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for Kosovo's Emerging Democracy

Adrian Zeqiri

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Director: Marc Weller
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EUROPEAN CENTRE FOR MINORITY ISSUES (ECMI)
Schiffbruecke 12 (Kompagnietor Building) D-24939 Flensburg Germany
phone: +49-(0)461-14 14 9-0 fax: +49-(0)461-14 14 9-19
e-mail: info@ecmi.de internet: <http://www.ecmi.de>

A NEW CHALLENGE FOR KOSOVO'S EMERGING DEMOCRACY

Adrian Zeqiri

On 23 October 2004, elections for the central institutions of Kosovo were held for the second time. According to CoE and OSCE observers, the elections were held in a free and fair environment and there were no irregularities in the process.

Shortly after the publication of the election results, LDK (the largest party) and AAK, (a party stemming from former KLA structures) announced their decision to form a coalition government. This decision points to a number of new factors that may shape future political developments in Kosovo, set against a backdrop of urgent Standards implementation and future status negotiations.

The NATO-led intervention in 1999 established the territory as a UN protectorate, under charge of the international community in all major spheres of life. Since then Kosovo has seen a gradual empowerment of local institutions over a period of four elections, both municipal and central. The 2004 central elections were organized largely by local institutions, reflecting the ability of Kosovo actors to successfully adopt responsibility for the running of the territory. Unlike the previous broad-based coalition government emerging from the 2001 elections, the recent agreement between LDK and AAK sees parties taking up positions of power and opposition within the new assembly. This constellation presents a new challenge for the fragile political environment of Kosovo. The international community may now be faced with a more confrontational political landscape and the more politicized Albanian politicians will be tested to function within this new arrangement. This report serves to analyse the election results and their implications for the formation of a Kosovo assembly. It will further discuss the impact of these developments in the current and upcoming intensive political period in Kosovo.

Election Results

The OSCE and Central Election Commission announced the final election results on 3 November 2004. These results display slight, but significant, differences compared with the previous elections held in 2001.

The results read and compare as follow:

2004			2001
Turn out	53.6%	Seats	64%
LDK	45.4	47	45.6
PDK	28.9	30	25.7
AAK	8.4	9	7.8
ORA	6.2	7	\
PSHDK	1.8	2	1
KDTP	1.2	1	
PD	1	1	
KV	.72	1	
LPK	.66	1	
PLK	.51	1	
Others	5.2		

In addition to the 100 seats contestable by election, 20 seats are reserved to guarantee minority representation in parliament. Both KDTP and KV have each taken 2 of these seats, further to their respective electoral gains. The remaining set-aside seats have been allocated to C?KM (8), IRDK (2), Citizen's Initiative Serbia (2), PDAK (1), SDA (1), GIG (1), and PREBK (1).

While LDK remained the single most popular party among Albanian voters in Kosovo, it has seen a decline in support. Both PDK and AAK witnessed a rise in support. Perhaps the greatest surprise was caused by the 6.2% electoral gain of the new citizen's list, ORA.

The results made clear that none of the parties approached the 61-seat majority required for the formation the government in the Assembly. Post-election speculation thus focused on possible coalitions that could be formed. Parties were reportedly given a certain timeframe to reach an agreement. In the absence of fulfillment, UNMIK would step into the negotiation process.

Negotiating a Coalition for Government

The four main political parties, LDK, PDK, AAK and ORA made initial contacts on the possibility of forming the new government. As expected, UNMIK did not take an active role in the process. The three major political parties (LDK, PDK, AAK) claimed that this time there would be no need for intervention by the international community. Senior politicians proclaim a level of political maturity in Kosovo and remained confident that consensus could be reached.

With a fast-approaching deadline which threatened UNMIK intervention, primary speculation focused on a possible LDK/AAK agreement. This came to fruition on 17 November when the LDK-AAK-PSHDK coalition was announced. AAK leader, Ramush Haradinaj, is controversially to take up the post of Prime Minister. The LDK/AAK agreement will see LDK with the posts of Assembly Speaker and President. In accordance with the Constitutional Framework, both Haradinaj and Rugova will be obliged to resign their positions as respective party leaders. This, in turn, may create some turmoil within their parties.

Details of Coalition Government

On Monday, 22 November, the parties in coalition agreed upon the details of the division of government and other posts. According to the agreement, LDK will be assigned the following posts: President, Assembly Speaker, and six Ministries: Education, Culture, Youth and Sports, Public Services, Local Government, Economy and Finance, Post and Telecommunications. AAK, on the other hand, will attain the posts of Prime Minister and four Ministries: Energy, Environment and Spatial Planning, Social Welfare and Trade and Industry. Although not part of the coalition agreement, Kosovo Serb representatives will lead two ministries, namely those of Returns and Communities and Agriculture, as a quota requirement of the Constitutional Framework. The non-Serb communities will lead the Ministry of Health.

The first inaugural session of the new Assembly was scheduled to take place on 2 December 2004.

Events leading to the coalition agreement

The Kosovo Albanian political scene has come to be characterized by the division into two camps since 1999. On the one hand, there are those parties who supported the KLA war, namely PDK, AAK and other minor parties. On the other hand, those parties seen as not supporting the KLA war are include LDK and some smaller parties close to it. PDK has utilized this perceived position of LDK to denounce the party as not acting in the interests of Kosovo Albanians. PDK and LDK have thus become rival parties.

AAK has, for the most part, been seen as a sister party to PDK. Analysts agree that Ramush Haradinaj's decision to enter into coalition with LDK is partly motivated by the fact that his possible indictment by the International Criminal Tribunal for the Former Yugoslavia (ICTY) will be complicated by the PM position. A broad-based government including PDK would have excluded him from the Premiership.

The LDK decision is perceived to be motivated by the desire to take more ministerial positions. Moreover, a broad-based government could have seen PDK President, Hashim Thaqi, as PM. LDK has nevertheless signed to an agreement that is disproportional to the election results: AAK, with only 8% of votes, has taken over 30% of governmental positions. It is believed that the position of PM, which would normally go to the largest party in the coalition, has been "sacrificed" for the position of President. The presidency has been reserved for the resumption of LDK's Ibrahim Rugova, who sees himself as a popular leader. The position of President is largely symbolic and does not carry any executive power.

Reactions to Coalition Agreement

Reactions to the coalition agreement have been foreshadowed by the reality that AAK's Ramush Haradinaj will become Prime Minister. Amidst coalition negotiations, Haradinaj was interviewed by the ICTY in Pristina regarding his combat activities as a commander of the KLA in 1998-99. Following this, Haradinaj stated that he had cleared his position and he would not be required for further interviews. However, it is speculated that his case with the ICTY has not been concluded.

While headlines have conflicted over UNMIK's reaction to the new coalition, an official statement from SRSG Jessen-Petersen welcomed "the fact that consultations among Kosovo's political parties have resulted in an agreement on the formation of a coalition". Commenting on the nomination of Ramush Haradinaj for the PM post, he said: "If I say no to his nomination I will say no to democracy", thus making clear that he will not intervene in the process.

However, a more critical viewpoint has come from EU Foreign Affairs Representative, Javier Solana. He was quoted on 22 November as saying that a former ethnic-Albanian rebel leader under investigation for war crimes might not be the "most appropriate" man to lead Kosovo: "As far as we're concerned, our number one priority is to work on the standards issue ... Whoever the prime minister, he has to work on the standards issue and if in the end the prime minister is somebody who has to go to The Hague, he may not be the most appropriate person to work towards those standards."

Reactions from Belgrade have also been of a negative nature. Ramush is seen only as a war criminal to be indicted by the Hague Tribunals. Kosovo Serb reactions have generally been cautious. However, Oliver Ivanovic, head of SLKM, one of the two

Kosovo Serb parties represented in parliament, said, “fulfilling standards and moving ahead with decentralization are areas where the new government should focus”.

As expected, harshest criticism of the coalition agreement has come from the PDK. Though officially refraining from harsh words, Epoka e Re, a daily newspaper close to PDK, talked of “Ramush’s treason” of wartime friends. PDK have stated that they are “skeptical towards the sustainability of the agreement”. On Monday, 22 November, the so-called association of war veterans, closely associated with PDK, staged a protest in the center of Prishtina in support of other former KLA Commanders being prosecuted at the UN Hague Tribunal. Though officially not linked to the formation of government, its very timing has proven to be a tool of support for the PDK.

ORA’s head, Veton Surroi, has said that the coalition is fragile and it is doomed to fail. He did, however, express best wishes to the new government.

Democratic Functioning in Kosovo

It would be futile to try to predict how the new government will function. The previous government, accommodating different parties from the entire Kosovo spectrum, was weak. Policy-making was largely characterized by scattered initiatives coming from ministries led by different parties. The Office of the PM (OPM) thus failed to assume a leading role. The biggest impediment to coordination on the part of the OPM was the failure to transmit policies through the ministries. As such, ministries often appeared to act in opposition to one another in the absence of leadership from the OPM.

It is hoped that the new government will function efficiently and in a cooperative manner. The authority of the OPM will thus need to be strengthened. While an official programme of government has not yet been publicized, a draft programme was leaked to the press in the days immediately following the announcement of a coalition agreement. This draft proclaims that the government will be “wholeheartedly and thoroughly committed to achieving Standards for Kosovo up to mid-2005”. It further reaffirms its commitment to fulfil all necessary standards towards establishing Kosovo as an independent state.

Kosovo Serb turnout in the central elections was very low. Despite two Serbian parties competing in the elections, the call from Serbian politicians and Serb Orthodox Church leaders to boycott was very formidable. Represented only by set-aside seats, it remains to be seen whether Kosovo Serb representatives will take up their two Ministerial positions and qualitatively engage in governance.

Functioning of the new government is confronted by an era of increased political tension and controversy between those parties in power and those in opposition. The formation of an alliance between PDK and ORA is now highly probable. Combining PDK zeal and readiness to criticize with ORA’s access to media and substantive critique of government policy, a very strong and vocal opposition may be in the making.

Status Negotiations

Any serious status negotiation process will have to include all major parties and minority representatives. It is therefore clear that the executive branch of the government, run by two parties, will not assume a leading position in the status

negotiations. There will be a strong move from PDK to engage the Assembly generally in the process whereby all parties are represented and thus influential in negotiation. The fact that PDK is in opposition will inevitably result in a more radical position in that process. It will be much harder for the International Community to get the PDK to acquiesce on any decision regarding status. Inevitably, PDK will want to fabricate a conciliatory image of the governing parties, accusing them of making too many concessions on final status

The non-participation of Serbs in the elections will only serve to complicate the status negotiations due to a lack of credible Kosovo Serb representation in the process.

Conclusions

It remains to be seen how the International Community will accept Ramush Haradinaj as Kosovo PM. Initial reactions have not been entirely positive. On the other hand, international and local institutions will have to cooperate on the pressing issues of standards and status, the PM personality notwithstanding.

Should Ramush Haradinaj be indicted the security situation in Kosovo is likely to deteriorate with great possibilities of tension and riots. Converse to vocal, critical assessment of government, the PDK reaction to such an event may be one of passive observer.

The possible indictment and its consequences will impede the process of standards implementation and status negotiation. Legally, Haradinaj's position will be assumed by the deputy PM.

On the other hand, there is the opportunity for the new government to make bold and progressive decisions, as it is no longer bound by an inflexible broad-based agreement. Finally, it is up to the Albanian political parties to display a political maturity by being able to work in such an environment. This may be accomplished by parties in power to involve opposition as much as possible and to treat them as an opponent rather than as an enemy. Conversely, parties in opposition will have to engage in a constructive government critique.