

**ELECTIONS IN KOSOVO:
MOVING TOWARD DEMOCRACY?**

7 July 2000

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ELECTIONS IN KOSOVO: MOVING TOWARD DEMOCRACY? EXECUTIVE SUMMARY

In the fall of 2000, for the first time in their history, the people of Kosovo are being promised the opportunity to participate in democratic, internationally supervised local elections. The elections offer the people of Kosovo the opportunity to demonstrate their commitment to democracy. They also present the international mission¹ in Kosovo with a test of its resolve to overcome the political and practical problems associated with holding elections in a territory still suffering from the physical and the political scars of war.

The first step in the elections – a civil registration of the Kosovo population that is scheduled to end July 15 – seems to be proceeding relatively well, with the important exception that few Serbs are participating. Some other key institutional elements of the election have yet to be adopted, including the municipal government structures to which local candidates will be elected and the proposed election system. The Central Election Commission (CEC) is responsible for creating the rules that govern the election process; its recent decision to expand its political code of conduct to include rules against the political violence and intimidation which exist in some parts of Kosovo is to be welcomed.

For elections to succeed the international community will have to adopt a tough, proactive approach but, at the same time, deal with problems in a way that reflects a sensitivity to local conditions and does not create new problems while attempting to solve existing ones. Kosovo needs a regulation for the conduct of the media, but the one recently introduced by the OSCE needs to focus more narrowly on punishing media actions that incite violence or ethnic hatred, to be limited in duration to the election period, and to be implemented by a senior, independent international media figure. Financial disclosure requirements – limited to parties, party leaders, and top candidates should also be adopted – as an important factor in limiting the influence of crime and corruption in the electoral system, which most Kosovars² see as a major impending problem.

¹ The term "international mission" is used throughout the present report to refer to the collection of international organisations formally charged with the responsibilities in Kosovo under United Nations Security Council Resolution 1244 (the United Nations, the Organisation for Security and Co-operation in Europe (OSCE), the European Union (EU), the UN High Commissioner for Refugees (UNHCR), and NATO's Kosovo-Force (K-FOR)).

² The term "Kosovars" is used in the present report to refer to all Kosovo residents or voters generally, regardless of their ethnicity. The expressions "Kosovo Albanian" or "Kosovo Serb" are used to describe ethnically Albanian or Serb Kosovars.

Of the 25 Albanian political parties which have registered to participate in the elections, only three – the Democratic League of Kosovo (LDK) led by Ibrahim Rugova, the Party of Democratic Kosovo (PDK) led by former KLA leader Hashim Thaci, and the Alliance for the Future of Kosovo (AAK) led by former KLA fighter Ramuz Haradinaj – have registered candidates through most of Kosovo's thirty municipalities. Kosovo Serbs have so far not participated in the election preparations; only a handful have registered and no Serb political parties are running. The international mission must maintain its stance that the elections will go forward even if the Serbs continue their boycott, but it should also consider measures to include Serbs in the municipal structures provided those Serbs accept the legitimacy of the democratic structures being set up in Kosovo by the international community.

When the international mission in Kosovo began discussing elections Albanians made it clear they wanted an early Kosovo-wide poll. The international mission chose instead to hold municipal elections first, in a strategy aimed at building democracy from the ground up. Delays in election preparations – even at the beginning of July no date for the municipal poll has been formally set -- reinforced a perception that the international community lacks a strategy for Kosovo's future. Resentment is growing among Kosovo Albanians over the international community's slowness in creating interim democratic structures. Long-standing Albanian unease over the perceived weaknesses of their international rulers risks turning more sharply toward anger unless the international community moves quickly to involve Kosovars in their own democratic self-rule. It would have been preferable for the international community to hold Kosovo-wide elections in 2000; with this now unlikely the UN should announce its intention to hold Kosovo-wide elections early in 2001 at the same time that it announces the date for the municipal elections.

While the reputations of the United Nations and OSCE for handling politically sensitive missions, and of Milosevic as a troublemaking force to be reckoned with, will be affected by the outcome of the municipal elections, it is the Kosovo Albanians who have the most to win or lose. In contrast to Bosnia immediately after the war, political trends in post-war Kosovo seem to be moving in favour of moderate political leaders and parties and away from the party most closely associated with the war-time KLA. That does not argue for further delays in voting, but for sustained effort to make progress in overcoming the problems that this report identifies.

SUMMARY OF RECOMMENDATIONS

Electoral Procedures

1. The United Nations Mission in Kosovo (UNMIK) and OSCE should monitor, investigate, and impose legal penalties against elections-related violence and intimidation, with sanctions to be administered by UNMIK and OSCE and applied to parties and candidates.
2. OSCE should require financial disclosure by top officials of all political parties and main candidates on party lists.
3. OSCE should require that all political parties registered for the elections sign a declaration pledging to recognise its results.

Media

4. OSCE should implement rules for media fairness and professionalism, carefully defined and temporary, with supervision by an experienced international figure.
5. The international community should immediately provide the funds necessary to purchase additional satellite time need to increase the airtime of the only public TV broadcaster, RTK, from the current two hours per day to at least four.

Kosovo-wide Elections

6. the international community, at the time it announces the date of local elections, should also announce a date certain for Kosovo-wide "national" elections no later than the first half of 2001.

Serbs

7. Should Serbs continue non-participation in elections, UNMIK should nonetheless seek to appoint appropriate Serbs to the municipal assemblies to be elected in the autumn and consider devising and holding special elections for Serb communities at the sub-municipal level.

Pristina/Washington/Brussels, 7 July 2000



ELECTIONS IN KOSOVO: MOVING TOWARD DEMOCRACY?

I. THE PROPOSED ELECTIONS AND WHY THEY MATTER

A. Why the Elections Matter

Although many technical and policy issues remain to be resolved, the international community is moving toward holding municipal elections in Kosovo sometime in the fall. These elections will be significant both for what they demonstrate about the international community's resolve in overcoming the challenges facing the introduction of democracy into Kosovo and for what they say about the receptivity of the leaders and people in all of Kosovo's ethnic communities toward democratic norms.

The significance of the nature of the elections lies both in what they are – the first opportunity to participate in democratic, internationally supervised elections – and what they are not – municipal rather than Kosovo-wide elections. The significance of the conduct of the elections lies in what this reveals, in the context of broader regional stability concerns, about the commitment of Kosovo Albanians to democracy and the influence of Slobodan Milosevic on the Serbian community in Kosovo.

The elections thus loom as an important regional benchmark. The election process will challenge the capabilities of the international community to manage Kosovo's post-war political evolution, gauge the professed commitment of Kosovo Albanians to the introduction of democracy under international guidance, test the willingness of the Kosovo Serbs to participate in democratic processes linked to Kosovo and not to Serbia, and determine the level of influence that Serbian strongman Slobodan Milosevic still wields among the Serbs in Kosovo. The failure of this first democratic poll would cast a pall over efforts to use Kosovo's transition to democracy to enhance broader regional stabilization efforts.

The international community has faced a host of technical challenges in preparing for the elections. War-time devastation and the legacy of ten years of Serb occupation meant an entirely new voter registration list had to be created and an election system designed from the ground up. Practical and political problems also abound. Freedom of movement does not exist between territories controlled by Albanians and Serbs. Political parties, both within the Albanian and the Serb spectrum, are still getting organised; their agendas remain dominated by ethnic issues to the virtual exclusion of any political or economic vision for the future of

Kosovo's citizens. On the ground, the political terrain is often characterised by intimidation, mistrust and violence even among one ethnic group, let alone between Serbs and Albanians who live in virtually total separation.

Issues associated with the elections system – the municipal structures that people will vote for, the proposed voting system, and the rules under which the election will be held -- are addressed in the remainder of this chapter. Steps the international community needs to take to ensure that the elections are free and fair are addressed in later chapters.

B. Municipal Government Structures

One of the persistent problems in preparations for the elections has been the international community's slowness in putting together the underlying political structure for the elections. By early July, the international community had yet to determine one of the key elements of the electoral process: the municipal government structures to which candidates would be elected. A draft UNMIK regulation had been bouncing between Pristina and the UN in New York for several months. By the beginning of July the regulation had become entangled in a larger controversy between the UN and Kosovo Albanians over the rights of Serbs in Kosovo. That was leading some Albanian political leaders to call for a boycott of election preparations, illustrating the way in which the election could easily become hostage to other political issues.

The draft regulation established thirty municipalities with limited local powers of self-governance. These municipalities generally reflect the shape of pre-war municipalities in Kosovo, with two exceptions that appear to have been crafted to balance Serb and Albanian sensitivities. The municipality of Zvecan – which lies adjacent to Mitrovica and is inhabited primarily by Serbs – has been retained despite Albanian objections. The regulation also recreates the municipality of Malisheva, a long-time Albanian stronghold, which was abolished by Belgrade after the suppression of Kosovo's autonomy in 1989.

The draft regulation establishes the municipal assembly as the highest representative body in the municipalities, and only seats for these assemblies will be at issue in the upcoming elections. By two-thirds vote, the municipal assembly will elect a president of the municipality who has the right to propose a chief executive officer. The powers of the municipalities include control over local public utilities, other public services, primary and secondary education, social services and primary health care. The municipal government has no power over local police, who remain under the authority of the UN. The municipal government has the authority to raise revenue through local taxes and fees, fines, and from the profits or other income generated by municipal properties. This latter provision allows municipalities to rent space or other facilities under their control – a provision which municipal authorities in Serbia have found highly lucrative and which reportedly funded local political leaders or their parties. Careful supervision will be needed to prevent similar abuses in Kosovo.

Even after the elections the UN will retain considerable authority over the municipalities. The UN Municipal Administrator will have the right to attend any municipal government meetings and to intervene to ensure that municipal

decisions are in compliance with UNSC Resolution 1244 and that human and minority rights are protected.

A major issue – as of this writing still undecided – is the degree to which minority rights will be institutionalised in the municipal structures. Early drafts of the municipal regulation contained no provisions for minority power sharing arrangements. In contrast to the draft “Rambouillet constitution,” which provided that “national communities” that constituted at least 3 per cent of a municipality’s population would receive proportional representation in the Executive Council, the UN’s early draft regulation did not reserve specific positions for Serbs nor give Serbs or minorities any special rights with respect to such things as the approval of local legislation or language, culture or educational rights. When the municipal regulation was initially discussed in the Joint Interim Administrative Council (JIAC), UNMIK chief Kouchner reportedly went along with Albanian arguments that it was impossible to reserve positions or powers for Serbs or minorities in the absence of reliable data about the size of the relevant populations in each municipality.

The international community at this stage sought to deal with the participation of Serbs and minorities in municipal assemblies in two ways. One was by planning to adopt a voting system with a low or non-existent threshold of votes required for a party to gain seats in a municipal assembly, in the hope that this would allow minority parties to be represented. The draft municipal regulation also would allow the UNMIK chief to appoint members to the Municipal Assembly outside the normal elections procedure, which could be used for Serbs or minority representatives, something which may well be necessary if the Serbs continue their boycott of the election process.

In mid-June, however, the international community was moving to build into the municipal regulation more specific provisions with respect to minority rights and participation. This new approach was part of an effort to satisfy a faction of moderate Serbs around Bishop Artemije of the Gračanica monastery, which had withdrawn from UN institutions in protest at violence against the Serbs. On 23 June the Pristina daily *Zeri* published a leaked version of a new municipality law with considerably expanded provisions for minorities – called “communities” to avoid Serb sensitivities over being called a minority. According to the version published by *Zeri*, the new law would establish within the municipal assemblies Committees of National Communities and Mediation Committees, where “national communities” would be represented in accordance with their strength in the municipality. The new law would allow the Committee on National Communities the right to appeal decisions taken by the Municipal Assembly, with which it was dissatisfied, to a higher level. The draft regulation also established a Municipal Community Office to protect the rights of the national communities and to ensure that members of national communities have equal access to municipal services.

Albanians strongly objected to the new draft regulation, claiming with a level of disingenuousness high even by Kosovo standards that they wanted to avoid provisions that would lead to the “ghettoization” of Serbs. Rame Buja, the Albanian co-head of the UN Department of Local Administration and a representative of the PDK, was more straightforward, claiming that the offices would be “embryos for Serb enclaves in Kosovo” and would legitimise the division

of Kosovo.³ Buja subsequently threatened to end co-operation with the international community over the regulation.

C. The Proposed Voting System

Another major issue on which no decision reached by early July was the type of election system to be used. A recommendation by international election officials that the elections be based, on the proportional system, with an "open" ballot – that is with candidates names and not just party names shown to voters – was awaiting UNMIK chief Kouchner's approval.

There is, in fact, no alternative to use of the proportional system for these first Kosovo municipal elections. The absence of reliable population data before the completion of the registration made it impossible to design separate election districts within the various municipalities. With the proportional system, however, officials debated whether to adopt a closed system – in which only the name of the political parties would appear on the ballot – or varieties of an open system in which both parties and candidates would appear on the ballot. Whichever system was chosen, all parties would be required to have at least 30 per cent of their candidates women. The "closed list," which had the virtue of simplicity and of allowing a relatively straightforward time-line toward an election in early October, had originally been the international community's default option. The "open list," generally preferred in developed democracies, was not initially favoured by international officials because it was more complicated to administer.

When Albanian political parties began to be included in a systematic way in election preparations – which did not occur until the Political Party Consultative Commission (PPCC) began bi-weekly meetings in late-May – they demonstrated a fairly sophisticated understanding of the issues and of their own interests. The two largest parties, the Democratic Party of Kosova (PDK) and the Democratic League of Kosova (LDK), reportedly initially objected to the proportional system and advocated a "first past the post" system in separate electoral districts for each municipal deputy, in the obvious expectation that this would allow them to sweep the smaller parties aside. OSCE chief Everts, chairing the PPCC, argued that proportional representation was more democratic: in fact the international mission not only saw the proportional system as guaranteeing minority participation in municipal assemblies but simply could not switch from the proportional system without incurring unacceptable extra costs and delays.

The issue was heatedly debated in a 19 June session of the Interim Administrative Council, chaired by UNMIK chief Kouchner. After the meeting LDK leader Rugova and LBD leader Qosja said they would support the international preference for a proportional system. Thaci, however, continued to argue publicly for a combined proportional and majority system and PDK spokesmen held out the possibility of a boycott of the election – a traditional Kosovar tactic – if PDK views were not accepted. Kouchner said he would make a decision on the issue after further consultation with political parties. It is possible that this aspect of elections preparations, like the issue of municipal regulations discussed in the preceding section, could easily become caught up in the broader controversy

³ Zëri, 27 June 2000

emerging in early July between the UN and the Albanians – especially Thaci's PDK – over treatment of the Serbs.⁴

D. The Central Election Commission

The Central Election Commission (CEC), chaired by OSCE, is responsible for preparing and issuing rules relating to the implementation and conduct of the elections. The UNMIK chief retains responsibility for promulgating rules, prepared by the CEC, which relate to such matters as the electoral system, certification of the registration and the results of the elections, and the date of elections.⁵

The CEC also includes nine Kosovars, including persons chosen from the three Albanian political parties on the JIAC – the LDK, the PDK, and the United Democratic Movement (LBD). There are also members representing the media, NGOs, and the Slavic Muslim and Turkish minority communities. A place has been reserved for the Serbs but so far they have chosen not to participate.

Draft CEC rules are prepared by the OSCE's international staff and then discussed by all members of the CEC in weekly sessions. The OSCE has required the political party representatives on the CEC to resign all party leadership positions, although they can retain their party membership. CEC participants affirm that the political party representatives have, for the most part, discussed the issues before the CEC in a serious and professional fashion. To a certain extent, nevertheless, the CEC is trying to square a circle by including some party representatives in the CEC and then asking them to refrain from trying to shape the decisions of the CEC in a way that would benefit their own party. This conundrum could become more troublesome as the election date approaches and the party representatives on the CEC probably become more assertive in defence of their parties, which could, in turn, lead the parties not on the CEC to become more sceptical about the objectivity of its work. With the passage of time and the already evident shift in party support, the specific choice of parties represented on the CEC, which reflects the so-called Rambouillet formula, will likely become less reflective of the actual strength of parties on the Kosovo political scene. So far, however, the discussions in the CEC are not dominated by divisions between the ethnic groups as they often were in the early days of the analogous process in Bosnia-Herzegovina, no doubt because Serbs are not participating.

II. MANAGING THE REGISTRATION PROCESS

The first stage in a long and complicated process of administrative preparations for elections was the civil registration of the population of Kosovo, which began on 17 April. In contrast to Bosnia, where the organisers of the first post-war Dayton elections were able to use 1991 census data, no reliable civil or voting lists existed in Kosovo. Albanians boycotted the 1991 census – which proceeded on the basis of population estimates – and Albanians similarly refused participation in elections held by the Serbs in the 1990s. During the 1998-99

⁴ Press reporting, including UPI, *Zëri* and *Koha Ditore* of June 20, 2000.

⁵ Regulation 2000/21 on the Establishment of the Central Election Commission.

fighting Serb forces attempted to eliminate the documentary evidence of the Albanian presence in Kosovo by stripping many expellees of their identification papers and by destroying or removing administrative records, although when international officials began to examine the records left behind in Kosovo offices after the war it turned out that the documentary destruction was less than had been feared.

After some initial start-up problems, including inadequate publicity and chronic delays in providing the population with the identity cards that were one of the primary benefits of the civil registration, the process appeared to proceed more or less normally. By early June an average of 18,000 persons per day were registering and by 1 July a total of 824,955 individuals had applied to be registered. Although registration at this time was low in Pristina itself, election officials believed it was possible to achieve their goal of registering more than 90 per cent of Kosovo's over-sixteen population of approximately 1.2 million by the time the registration was scheduled to end on 15 July 2000.⁶

Some potential technical glitches remained. Approximately 10 per cent of the applicants were unable to present sufficient documentation to be registered on their initial application. An appeals procedure is in place but unless the process is speeded up thousands of Kosovars might be unable to vote because of insufficient time to resolve their registration status.

The most controversial part of the registration procedures was the decision to exclude Kosovars living abroad who left Kosovo prior to 1 January 1998. One effect of this is that Serbs who fled Kosovo as a result of Albanian revenge attacks or for any other reason after the 1999 war can vote. But the several hundred thousand Albanians who left Kosovo during the 1990s because of the political, economic, and police repression of the Serb regime cannot vote. International officials in charge of the registration believe the poor state of record keeping in Kosovo would have made it almost impossible for those who departed before 1998 to establish proof of residency in a particular municipality, which is needed to register for the municipal elections. The practical electoral result of this rule is probably limited – it will not materially affect the overwhelming Albanian ethnic preponderance in Kosovo, and as of this writing it appears that few Serb refugees will vote anyway. Albanians, nevertheless, regard this rule as a substantial injustice.

Kosovo refugees living in neighbouring countries are to be registered in special sites set up by OSCE and its partner, the International Organisation for Migration (IOM). Refugees living in other countries will be registered by mail and allowed to vote by absentee ballot. Allowing persons outside Kosovo to register and vote abroad is one of the most difficult registration issues. Since completed absentee ballots must be returned to Kosovo by the election date, blank ballots need to be sent out at least six weeks prior to the election. This means that all other technical election preparations necessary to allow ballots to be printed, including

⁶ In preparation for the registration, OSCE officials assembled a committee of local demographers and statisticians, together with representatives of the UN High Commission for Refugees (UNHCR), International Organisation for Migration (IOM), and the Mother Theresa humanitarian aid organisation. This committee estimated Kosovo's current total population to be approximately 1.9 million. Source: Conversations with OSCE officials.

party and candidate registration, must be correspondingly accelerated to allow the absentee ballots to be printed, assembled and mailed on time.

By 4 July only 6,504 individuals had applied to register in countries outside Kosovo.⁷ If this trend continues, only a small fraction of the several hundred thousand Kosovo refugees outside Kosovo will participate in the elections – not surprising since the majority of such refugees eligible to vote by virtue of the rules adopted by the international community are Serbs, who are overwhelmingly boycotting the elections. While the small number of refugees registering raises the question of whether it makes sense from a practical point of view to allow absentee balloting in the upcoming elections, especially in view of the extra time pressure this puts on the technical preparations for the election, it would not be helpful now – in the interests of longer-term reconciliation – to change the relevant rules.

One of the most politically sensitive and morally perplexing issues connected with registration is what to do about the massive numbers of internally displaced persons (IDPs) of both ethnic groups, that is persons who have fled their homes from one part of Kosovo to another. Many IDPs in Kosovo are Albanian, largely rural people who have moved to cities either because their homes were destroyed or to take advantage of greater economic opportunities. Thus, in Kosovo over the past year, there has been both a process of ethnic separation of Serbs and Albanians and a massive shift of population from the countryside to towns and cities, and especially to Pristina whose population according to international officials has risen from 220,000 before the 1999 war to over 500,000 in mid-2000.⁸ How this issue is handled in civil and voter registration will have a significant effect on the future political and demographic shape of Kosovo.

IDPs in Kosovo have been allowed the option of registering to vote in the municipality where they lived before the war or where they now reside. There are strong arguments in favour of allowing IDPs to choose to vote in the municipality where they now live if they wish. Most IDPs were forced to move either for security reasons or because their property was damaged during the war or its aftermath. In many cases they do not even intend to return to their original location, especially when they would be returning to a location where they would be an ethnic minority.

On the other hand, the current rule on IDP voting also has the potential to help cement in place the population transfers and territorial divisions between Albanians and Serbs in Kosovo that have emerged in Kosovo since the end of the 1999 war. Many Albanians are occupying homes or apartments abandoned by Serbs. In some cases these transfers have been “legalised” by the Serbs selling – often at knock-down prices – their residences to Albanians. In other cases, Albanians occupy Serb residences without the owners’ consent. A similar process has occurred in Mitrovica and the Serb dominated territories to the north with respect to Albanian homes. Allowing IDPs in these circumstances to vote where they now live has the effect of institutionalizing the results of ethnic cleansing.

⁷ OSCE Document “Out of Kosovo Registration,” July 4, 2000.

⁸ Conversation with international official, June 21, 2000.

Allowing IDPs to vote away from their original homes also offers great opportunities for fraud and manipulation. IDPs usually represent the weakest part of the society. They often depend on institutions that are controlled by political parties or other interest groups for housing, food, and other aid. IDPs, therefore, can easily become subject to political pressure to influence their voting. Under this scenario political parties which controlled the votes and behaviour of IDPs could direct them to register to vote in municipalities where their votes were most needed to advance the party's election prospects. Senior officials involved in the process of registration and voting believe that IDP voting offers the largest potential for fraud in the current election process, and acknowledge that their ability to detect or thwart it is limited.

To meet the international objective of rebuilding Kosovo as a single territory in which all its peoples can live together, it would have been better, in this first post-war Kosovo municipal election, to have prohibited IDPs from voting for the municipal structures where they now reside. At this stage, however, with over half of the eligible Kosovo population, including an unknown but presumably substantial number of IDPs having already registered, it is obviously too late to change the current rule. The issue, however, stands as an example of how short-term decisions taken for the best of motives can actually have a longer-term negative impact on broader political objectives.

III. DEALING WITH INTIMIDATION

One of the most serious potential areas for abuse of the elections and the political process generally is intimidation of political parties and candidates, especially at the local level. After the end of the war, the KLA and its self-proclaimed Provisional Government under Hashim Thaci took advantage of the vacuum created by the departure of Serb forces and the slow arrival of the UN civil administration to seize control of essentially all municipalities in Kosovo not dominated by the Serbs.⁹ Subsequently, the UN police and civil administration have gradually extended their reach through Kosovo. There are, nevertheless, a number of areas – chiefly former KLA strongholds – where Thaci's PDK¹⁰ continues to exercise undue influence at the local level.

One way the PDK exercises its control is through influence in some of the local Administrative Boards and Municipal Councils created by the UN as local counterparts to the JIAC at the Kosovo-wide level. According to an internal UN study, a disproportionate number of the appointees to the local Administrative Boards and Municipal Councils were originally affiliated with the PDK. In Skenderaj, all members of the Administrative Board were self-appointed members of the Provisional Government; in Prizren, ten of the thirteen positions on the Administrative Board were held by PDK members. In Gjilan, the President of the local branch of the PDK became the president of the administrative Board and a member of the Municipal Council. A similar situation prevailed in Pec.

⁹ See ICG report, *Waiting for UNMIK: Local Administration in Kosovo*, 18 October 1999.

¹⁰ In May 2000 the party headed by Thaci, formerly called the Party of Democratic Progress of Kosovo (PPDK), changed its name to the Democratic Party of Kosovo (PDK).

In some cases, the local PDK leaders – often former KLA fighters – seemed to have prevailed upon the UN to gain a greater position in the local administration than their political strength on the ground would warrant. In Suhareka, according to UNMIK, Ibrahim Rugova's Democratic League of Kosova claimed to have party branches in all 42 villages while the PDK had only three branches. The PDK, nevertheless, lobbied and was granted three additional seats on the Administrative Board. The UN, dealing with what it described as a highly politicised local civil service, concluded that if these trends continue it would be difficult to have an impartial and accountable civil service and control of security affairs by democratically elected politicians. The implications of this phenomenon for the conduct of a local election are equally disconcerting.

Along with the problem of excessive local influence there have been wide-spread reports of political intimidation of non-PDK parties, and especially of the LDK, which is the strongest Albanian party as measured by public opinion polls, and which has a well-developed local structure throughout Kosovo thanks to its role in leading the underground "parallel state" during the Serb occupation. One of many incidents occurred in the village of Verboc near Glogoc on 4 May 2000, when LDK activist Ilaz Dobra was beaten by unknown persons.¹¹ In Decani efforts to open an LDK office have been blocked by persistent harassment, including by shots fired into the premises.

The scene of many reports of intimidation and harassment has been Skenderaj, a town in north western Kosovo near the village of Prekaz, where the massacre by Serbian police in March 1998 of over 40 members of the Jashari family triggered the outbreak of active conflict with Serbian forces. On 2 November 1999, Haki Imeri, an LDK activist there, was shot and killed.

In a meeting with ICG, local LDK leaders in Skenderaj described a climate of intimidation and threats that they asserted was created by the PDK and other figures associated with the former KLA, including some in the Kosovo Protection Corps (KPC). LDK leaders declared that many of their activists receive telephoned threats of violence if they continue their political work. They ascribe a political motivation for the killing of Imeri – the most respected LDK personality in the town, whose death occurred on the eve of the LDK local assembly, which was then postponed for months. They also claimed that members or sympathizers of the PDK, including many employees of the local UN administration, as well as the heads of the *mestna zajednica* – local Yugoslav administrative bodies below the municipality level – use their positions to withhold or threaten to withhold humanitarian aid, jobs, and social services from persons associated with other political parties. The local PDK chief, in a separate conversation with ICG, did not deny that some intimidation might exist, but said the PDK was not involved in such activities, and strongly condemned them.

In a situation where local officials, even under the supervision of the UN, are able to engage in the intimidation of political opponents or other abuses of their local powers it is hard to see how a reasonably fair and pressure-free local political campaign could be conducted.

¹¹ *Zeri*, 6 June 2000.

Correcting this situation obviously calls for a concerted campaign by the international community. A major element of this would be an aggressive security posture by KFOR and the UN police during the campaign and close supervision by UN and OSCE officials on the ground. OSCE is indeed beginning to monitor the situation with respect to possible abuses during the campaign. Senior OSCE officials told ICG they believed the expanded presence of OSCE election and human rights monitoring personnel, already under way as the campaign season begins, is having some effect in reducing abuses and violence. UN police also said they are preparing for the elections but urged that rules be adopted that would sanction campaign violence and other abuses and that the police be included in discussions of such measures since they, after all, would be called upon to enforce them.

The CEC has already adopted some measures dealing with aspects of election campaign abuse. The "Code of Conduct for Political Parties, Coalitions, Candidates and Their Supporters," adopted by the CEC on 18 April 2000, which is "binding on all political parties, coalitions, and candidates and their supporters," established a number of useful affirmative standards and prohibitions, including:¹²

- All political parties and candidates have the right to hold meetings and freely express their positions; and
- Parties are prohibited from destroying material or disturbing meetings of other parties and inciting violence.

On 30 June the CEC – after discussion with ICG – amended these rules to include a ban on "intimidation and the use of violence" by political parties, candidates, and their supporters. This is an important and welcome addition. It would probably have also been useful to have included a ban on the misuse of positions in local administration for political purposes, in view of reports of such activities by some Albanian political party supporters who had jobs associated with local offices of international organisations.

Another CEC measure established an "Election Complaints and Appeals Sub-Commission" (ECAC), which has the power to adjudicate all complaints concerning the election process deriving from applicable rules and regulations, including the "Code of Conduct." The ECAC has the authority to impose tough penalties including fines of up to 10,000 DM and the removal of candidates or parties from the elections.

The language of the CEC regulation, which states that complaints can be raised by "a person who has a legal interest or claims that his or her rights concerning the electoral process have been violated," could make it appear that only individual Kosovars could bring a case to the ECAC. Individuals, especially those in the most difficult environments, could be reluctant to bring forward specific complaints for fear of retribution. Senior international officials have told ICG that the ECAC Rules of Procedure are being amended to allow UN and OSCE officials and observers to also raise complaints. This is a welcome clarification.

¹² CEC Electoral Rule 2000/1; 18 April 2000.

UNMIK, KFOR, and the election organisers will need to work to create a secure environment for campaigning as well as voting. UN police and KFOR must deploy significant personnel to prevent campaign violence as well as to secure freedom of movement for all party workers, candidates, and voters, across ethnic lines as well as throughout all municipalities.

IV. DEALING WITH CORRUPTION

There is widespread concern about crime and corruption in Kosovo and its potential impact on the electoral process. This concern tends to be focused on some ex-leaders of the KLA, who after the war ended were widely accused of using the prestige they gained in struggle with the Serbs and their access to weapons to carve out regional zones of control for a variety of criminal and protection-style activities. There is concern that the large amounts of money said to be generated by these activities could be used to influence the political process. Parties which had access to this kind of money could enjoy a considerable advantage over others, for example, in advertising, equipment, and all the other organisational resources that form the lifeblood of a political campaign.

The CEC is beginning to discuss campaign disclosure regulations but so far has not yet formulated any regulations. To be credible financial disclosure requirements must have real teeth, which means that disclosure should focus on those at the top of the political process and that abuses of the procedures should trigger real penalties. Under such an arrangement, the president and a limited number of other top officials in the central organisation of every party that chose to run candidates in either the municipal or the Kosovo-wide elections would be required to submit financial disclosure statements. Each party would, similarly, be required to report its income and expenditures both before and after the election. In the municipal elections, the top candidates in each party's list in each municipality would also be required to submit financial disclosure statements. All these financial disclosure statements would be made public.

Auditing provisions could also be introduced to give additional strength to this and other financial disclosure measures. Each party's statement and that of each party president could be audited by one of the major private international auditing firms, chosen by the international community but acting completely independently. Discrepancies would be published and could, depending on their size, also be made subject to a range of penalties which could include disqualification of the party or its president from the campaign or from subsequent public office for a certain period of time. Audits of party leaders and candidates subject to the financial disclosure requirement could be conducted on a random basis, with penalties for violations being the same.

Financial statements are certainly not a panacea and their significance should not be exaggerated in a society which is relatively cynical about the activities of political leaders of all stripes. Initially, moreover, it might be difficult to conduct searching audits in view of the limited scope of an official banking system in Kosovo and the virtual absence of internationally recognised systems of accounting or record keeping. The statements would, however, provide a

benchmark for foreign officials, journalists, and concerned Kosovo citizens to evaluate candidates and political party leaders. If the requirement to provide financial disclosure statements were to be continued over several elections, it would also provide a tool to monitor the behaviour of those elected.

A second way to limit the effect of corrupt finances on the Kosovo election, which would complement the financial disclosure requirement, would be to limit the amounts each party and candidate could spend. Political parties in Kosovo have three broad sources of funding: membership dues, donations, and fundraising events.

In the relatively small and unsophisticated Kosovo political environment, it should be possible to devise equitable limits on spending for each candidate and party. It is also important to impose a limit that would adequately account for the relative strengths of the large and smaller parties, as well as those represented throughout Kosovo and those with strength concentrated in a single region. One approach would be to set up a single limit, e.g. 300,000 DM for each party during the three months leading up to the vote, with a limit of 10,000 DM for each individual candidate. One drawback of this kind of shotgun approach is that it would allow parties that do not run across Kosovo to pour all their money into a few municipalities, locally outspending those parties that wish to run throughout Kosovo. An alternative, therefore, would be a lower "all Kosovo" figure for each party, e.g. 100,000 DM, with an additional fixed amount for each municipality in which the party fielded candidates.

The CEC is considering possible campaign spending limits but the figure which was in play at the beginning of July – a limit of 1 DM per registered voter per party in each municipality – may prove too high. Depending on the numbers who actually register, this limit could allow parties to spend close to one million DM across Kosovo – an enormous sum by Kosovo standards.

It would also not be a difficult task for the international community, which already finances much of the media in Kosovo, to take on itself the burden of financing the entire election. This would theoretically provide the ultimate in a level playing field but would not be the best way to encourage Albanian parties and politicians to develop their own sources of responsible financing. Such a provision would also require, moreover, some way of addressing campaign activities outside Kosovo, including political advertising in papers printed outside Kosovo and on the broadcast media in outside states, such as Albania, and even in Western Europe, which are widely viewed in Kosovo.

V. CONDUCT OF THE MEDIA

Media in Kosovo give few signs of adequate readiness for a major electoral contest. Indeed, the media situation provides a microcosm of the broader problems of society in anticipating structured and stable political changes. Although the media report continuously on political personalities and issues, standards of fairness are uneven.

Pristina on 1 June had seven Albanian language dailies (*Rilindja*, *Koha Ditore*, *Zëri*, *Bota Sot*, *Kosova Sot*, *Dita*, and *Epoka e Re*.) A wide range of general political weeklies and monthlies was also on sale. The entire province has 40 radio stations and five television broadcasters.

The main dailies are seen to be aligned with different political parties. *Rilindja*, the former official organ of the League of Communists of Kosovo, is now considered a semi-official voice of Hashim Thaci and the PDK. In addition, *Dita*, a new and expensively produced daily, is also viewed as particularly close to Thaci: *Dita* has amassed significant resources for an entry into the television field, and is seeking a television license. *Bota Sot*, a newspaper that has also been criticised by many representatives of the Albanian media profession and the public for its habitual personal attacks, inflammatory use of prejudicial language when discussing Serbs, and general sensationalism, leans toward support for Rugova and the LDK.

Although daily newspapers from Albania do not circulate in Kosovo, weekly and monthly periodicals do, and Kosovars watch broadcasts by RTV Tirana and other non-Kosovo Albanian media as well as European channels through ubiquitous satellite dishes. In addition, Albanian newspapers from Macedonia are sold in Kosovo.

RTK Kosova – an internationally funded public broadcasting facility operating out of the facilities of the old state-run Kosovo broadcast entity – presents television and radio programs. Its television broadcasts are limited to two hours a day because of insufficient money to pay for required additional satellite time for more broadcasts.

Radio Kosovo's medium wave broadcasts – though considered poor quality and therefore seldom listened to – cover virtually the entire northern part of the Albanian-inhabited zone of the Balkans. Radio Kosovo's electoral programming will comprise three phases: first, electoral profiles of parties, programs, and candidates; secondly, direct news coverage of the campaign, and thirdly, as the vote gets nearer, Western-style policy debates with restricted time for answers. The profile broadcasts have covered all parties, including the smallest and newest, and focussed on call-in questioning, and have been extremely successful.

Radio Rilindja – the radio broadcast arm of *Rilindja*, the PDK-supporting newspaper – has the highest level of listenership in Kosovo. Radio 21 is a popular station that is viewed as among the best media in Kosovo. Blue Sky Radio, supported by a Swiss foundation, has high quality music programs and broadcasts 24 hours per day, but is viewed by many Kosovars as close to UNMIK and lacking in balance; its audience share is small.

Regional Albanian-language radio may be expected to play a major role in municipal elections. Such stations also show political alignments; for example, Radio Dukagjini in Pec is considered to be associated with Ramush Haradinaj of the AAK.

Serb and minority interests are either radically underrepresented or unrepresented. Two "weeklies" appear in Prizren in Turkish (*Yeni Dönem*) and

Bosnian (*Kosovski Avaz*), but no Serbian print media exist indigenously. *Jedinstvo*, the former Serb daily in Pristina, is sold in the Serb-controlled areas of Mitrovica and north Kosovo, but its circulation is small.

Several Serb radio stations operate, including Radio Max, an FM broadcaster in the village of Silova near Gjilane, whose eight employees, all Serb, have applied for membership in the Association of Kosovo Journalists (SHGK), the membership of which was previously exclusively Albanian. There are four other Serb radio stations: Radio Gračanica, Radio Caglavica, Radio Kontakt Plus, and Radio Televizija Kosovska Mitrovica (RTKM). In addition to the latter, Serbian-language news bulletins appear on RTK Pristina television. Finally, Radio Kontakt in Pristina operates as a multiethnic station with Serb programming.

Belgrade television is also received throughout Kosovo. The interests of the Serb population are also partially represented by the press in Serbia proper, which circulates freely in Mitrovica and the northern border zone, and also makes its way to the Serb enclaves.

Unfortunately, at present the ethnic character of Kosovo media is one of relatively strict segregation in reporting. Albanian media present only an Albanian viewpoint. Official media under Milosevic's control are consistently hostile to the international community's efforts in Kosovo and their coverage of Kosovo forms a part of Milosevic's continued strategy of destabilisation of the region. By contrast, Serb opposition media like BLIC and DANAS, which are read in the Serb enclaves, report with fairness and sympathy on the views of Kosovo Serb democratic opposition figures like Bishop Artemije.

In terms of professional activity on the ground, few Albanian or Serbian media have reporters regularly covering the "other side." Naturally, security issues are involved here, but the result is to reduce informed coverage of the other community. On the evening of 21 June 2000, a Serb woman journalist employed by Radio Kontakt and her male companion were shot and wounded while walking in downtown Pristina, highlighting the security problem.

International community media regulation has also followed two tracks, through two successive phases. During the first year of the international presence in Kosovo, in the print realm the international community attempted to introduce a voluntary code but its impact was negligible. In theory, broadcast media were more closely controlled through allocation of frequencies, but even there international officials claimed to be able to do little more than provide general policy guidance to broadcast media. As of 21 June 2000, only 12 of 40 radio stations were licensed, but no sanctions of any kind had been applied to unlicensed stations.

Hate speech is present in Kosovo Albanian media, especially in the daily *Bota Sot*, which has virtually institutionalised use of the ethnic slur "shkije" for Serbs, in its headlines and subheads. Issues of incitement to violence and the regulation of Kosovo print media were dramatised earlier this year with the controversy over reporting by the daily newspaper *Dita* about a Serbian employee of UNMIK, Petar Topoljski. In a 27 April article, *Dita* published a photograph of Topoljski along with serious allegations of criminal misconduct during the war. Within two weeks

Topoljski was found dead. On 3 June 2000, UNMIK chief Bernard Kouchner ordered the offices of *Dita* closed for eight days.

Dita publisher Behlul Beqaj insisted that the story was accurate and that the fault lay with the international community for employing Topoljski. *Koha Ditore* offered to print several pages per day of DITA's editorial product until the ban ended, and the attitude of the Albanian media to the ban were typified by *Koha Ditore's* headline on 4 June, the day after the suspension, which declared "*Dita* is closed by decree, not through normal procedure." After the suspension, *Dita* continued its defiant attitude, republishing the original Topoljski article and following that with additional articles – including pictures – allegedly about Serbs living in Kosovo who had engaged in violent activities against Albanians during the war.

The facts of the Topoljski case itself remained obscure, with rumours flying and little confirmed by investigators. *Dita* seems to have had valid grounds for concern about the UN employment of an individual with an alleged background of questionable activities during the war. It also appears that international authorities may have failed to pursue these concerns when *Dita* raised them informally. But by presenting these issues in an article in which Topoljski was identified with a photograph, along with a description of his employment – in contrast with the Albanian witnesses in the story, who were identified only by initials – the handling of the matter by *Dita* amounted to an incitement to violence against Topoljski.

Before the Topoljski incident the international community had largely sat on its hands regarding the issue of media regulation. A proposed scheme for media supervision was developed in August 1999. At that time, OSCE invited seven Kosovo residents to form a Media Policy Board to advise OSCE, which would retain final regulatory power over the media. The seven-member board would have included one Serb and six Albanians, the latter comprising human rights activists and intellectuals, as well as journalists. The plan was withdrawn after a leak of information on the plan led to protests against alleged censorship from media watchdog groups. Regulations regarding the allocation of frequencies to broadcast media were largely ignored, resulting in a proliferation of unlicensed broadcasting.

As a substitute for international regulation, the international community attempted – with no success – to encourage self-regulation by Kosovo journalists themselves. A professional Code of Conduct was produced by the Association of Journalists of Kosovo. This code, however, was apparently never formally adopted, the "Court of Honour" it called for was never created or used, and its provisions had no discernible impact on the behaviour of the Albanian media.

The *Dita* case revitalized determination in the international community to address the issue of media regulation in Kosovo. On 21 June 2000, OSCE chief Everts unveiled regulations governing the conduct of broadcast and print media. The new rules created a Temporary Media Commissioner (TMC) with the task of implementing a regulatory regime for all media in Kosovo, pending the establishment of an Interim Media Commission. The media commissioner was authorized to issue binding Codes of Conduct for print and broadcast media. For

violations of the regulations or the codes by either broadcast or print media the TMC was authorized to employ a range of tough but graduated sanctions including warning, fines of up to 100,000 DM, seizure of equipment, and suspension of operations. An appeals process is established in both areas.

Sensitivity to the aftermath of the *Dita* case was shown in sections of the regulations titled "Special Provisions," which specifically forbade "publishing personal details of any person, including name, address, or place of work, if the publication of such details would pose a serious threat to the life, safety or security of any such person through vigilante violence or otherwise."

The Codes of Conduct were not made public at the time the regulations were announced. Drafts of the codes (dated 25 June 2000) established broad but vague standards for both broadcast and print media. In both codes journalists, editors, broadcast managers and other media personnel were required to:

- Respect the needs of citizens for "Useful, timely and relevant information" and to respect individual rights;
- Avoid "unnecessarily or baselessly provoking or inflaming public opinion" and avoid writing, publishing, or distributing material that "by its content or tone" would incite ethnic or religious hatred, crime, or carry a clear risk of "public harm," defined as "death, injury, damage to property or other violence;"
- Meet generally accepted standards of civility and respect for the ethnic, cultural, and religious diversity of Kosovo;
- Factually report crimes, violence, and natural disasters while avoiding sensationalism and showing consideration for privacy;
- Strive to ensure accuracy, fairness, and impartiality;
- Distinguish "commentary from news;"
- Avoid exclusively or primarily promoting the interests of one political party;
- Avoid writing, publishing or distributing false or deceptive material; and
- Avoid derogatory language about individuals or groups.

The new OSCE regulations are well intentioned and aimed at addressing serious problems in the Kosovo media. But the drafts of the codes available to ICG set vague but sweeping standards – with the force of law – that would appear to make it possible to penalise a broad spectrum of reporting that falls well short of hate and incitement to violence. The codes should be tightened to make legally punishable only carefully defined media activity, of a kind that has the likely effect of stimulating ethnic hatred or inciting violence. Provisions intended to encourage internationally accepted standards of journalistic conduct, such as objectivity, accuracy, and respect for privacy should be retained as goals, with implementation here left to beefed-up professional organisations of journalists, established on a firm institutional footing with OSCE backing. The provision banning media support for political parties goes significantly beyond hate reporting and incitement and should be eliminated; media organs should have the right to support a political party if they wish.

Another troubling aspect is the open-ended nature of the regulations in terms of time. Although international officials involved in developing the regulations have said they are intended to be temporary, the print media regulation is to remain in effect pending establishment of "effective self-regulation by the print media in

Kosovo," an event uncertain in both time and content, and which in any case is left entirely up to the UN to decide. The broadcast regulation is of open-ended duration. Some regulation of broadcast licensing and allocation of frequencies is obviously necessary on a permanent basis but the broad provisions of the code as it now stands are too restrictive.

Limited government regulation of media content in Kosovo is justified in the immediate post-conflict period, and while the region's media is becoming re-established, but it must not be allowed to become a permanent feature of the Kosovo media environment. Under no circumstances should the international community hand over to Kosovo government authorities, who have only limited experience in democracy, a ready-made tool for putting the media in a straightjacket.

With virtually every aspect of media behaviour to be regulated – and potentially restricted and punished – by the international community, monitoring of the Kosovo print and broadcast media will have to be comprehensive, timely, and accurate. Up to now, media monitoring by the international community has been a mixed bag. Both OSCE and the UN maintain separate, and often duplicative, media monitoring operations. UNMIK media monitoring is considered by most consumers to be the best in quality and quantity, although it distributes translations of only a fraction of the stories appearing every day in the print media. Broadcast monitoring is reported in a very sketchy fashion. OSCE media monitoring is somewhat slower and less comprehensive than that of UNMIK. It would make sense for UNMIK and OSCE to combine – or at least co-ordinate – their media monitoring efforts in order to ensure that potentially punishable material is brought before the appropriate authorities in a timely fashion. Failing to distinguish and act on important stories was dramatically seen in the Topoljski case when the offending *Dita* article elicited no response from policy makers in the international community at the time of its publication, going unnoticed until after Topoljski's death.

Also troublesome is the status of the Temporary Media Commissioner. In introducing the new regulations, OSCE chief Daan Everts described the independence of the Commissioner as "crucial." According to the regulations, however, the Commissioner is appointed by the UNMIK chief and there is nothing in the regulations to define his status or to protect his independence. Kosovo needs someone to provide appropriate supervision to its media but the individual chosen to exercise this heavy responsibility should be a senior, respected international figure who is both genuinely independent and possesses broad journalistic experience.

A regulatory structure governing expression in both print and electronic media could have a constructive impact on the development of Kosovo self-rule, but the current one should be promptly recast in favour of one including the following principles:

- The structure must be temporary, ideally limited to one year or to a period ending a month after the conclusion of the first Kosovo-wide general election;
- It must be administered by an independent figure of international stature with journalistic experience and statutorily independent of outside interference by

international authorities in Kosovo or the countries involved in the Kosovo mission;

- It must be limited to specific activities, such as hate reporting, unfounded allegations of criminal behaviour, incitement to ethnic violence, and incitement of political violence through hateful attacks on individuals and political tendencies; and
- Kosovar journalists should be drawn into its administration to the greatest possible extent.

VI. ENGAGING KOSOVO'S SERBS

Serbs in Kosovo have not participated in the election process. Their leaders announced a boycott of the registration and by the beginning of July only a few Serbs had registered. No Serb political parties registered by the 2 June deadline. Two factors are at work here. On the whole, the Serb community in Kosovo has not accepted Belgrade's loss of the 1999 war. Many Serbs still dream of a time when Belgrade will return to a dominant position in Kosovo and they are unwilling, therefore, to take steps which tend to institutionalise even the current transitional status of Kosovo. The second, and decisive factor, is that Milosevic – through a variety of levers, including the activities of the Socialist Party of Serbia (SPS), financial incentives and, where necessary, threats from pro-Belgrade thugs – continues to exercise a strong influence over the attitudes and behaviour of Serbs throughout Kosovo, including in the isolated Serb enclaves.

Leaders of the international community have stated that they are determined to go ahead with elections in the fall, even if the majority of Serbs continue their boycott of the elections to the end. To do otherwise would have the effect of allowing the Serbs to exercise an effective veto over the beginning of democracy in Kosovo.

Whichever way the Serbs go on the elections, the international community will have to try to find some way to engage them in an emerging structure of democratic institutions in Kosovo. Unfortunately, the *de facto* division between Albanian and Serb territories in Kosovo considerably complicates this process. Should the Serbs in the north of Kosovo decide to vote in the municipal elections, they will completely dominate the municipalities in this area which were always heavily populated by Serbs and from which almost all Albanians have been driven. Should the new Serb representatives – who would have the legitimacy of democratic election – continue obstructionist Serb policies, the possibilities for conflict with the international mission would grow. If Serbs in the isolated enclaves in southern and central Kosovo decide to participate in the elections – which at this stage seems unlikely – the international mission will face the challenge of finding some way of integrating the small numbers of Serb representatives into the new democratic structures of the municipalities.

Sprinkled throughout the regulations governing the elections are a number of provisions which seem to indicate that international officials have prepared fallback approaches for dealing with the administrative complications that would be caused by a late Serb decision to participate in the elections. Section 7.3 of the regulation establishing the CEC, for example, allows the UNMIK chief to

decide, "in exceptional circumstances to allow additional groups of persons to register to vote" who have not met the registration requirements. This could be used to allow Serbs to register and vote in Kosovo elections after the close of the registration period. The draft law on municipalities, similarly, allows UNMIK chief Kouchner to appoint individuals to municipal assemblies even if they did not participate in the elections. It is believed that this provision is intended to allow the UN to appoint Serbs or minority representatives to municipal assemblies. The UN should make use of these flexible options if Kosovo Serbs demonstrate that they are prepared to participate in a practical manner in the elections. Likewise, if it becomes necessary to make use of the appointive powers to municipal assemblies, care should be taken to appoint only individuals who are committed to reconciliation and are not acting under Belgrade's control.

Toward the end of June, a few tentative signs began to emerge of a possible shift in the Serb approach to the elections. On 21 June it was reported that some 100 Serbs had registered in Mitrovica.¹³ At about the same time, two senior international officials told ICG that there was possibly "something in the wind" with respect to Serb participation in the elections. Earlier, in a late April conversation with ICG, Mitrovica Serb leader Oliver Ivanovic hinted at flexibility on the question of Serb registration provided he could obtain an unspecified "quid pro quo" from the international community. As of early July, it remains to be seen whether anything will come of these hints.

Even if the Serbs continue their boycott of the election process, it will still be desirable to find some means to integrate Serbs into Kosovo's democratic life. The first step must come from the Serbs themselves, who will have to decide whether they are willing to participate in the Kosovo shaped by the international community. For this to be successful, two things must happen. First, Milosevic's levers of control over the Serb populace must be broken and the Serbs offered real hope that they can live securely in Kosovo. Second, Serbs must have democratic, institutional control over their own communities, within a united Kosovo.

Unfortunately, as of early July a serious emerging dispute between the UN and the Albanian political leadership, especially Thaci's PDK, threatened to complicate prospects for drawing Serbs into the elections and – if the controversy continued – even the holding of the elections themselves. On 29 June UNMIK chief Kouchner signed an eight-point memorandum with Bishop Artemije, the leader of the moderate faction of Serbs from the monastery in Gracanica. Although most of the provisions reiterated things the international mission already was doing or intended to do with the Serbs, the incident provoked a fire-storm of criticism from Kosovo Albanians. Thaci withdrew from the JIAC and privately threatened senior international officials with pulling out of the elections.

Albanians focused their ire on the establishment of "Local Community Offices" in Serb areas, which they feared could have some kind of quasi-governmental status outside the formal Kosovo structure of government. In Albanian eyes this could be the first step toward turning the current *de facto* separation between the enclaves and the rest of Kosovo into a formal partition. Albanians also feared

¹³ Zëri, 21 June 2000.

that these offices would be taken over by Serbs controlled by Belgrade – a valid concern in view of the influence that Milosevic continues to wield in the enclaves.

Unfortunately the UN move did nothing to draw Serbs into the elections at the same time it has increased the chances that Albanians might turn to boycott threats in response. The Serbs promised nothing in return for the Memorandum of Understanding except to resume attending the JIAC. It is hard to understand why Kouchner did not – at a minimum – insist that Artemije also call upon Serbs to register and participate in the elections. Artemije's continued reserve toward the elections reinforces perceptions that even the moderate "Gracanica Serbs" are unwilling to accept a Kosovo led democratically by its majority Albanian population.

The international community must, nevertheless, find some way to draw Serbs into the structure of Kosovo local self-government that will be established by the elections. Institutional structures for Serbs are needed and these will have to recognise the present territorial division of Kosovo, at least for some time. It is essential, however, that these local institutions for Serbs be explicitly within the Kosovo government structure. One way to do this would be to create separate sub-departments within the existing framework of municipalities, perhaps based on the old Yugoslav *mestna zajednica* -- units of local administration which continue to operate throughout Kosovo in both Serb and Albanian areas. Under this arrangement, the existing Serb enclaves could be reformed as new *mestne zajednice* within the existing municipalities. It would even be possible to hold separate, internationally supervised local elections in them, provided those participating were willing to register and run as Kosovars.

Albanians will undoubtedly see this as a form of cantonisation. Given the current level of tension and the already existing ethnic division, however, there is no other means to create institutional structures in which Serbs can vote democratically and govern themselves within a non-partitioned Kosovo.

A related issue has to do with possible participation by Kosovo Serbs in the Serbian elections that are supposed to be held later this year. It is likely that many Serbs in Kosovo would seek to participate in that voting and virtually certain that Serb refugees from Kosovo living in Serbia would do so. But nothing in UNSC Resolution 1244 authorises any body other than the international civil presence to hold elections in Kosovo during the transitional period. In addition, Serbian and Yugoslav elections would be improper because they would imply one particular approach to a settlement of the final status of Kosovo. The international community, therefore, should not assist Serbs in Kosovo to vote in the Belgrade-sponsored elections, especially in view of the anticipated Kosovo Serb boycott of the municipal elections in Kosovo.

VII. ROLE OF THE ALBANIAN POLITICAL PARTIES

Whatever happens with respect to Serb participation in the election, the *de facto* division between Albanian and Serb territories means that for the majority of municipal elections the contests will be between Kosovo Albanians – and Albanian political parties. Twenty-five of these are fielding candidates for the municipal elections. Only a handful, however, can claim any significant following, as demonstrated by polling data or informal soundings by journalists and informed political observers. The Democratic League of Kosova (LDK), headed by Ibrahim Rugova, who for ten years led Kosovo's non-violent resistance to Serb occupation and is still considered by many Kosovo Albanians as their symbolic President, is currently well in front of other parties in most polls and other forms of political analysis. A KFOR poll of 1000 individuals across Kosovo, conducted in April 2000, found that 47.6 per cent supported Rugova's LDK and 12-14 per cent supported Thaci's PDK.¹⁴ Another poll of 555 Pristina residents, published on 12 June 2000 by the newspapers *Zëri* and *Kosova Sot* and conducted by the Institute for Democratic and Ethnic Relations of Kosovo, found that 36.5 per cent supported the LDK and 29.5 favoured the PDK. Support for all other parties was in the single digits.¹⁵

The Kosova Liberation Army, which led armed resistance to the Serbs in 1998-1999, has been formally disbanded and its political legacy splintered among several parties with ties to former KLA leaders. Thaci's PDK, formerly the PPK, is generally considered the largest of the ex-KLA parties. But Thaci's claim to the KLA heritage is being energetically challenged by respected wartime KLA commander Ramush Haradinaj, who has formed a coalition of citizens and smaller parties, called the Alliance for the Future of Kosova (AAK). (This party was not included in the polls cited above.) Prominent intellectual Rexhep Qosja heads the United Democratic Movement (LBD), which poll data showed receiving very low support. However, Qosja retains public prominence because he, along with Rugova and Thaci, have been included on the JIAC – the consultative body created by UNMIK chief Bernard Kouchner to allow Kosovars a sense of participation in the international community's governing structures.

Most Albanian political parties tend to be collections of intellectuals or individuals grouped around a prominent leader. All favour independence but few have developed party platforms or appear to have devoted any serious thought to how they might contribute to resolving Kosovo's massive economic and social problems. In his opening speech to the PDK party Congress, for example, Thaci discussed the contributions of the KLA to Kosovo's struggle for freedom. But he devoted virtually no attention to the economy despite Kosovo's massive unemployment and social hardships.

Only the LDK, the PDK, and the AAK have substantial, Kosovo-wide political organisations. The LDK and the AAK have each registered to run candidates in 29 of Kosovo's 30 municipalities, while the PDK has applied to field candidates in 27 municipalities.¹⁶

¹⁴ Unpublished report, Poll Among Kosovo Albanians, April, Wave II.

¹⁵ UNMIK Local Media Report, June 13, 2000.

¹⁶ OSCE draft Document; "Political Parties/Coalitions – Application for Certification in Municipalities, 20 June 2000.

VIII. NEXT STEP: KOSOVO-WIDE ELECTIONS

Kosovo Albanian political leaders objected strenuously to the international decision to hold only municipal elections in 2000, which was taken during the winter of 1999-2000. Albanians argued instead for elections to Kosovo-wide political institutions including a parliament and president. Once the decision was made to limit elections to the municipal level, however, talk of Kosovo-wide elections faded for a time.

The international community cited several reasons for limiting elections this year to the local level. Most often expressed is the view that democratic structures in Kosovo should be built from the ground up, starting with local institutions as a kind of laboratory and training ground for democratic elections and for the operation of democratic institutions deriving from them. Under this arrangement democracy would be introduced in Kosovo on a step-by-step basis, with elections to Kosovo-wide institutions following the successful conduct of local elections and the establishment of local institutions.

The real, underlying reason for not holding Kosovo-wide elections, however, is the continued inability of the international community to come to grips with the issue of Kosovo's status. International differences on this point delayed until recently any serious efforts to devise Kosovo-wide institutions, which UNSC Resolution 1244 states should be adopted for the transition period until a decision on final status is reached. Some international representatives in Kosovo also expressed concern that Kosovo-wide institutions could lead the Albanians to such irresponsible actions as a unilateral declaration of Kosovo independence.

Although the argument for building democratic institutions slowly, beginning with the municipalities, has a certain surface plausibility, in fact it runs counter to the political traditions of Kosovo and the Balkans as a whole, where power in modern times has flowed from the centre to the regions or localities. That situation continues to prevail in the Kosovo political situation today, where the major political parties are centred around a prominent personality and where organisational strength flows from the party centre to the localities. Ignoring this aspect of the local political culture will only cause problems.

It virtually guarantees an increase in friction between Kosovo Albanians and the international community. Once elected local bodies begin to function, the absence of any similar democratic mechanisms for their own self-rule at the Kosovo-wide level will inevitably become a sore point with the Albanian population and with Albanian political leaders. The absence of central leaders with democratic legitimacy will probably only exacerbate the conflicts that are inevitable at the local level between elected officials and the strong residual powers of the international mission.

The existence in Kosovo of quasi-criminal, quasi-governmental underground structures with different regional bases does not alter this equation and, in fact, makes it even more urgent to impose democratically elected central structures on top of the local ones. Holding local elections alone will make it easier for the underground regional "capos" to expand their influence through the local electoral process, without the counter-balance of strong, Kosovo-wide leaders,

parties and institutions that would enjoy the prestige and legitimacy of successful Kosovo-wide elections. Under these circumstances, and even with a re-adjusted JIAC after the election, municipal officials might not follow the directives of central authorities, but would obey their respective party leaders. Each municipality could therefore be held hostage to feuds between the dominant rival parties.

The international community should not confuse the seeming lack of interest by the Albanians in early Kosovo-wide elections with a willingness to see such elections postponed indefinitely, and still less with continued Albanian willingness to accept exclusion from real control over their own self-governance. After almost a year of international administration, problems in Kosovo are building. Many of them can be traced to the continued exclusion of Kosovars from institutions of self-rule.

As the Albanian political parties have become more engaged in preparations for the municipal elections greater attention has begun to be paid among political leaders and the media to broader political issues, including the question of Kosovo-wide elections and the issue of interim governmental structures for Kosovo. After the 19 June IAC session, Thaci called publicly for a Kosovo constitution to be in place before the municipal elections and for a specific date to be decided for general elections in Kosovo.¹⁷

It is imperative that when the date for local elections is set the international community should simultaneously announce a specific date for Kosovo-wide elections, as early as possible in 2001. This is necessary to reduce the current sense of drift with respect to Kosovo's future status and to get both the international community and Kosovo leaders themselves focussed on a mechanism and time-table for conveying the responsibilities and burdens of self-rule to the citizens of Kosovo.

IX. CONCLUSIONS AND RECOMMENDATIONS

Electoral Procedures

Kosovo has never before experienced a genuine democratic political process. Social, cultural, and political factors in the region as well as in Kosovo itself make the introduction of democracy immensely challenging. In approaching the municipal elections promised by the international mission for this year, resistance to the success of the voting must be anticipated. For this reason, the international community must take a tough, problem-solving posture that may initially be perceived as non-democratic. Serious measures with real teeth must be imposed and enforced by UNMIK and OSCE.

These include, in the first place, monitoring, investigating, and applying legal penalties against violence and intimidation, with sanctions to be administered by UNMIK and OSCE and applied to parties and candidates. Kosovo is at risk from political as well as ethnic violence. Parties found to be complicit in political violence should be penalised by the striking of candidates from the top of their lists and imposition of fines. Candidates

¹⁷ UNMIK Local Media Report, June 20, 2000.

or party activists excluded from the electoral process because of misbehaviour should be ineligible to run or be appointed to a political post for the following four years. This rule should be imposed as quickly as possible, given that most parties are still in the early stages of organisation. All parties must be guaranteed full freedom of activity and access throughout Kosovo.

In addition, there should be strong requirements for financial disclosure by parties and their top officials. Disclosure declarations should be subject to random audit and limits should be placed on the amounts that parties and candidates are allowed to spend on elections. Violators should be subject to sanctions ranging from fines to suspension from future electoral activity.

Media

The international community should revise the media regulation recently adopted to limit punishable activity to media behaviour that would incite violence, disorder or hatred; encourage ethnic or religious hatred; or encourage criminal activities. The administrator of this regulation should be given a statutorily independent status and should be an experienced international media figure. The regulation should be written to expire within a short period after Kosovo's first general elections. The same rules must be imposed on Serbian media introduced into Kosovo, with the sanction being a ban on their import, to be enforced by KFOR and the UN police.

The international community should immediately provide the funds needed to allow OSCE to pay for the additional satellite time to increase the airtime for the only public TV broadcaster, RTK, from the current level of two hours per day to at least four.

Kosovo - wide Elections

The international community should recognise that municipal elections are only first steps toward the transformation of Kosovo into a self-governing society run by its own people for their own interests. It would have been best for Kosovo-wide elections to be held this year, but with that probably no longer realistically achievable at least when UNMIK announces the date of municipal elections, it should also announce a date certain for Kosovo-wide elections. The goal should be inauguration of a Kosovo government – under continued international supervision – by June 2001, the second anniversary of NATO's entry into Kosovo.

Serbs

In dealing with the Serb populace, which has boycotted the election process, the international community is correct in refusing to allow itself or the majority of Kosovo citizens to be held hostage to the demands of an intractable minority. It is appropriate for the international community to hold elections regardless of Serb obstruction. Nevertheless, Serb non-participation would further cement the divisions between the two main ethnic communities in Kosovo. Ways must be found to bring the Serbs into the emerging Kosovo democratic structure. UNMIK chief Kouchner may well need to use his power to appoint appropriate Serbs to municipal assemblies but this will not resolve the dilemma of bringing democratic, Kosovo government to the enclaves. If the Serbs in the enclaves were willing to accept a place in a democratic Kosovo, it would be possible to devise and hold special elections for local, sub-municipal governmental

structures for the Serbs, based on the *mestna zajednice* or local political structures subordinate to municipalities that were inherited from the old Yugoslavia and which continue to function in many places.

Pristina/Washington/Brussels, 7 July 2000

GLOSSARY OF ACRONYMS

AAK	Alliance for the Future of Kosova <i>Aleanca për Ardhmërinë e Kosovës</i>
CEC	Central Electoral Commission
ECAC	Election Complaints and Appeals Sub-Commission
JIAC	Joint Interim Administrative Council
KLA	Kosova Liberation Army
KPC	Kosovo Protection Corps
LBD	<i>Lëvizja e Bashkuar Demokratike</i> United Democratic Movement
LDK	<i>Lidhja Demokratike e Kosovës</i> Democratic League of Kosova
OSCE	Organisation for Security and Cooperation in Europe
PDK	<i>Partia Demokratike e Kosovës</i> Democratic Party of Kosova
PPCC	Political Party Consultative Commission
PPDK	<i>Partia e Progresit Demokratik të Kosovës</i> Party of Democratic Progress of Kosova
RTK	<i>Radio Televizioni i Kosovës</i> Radio Television of Kosova
RTKM	<i>Radio Televizija Kosovska Mitrovica</i> Kosovska Mitrovica Radio TV
SHGK	<i>Shoqata e Gazetarëve të Kosovës</i> Association of Kosova Journalists
SPS	<i>Socialisticka Partija Srbije</i> Socialist Party of Serbia
TMC	Temporary Media Commissioner
UNMIK	United Nations Interim Administration Mission in Kosovo