

PRISHTINA INSTITUTE FOR POLITICALS STUDIES



DECEMBER ELECTIONS AND ITS AFTERMATH

A BRIEF ANALYSIS ON ELECTIONS AND EXPECTATIONS
AFTER THEM

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DECEMBER ELECTIONS AND EXPECTATIONS AFTER THEM

I. INTRODUCTION

II. ELECTION DISPUTE

III. FOR AND AGAINST GOVERNMENT LEGITIMACY

IV. THE RACE TO TAKE POSITIONS AS “US” AND “THEM”

V. INTERNATIONALS OF STABILITY

VI. CIVIL SOCIETY VIS-À-VIS POLITICS

VII. RECOMMENDATIONS

I. INTRODUCTION

January next year might well find Kosovo with no new institutions and undergoing a crisis of non-recognition of election results. Facing the need for establishing the government and the pressure to begin with negotiations with Serbia, Kosovo could easily slide into post-election crisis, thereby fulfilling the will of its opponents that “the youngest country is doomed to failure, and as such it is real on paper yet practically fictitious.” Today Kosovo is not yet prepared to act within the framework of a normal state, and the process of state-building is still going on. There is skepticism as to whether the society itself and internal forces can successfully cope with these elections, especially considering the situation over the fight against corruption and organized crime. Election fever has already affected everyone, particularly political parties, which have toughened language in relation to each other, confirming the major divisions before the election and the potential sudden ‘melting’ of their relations afterwards. These elections, however, are seen as the first serious attempt to establish ideological wings in politics and party leaders who have already begun to identify their potential partners in power and opposition.

12 December 2010 marks the democratic test in the first place, at the same time a test for the leadership to organize free and democratic elections. Within a month, the state and policies will be transformed depending on the behaviour of political parties during and after the election. The new state may be certified in the eyes of the world for demonstrating maturity, or make the next morning finding itself in trouble, with no new institutions and political parties disputing election results. Signs have already been demonstrated in Rahovec, with statements of some political party leaders on “the possibility of theft of votes, their protection and non-recognition of the election results” that have raised fears of an easy slide to an unmanageable process. Numerous scenarios have been put on the table to keep the process on track, in particular because of two issues that are very important priorities: the need for quick commencement of talks with Serbia and the continuation of the privatization of some of the country's economic giants. The deal may be disturbed by a potential boycott of the election and “clashing of swords” between “defenders” and “perpetrators” of democracy in the country.ⁱ Citizens will never manage to capture who is with the former and who is with the latter. Internationals are more proactive than ever, yet increasingly more challenged due to new inflows in politics.

This analysis is a reflection of recent developments, interviews conducted, public statements of some of prominent political actors and closed discussions of a group of representatives of political parties and activists, organized by the Pristina Institute for Political Studies, PIPS. The purpose of this analysis is not to encourage actors to act towards putting the election in dispute, but it intends precisely the opposite: to make them aware to behave politically and with high conscience in any situation, recalling that the state interest should be above all.ⁱⁱ

II. ELECTION DISPUTE

If elections are not going to be organized in a fair and democratic way, a “soft” dispute of elections and election results is likely to occur. The question would then be who is the referee that would say whether the elections were manipulated or not. There is none, and in its absence all parties will strongly stick to their positions, thus deepening the gap of those dissenting. In such a case there will be winners talking about free elections and losers who will be arguing for the opposite and demanding to repeat the same election anew. All are looking forward to 12

December and are openly talking about a possible election dispute. Numerous modalities are circulating with the aim of excluding such a scenario, and this analysis outlines some of them.

- **Election turnout** – It is essential how many people will turn out to vote in elections. Based on this, and according to one hypothesis, a high voter turnout can have a positive impact to prevent vote theft, which may have impact on the final election result, if the turnout is low, and vice versa.ⁱⁱⁱ By voting and turning out in the election, there could not be proxy voting and the process will be less and less manipulated. This optimistic argumentation rather calls upon the moral of political parties to not get involved in vote theft than relying on the fact that the state has instruments to ensure an orderly process and protection of votes.

- **The tradition of theft continues** – Another argument, contrary to the former, consists on the experience of some political parties to again try to engage in vote theft. Those political parties that are used to it will make use of this chance. For them it comes once in four years, and they cannot easily miss it and sit back.^{iv} The Isa Mustafa's LDK has already warned that it will not sit back, at least on the election day and its immediate aftermath. One of the options ranges from not putting elections into dispute to relying in its own forces to defend votes. The newly elected leader of the LDK, Mustafa, in an interview for the *Kosova Sot* daily said that he will not recognize election results if there will be vote theft. "No, I will not recognize them. Let it be clear to all those who would engage in vote theft, and let it be clear to the international community that we will not recognize them, that they will be disputed and that we will have problems if abuses would be allowed."^v The extraordinary elections in Rahovec already confirm some of the question marks raised in this analysis. The Alliance for the Future of Kosovo (AAK) has already urged not to recognize the preliminary results declared by the CEC in Rahovec, on the grounds that they have been manipulated.^{vi} The reaction of PDK, through its leader Hashim Thaçi, that it will go in the runoff with the LDK was immediate: he has called on everyone to accept results for "the verdict of the people is sacred."^{vii} Two main institutions involved in this process, the CEC and the Democracy in Action coalition of civil society organisations, reaffirming once again the election result that left the PDK out of the election race, to have the AAK back to the race.

- **Parallel structures** - The most extreme ideas have as far as to "creation of parallel structures to protect the vote." Political parties with militant membership are supporters of this model. They argue that the solution is to identify the problem and create parallel systems to protect the vote. This is not about lack of confidence in institutions, but rather about greater safety of votes by conceiving its better security in their hands. So the point is how to protect it, how to strive for and defend it through another, parallel system. Everyone has learned from past elections, and it is not expected that they would remain indifferent.^{viii} Taking positions along such scenarios can put the state and its structures out the game, including the CEC, observers and other institutions responsible for maintaining public order and safety. This makes it even more difficult for voters. Fears expressed publicly that elections will be manipulated can turn into a kind of boomerang that will lead to low voter turnout.^{ix} Claiming that the process is manipulatable leads people turn indifferent and not turn out at all, for they would consider voting some kind of futility.^x

III. FOR AND AGAINST GOVERNMENT LEGITIMACY

Putting election results in dispute directly translates into the lack of legitimacy of the new government and functioning of institutions. How soon it will be formed, among which political parties, and will there a broad-based coalition be imposed for the sake of talks? In such

circumstances, the period following 12 December might find the country moving in different paces: winning parties trying to form new institution, while those parties losing elections will, rightly or not, dispute their victory by using arguments of vote theft and manipulation of the process, and internationals, on the other hand, who would want not much procrastination.

Apart from the institutional crisis that swept the country, the idea of extraordinary elections was given another push due to talks with Serbia and the loss of support for the government to privatize Kosovo's public giants, PTK and KEK. Internationals, keen to give an end to this process as soon as possible, have calculated all scenarios, and holding extraordinary elections turned out to be the most reliable one, which would result in a strong government, not a government that does not have the votes in the parliament and does not possess the legitimacy to govern. But how valid legitimacy will be if it would be disputed?

Can such a scenario be kept under control all the time? it is hard to say. In one hand, internationals have put themselves in motion to amplify such statements, while, on the other hand, trying to ensure better election observation through international monitors, perhaps not to really keep a close eye on the process itself, but rather to create the public perception that they will be under the lens of internationals.^{xi}

IV. THE RACE TO TAKE POSITIONS AS “US” AND “THEM”

Kosovo is taking its first step towards a reshuffle of its existing elite. Elections are the first test. Entrance into the political scene of Albin Kurti, some civil society activists led by Shpend Ahmeti and Ilir Deda, emergence of Isa Mustafa to the head of LDK, exit from the scene of some politicians to face trial is reshuffling the external image, with no prejudice to the content. Probably change of elites may not mean only change of names, but of mentalities in governance. These elections are considered the most qualitative in the history of democracy of Kosovo, in terms of what is offered in the election. The newcomers and new offers have the tendency to create and shape the party ideology. The Vetëvendosje (Self-determination) Movement has already consolidated its ideology with the idea of national unification and an emphasis on nationalism and its rhetoric.

LDK has entered the process not yet claiming that it has completed the reforms. Replacement of its leader does not necessarily mean other, more profound changes. It is rather a facade that does not essentially mean a change of elites. This kind of facade is created through the method of coopting, by getting inside people who have not ever reached to the decision-making. It is about someone who is presented as a newcomer, but who actually stays away of decision-making. Kosovo has in recent years suffered from leader-attached parties and voters diverging along tribal ties, clienteles and geographic regions.

With election process not yet having been launched, leaders and parties have already begun to identify potential friends and foes to cooperate with during and after the election. Such an effort will not end on 13 December, but will continue throughout the next government's reign. Blocks of “us” and “them”, most likely not tending to define themselves ideologically, will characterize Kosovo's fragile politics until 2014. Over the next government's reign there will for sure not be two major parties, PDK and LDK. For the benefit of democracy, one of them must necessarily make the opposition.

V. INTERNATIONALS OF STABILITY

What internationals will say is again expected to be crucial. Potential failure in properly organizing elections and the possibility of non-recognition of the results by any of the parties would also mean a failure of internationals, not just of the locals, in consolidation of democracy. None of the major states that has played a key role in the process of Kosovo's state-building, particularly from 1999 onwards, does not want to be labelled "internationals have established Kosovo a failed state in the Balkans." They have already promised to hire a large number of international observers, some 120 teams, from foreign missions in Kosovo. If this promise fails to be met, an election failure is very close. The first message coming from the Council of Europe indicates that there will not be monitors during the elections, due to lack of any invitation by Kosovo institutions. This demonstrates a double standards game being played out by politicians in power, whereby they rhetorically ask for international monitoring, yet taking no action in this regard. The role of internationals will be further strengthened through international certification that should be done for the December elections, which is also provided for by the Ahtisaari Plan.^{xii} Political parties have also agreed on this.

The other side of the coin, perhaps unwanted for internationals, are negotiations on forming a government and which party will win. They would like a broad-based political party and coalition which would lead Kosovo towards negotiations with Serbia and privatization of some of the country's main economic assets, thus taking the risk that would lead to formation of a government against political parties' willing, even less of citizens'. Such a scenario should be ruled out and refused. Under these circumstances, some leaders and political parties could be undesirable for internationals. Some political parties, such as LDK, FER and Vetëvendosje have already openly declared that talks are not in their agenda. A decade later, a government of stability might again be imposed to Kosovars, whose willing most probably is not to see political foes together in government, as it has been the case over the recent years. Under such circumstances, Kosovar leaders will fail to behave like statesmen, but rather as followers of internationals. This means that one can not even talk about them making major decisions without international's assistance, while there would not even be any attempt on the former's side to acquire a greater role.

VI. CIVIL SOCIETY VIS-À-VIS POLITICS

Continuous entry of civil society activists into politics is considered positive. Yet politicians have not conceived it as such. Use of assets, not only in civil society, but also in politics, is usually seen with dualism by the society. Involvement of civil society activists in politics is perceived as an ambition of everything from civil society attempting to enter politics. This is the interpretation coming from those already in politics, while others say that it is rather about individuals and not concepts and that that the civil society is 'wasting its card' by entering into politics.

Kosovo has more politicians per square kilometer than every other country in Europe. The trend of entry of civil society activists into politics is a loss for the country. The reason lies in the fact that people rush to fight for power without having used the necessary credit by having been engaged in activism. The argument they use that they do not see their future in what they are engaged, and that they are ready to work for saving country's interests by entering politics, does

not really hold.^{xiii} Still active citizens remain a matter of concern, including the extent to which they are being understood by political players as an ally rather than a barrier. Unfortunately not, for they are not at all considered so within the time period of four years; it is unfortunate to Kosovo's democracy that citizens are part of the "agenda" only in the wake of elections.

Over the recent years we have seen continuous efforts of civil society to reach out to politics to cooperate on concrete issues, but refusals have been not often the case. Criticism of society addressed to politics has been very soon seen with cynicism and labelling, thus having adverse effects. If such a trend continues, relations between civil society and politics will turn increasingly more antagonistic, to the detriment of country's interest. There is *grassroots* in Kosovo, yet support for them lacks. Each village and neighborhood has its own elected representatives who are very active. Public investments, particularly those for roads have demanded up to 30% participation by the community, something that is always contributed to. Such a kind of unorganized cooperation that appears on the grassroots level should be transferred to the decision-making levels at the center, which is exactly where swords clash.

VII. RECOMMENDATIONS

Kosovo and other stakeholders can draw important lessons from the December elections. Political parties, politicians and citizens are again faced with the test called "Democracy" and "State-building." An election dispute turns the time backwards and Kosovo back to the zero point. Thereby the Pristina Institute for Political Studies issues the following recommendations on the election itself and the process afterwards:

- In order to avoid election dispute and a potential institutional crisis in Kosovo, elections should be organized in an orderly and democratic manner.
- Parties and stakeholders in the process should commit themselves to fair competition and not use non-democratic means.
- Harsh language in the electoral campaign should be avoided.
- Internationals to commit themselves to a fair assessment of the conduct of elections, and refrain from interfering by expressing their own "sympathy".
- Election results to be certified by an international mechanism that possesses the necessary authority.
- CEC and the Democracy in Action coalition to speak out fairly both on things that "going well" and those "stumbling".
- Prosecution offices and courts to keep a careful eye to make sure all that anyone violating the law be getting involved in vote theft will be brought to justice.
- The Kosovo Police to be assisted by that of EULEX in providing security and protection of election material.
- The presence of greater numbers of well-trained local and international observers strengthens public confidence to vote.
- Parties not to create parallel systems, but to trust the power of the state and its security structures to provide the guarantees required in carrying out a democratic process.
- The post-election process of creating new political institution should not to be carried out under the pressure to quickly commence with new talks, but on the basis of the Constitution and the will of citizens.
- The post-election coalition should be created between parties with close positions/programmes, for Kosovo does not deserve a "government of stability".

- Politicians to reach out to each other and recognize the election result. They should also commit themselves to working together, both within and outside institutions, for the best interest of the country.
- A decade on after liberation, politicians have to adjust their own interests to those of the people. Having them changed will thus also urge the wider public to begin to change. The first step to consolidating democracy should be made today, so that others would be encouraged to keep on by taking a second step.

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- ⁱ With PDK pretending that it saved institutions while LDK having abandoned them
- ⁱⁱ The “Self-determination” Movement is opposed to talks. Interview of Hysen Durmishi, activist, 20 November, Koha Ditore.
- ⁱⁱⁱ Interview with an independent expert. Their name is known to the organisation. 19 November, Prishtina.
- ^{iv} Interview with an international familiar with developments in Kosovo. 17 November.
- ^v An article published in the *Kosova Sot* daily, 17 November 2010.
- ^{vi} www.indeksonline.net, 22 November 2010.
- ^{vii} www.telegrafi.com, 22 November 2010.
- ^{viii} The 2009 local election demonstrated to have been badly organized and characterized by massive vote theft; in three major municipalities the results were even declared null due to manipulations, while having been given a passing mark by internationals.
- ^{ix} A participant to the conference organized by the School of Politics, 13 February 2010.
- ^x Interview with an international familiar with developments in Kosovo. 17 November 2010.
- ^{xi} A participant to the conference organized by the School of Politics, 13 February 2010.
- ^{xii} The Comprehensive Status Solution Plan (known as the Ahtisaari Plan), pg. 13.
- ^{xiii} A participant to the conference organized by the School of Politics, 13 February 2010.