

Kosovo snap elections, background, rules and some predictions

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Less than a week ago, the Assembly of Kosovo, with a majority of votes, under an initiative brought forward by the three opposition parties, NISMA, AAK and Vetëvendosje, passed the motion of no confidence in the government. The move triggered snap elections which are now foreseen to be held on 11th of June. While the need to ensure free and fair elections is paramount, the following summary will only focus on the background that led to this situation, the constitutional norms on elections and formation of a governing majority and how are these affecting party alignments before elections.

1. The PDK LDK break-up

The PDK move to support the motion of no confidence seems to have caught the junior partner, LDK in the grand coalition, quite off guard. The fallout between the two partners started immediately after the election of Thaçi for the president of Kosovo in February last year and taking over of PDK by its new leader, Kadri Veseli. It was Thaçi who negotiated the terms of the coalition with LDK back in December 2014. Under these terms, the post of the PM went to LDK, current outgoing Prime Minister (PM) Isa Mustafa, and the post of the President, to PDK, which enabled Thaçi with a 2/3 majority to become Kosovo's President. It also stated that the partners shall not support motions of no confidence in the Assembly. Under those terms, the current coalition would have governed for another year and a half, until 2018, when the regular elections were due.

The true motives behind the decision of the current PDK president Veseli to move towards snap elections at this stage remain unclear. Speculations mostly are connected to the expected start of the work of the Kosovo Specialist Chambers and Specialist Prosecutor's Office, and the initiation of arrests to follow. It has been feared within the party that possible arrests would damage the internal cohesion of PDK and severely hamper its chances for a win in 2018, and that this drove the PDK to vote for snap elections to reassure its position before such arrests. The official statement, however, reads on the need to break the current stalemate with regard to ratification of demarcation agreement and the need for rapid economic development.

The Border demarcation agreement signed between Kosovo and Montenegro in August 2015 together with the agreement on the formation of the Association/Community of Serb majority municipalities reached in Brussels between Kosovo and Serbia in April 2013, have indeed been the flesh point between the current government and the opposition. In September, the current PM withdrew the motion of ratification of the border demarcation with Montenegro. In the official statement, the PM said that there were no conditions for the vote and MPs were under immense pressure. The opposition has held the view that the demarcation line has been wrongly agreed upon and that Kosovo loses some 8 thousands hectares. In spring last year, there were fierce skirmishes in the Assembly as well, with the use of the tear gas by the opposition inside Assembly hall. Against the demarcation were also some MPs from both PDK and LDK and it was unclear whether the governing coalition had the needed votes to pass the ratification.

2. Kosovo's tight rules on forming a governing majority

Under the Kosovo Constitution, Kosovo is governed by a strict proportional system under one Kosovo wide electoral district. In addition to 100 seats distributed under this system, there is an additional 20 seats that are distributed to its minority communities: 10 out of which assigned to the Serb community, and 10 other seats assigned to the other minority communities. The guaranteed seats are reserved only for the representatives of minority political parties. While in theory, if a community party fill in these seats assigned to that specific community, it then can compete for the 100 seats. In practice this cannot happen, as all the seats assigned and guaranteed to a minority community are well above their numerical strength. An average male/female seat in the 100 seats was 7000/5000 votes, an average seats within the guaranteed seats was 1000/200 votes. Constitutionally, minority communities representatives are entitled to several ministerial and other cabinet posts, this means that all community representatives are by default part of any governing coalition formed by Albanian political parties.

As a result, the strict proportional system is then further diluted by the guaranteed seats. Hence, the percentage of votes is almost never translated into percentage of seats in the Assembly for the political parties (Albanian) competing for the 100 seats. As can be seen from the last elections, there is always fewer percentage of seats in the Assembly, then there is percentages of votes won in the elections (in the last elections this was not as noticeable due to 5.73% of votes being lost from parties that did not reach the 5 % threshold to be represented to the Assembly and those votes being then proportionally distributed to the parties that passed the threshold).

	Elections in 2010		Elections in 2014	
	% of votes	% of seats	% of votes	% of seats
PDK Block	32.11	28.30	30.38	30.8
LDK	24.69	22.50	25.24	25
Vetëvendosje	12.69	11.66	13.59	13.33
AAK	11.04	10	9.54	9.21
Nisma			5.15	5
AKR Block	7.29	6.66		
Serb parties	3.40	10	6.04	8.33
Other Communities	4.23	10.88	4.33	8.33
Parties that did not reach the 5% threshold	4.55		5.73	

To make things more complicated, there is the Constitutional Court decision of 2014, No. KO119/14. Back then, the PDK won most of the votes, however, it was unable to form a government, since none of the other parties would go into a coalition with them. LDK, Vetëvendosje and AAK, formed a post-election coalition, known as VLAN, and formed a commanding majority of seats in the Assembly (63 seats only from the Albanian parties). When VLAN elected the Parliament Speaker, the PDK challenged it to the Constitutional Court. The resulting Constitutional Court decision was damning for the VLAN coalition and one that shall affect the Kosovo's political scene for years to come. The Court ruled that only the party that won most of the votes in the elections is entitled to the position of the Assembly Speaker. This meant

the party, or a pre-election coalition, which comes first in the election, has most, if not all, of the cards at hand to form the government. It basically made it impossible for a situation of a majority being formed by the second party, after the first party would fail to do so- two most recent examples of this being last year in Spain, and this year in Macedonia (FYROM). Although the Court ruling left a theoretical possibility of the Parliament Speaker and the Government coming from two opposing parties, in practice this may never be the case. The Parliament Speaker, under the Kosovo Constitution, is not a ceremonial post, but rather holds a sway of Constitutional powers, and it has to be in sync with the policies of the Government of the day.

3. Current political party re-alignment

The constraints of forming a governing majority were understood by parties competing for elections this time around, with the net effect of parties coming together in as many groupings as possible. Only in the last three days, prior to the official deadline to register election coalitions at the Central Election Commission, there has been a major realignment of parties. Just at the last minute before the midnight deadline last night, there was a major coalition formed, namely between PDK, AAK and NISMA, in response to another coalition formed earlier during the day, that between LDK, Alternativa and AKR. The following is a brief overview of these changes:

The PDK, AAK and NISMA Coalition

Literary 5 minutes to midnight, a coalition was formed between the three bigger parties, PDK, AAK and NISMA. This is also being called the KLA coalition, as all three parties come from different former military commanders of KLA. All three parties in the last elections had over 45% of votes, however, and it is a favourite to win the elections. However, these parties did not see eye to eye, to say the least, on many issues and it remains to be seen how this big change will effect in the traditional voters of these parties. According to initial reports, the Coalition candidate for the PM is the current AAK leader, Ramush Haradinaj, a fact that may have some adverse effect on some of the voters of PDK. Additionally, adoption of a unified list of 110 candidates for the coalition may prove to be difficult bargain, one that may lead to a lot of dissatisfaction, especially among PDK and AAK senior figures who may find themselves out of the list.

It is still unclear what will be the effect of Kadri Veseli, its new President, in PDK. Veseli, while closely linked to PDK from the beginning, was never its public leader. Instead, he exercised his authority through a close circle of senior PDK figures. Thaçi has been traditionally the central public figure of PDK. However, now being a President of the country, the position constitutionally prohibits him from engaging in any kind of political or party activities. The PDK has a strong and reliable voting base, with a power base in the region of Drenica, but also across Kosovo. Its voters are mostly people that are engaged in various public companies and various institutions which PDK has gradually filled with its militants over more than 10 years in power.

The LDK, Alternativa and AKR Coalition

At the last moment, LDK managed to include two important coalition partners, the Alternative, which includes the current Mayor of Gjakova, Mimoza Kusari and AKR, the party of Behgjet Pacolli. Bringing in Alternative and AKR, the coalition may bring in some more votes that traditionally have not voted for LDK.

The LDK President and the outgoing Prime Minister, Isa Mustafa has vowed that he is not running as the party candidate for the PM, though he will continue to be the party leader. Its candidate for the PM, Mr.

Abdullah Hoti, the outgoing Minister of Finance, while not being embroiled in any corruption scandal, it is widely known as a competent technocrat who helped to increase the budget of Kosovo over the past two years.

Vetëvendosje on its part neither wanted to attract nor to join in any pre-election coalition. Vetëvendosje is expecting to reap the fruits of their staunch opposition and blockade of the Government over the past two years on demarcation and ASM. This has been the party strategy centered on the creation of an image of a party which is different and unique, but also alone most of the times.

According to the guaranteed seats distribution, 10 seats are reserved for parties that represent **Serb community**. The Serb political parties will most likely continue to be dominated by Srpska Lista. Former a citizen initiative, Srpska Lista is now registered as a political party at the CEC, with Slavko Simić as their president. The party is closely linked to the SNS, the current party in power in Serbia of the President Vucic. The list of candidates is expected to include figures from all over Kosovo where the Serb community live. The fact that the party is closely linked to the governing party of Serbia, is a strong indication that the party will continue to be under the influence of the current governing political establishment in Belgrade. Former leader of Srpska Lista, and deposed Minister within the Kosovo Government, Aleksandar Jablanović, has also registered a party to compete in election, Partija Kosovskih Srba (the Party of Kosovo Serbs). Within the Serb community, it is clear that Srpska Lista will be a favourite to win most of the seats guaranteed for Serbian community.

The other remaining 10 seats are guaranteed for **other minority communities**, which include **Bosniak, Turkish, Roma, Ashkali, Egyptian and Gorani** communities. Given the current situation, it might very well happen that the 10 non Serb minority community representatives will be key to the formation of a governing coalition in the next government. Unlike Serb representatives who are influenced and to large extend controlled by the policies of Belgrade, hence a lot of times at odds with the Government policies, the rest of the community representatives are local community leaders who are in full support of Kosovo government and have traditionally aligned themselves to whomever the biggest Albanian party or coalition came first in the elections.

4. The next government: difficult times ahead

It is difficult to predict the result of upcoming elections. The coalitions have been all formed in the last two days with the overarching aim of coming first in the final tally, rather than of a principled decision and realignment of policies. Some of the opinion polls that were done in the past do not account for changes that have happened at the last minutes. More reliable polls may be taken once these changes have sank in with the voters and the final list of candidates are agreed.

Traditionally, the Kosovo electorate, especially when it comes to central elections, remains highly conservative. The above table shows not much movement of electorate over the last two general elections. This time around there will be no votes lost because of the 5 % threshold, as all parties and coalitions will easily pass it. This will have the effect of parties getting less percentage of seats in the Assembly than the percentage of votes won in elections.

The agenda that the next government will be faced with, starting with need to ratify the border demarcation, and continuing with the need to form the Association/community of Serb majority municipalities and continue the dialogue with Serbia, will be a very difficult one. The issues are highly

unpopular and seen by the general public as evils imposed on Kosovo by both weak political leaders and reckless international community. Both AAK and NISMA fiercely opposed the current border demarcation with Montenegro while in opposition. The demarcation has been put as a key condition for Kosovo's visa liberalization with the EU and has received full backing from EU, US and NATO. It is highly unlikely that the international stance will change on this. Should AAK and NISMA find themselves in the governing coalition, they may be in the position that they would have to change their position on demarcation, as this is supported by PDK. Should somehow, however, Vetëvendosje find itself in the government, it will remain to be seen whether they will change their position on these issues.

The real danger for political instability, however, will come when the arrests from the Special Chambers commence, which compounded with the political agenda, may severely hamper or even bring about the fall of the future government. It is still unknown how the possible arrests will affect the current power structures that keep the individual parties together, especially the PDK, AAK and NISMA. In the past, arrests of former KLA commanders have been accompanied by internal rifts within the party and fundraising activities, formal and informal, to mount legal defences. When in power, the fundraising activities become much easier for the parties, however, the internal rifts may be more difficult to bridge.

With all the challenges ahead, maybe a coalition of all parties coming from former KLA commanders may not be an undesirable outcome, after all, for both parties that may govern, like, PDK, AAK and NISMA, and those that may be in opposition, like, LDK and Vetëvendosje.