



KOSOVAR INSTITUTE FOR POLICY RESEARCH AND DEVELOPMENT

Policy Brief 2012/01

ELECTIONS FOR THE CITIZEN

EVALUATION OF THE KOSOVO ELECTORAL SYSTEM AND RECOMMENDATIONS
FOR FUTURE ELECTIONS

Review of previous KIPRED reports on electoral system

Prishtina, January 2012

This project has been supported by the Government of the United Kingdom, through the British Embassy in Prishtina.

The content, findings, and recommendations of this publication are the responsibility of KIPRED.

Drafted by: Dafina Gashi and Refki Morina

Reviewed by: Ardian Arifaj

Copyright © 2012 by KIPRED. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without permission of the publisher.

Published by,



Kosovar Institute for Policy Research and Development

Rexhep Mala Str., No. 5A

10 000 Prishtina, Kosovo

Phone and Fax: +381 (0)38/227-778

www.kipred.net

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	5
2. INTRODUCTION	7
3. ELECTORAL SYSTEM IN KOSOVO	7
3.1. The Present Electoral System.....	7
3.2. Legislation.....	8
3.3. The Future of the Election of the President.....	9
3.4. Election Irregularities and Re-elections	11
3.5. Political Parties.....	12
4. HOW DOES KOSOVO’S ELECTORAL SYSTEM COMPARE TO OTHER COUNTRIES’ IN THE SOUTH-EAST EUROPE?.....	16
5. REFORMING THE ELECTORAL SYSTEM IN KOSOVO	18
5.1. What System Should Kosovo seek to be in Principle?	18
5.2. What Should the Public, Civil Society, and Political Leaders Debate?	18
5.3. What Should the Evaluation Criteria be for an Electoral System?	20
6. MODELING OF THE ASSEMBLY OF KOSOVO WITH ELECTION DISTRICTS...22	
6.1. Current geographic representation—1 election district	22
6.2. Modelling and Methodology	23
6.3. Modelling with six election districts	24
6.4. Modelling with seven election districts (6 +1 virtual district)	27
6.5. Modelling with seven election districts.....	28
6.6. Benefits of division into electoral zones	28
7. CONCLUSION AND RECOMMENDATIONS FOR FUTURE ELECTORAL SYSTEM:.....	31
8. Annotated Bibliography	33
APPENDIX 1: How Kosovo’s Electoral System Compare to Other Countries’ in the South-East Europe	35
APPENDIX 2: District Division.....	36

ACRONYMS

AAK	Alliance for the Future of Kosovo
AKR	Alliance for New Kosovo
CEC	Central Election Commission
DiA	Democracy in Action
ECAP	Election Complaint and Appeal Committee
FER	New Spirit Party
KDTP	Kosovo Turkish Democratic Party
LDK	Democratic League of Kosovo
PDK	Democratic Party of Kosovo
PSC	Polling Station Council
PSHDK	Albanian Demo-Christian Party of Kosovo
SLS	Serbian Liberal Party
VV	VETËVENDOSJE Movement

1. EXECUTIVE SUMMARY

After Kosovo's independence in 2008, a need for creation of foundations of locally propelled democracy that is accountable to its own citizens arose. The parliamentary elections of 2010 were of a great significance as they were carried out for the first time in an independent country. With all the notable weaknesses, highlighted in this paper, it provides for a reminder that so long as there is a continuous effort and willingness to improve democratic processes in Kosovo such barriers will be overcome.

Overall the electoral system so far has: (a) offered a clear accountability channels due to the open lists; (b) after the power transfer from international community, the legitimacy has come with real authority as well as a sense of ownership has been established by its constituency; (c) provided for constitutional mechanisms which guarantee minorities representation and protection; (d) guaranteed women representation due to a 30% quota; (e) left a number of municipalities without any representatives, thus weakened the voter-MP link; (f) eliminated the possibility of entry for small parties and independent candidates to legislature.

This paper discusses the present electoral system and its main features. Also, it presents last general elections and their outcome along with legislation and irregularities. It begs many questions regarding reforms on electoral system and offers alternatives based on democratic values and normative preferences. Additionally, it opens up for the debate on the evaluation criteria of an electoral system. Finally, it offers a modelling study in extensive detail that gives an account of different possible scenarios and offers the optimal model along with recommendations.

Summary of Recommendations

After thorough studies and analysis Kosovo Institute of Policy Research and Development (KIPRED) has done, it has come to an understanding and conclusion that an electoral system that suits best Kosovar people is a model which consists of these five features:

- **Districts**—the current single district system in principle will suffice to ensure representation of all regions of all political entities. Unfortunately, for a young democracy this system is not proving to achieve its aims, specifically, lack of intra party democracy has fostered emergence of strong leaders who have established monopoly or curtailed an equal race within the party. In order to overcome these serious shortcomings it is widely believed that Kosovo should be divided in multiple districts. Therefore, KIPRED has joined forces and stands behind this recommendation. Modelling study shows that district division will not affect the formation of the parliament significantly. In order to ensure strong voter—MP link, Kosovo should be delimited into seven electoral districts.
- **One vote**—voting for one candidate is the best option for an easy and fair election process as well as giving the voters the opportunity to elect their regional lawmaker. Voting for multiple candidates was a main source of vote manipulations. One vote-one candidate minimizes vote misuse.

- **Open lists**—there should be no amend to open lists system.Open lists with printed names on the voting ballot ensure accountability and legitimacy of the lawmakers and simplify the voting process.
- **Natural threshold**—threshold requirement should be amended from 5% to 1%.Threshold revision will provide for an equal opportunity for small parties, big parties, independent candidates, and local civic and regional initiatives.
- **Solving cases of election crimes**—it is very important that past election crimes are dealt as swiftly as possible according to the law.Failure to persecute these unacceptable practices will set a bad precedence and encourage continuity from perpetrators.

KIPRED has analysed in detail the proposing amends and has studied the impact these changes would have on the entire election process, including the changes that would take place in the composition of the parliament, the regional representation, the number of votes necessary for electing one deputy and the threshold to enter the parliament. This analysis is presented in the Modelling part of this report.

2. INTRODUCTION

Elections are one of the most powerful instruments of democracy today, particularly for well-established democracies where voting is seen as an opportunity to elect officials that best represent peoples' values and interests. The electoral system can be an instigator or a barrier to the development of a democratization process. How a country translates constituents' vote into a legislative seat is determined by various factors, related to the specifics of the country. However, the decisive factors in the selection of a country's electoral system often times are not reflective of the general public interest or evaluation. Instead it is a mirror of a particular system which is primarily suitable to officials who run the state. The electoral system and its processes reflect deeply on the understanding and interests of stakeholders who are involved in such political process.

The importance of an electoral system should not be underestimated as it influences all spheres of the political life in a country. Reforms of the election law should be carried out in order to provide for the direct accountability of the elected officials. When revising the electoral system analysis of various options are pertinent and involvement of all stakeholders is essential. Throughout this paper the process of debate and involvement of all stakeholders is promoted.

This KIPRED report is a compilation and rearrangement of five previous studies with regard to elections and electoral system in Kosovo—*Reforming the Electoral System in Kosovo; Kosovo National Elections 2010: Overview and Trends; Comparative study of electoral systems in the South-East Europe; Election Crimes: An analysis of the criminal prosecution and trial cases of election crimes in Kosovo; and, Modelling of the Assembly of Kosovo with Election Zone*. The report is based on opinions and recommendations from civil society organizations and election experts. The primary goal of this work is to provide concrete suggestions for changes in the electoral system, which KIPRED believes will support the advancement of democracy in the country. It will also encourage public debate about alternative elements of an electoral system, the various details and their potential effects. Furthermore, it raises questions, offers answers to different scenarios, and based on analysis recommends a best model to be adapted for the future electoral system. Through these recommendations, KIPRED does not wish to discredit the current electoral system instead it tries to suggest changes that will strengthen the on-going democratic processes in Kosovo.

3. ELECTORAL SYSTEM IN KOSOVO

3.1. The Present Electoral System

Kosovo is a Parliamentary Republic in which voters elect the members of parliament (MPs) directly, through a secret ballot, every four years. The entire territory is one electoral district and voting is done at the national level. In the parliamentary elections of 2001 and 2004, voting for MPs was done with a proportional system and closed lists. A large democratic step ensued in 2007 when parliamentary elections were conducted with open lists, where constituents were able to vote for 10 candidates. Irregularities that arose during these elections

were partly attributed to the fact of a selection for 10 candidates in one ballot paper. The high number of candidates to be voted created confusion among voters and increased the number of invalid ballots.

The first parliamentary elections Kosovo organized as an independent country, were held in December 12, 2010. In a bid to further decrease voting irregularities, yet another change to the voting list was introduced. This time, voters were able to select five candidates of a party to vote for. The election threshold for parties remained 5% of the total cast votes, whereas, for minority parties the threshold of 1%. Additionally, the Law on General Elections¹ determined the general provisions of the electoral system in Kosovo; it defined the entire country as a single election district with multiple candidates. 100 MPs entered the Parliament through proportional representation with open lists, and 20 minority MPs through reserved seats. This will change in the next elections when minority parties will only have guaranteed seats. Series of technical irregularities and numerous shortcomings of past elections confirmed the impression that Kosovo is still on the learning curve when it comes to organizing and running democratic processes of such scope. Table 1 illustrates the general elections in a chronological order, from 2001 to 2010, along with summary of some specifics of the electoral system.

General Elections				
<u>2001</u>	<u>2004</u>	<u>2007</u>	<u>2010</u>	<u>Future Elections</u>
Closed lists	Closed lists	Open lists (10 candidates)	Open lists (5 candidates)	To be decided in the Commission for the Amendment of the Election Law ²
Single district	Single district	Single district	Single district	To be decided in the Commission for the Amendment of the Election Law
Reserved seats for minorities	Reserved seats for minorities	Reserved seats for minorities	Reserved seats for minorities	Guaranteed seats for minorities

Table 1: Presentation of general elections of 2001, 2004, 2007, 2010

3.2. Legislation

After the ratification of the Comprehensive Status Settlement³ by the Assembly of Kosovo in 2008, the Parliament was responsible for the implementation of necessary legislation foreseen

¹Law Nr. 03/L-073, on General Elections in the Republic of Kosovo, Article 110.

² The decision to establish the Commission for the amendment of the Law on General Elections in the Republic of Kosovo gives the Commission the mandate to make changes which are deemed to be necessary for a much functional democracy and fairer elections in the future.

³Also known as the *Ahtisaari Plan*, according to the former Finish President, Mr. Marti Ahtisaari, who prepared the Comprehensive Status Settlement.

by this plan within 120 days after the Declaration of Independence.⁴ Among the first set of laws to be promulgated, were the Law on General Elections and the Law on Local Elections. Due to the urgency of time, many feel, *Ahtisaari* package laws were approved in an expeditious mode without proper public or parliamentary debates.

During the 2009 local elections, several shortcomings of the Laws on General and Local Elections became evident. One of the persistent issues that emerged in the elections of November 15, 2009, was the unclear definition of responsibilities of the Central Election Commission (CEC) and the Election Complaint and Appeals Committee (ECAC). In May 2010, to eliminate these shortcomings, a task force was established to reform the Election Law. This team included MPs, civil society, and international community representatives.

One important issue discussed during these working group sessions was the election threshold—the discussion converged upon 5% and 3%. The review of threshold level was proposed by the representatives of small parties which did not meet this entry requirement for the parliament. This proposal of decreasing the threshold requirement was supported by the civil society representatives too. However, it did not pass, thus leaving the threshold at 5%. Nonetheless, the minority parties enjoy a threshold level of 1% and there was a full consensus for this requirement to remain as is. Another change which enjoyed unanimity among political parties was to increase the number of candidates to be voted from one to five in a party list.

3.3. The Future of the Election of the President

On April 7, 2011, the parliament approved a resolution highlighting that the legislative body will establish a Parliamentary Commission which will work on the revision of the Constitution so in the future the President of the Republic of Kosovo would be elected by a popular vote.⁵ This challenge was brought after the country was reduced to a political impasse created as a result of a tension between the two major political parties comprising the governing coalition,⁶ PDK and LDK, and the appetite to hold on to power despite of the unconstitutionality over the Presidency of Fatmir Sejdiu. In September, 2010, the Constitutional Court of Kosovo ruled that the President of Kosovo Fatmir Sejdiu had breached the Constitution of Kosovo by holding simultaneously the post of the President and party leadership of LDK.⁷

After the Court ruling, President Sejdiu resigned from the presidency in order to hold on to the position of the LDK leadership. Jakup Krasniqi, the President of the Assembly of Kosovo, resumed the duty and responsibility of the office. As foreseen by the Constitution, he was to play the role of an Acting President until the next president was elected. In February 22, 2011 Behgjet Pacolli was elected as the President of Kosovo. His election came with a great

⁴ Comprehensive Proposal for the Kosovo Status Settlement, Annex XII, Article 1.

⁵ Minutes from the Plenary Session of the Kosovo Assembly, April 7, 2011.

⁶ The government coalition during the years 2007-2010 between PDK and LDK.

⁷ Case No. KI 47/10, The Constitutional Court of Kosovo. 29 September 2010. http://www.gjks.org/repository/docs/ki_47_10_eng_2.pdf

difficulty and after three rounds of voting in the parliament he managed to secure the minimum votes for the highest office. At the same time, behind the scenes, there was a disturbing affair going on through phone messages between him, his adviser, and the U.S. ambassador to Kosovo.⁸

After a few months of controversy surrounding the presidency of Behgjet Pacolli,⁹ Kosovo's parliament elected Atifete Jahjaga as its president. She received 80 votes, with no votes against, in April 7th, 2011. Jahjaga was a compromise candidate in a U.S.-brokered deal between Prime Minister Hashim Thaçi, Behgjet Pacolli, and the head of the opposition Democratic League of Kosovo, Isa Mustafa. Her election gave rise to concern for that how much a president elected by a handful of political actors will enjoy legitimacy among the people.

All the aforementioned events were followed with a great degree of disappointment and raised an urgent need for a change of the law for election of the president. The Parliamentary Committee charged with the amendment of the Constitution for election of the president is said to have asked the parliament's leadership for an extension of its mandate. Originally, they were supposed to present their final recommendations for amendments in January 2012.

Although the recommendations are still unknown to citizens, the committee participated in a series of public debates. These debates were held in 11 cities around the country. The discussion panel included the committee members and civil society representatives such as Democracy in Action (DiA). Every public person was invited to participate in these public discussions with contribution to the following key issues: (a) Who is able to run for President? (b) Who can nominate a presidential candidate? (c) How will we vote for the election of the President? (d) Who will the President be sworn to? (e) When and how the President can be dismissed?¹⁰

According to Arsim Bajrami, the Head of the Parliamentary Committee for Constitution amendments, Kosovo's future president will be entirely sovereign from the Parliament and will have the opportunity to serve the people towards unity. Constitution reforms will not only deal with the amendment of the law for the election of the president, but will attempt to address those dispositions that have proven not to be functioning. Furthermore, Bajrami declared that the commission has the mandate to work on two sets of laws regarding the president.¹¹ First, the law on the election of the president, as Kosovo needs to move towards

⁸The *Express* photographer uncovered another side of the story when he captured the images of corresponding messages between Behgjet Pacolli, his adviser Essad Puskar and Ambassador Chris Dell. In these messages Puskar—sitting next to Ambassador Dell during the voting session—acts as a communication bridge between Ambassador Dell and Pacolli. The published SMS-s showed that the involvement of a few actors in the election process mirrored a non-democratic process and outraged the public and opposition parties. These SMS-s raise serious concerns about the current election law of the President, and needless to say it paves in for an urgency to change such law. www.gazetaexpress.com

⁹The Constitutional Court had ruled that Pacolli's election had breached the constitution because an opposition boycott left a smaller number of lawmakers in the parliament in the voting session than required by law. The opposition strongly opposed Pacolli's re-run and threatened to repeat the boycott if Pacolli run again.

¹⁰DiA news portal—Be part of the Constitution amending process. <http://www.demokracianeveprim.org> , September 28, 2011 .

¹¹Arsim Bajrami, Interviewe ne Radio Evropa e Lire, April 24, 2011.

presidential elections, and then the law on the president, because election by popular vote implies a new presidential position for the future and excludes the responsibilities of the current president. It remains to be seen how the largely discussed aspects have been addressed, such as: citizenship, age, mandate length, president's oath, public functions, immunity, and other issues which have to do with the president's mandate.¹² There is no doubt that this is an essential task in Kosovo's democratic transition. Developing key political institutions and reforming political processes will diminish the large onus of responsibility placed on the governing institutions after Kosovo's independence.

3.4. Election Irregularities and Re-elections

In the past, the police, prosecutors, and judges did not consider theft and manipulation of votes during elections as a priority. Their failing to adequately prosecute and conduct trials on these cases set a bad precedent and allowed for a massive abuse during general elections of 2010.¹³ As a result, the Supreme Court and State Prosecutor were overwhelmed with the vast number of cases from 2010 elections and a backlog from the 2007 elections.¹⁴

In 2010, in order to avoid manipulations and abuses during voting, seven commissioners were appointed in each Polling Station Council (PSC). Each commissioner had a different responsibility to ensure the regularity of the election process. Ironically, where there were reports of vote theft and manipulation, often such abuses had occurred in a full knowledge or involvement of commissioners. Additional issues arose regarding technical failures with election materials¹⁵ such as faulty ultraviolet lights and invisible ink spray. Poor administration and lack of proper mechanisms to eliminate any eventual mishap created a loophole for election crimes and hurt the integrity of the election process.

The nature of abuse was of such magnitude in some localities that there was no other option but a repeat of elections. After the complaints and appeals for the elections of December 12, 2010, the ECAP¹⁶ decided to hold re-elections in three municipalities and two voting stations in two other municipalities. Election campaign for this round of re-elections took place over three days. Because the CEC published the preliminary results, a few small parties retired from the race along with some minority parties. The first set of re-elections was held on

¹² Prof. dr. Azem Hajdari, *Amandamentim i Kushtetutes ne çeshtjet qe kanë te bëjnë me zgjedhjen e presidentit*, <http://telegrafi.com>, December 12, 2011

¹³ In May 2009, the Organization for Security and Cooperation in Europe (OSCE) issued a report which concluded that even a year and half after the end of the election process in 2007, the justice authorities were quite unproductive in resolving election cases. Monthly report—May 2009, Department of Human Rights and Communities. Organization for Security and Cooperation in Europe Mission in Kosovo. May 2009.

¹⁴ KIPRED personal communication with the President of the Supreme Court of the Republic of Kosovo, Mr. Fejzullah Hasani, August 2011, and Chief Prosecutor of the State, Mr. Ismet Kabashi, July 2011.

¹⁵ The election materials comprised of: conditional ballots, ballot papers, ballot boxes, voting stands, ultraviolet lights, invisible ink spray, and official stamp of the ballot paper, ink, ink refill, voting book, and other stationary materials.

¹⁶ In the 24 hour period after the closing of the polling stations, the ECAP received 363 complaints and appeals from political parties and organizations that monitored the elections. The ECAP received 454 complaints and appeals in total for the official elections and re-elections.

January 9, 2010, in Skënderaj/Srbica, Gllogovc/Glogovac¹⁷ and Deçan/Dečane as well as two voting centres in Malishevë/Mališevo and Lipjan/Lipjane. Again, these elections were characterized by irregularities especially when considering the number of complaints and appeals that precipitated re-elections in the first place. Yet again serious problems arose; the CEC had to order a vote re-count in eight polling stations spread across all three municipalities.¹⁸

It is worth mentioning that the monitoring process of elections in 2010 was conducted by a vast and diverse number of actors. They included: observers from political parties, civil society¹⁹ representatives, media, international organizations and international diplomatic establishments in Kosovo. Involvement of a large spectrum of society and institutions on the Election Day did not deter the criminal offences however.

3.5. Political Parties

In 2010 elections, CEC in total registered 55 political parties, 23 of which belonged to the Albanians, 11 to Serbians, and the rest belonged to other minority groups.²⁰ Out of 55 registered entities, 26 registered parties and 3 citizens initiatives were certified for the elections. Following, is a presentation of political parties and their positions in the political scene today.

Democratic Party of Kosovo (PDK)

PDK came out as the biggest and most widespread party in entire Kosovo. Except for Prishtina, this party enjoyed an increase in electorate across Kosovo when compared to 2007 national elections. In 21 municipalities PDK ranked as the first party and in four other municipalities it came out as second or third.

PDK		
Year	Number of votes	%
2001	202,622	25.70
2004	199,112	28.85
2007	196,207	34.30
2010	224,339	32.11
Source: CEC at http://www.kqz-ks.org		

As it can be seen from the table, PDK won 23,132 more votes or 14.34% above their total votes in 2007. However, despite the overall better results, PDK lost two parliament seats in comparison to 2007. Overall results show that the party won 21.46% of its votes in Skënderaj/Srbica and Gllogovc/Glogovac reconfirming Drenica as a PDK voter stronghold.

¹⁷The discrepancies of votes between the election and re-election day in these two localities was 30,000 voters or 25% less turnout –an indication to double voting and possible ballot stuffing.

¹⁸CEC Decision Number 88-2011 released on date 15.01. 2011.

¹⁹Civil society was involved on the monitoring process through a wide coalition called “Democracy in Action,” which has observed elections in Kosovo since 2007. These observers amounted to 5000.

²⁰ Central Election Commission, Office of PR Registration and Certification, Candidate’s List <http://www.kqz-ks.org/SKQZ-WEB/en/rrethkqz/lk.html>

Democratic League of Kosovo (LDK)

In comparison to 2007, this party managed to increase its electorate by 33.34% or 43,142 more votes. Nonetheless, the party won less than half the total votes it acquired in the first parliamentary elections of 2001. LDK won around 37%, or 67,310 votes, in municipalities bordering Prishtina/Priština such as Podujeva/Podujevo, Obiliq/Obilić, Fushë-Kosovë/Kosovo-Polje, and out of the seven major centres in Kosovo it only managed

to come first in Prishtina/Priština. A contributing factor to its win in Prishtina/Priština can be supported by the fact that the leader of the party, Isa Mustafa, is also mayor of Prishtina/Priština.

LDK		
Year	Number of votes	%
2001	359,851	45.65
2004	313,437	45.42
2007	129,410	22.60
2010	172,552	24.69
Source: CEC at http://www.kqz-ks.org		

Alliance for the Future of Kosovo (AAK)

AAK entered 2010's parliamentary election race without its leader, Ramush Haradinaj, due to his trial in Hague. Despite a huge disadvantage of entering the election race without its leader, the party gained some MPs from LDK and two independent MPs. In 2010, AAK witnessed an increase of 22,519 votes or 41.24% more than their total votes in the parliamentary elections of 2007. Despite their attempt to change the existing perception of a party of the

Dukagjini region (Peja/Peć, Junik, Deçan/Dečane, Gjakova/Djakovica, Klina and Istog/Istok), the party still won 45.74% of their total votes in this part of the country. In four municipalities and two major centres in this region AAK was declared the winning party.

AAK		
Year	Number of votes	%
2001	61,668	7.83
2004	57,931	8.39
2007	54,611	9.60
2010	77,130	11.04
Source: CEC at http://www.kqz-ks.org		

VETËVENDOSJE! Movement (VV)

VETËVENDOSJE was established as a citizens' movement in 2004 and was characterized by the protests against elections and a strong opposition against any type of dialogue with Serbia. VV emerged as a party and entered the 2010's parliamentary elections as a citizens' list in a coalition with two

parties whose political program is centered on the national reunification with Albania. The party emerged out of 2010 elections as the third political force in the country. They were responsible for submitting the largest number of complaints regarding election irregularities to the ECAP.

VV		
Year	Number of votes	%
2010	88,652	12.69
Source: CEC at http://www.kqz-ks.org		

With 15,899 votes, or 17.93% of their total votes in 2010, VV is registered as being the second largest political party in Prishtina. In Gjilan/Gnjilane VV caused the shifting of

political order between PDK and LDK, and in Kaçanik/Kaçanik was also the second most voted party and in 12 other municipalities came in the third place.

The Alliance for New Kosovo (AKR)

AKR²¹ entered the 2010's election race in a coalition with six other parties, among which the Justice Party (PD) and the Social Democratic Party (PSD). When comparing to 2007 general elections AKR lost one third or 27.38% of their electorate. The party won 40.24% of their total votes in Prishtina/Priština and Gjakova/Djakovica. Nonetheless, due to post-election negotiations, the AKR is now part of the governing coalition. AKR managed to come second only in Gjakova/Djakovica and Hani i Elezit/Djeneral Janković while it emerged third in Skënderaj/Srbica and Zubinpotok/Zubin-Potok with less than 1% of the total votes. Out of eight MPs who were elected, three belonged to other coalition making parties and five to AKR. After AKR coalition became part of the government coalition, three AKR MPs were appointed to the executive. Those three remaining parliament seats were to be filled with the AKR coalition member parties and were given to PD based on their winning vote percentage within the coalition.

AKR		
Year	Number of votes	%
2007	70,165	12.30
2010	50,951	7.29
Source: CEC at http://www.kqz-ks.org		

Serbian Community Parties

Unlike 2001, when the Serbian government called for all Serbs to boycott the elections, in 2010 the boycotting plea was made only to Serbs in the north of Kosovo.

Consequently, this influenced the Serb community voter turnout and marked a substantial increase in 2010 as seen on the table. Kosovo Serb political parties won three seats in parliament by direct vote, bringing the total number of Serbian MPs to 13.²² The

Year	SDKIM		JSL		SLS	
2007	0.16%	3	0%	0	0.15%	3
2010	0.14%	1	0.86%	4	2.05%	8
Source: CEC at http://www.kqz-ks.org						

United Serbian List (JSL) participated for the first times in the parliamentary elections in Kosovo in 2010. Despite being a new entrant in politics they won 40% of the Serbian electorate in Kosovo.

The Serb parliamentary group led by the Serbian Liberal Party (SLS) is comprised by 12 MPs, having also been joined by one member from Serb Democratic Party of Kosovo and Metohija (SDKIM) and JSL. In addition, two non-Serbian community political parties joined the group, namely PAI and GIG from the Bosniak and Gorani community.

²¹ The Coalition of AKR-PD-PSD-PPI-PPK-PNDSH-PGJK.

²² Serb minority have ten reserved seats in the Parliament of Kosovo. They won three more seats through direct voting, in total it amounted to thirteen.

Parties from Other Communities

As we can see from the table, no other minority political subject besides the Turkish party KDTP and Bosniak coalition VAKAT won a seat in the parliament, especially considering that the threshold for minorities was 1%. BSDAK, NDS, and PAI—parties belonging to the Bosniak community did not run for parliament in 2007 but in 2010 election each won one seat from the reserved seats. On the other hand, the other parties have the same number of voters excluding PDAK—an Ashkali community party—who lost two MPs.

		2007		2010	
Parties from other minority communities	KDTP	0.87%	3	1.22%	3
	VAKAT	0.95%	3	0.76%	2
	BSDAK	0%	0	0.26%	1
	GIG	0.21%	1	0.11%	1
	PREBK	0.10%	1	0.10%	1
	PDAK	0.60%	3	0.41%	1
	IRDK	0.37%	1	0.24%	1
	NDS	0%	0	0.35%	1
	PAI	0%	0	0.20%	1
Source: CEC at http://www.kqz-ks.org					

4. HOW DOES KOSOVO'S ELECTORAL SYSTEM COMPARE TO OTHER COUNTRIES' IN THE SOUTH-EAST EUROPE?

When we discuss Kosovo's electoral system, it is important to observe how the system compares to that of other neighbouring countries. A short summary of electoral systems of several countries was selected as a comparative model either because of the geographical proximity or contextual similarities to Kosovo's actual political state of affairs. Briefly, Kosovo is a parliamentary republic, uses proportional open list system, and has an election threshold of 5 per cent. These specifics along with others have been deliberated extensively throughout the paper. Below can be seen various alternative systems, their different details as well as their potential effects. Selected states are Macedonia, Albania, Croatia, and Slovenia.²³

In theory, the types of electoral systems vary from those purely national proportional where the percentage of the national vote of a party translates into the same percentage of seats in parliament, to those majoritarian where the race takes place directly between candidates in certain geographic areas and it is won by the candidates with more votes, to mixed systems that combine elements of majoritarian and proportional with particular specifics (i.e. division into electoral districts). Apart from the U.S.A. and UK who have pure majoritarian systems, other developed democracies have either proportional or combined systems.

Countries selected for the brief comparative presentation in this study do not necessarily offer the best practices, because as often is the case, implementation of such electoral systems are not motivated by considerations of their appropriateness but instead are driven by certain political agendas. In Albania, for example, a reform of the electoral system which took place in 2008, after a compromise between the two major parties, the Democratic Party and the Socialist Party, was aimed at weakening the smaller parties and strengthening the leading figures of major parties by using closed lists. The models offered here illustrate how different countries regulate some of the elections issues and aim to encourage discussion on possible issues that may arise from their implementation.

A common denominator for all these countries is the proportional system with electoral districts, where each district sends a certain number of MPs to the Parliament. In Albania, electoral districts are set based on its 12 administrative regions and each district has different number of inhabitants and parliamentary seats. Other countries—Macedonia, Croatia, Slovenia—have set boundaries of electoral districts arbitrarily on the basis of Law on Elections. They have created districts with similar or equal numbers of voters who designate the same number of MPs into the Parliament.

Translating the percentages won by parties in the electoral districts to parliamentary seats is done through different election calculating formulas. These calculation methods are: D'Hondt,

²³ For the compilation of this publication a method of comparing information from constitutional laws and official papers of these abovementioned countries has been used, which have been mainly accessed electronically through official websites.

Sainte-Laguë, and Droop quota.²⁴ Macedonia, Albania, and Croatia use D’hondt formula while Slovenia uses the “Droop quota”. In most cases—Macedonia, Albania, and Croatia—candidates are sent to the Parliament through closed lists which are predefined by political parties. Slovenia, however, applies open list system where voters can choose a preferred candidate from the party lists. Candidates with the highest number of votes win legislative seats.

All countries, except Macedonia, have an election threshold which has to be met by all parties and coalitions in each electoral district in order to win legislative seats. Meanwhile, all countries except Croatia have gender quotas for female representation in electoral lists. When it comes to positive discriminatory measures²⁵ for ethnic minorities, Albania and Croatia have none. In Croatia this issue has been regulated with the establishment of a special non-geographic electoral district. In this special district minority parties compete for eight guaranteed seats in the Parliament. However, voters from minority community must decide whether they will vote in the election within their geographical district or the special non-geographical district for minorities. On the other hand, Slovenia has reserved parliamentary seats for Hungarian and Italian minorities, one for each. MPs from these communities are elected through a special election process in which only members of these minorities can vote.

Albania and Slovenia do not have any system to accommodate the Diaspora in the national elections. Conversely, Croatia has a special non-geographic district for Diaspora, which can result in up to 12 parliamentary seats depending on the percentage of voters participating in the voting process. Macedonia reserves three seats for representatives of the Diaspora, one for each continent or geographical region in which this country has larger Diaspora. A comparative summary of Kosovo in rapport to these countries is presented in the matrix proceeding below.

How does Kosovo compare to SE countries?	Population number (millions)	Legislative seats available	Electoral zone number	Voting list system	Election threshold (%)	Gender quotas (%)	Election calculation formula
Macedonia	2.1	123	6	Closed lists	None	30	D’hondt
Albania	3	140	12	Closed lists	3 for parties, and 5 for coalition parties	30	D’hondt
Croatia	4.6	148-160	12	Closed lists	5	None	D’hondt
Slovenia	2	88	8	Open lists	4	25	Droop quota
Kosovo	1.7	120	1	Open lists	5	30	Sainte-Laguë

Table 2: How Kosovo’s electoral compares to South East Europe countries

²⁴ A full description along with consequences of these election calculation formulas is presented in a tabular form in the appendix 1.

²⁵ “Positive discriminatory” measures are mechanisms which aim to guarantee individuals or particular groups special arrangements because that individual or group belongs to an entity that may be treated unfairly or under-represented in institutions. In Kosovo’s parliament two groups benefit from positive discrimination—minority parties through their guaranteed legislative seats and women through a 30% gender quota.

5. REFORMING THE ELECTORAL SYSTEM IN KOSOVO

Although, there are numerous milestones to be reached in the process of democratization in Kosovo, improving the electoral system can provide for further improvement of individual and group rights as well as improve the overall democratic accountability and legitimacy. There is a general belief that it is useless to talk about an electoral system unless the persons elected to the key positions have real power to bring about changes on the ground. If the system is to be seriously reviewed, it needs to involve all stakeholders in a true deliberative fashion. According to Roth, the importance of this process serves the additional purpose of helping people achieve their right to participate in government by ensuring a freer and more efficient electoral process, which in turn, will produce a fairer reflection of wishes of the electorate, and therefore enhance the elected authority's claim to legitimacy.²⁶ Kosovo has come a long way since post conflict local elections in 2000 and general elections in 2001, even though, there is still much to be done and a lot of room for improvement in the election process.

5.1. What System Should Kosovo seek to be in Principle?

In every analysis, the way to proceed is to ask what goals should be achieved, which goals are preferred over others, and what the likely effects of various alternatives are. Answering such questions requires an extended analysis that links electoral reasoning to a party system and the pattern of social cleavages. Furthermore, selecting an electoral system involves trading off between values and even then there are always unanticipated consequences.²⁷ The challenge of a debate on an electoral system is trying to answer and balance the following three ideas: What is fair? What will work? And, what is less costly?

The values that ought to be upheld and promoted by an electoral system are, however:

- a) An electoral system that people can identify with;
- b) Foster the integration, rather than the separation of communities;
- c) Responsive and accountable institutions;
- d) Cross-ethnic votes;
- e) An electoral system that is easily understood (Roth);
- f) Relatively low-cost system;
- g) Democratic institutions for all instead of short-term compromise.

5.2. What Should the Public, Civil Society, and Political Leaders Debate?

When discussing about what the debate should circle around, it is best to start with the list of issues that need to be addressed, what needs to be avoided, and creation of a vision to what Kosovo should aspire to be.

A number of value-laden issues should be debated between public, civil society representatives and political elite as a precursor to discussing the electoral system. Some of the

²⁶ Colin Roth, *Elections and the electoral process: a guide to assistance*. DFID issues, Foreign and Commonwealth Office.

²⁷ Donald L. Horowitz, (January 2003), *Electoral Systems and Their Goals: A Primer for Decision-Makers*.

debates discussion—apart from electoral district, “one vote-one candidate”, open lists, threshold representation, which have extensively been presented in the recommendation section of this paper— have been outlined below:

- a) **Strength of Government**—a coalition government: a weak government and a weak opposition vs. strong government with a loud opposition. How useful are alliance-forming in a new democracy like Kosovo is. What has the role of opposition been in Kosovo?
- b) **Accountability**—individual, party. Do we want to hold individuals accountable or parties? What has proved successful so far? Who do people vote for: parties or individuals, or both?
- c) **Geographic Representation**—a number of municipalities ended up without any representatives in the Parliament. Do we want the electorate to feel that their specific regional interest is represented in the Parliament? Can a member of “*Party A*” from Gjiilan/Gnjilane represent the “*Party A*” voters from Gjakova/Djakovica better than a “*Party B*” member from Gjakova/Djakovica would? Should Kosovo remain one single electoral district or should we create more electoral districts to ensure geographic representation? If yes, is it rational to embark on designing brand new electoral districts or apply municipal borders as electoral districts to avoid excessive polarization of this potentially precarious process? Are there other mechanisms that can balance out the regional representation—one vote-one candidate?
- d) **How to Ensure Campaigns Are Made Over Concrete Issues**—ideological and programming voting vs. ethnic? Has ethnic-line or along the line of the war or resistance voting fashion diminished? Have parties begun to develop ideological profiles and meet the demands of specific voter groups. Can this best be achieved through strong opposition? Granting more competencies? Clear accountability?
- e) **Representation of Minorities**—strict proportionality, overrepresentation at the expense of interethnic relations or special allowances at lower levels? Special constitutional mechanism for defending key minority interests (culture, language, education)? Have the set aside seats empowered the minorities in reality? Will guaranteed seats make minority parties competitive and increase their efforts to win more mandates? Does identification of parties as minorities before the elections hinder the possibility of cross-ethnic votes?
- f) **Internal Party Formation and Cohesion**—do Kosovars want strong parties, strong leaders with a weak base or weak central leaders with a strong base? Who should propose the list of candidates? The central leadership with approval by the branch? Proposed by the branch and approved by the centre?
- g) **Voter Turnout Trends**—belief in the system? Belief in the power to change? What is a sufficient amount of participation that legitimizes any elections? 50%? None? Should voting be mandatory?
- h) **Diaspora**—what is the best system that would include the Diaspora in democratic processes in Kosovo? Should we have reserved seats for Diaspora?

- i) **Persons with Disabilities**—what are the best mechanisms that will ensure participation and representation of persons with disabilities in legislature? Should we have set-aside seats for this group?
- j) **Average District Magnitude**—divides the total number of seats in the legislature by the number of districts. What is the ideal fraction of how many people should be represented with one MP?
- k) **Include Two Members from the Civil Society in CEC**—should members of civil society be part of Central Election Commission? If yes, who should select them? Also, what should their role be? Full member role or monitoring role only?
- l) **Gender Quota**—should gender quotas exist in Kosovo's legislature? Are there better mechanisms for gender representation? Have open lists increased the activities of women in seeking their votes and contribute to their political credibility and not just honour the symbolic representation? Has the number of women increased who are already able to run and win based on meritocracy? Is positive discrimination an unlawful discrimination?

Finally, every electoral system is biased in one way or another. Those who decide among such systems, in effect prefer one set of bias over another, and ultimately this preference is to make a policy choice. However, the key is to embrace the positive bias that will produce the most desirable values and they ought to be planned and made consciously in consensus.²⁸ Civil society should concentrate on a system, which, while minimizing the biases, provides citizens with the opportunity to select among various choices and enable them to identify with their elected representatives.

5.3. What Should the Evaluation Criteria be for an Electoral System?

Electoral systems need to be tailored closely to what those who design them intend to achieve. As it happens often in practice, those who design such systems aim that the end results favour their interests. When evaluating the success of an election process there is criterion that should be taken into account. The following points can serve as measuring tools whether an electoral system is serving its purpose:

- a) How much has it strengthened democratic institutions? Has it provided for centripetal forces that pull towards compromise?
- b) What is the nature of the political process that it is supposed to restore?
- c) Has it encouraged greater political participation?
- d) How much legitimacy has it given to the government? Has it made the government more accountable to its constituents?
- e) Has it brought a perception of political stability, provided incentives for interethnic reconciliation (internally and externally) and crosscutting parties?
- f) How has the representativeness been—how much has it translated seats to votes proportionally?

²⁸Donald L. Horowitz (January 2003). *Electoral Systems and Their Goal: A Primer for Decision-Making*.

- g) Has it provided accessibility—clear legal framework, understandable by all stakeholders?

By and large, the evaluation of any given system should not focus on a small set of criteria only, as it will always be combination of various factors to be measured against the goals set by all stakeholders at the outset of the process. Again, there is a need in Kosovo for a public debate over the political culture and system that its citizens seek to accomplish. The debate should always centre on the democratic values of an electoral system rather than being monopolized by technical issues. The discussion should not be viewed as a way for one interest group to win over the other, but about establishing a debate over the future values that need nurture.

6. MODELING OF THE ASSEMBLY OF KOSOVO WITH ELECTIONDISTRICTS

In the discussion paper on *Reforming of the election system in Kosovo*, which KIPRED published in 2005, it was argued in favour of district division. Arguments were based on the need for geographical, cultural, and socio-economic representation of all citizens. Accountability was another important argument brought forward. It was argued that regional representation is very important due to the fact that it makes an MP directly responsible for the region and would increase the level of accountability.

After extensive analysis, KIPRED has come to a conclusion that district delimitation remains the right way ahead for the electoral system in Kosovo. While we support single district, we have come to an understanding that this system has not held up to practice as it does in theory. The main factors to keep in mind while suggesting the delimitation of electoral districts, are the democratization of the election process by decentralizing the power within the political parties, provision of geographic representation for many areas of Kosovo currently unrepresented, improve accountability of representatives to their constituents, and decrease voter apathy and increase voter participation. Concerns have been raised that delimitation of electoral districts might foster regional agendas and diminish the focus of MPs in the representation of nationwide interests. Nevertheless, it can also be stated that the current single constituency electoral system provides for an opportunity for a concentration of MPs from a single or few geographical areas. This concentration feeds more into the concern over regional agendas. By ensuring a geographic diversity, the delimitation of electoral districts will balance out regional projects in the assembly. Furthermore, from analysis conducted by KIPRED, it can be concluded that the delimitation of electoral districts provides a change that would not jeopardize the proportionality of the election results. KIPRED has applied different models of delimitation and found that they indeed don't affect the distribution of seats drastically. The results of these models are presented further down in the report.

6.1. Current geographic representation—1 election district

When Organization for Security and Co-operation in Europe (OSCE) Mission in Kosovo opted for a single electoral district in 2001, the decision was made for simplicity reasons. However, then all of the three big Albanian parties expressed a preference for a system of multiple districts with individual MPs representing constituents in a given area. Establishing district division is a complicated task, and their design need to pursue the following criteria: same voter distribution, geographically compact districts, capture cohesive communities, and contiguous territory. In Kosovo's case this was rejected ahead of the parliamentary elections in 2001, due to the "absence of up-to-date population data." OMiK further cautioned against drawing single-member electoral districts: without more additional demographic data, districts in Kosovo may lead to serious disparities in the weight of votes. They feared that district division would benefit some voters and groups at the expense

of others.²⁹ However, no justification has been produced as to why a mixed system based on Kosovo's existing 30 municipalities was rejected in 2001.

Today, the argument of the lack of population data is groundless as Kosovo has had the civil census in 2011 and there is a database which can be accessed and utilized to design district divisions. As previously stated, the decision to change the current electoral system requires deep deliberations among all stakeholders. Supporters of this system claim that the single district system ensures that agendas and issues of state-wide nature occupy the main attention over regional ones. Another argument is that due to the simplicity of the model, it fosters the inclusion of minorities better than any other system would. There are shortcomings of the current single district system. For instance, they reduce the possibility of candidates to win a mandate in one election district, and hence create unequal opportunities. Also, it makes for a weaker link between the MP and constituents. There is no doubt that the quality of representation and geographic ties with the electorate present a challenge that the electoral system of Kosovo should bridge.

6.2. Modelling and Methodology

Before we present the simulation results, a reminder of the composition of the Kosovo's Parliament is presented below.

Order #	Party	Number of MP's
1	PDK	34
2	LDK	27
3	VV	14
4	AAK	12
5	AKR	8
6	SLS	8
7	KDTP	3
8	JSL	4
9	VAKAT	2
10	PDAK	1
11	NDS	1
12	BSDAK	1
13	IRDK	1
14	PAI	1
15	SDSKiM	1
16	GiG	1
17	PREBK	1
18	FER	0
19	LDD	0

Table 2: Current parliament composition

²⁹ OSCE reports on electoral system of Kosovo, March, September, November 2005.

The table represents the mandates of each party, both those of Albanians and other minorities, won in the last parliamentary elections of 2010. Under the current electoral system, Kosovo is a single election district, with open lists, and voting for five candidates. These mandates would slightly change under a different electoral system. KIPRED has calculated these possible changes based on the votes that each party would potentially win under new conditions.

For analysis purposes, Kosovo has been separated in a different number of districts, with different scenarios. Based on these simulations, the Kosovo parliament would undergo structural changes which are not drastic.³⁰

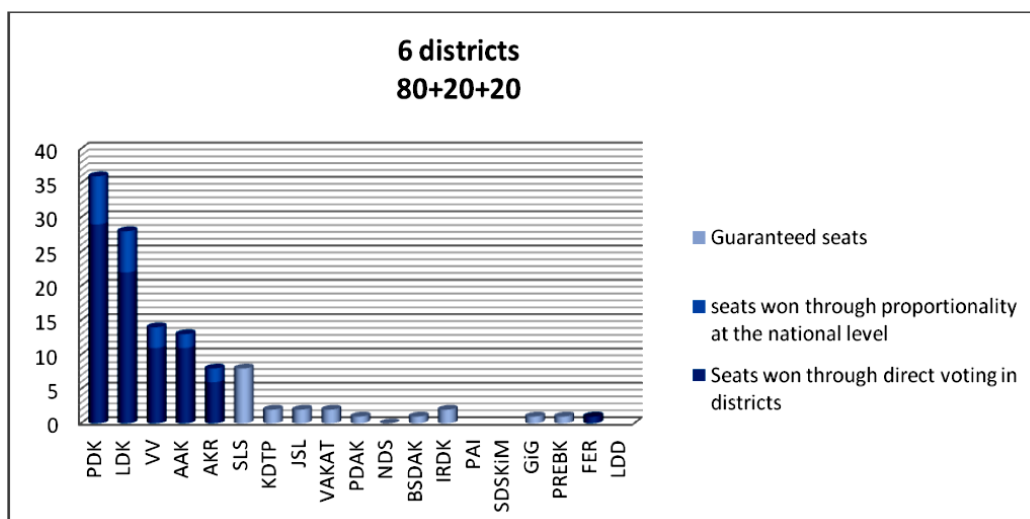
6.3. Modelling with six election districts

Under the first scenario Kosovo would be divided into six districts, which include: Prishtina/Priština, Peja/Peć, Prizren, Mitrovica, Gjiilan/Gnjilane and Ferizaj/Uroševac. This division corresponds with the division of regions for the registration of vehicles. A map of this district division is included in the *Appendix 2* Figure 1. While this delimitation provides some ground for fostering the democratic representation, at least one of the major urban areas, in this case Gjakova/Djakovica, would be left under the administration of Peja/Peć. This could cause unpleasant reactions by voters in Gjakova/Djakovica, as the municipality is approximately of the same size in territory and number of citizens as the administering city. The six district delimitation would also diminish the character of regional representation, because the country has been divided into seven districts for decades before the war.

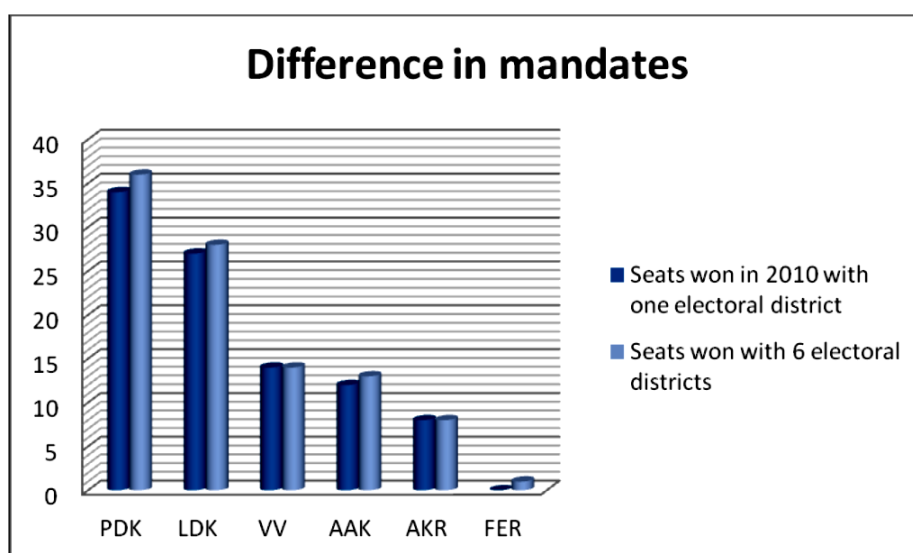
- **6 districts, 80+20+20 scenario**—according to this scenario, the mandates of 80 MPs would be secured subject to the votes won in the regions, under the condition that lists are divided into districts and a candidate cannot run in more than one district. 20 seats would be filled through a proportional system. Finally, the other remaining 20 seats will be guaranteed³¹ for minorities who will win mandates based on votes won at the national level. Further down is a chart of parliament composition of the 80+20+20 scenario.

³⁰ For this simulation study the 2010 election results have been utilized along with lists for number of voters, which can publicly accessed from CEC.

³¹ It is worth mentioning that should the results be consolidated after February 22nd 2012, seats for minorities will be guaranteed and not reserved. Minorities have guaranteed seats according to the ethnic groups, and to win an additional mandate they need to win votes that would provide one MP more than what they have been guaranteed, for example, the Serbian community has 10 guaranteed seats in the next Assembly. In order to win 11 mandates, or an additional MP, they need to win 11% of the total votes. Based on the previous parliamentary and local election trends none of the parties who represent minority communities could exceed the threshold of the guaranteed seats, hence, the election threshold for minorities will be 1% above the number of reserved seats.



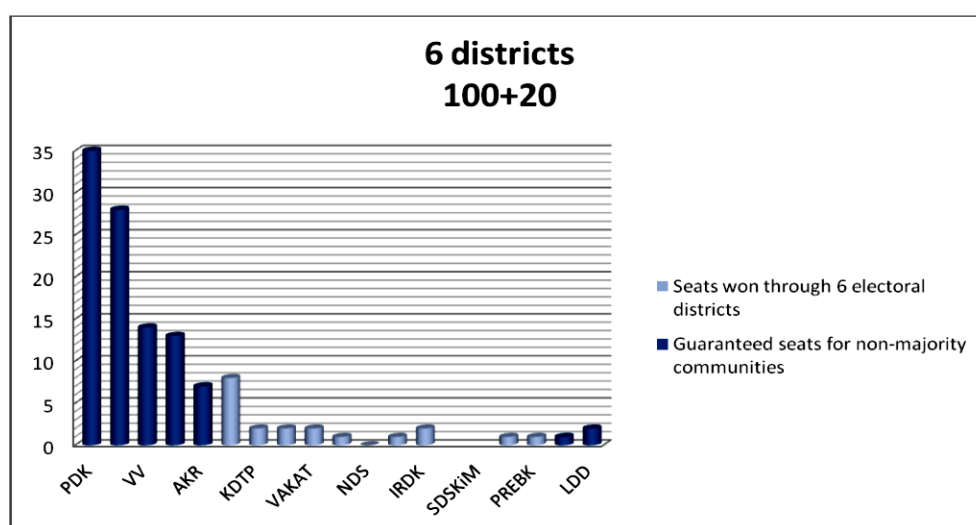
Differences between the mandates won in 2010, when voting was a single election district, and mandates that would be allocated in six election districts are as follows, the chart below.



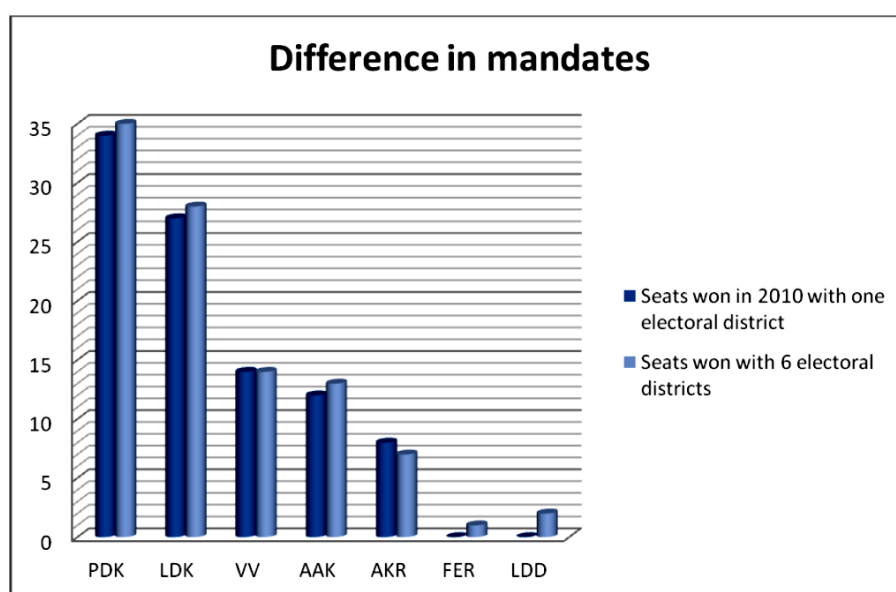
As can be observed, the differences would not be substantial especially for big parties; however, it can make a symbolic change for smaller parties. While the PDK would gain two more seats, the LDK would gain one. VV would have the same number of seats as they currently have; the AAK would win an additional seat; the AKR would remain with the same number of seats. One party that did not pass the election threshold to enter the parliament, FER, would win one seat in Prishtina district.

- **6 districts, 100+20 scenario**—under the conditions that mandates of 100 MPs would be secured subject to the votes won in different districts, with the lists divided into districts and a candidate cannot run in more than one district. The 20 guaranteed seats would be won at the national level. In this case, the seats for minorities would be all the guaranteed seats. However, the seats for

majority community would be won only through election districts and the results would visually look like as in the chart below.



Further, changes in the number of seats in parliament and the direct effect that such division would have in comparison to the current composition of the parliament can be observed as below.



PDK, LDK, and the AAK would have an additional MP in the Assembly. VV would have the same number of MPs as they currently have; while the AKR would lose an MP. On the other hand, parties that did not pass the election threshold, LDD and FER would win two respectively one seat in parliament. The number of minority seats would be allocated at the national level based on guaranteed seats.

Following is a table that represents the two aforementioned scenarios and the mandate changes under these conditions:

Order #	Party	Number of MP's 80+20+20 scenario	Number of MP's 100+20 scenario
1	PDK	36	35
2	LDK	28	28
3	VV	14	14
4	AAK	13	13
5	AKR	8	7
6	SLS	8	8
7	KDTP	2	2
8	JSL	2	2
9	VAKAT	2	2
10	PDAK	1	1
11	NDS	0	0
12	BSDAK	1	1
13	IRDK	2	2
14	PAI	0	0
15	SDSKiM	0	0
16	GiG	1	1
17	PREBK	1	1
18	FER	1	1
19	LDD	0	2

Table 3: Parliament composition, 6 zones; scenario 80+20+20, and 100+20

6.4. Modelling with seven election districts (6 +1 virtual district)

Division in seven election districts represents the division in six geographical districts and one non-geographical or virtual district for the Serb minority community. As in the six district model, regional districts are divided according to administrative boundaries, based on the regions for the registration of vehicles. The delimitation of the virtual district for the Serb minority is based solely on demographic data and is composed of municipalities with a Serbian majority community. As in any other electoral system, there are pros and cons related to the proposed scenario. First, although the division is based on existing boundaries and technically feasible, as stated above in the first six-district model, the delimitation of six regions leaves Gjakova/Djakovica under Peja/Peć administration and diminishes the character of regional representation. Already the six district division of the country for vehicle registration purposes has caused discontent of citizens from Gjakova/Djakovica. An electoral system, striving to be democratic and all-inclusive, by no means can afford to have dissatisfied voters. While it is understandable that it cannot satisfy all needs and requirements, it should take into consideration all elements, in order to reduce the apathy among constituents. Second, while the creation of an extra virtual region based on demographic criteria for the Serb minority seems to guarantee their representation in the parliament, their 10 seats will be guaranteed under the new Law on General Elections. This removes the need for such delimitation. Applying this practice could further deepen the division of ethnic communities, as it reduces the need for coalition building prior to elections and it allows Serb

candidates to run only in their virtual region. More importantly, this scenario would require that potential voters for political parties representing non-majority communities will have to register to vote in a virtual electoral zone. This would violate Kosovo's Constitution which stipulates that the vote should be secret.

6.5. Modelling with seven election districts

After a thorough consideration and analysis of several possible scenarios given above, KIPRED has joined the recommendations of the civil society and some political leaders in Kosovo for delimitation of the country in seven electoral districts. The division of regions would occur based on the division of the Statistical Office of Kosovo and city postal codes. This division would also provide space for each of the major urban areas, with their surrounding smaller municipalities, to be treated equally. KIPRED strongly recommends a delimitation based on existing municipal boundaries, rather than entering a process of division for election purposes only, which, trying to satisfy the appetites of political entities could turn into a lengthy process. This delimitation would be technically feasible in organizing the voters' lists through simple coding based on electoral districts. Furthermore, Kosovo has traditionally been divided into seven urban centres, with a clear number of smaller municipalities in their proximity and the division would enable for representation of neglected municipalities, especially those in rural areas.

KIPRED supports the statements of civil society organizations and local election experts that the division of electoral districts based on the seven major urban areas provides the chance for better representation of the country in the parliament, strengthens the relationship between an elected representative and his/her constituents, as well as decentralizes the power within the political entities, thus initiating a democratization process within the parties.

Voting in seven electoral districts will not impact the seats that each party will win in elections, similar to scenarios described above.

6.6. Benefits of division into electoral zones

Recognizing the fact that the seven electoral district delimitation might not be the perfect solution, KIPRED strongly believes that it is the best and technically most feasible system for fostering democratic principles in the country. In order to achieve this, some of the elements of the current single district system, such as the underrepresented gender quota of 30% and the open list system, would need to be saved. But, there are elements that would undergo a change. KIPRED supports the idea that one candidate be allowed to run for one electoral district only, thus enabling a stronger link between the elected officials and constituents, and the conditions that the voter has the right of one choice among the candidates of the respective district. These changes and retains of the electoral system would also simplify the process. By reducing the number of candidates to be elected makes it easier for voters to find their preferred choice, instead of going through a lengthy brochure to find the name of the candidate and the number accompanying it.

Applying these recommendations would result in the empowerment of citizens and would strengthen the sense of participation and impacting a change, thus reducing the apathy of voters in Kosovo and increasing voter turnout. Having a clearly identifiable representative, citizens would be able to put a name and a face behind their elected official and have a clear address to channel their issues. They would be able to make more informed decisions about keeping or removing their elected representatives from the office. Simply put, the delimitation into electoral districts, preferably into seven, would empower the sovereign of the country, which is the ultimate goal of each and every electoral system.

A strong element to be considered in favour of changing the electoral system is the decentralization of powers within the political entities. Currently, political party leadership holds the absolute power by deciding which members run for a seat and on the order of the candidates on the list. The order of the names on the list usually reflected the preferences of the leaders and favours them personally and their closest team. In cases when citizens chose to vote only for the political party, the votes went automatically to the ten/five first candidates in the list, who usually consisted of party leadership. This created the illusion among political parties, but also among constituents, that political party leaders were the most preferred choice of the voters, and therefore deserved the position they held in the party. Through the proposed changes in the system, meaning through application of open lists and one-vote-one-candidate condition, political leadership would filter thoroughly the list of candidates, based on their merit and the recognized track record of competitors in their respective regions. Furthermore, this system could bring forward other members of political parties as the most preferred candidates of constituents, thus balancing the power within the political entities.

There have been concerns regarding the passiveness of certain members of parliament over the past mandates. Also, a general opinion prevails that some MPs serve only to fill the seats and follow agendas of their political leaders. KIPRED doesn't want to argue if this statement is true or not, but the single constituency electoral system doesn't necessarily promote competitiveness among elected officials. Linking MPs to a specific geographical region and to a clear-cut constituency will increase the need of the officials to build a track record, which they can present to their constituents. Only through merit and positive past performance would they be able to ensure an inclusion in the lists of the political entities for the future elections. The districted electoral system, combined with programs of civil society organizations for monitoring the work and media campaigns about the work of each MP, can increase the competitiveness of elected officials for providing services to their constituents and produce positive results in the long term.

Accountability is also an issue, which is deemed to improve in segmented constituencies. By offering voters a clearly identifiable representative, who can be called on to provide information and services, will increase the accountability of the elected officials. Voters would be able to remember the promises and the agendas of their regional representatives, but also follow their performance over the course of the given mandate. This could shift the accountability of MPs from their political party leadership, in the case of a single district system, towards their constituents.

The delimitation of the electoral districts, the introduction of the one-vote-one-candidate system, and retaining of the open list system, with names of candidates on the ballot, would considerably simplify the counting process. It would also reduce the room for manipulation of votes of the same political entity, as the voter would mark the name of his/her choice on the ballot. The delimitation would enable also for the establishment of regional counting centres, which could shorten the counting process and enable for a shorter waiting time for certification of the election results. Furthermore, Polling Stations Committees have already undertaken counting of open list ballots, and, in this case, they would only need to count one ballot towards only one candidate.

Although no exact amounts can be given at this stage, the delimitation of electoral districts wouldn't increase the cost of elections dramatically. The most significant increase of cost would incur in production of the ballots, which would still be less than the cost of municipal elections. Also the establishment of regional counting centres wouldn't have a drastic impact on the costs of the election. The introduction of the abovementioned recommendations would also contribute positively in the simplification of the entire process. With the introduction of the open list system in the past elections, many voters found it difficult to understand the process for marking the ballot. That was also given as one of the reasons for the waiting lines in front and inside polling centres.

A concern raised over the delimitation of the electoral zones has been also the minority community representation. KIPRED believes that with the guaranteed seats, the minorities in Kosovo are significantly represented. And since the decision about the guaranteed seats has been made, no matter what electoral system is applied in Kosovo, it will ensure the minority representation. Furthermore, although it is still early to expect candidates from different ethnic backgrounds to stand election for a political entity from a different ethnic group, this could be a start. Personal political ambitions could provide the inertia necessary for crossing the ethnic boundaries in the future. Members of a community, that represents the minority in a certain region, could run for a seat as a candidate of the political entity he/she believes represents his/her values the best, although that entity might belong to another ethnic group. This way, the electoral system could provide the ground for emerging of a real reconciliation process and evolving of a democracy that reaches beyond ethnic lines and fosters interethnic cooperation.

And, last but not least, division of Kosovo into electoral zones is one of the points agreed between political leaders of three political parties in April 2011, to overcome the impasse over the election of the President of Kosovo. Point three of the political agreement between Mr. Hashim Thaçi as President of PDK, Mr. Isa Mustafa as President of LDK and Mr. Behgjet Pacolli as President of AKR, states that the election reform "amongst other dispositions will support the creation of multiple electoral districts in Kosovo."³²

³² <http://www.kryeministri-ks.net/index.php?page=2,9,1942>

7. CONCLUSION AND RECOMMENDATIONS FOR FUTURE ELECTORAL SYSTEM:

KIPRED has analysed in detail the proposed changes so far and has studied the impact these changes would have on the entire election process, including the changes that would take place in the composition of the Parliament, the regional representation, the number of votes necessary for electing one deputy and the threshold to enter the parliament. Based on the findings, KIPRED recommends:

1. Multi Electoral District

KIPRED's modelling study shows that the partition of Kosovo in electoral districts will not affect the formation of the parliament significantly. Electoral districting ensures regional representation in the parliament and provides for a better link between constituents and elected officials. District delimitation might cause some discrepancies in the regional thresholds, but, after all, elections' ultimate aim is to ensure the empowerment of citizens by enabling them to make an informed and free decision.

2. One Vote

A significant amendment, according to KIPRED, is that voters vote only for one candidate unlike for ten candidates in 2007, and five candidates in 2010 elections. Voting for one candidate will give the voters the opportunity to elect their regional appointees and best representation in the parliament. This proposed measure will make the voting processes easier and fairer. In addition, voting for one candidate simplifies the voting and ballot counting process.

3. Open List System

Kosovo should continue to have an electoral system that practices open lists. Every citizen should enjoy the right to vote the candidate they deem as best representation of their values and interests. Secondly, open lists increase the accountability and responsibility of politicians, as no longer they have to thank only the leadership for their appointment to the parliament. In other words, in the long run open lists should motivate parties to respond directly to voters' needs and strengthen MP-voter link. Open lists are highly beneficial for parties and their internal governance, too. For once, they can lower the rigidity and promote greater decentralization within the political parties. At the same time, they make for promotion of internal reform and democratic decision-making within the party. Open lists give the same opportunity to every party candidate, and should empower these individuals as voters vote for them and not the party.

4. Changing election threshold from 5% to 1%

One of the arguments to the amendment of election threshold is that a natural threshold—1%, equivalent to 4000-8000—encourages the participation of smaller parties and independent candidates. The current threshold of 5% favours large parties

and eliminates the opportunity for local civic and regional initiatives. Establishing the natural election threshold would allow smaller parties to concentrate in election districts where they assess they have bigger support in winning mandates. At the same time it would allow bigger parties with a national reach to compete in all districts simultaneously in order to secure as many mandates as possible.

- 5. Solving cases of election crimes**—Damages from election manipulation are a serious issue that needs addressing and remedy. Whichever way is looked at, it has a significant damage and these damages can be manifested in many different ways. Firstly, re-voting caused as a result of fraudulent activities causes distrust, lower turnout and disincentives voters from voting process in the future. Secondly, organizing re-elections carries financial implications which are a burden to taxpayers. Finally, legal cases forwarded to courts and prosecution offices put an additional burden on legal institutions which are already inundated with an enormous number of unresolved cases.

8. Annotated Bibliography

1. Dobranja, D., & Ejupi, B. (2011, December). Modeling of the Assembly of Kosovo with Election Districts. KIPRED

This publication was extensively used in this report. It recommends amendments of the Law on General Elections in order to eliminate a repeat of irregularities that were manifested in the previous elections. Model scenarios are presented and a conclusion with the best scenario as a recommendation for future. The scenarios presented propose that any change initiated should include thorough discussions between all stakeholders.

2. Dugolli, I., & Malazogu, L. (2005, June). Reforming the Electoral System of Kosova. Second Edition. KIPRED

This discussion paper in general considers the political dynamism in Kosovo under international administration and governance, during UNMIK era. However, even after the independence of Kosovo, parallels can be drawn and many viewpoints on reforming the electoral system of Kosovo can be applied. Particular sections taken concern the place Kosovo seeks to achieve in democratization process, values ought to uphold and promote, what should the stakeholders debate about, and other issues regarding the electoral system in Kosovo.

3. Ejupi, B., & Qavdarbasha, Sh. (2011, April). Kosovo National Elections 2010: Overview and Trends. KIPRED

This research work was an important component of the compilation of this report. It presents the importance of the 2010 parliamentary elections. Particularly because they were organized for the first time in an independent Kosovo. It discusses the legislation, political parties, elections, reelections, irregularities, vote recounting, and many other issues regarding 2010 elections.

4. Maliqi, A. (2011, July). Comparative Study of Electoral System in the South-East Europe. KIPRED

This comparative study was reduced in a form of matrix to present the electoral systems of Macedonia, Albania, Croatia, and Slovenia. A summary of information on the aforementioned countries is presented too.

5. Musliu, B., & Gashi, A. (2011 October). Election Crimes: An analysis of the criminal prosecution and trial of the cases of election crimes in Kosovo.

This is an analysis of the criminal prosecution of persons who manipulated the election process. Although, it has been used moderately nonetheless important information has been derived from it.

6. Handley, L. (2004, January).Delimiting Electoral Districts for a Proportional Representation Electoral System

This is a case study over the Kosovo's electoral system with suggestions from civil society organizations gathered in Reforma 2004 platform and Kosovar political leaders. The report gives pros of the electoral district delimitation.

APPENDIX 1:How Kosovo's Electoral System Compare to Other Countries' in the South-East Europe

METHOD	DESCRIPTION
D'Hondt	<p>Formula: Based on this method the mandates are not allocated only based on the percentage of votes won—this means the formula does not make a proportional translation of the votes but rather uses the calculated highest averages of each party.If an electoral district has 10 seats, every party's total number of votes is divided with all the numbers from 1 to 10.The parties with the highest 10 numbers from these calculations will win seats in the parliament.</p> <p>The usual consequences: D'hondt formula favors large parties or coalitions (which can be two, three, depending on the state) while hurting small parties.However, the bad effect on the small parties is diminished when the electoral districts are large and offer more mandates, which in turn gives the small parties more chances of winning mandates in a constituency.</p>
Sainte-Laguë	<p>Formula: Based on this formula, the allocation of seats is done proportionally based on the coefficient.The total number of party votes is divided by the number of seats of the party, which is 0 for all parties.The party with the highest coefficient receives the subsequent seat and then the new coefficient is not calculated until all the mandates are allocated.</p> <p>The usual consequences: As with the D'Hondt method, the large parties and coalitions benefit from this method.</p>
Droop quota	<p>Formula: Droop Quota is a method designed to enable candidates to achieve the quota after the number of mandates is complete.</p> <p>The usual consequences: The biggest drawback of using this formula is the vote transfer from one candidate to the next, allowing mandates to be won even if the quota is not reached by a candidate alone.</p>

Table 4: Election calculation formulas

APPENDIX 2: District Division

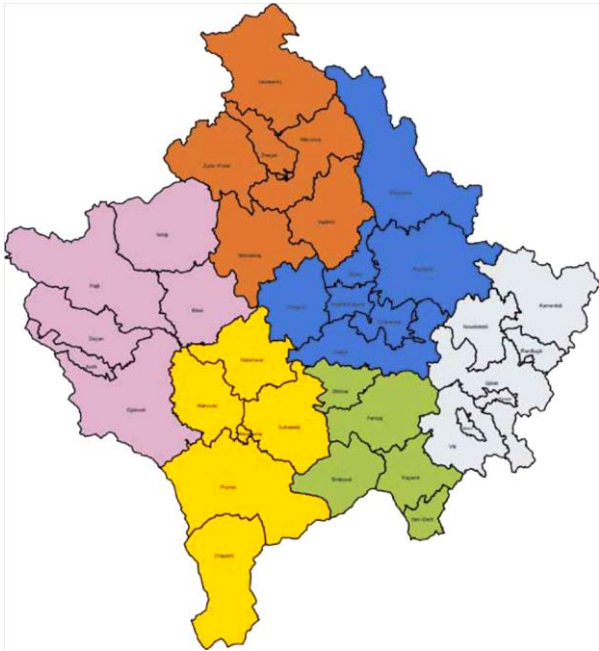


Figure 1: Kosovo with six election districts



Figure 2: Kosovo with seven election districts