goods in Kosovo-Albania Border (Decision No. 05/189 the GoK, 2014).⁵

⁵ This task force was established in order to accelerate the movement of passengers, vehicles and

In order to attract the electorate from regions that have long been the bastions of other political parties, the government made the decision regarding the initiative to develop legal procedures for the establishment of the new Municipality of Kijeve, Municipality of Komoran, Municipality of Rugova e Pejës and Municipality of Hogosht of Kamenica (Decision no. 12/189, 2014).

The number of decisions taken by the Government, under the coalition led by PDK, enabled the latter to use the capital and institutional assets in favour of its pre-election campaign. In the end the outcome was that this party was the first in these elections.

5.4 Political subjects presence in media during the pre-election campaign

The election campaign of 8 June 2014 in Kosovo officially began on 28 May and it was decided for it to last only 10 days. This shortening of the period had a negative impact in the media coverage of the campaign, as the political subjects bought in a massive way the sponsored programs, limiting in this way the non-commercial coverage of the campaign and forcing political parties to make a campaign before the actual beginning of the campaign. This way they started their lobbying activities with the media and beyond way before the campaign had officially began. This happened also as a result of the legal deficiencies that do not decisively determine the behaviour of the political parties before the campaign. This situation also undermined equitable coverage of political parties and the impartiality of the media (EU EOM Report 2014:17). According to international reports, small political parties had less media coverage during the election campaign by the main broadcasters in the country, for example New Kosovo Alliance (AKR) and NISMA had less coverage during news editions of RTV21 and Klan Kosova (EU EOM Report 2014:18).

The sponsored media space was the most used tool from the political subjects during the pre-election campaign. The sponsored activities had greater space in the

transit of goods between Kosovo Albanian and vice versa, speeding up and simplifying the migration police checks, unification and mutual recognition of documents of the phytosanitary control and weight of goods, as well as the implementation of emergency interventions and procedural infrastructure in order to increase the flow of passengers and goods. Also, the design of medium-term interventions aimed at creating a common customs and police terminal.

main televisions, minimising this way the non-commercial coverage (Report of EU EOM, 2014:18). Yet, the largest space program was sponsored by the Democratic Party of Kosovo (PDK), followed by the Democratic League of Kosovo (LDK) and the Alliance for the Future of Kosovo (AAK). (EU EOM Report 2014:18).

According to the reports of the civil society organizations from the media monitoring during parliamentary elections campaign 2014, no noticeable partiality was observed in regard to the non-commercial coverage of the activities of the political subjects (Report of Democracy in Action, DIA 2014:66). However, it is obvious that there were some differences in percentages of coverage in different media. For example the activities of the PDK campaign, in comparison to other political subjects, were mainly broadcasted from the main televisions. Also the public radio television of Kosovo (RTK) had allocated the majority of its media space to PDK, as compared to the other competing subject for the elections of June (Report DIA, 2014:17). Even the EU EOM monitoring analysis found that the PDK has been given more space in the evening news bulletins on RTK, moreover this space was given even before the campaign had officially started (EU EOM Report 2014: 17). PDK also had the highest number of spots and sponsored broadcasts in television, with a total of 321 spots and 11 presentations unlike the other coalitions and political parties (DIA Report 2014: 19). This television has been repeatedly accused by other political parties and civil society about the proximity to the ruling party, the PDK. The Democratic League of Kosovo (LDK) was ranked as the second in terms of election campaign activities reported by RTK1, with a total of 137 spots and 4 sponsored broadcasts, while AAK with 113 spots, and no sponsored broadcast.

As far as the reporting of campaign events is concerned, PDK had the largest space in other televisions, such as Klan Kosova (EU EOM Report 2014:6) and Radio Television 21 (RTV 21) (EU EOM Report 2014:13). Only in the television Koha Vizion (KTV), this subject had a very small coverage compared to the aforementioned televisions (EU EOM Report 2014:8). This may be due to the fact that this television has repeatedly challenged the politics of the previous Government, under the coalition led by PDK. Meanwhile, the EU EOM concluded that *“the ‘KOH Group’ had a clear negative attitude towards PDK”* (EU EOM Report 2014:18).

As far as the printed media is concerned, the space that was reserved for the political parties competing in the elections of June 8, showed the rumoured proximity of these media to the respective political parties. For example the newspaper Kosova Sot, had the largest number of articles about the campaign of PDK (DIA Report 2014:27). The proximity of this newspaper with the party was identified with the membership to this party of the director of the newspaper and her appointment to the position of the Vice-President of the Party a few weeks before the elections (Zëri, 2014). The situation was similar also with Bota Press, when its editor became

a member of LDK (Indeksonline, 2014), while this newspaper gave the largest space to the LDK with articles about the election campaign (DIA Report 2014: 20). From the printed media, only Koha Ditore covered with informative articles in a more equal way all political parties competing in the elections. (DIA Report 2014: 25).

CONCLUSION

The description and analysis of the political, party and elections system, the internal democracy of the political parties in Kosovo, as well as the campaign conducted by the political parties in Kosovo, presented in our research paper, offer a number of interesting and significant conclusions for the concerned reviewed matters.

Initially we mentioned the specifics of the political system development program which make the experience of Kosovo in the course of the development of this system more specific and more significant towards the experiences of other countries. Here it is worthy to mention before everything else the analysed fact that the year of 1989 in Kosovo did not mark the transit from the one-party system to the multi-party system, as it happened with other former communist countries, but there was a transfer from the one-communist-party system to a one-right-wing party system. In other countries, as from 1989 and further on, the communist parties received the opposite seats, whereas in Kosovo they disappeared altogether. In the meantime, while the registration of the new political parties was possible and legal – and many new political parties were actually registered and began their operation – they never managed to become a genuine opposition against the Democratic League of Kosovo (LDK), which was the first party that appeared when crossing to the multiparty system, and during the two elections held in 1990 they together did not earn even 5% of the votes. The genuine opposition to the LDK was created only after the Dayton Conference, when its approach regarding Kosovo's efforts for independence were challenged by the Kosovo Liberation Army (KLA), from which, later, new parties emerged, which participated in the creation of the multi-party scene in the post-war Kosovo. In other words, the multiparty scene of Kosovo was established as a result of internal disagreements regarding the way Kosovo was going to gain its independence, but not as a result of the awareness for any strong need for liberalization and democratization – though, it should be noted, that LDK with its focus on civic activity did much to advance liberalization of Kosovar society.

Also it has been stressed that the main problem of the actual political system of Kosovo is the very strong (factual) position of the Government of Kosovo towards the position of the President and the Assembly, and in particular of the Judiciary. In the round table with the topic “Political Subjects in Kosovo: Internal Democracy, Political System and Election Campaign” that KIPRED organised during June 2015, considered as one of the most advanced activities within the program of RRPP, one of the participants (namely Jakup Krasniqi, from the political party NISMA)

stressed this problem in a very beautiful way, saying that Kosovo is governmental republic and not a parliamentary republic. One idea that was suggested for solving this problem is the one regarding the election of the President of Kosovo through voting, and not by the Assembly. Here it has not been suggested that Kosovo should cross to a presidential system – any additional competences that may be given to the President, it should be considered not as a competence that strengthens his/her power, but as a competence that would enable the President to counterbalance almost the entire power of the Government in a more effective manner.

Sixteen years after the war and seven years after declaring independence, Kosovo is encountered with a lack of genuine democracy in its party system. While the legal basis related to the establishment and functioning of political parties in Kosovo is in compliance with the best practices of the time, there are serious discrepancies in terms of internal dynamics of parties and the genuine needs of the society. The main problem lies in that the mechanisms for ensuring the observance of legislation on the functioning of political parties are not empowered to such an extent as to be able to effectively monitor the actions and activities of political parties, and to sanction them when they violate the laws. This is what enables the development of non-democratic practices within political parties in Kosovo. The fact that Kosovo's political scene is such that the rise of new parties is extremely difficult without coalitions with the old parties, further hinders the change of the existing situation for better - the need for new parties to connect with old coalitions obliges the new parties "to respect the rules of the game," i.e. to adopt undemocratic practices. Also, one of the most analysed factors is that certain members of political parties have full control of the power of the party: the party leader and the people around him have more power than actually entrusted by statute, and these type of people quite often make decisions disregarding the authorities of their party and conclusions arising from the basic documents of their party. It is clear that informal decision-making is a very austere obstacle to the democratization of political parties.

In regard to the election system, there were presented and analysed factors that have influenced Kosovo to acquire the system that it already has, and it has shown that the current system further impacts the political developments of the political parties in Kosovo. Changes in the post-war election system are handled - the transition from a closed list system to the open list system with 10 candidates, and the subsequent transition to open lists with 5 candidates. The part related to Kosovo electoral system provides a clear systematic overview of different features of this system.

The internal democracy faces serious problems: in this research paper we have mentioned and analysed the most important problems, such as avoiding the internal conflicts within the party, the limited competences of structures at local levels, weak

participation of women, youth and communities in the political parties in Kosovo, extremely powerful impact of the central bodies and, in particular, party leaders, as well as holding important public positions of party leadership.

The political parties of Kosovo have developed a culture of allowing internal conflicts within the party. Consequently, dissatisfied members of their political parties, more often abandon the party and join with any other party, or even create new parties, and they do not make any effort to make a difference within the party they already belong to. On the other hand, the local level within the political parties in Kosovo has a more proposing role rather than a decision-making role. On statutory basis this is particularly stressed in regard to the impact at the local level in the Governing/General Council, however, the impact on the Assembly/Convention is to some extent higher. Also, the competition for party leaders fails to meet the criteria of a fair and democratic competition. In most cases, leaders have no competition in the internal elections, and these are likely to exercise various informal pressures during such elections.

Additionally with this research paper it is concluded that the legal framework in regard to the election campaigns of the political parties in Kosovo is inadequate to address matters related to elections. Here we have in particular mentioned problems related to the legal definition of the actions of the political parties before and during the campaign, as well as the ones related to their accountability and transparency regarding expenditures during the campaign. For this reason, the paper proposes the amendment of the respective laws, in order to define and sanction in an explicit way all violations conducted by the political parties during the campaign. Here it is particularly important the creation of terms for sanctioning political parties for the lack of financial transparency, in that way as to increase the awareness for accountability in regard to their expenditures. Among others, in the field regarding the campaign, we have addressed enormous promises that political parties have used to give during election campaigns, which do not coincide with the possibilities of the state. Also during the campaign, political parties give only rough outlines programs to solve the problems of citizens, without giving detailed explanations how to meet those goals.

One of the dimmest problems of Kosovo in regard to the pre-election campaign of the political parties is the one that the ruling parties use this to promote themselves during the campaign. Thus, in the last elections (June 2014), since the beginning of the year until a few days before the election, the Government of Kosovo took over twenty decisions targeting different population categories in order to obtain their votes for the ruling party. This not only had major and detrimental implications to the State Budget, but moreover it extremely damaged the fair election completion between the ruling party and other political parties in Kosovo.

In the end, this research paper, besides benefits that it offers in regard to the reviewed matters, offers a good basis for the comparison of these matters regulated in Kosovo with the ways they are regulated in the other regional countries. This research paper shall be followed with the next paper regarding this comparison

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