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ELECTORAL REFORM IN KOSOVO (2010-2015)

Besnik OSMANI

Scope

- Current electoral system in Kosovo
 - Distribution of seats
 - Threshold
 - Gender representation
 - Minority representation
- European electoral system and comparative analyses with Kosovo
- Analysis of the last parliamentary elections in Kosovo
- Recommendations for the electoral system reform in Kosovo.

Tools

- Questionnaire and data-base developed with representatives from political parties, representatives from Nongovernmental organizations, representatives from public institutions, representatives from minority communities, representatives from municipalities, as well as representatives from business representatives of different international organization (non Kosovar citizenship).
- Detailed analyses of different electoral laws from Europe and the region (including Albania, Bulgaria, Macedonia, Greece, Germany, Spain, North Ireland).
- Exercise for transforming the last electoral result of parliamentary elections in a hypothetical result in six electoral zones.

Developing the principles for an electoral reform

- Legitimacy
- Representation
- Choices for voters
- Effective system of political parties
- Stable and efficient governance
- Effective parliament
- Active and massive participation in elections
- Accountability

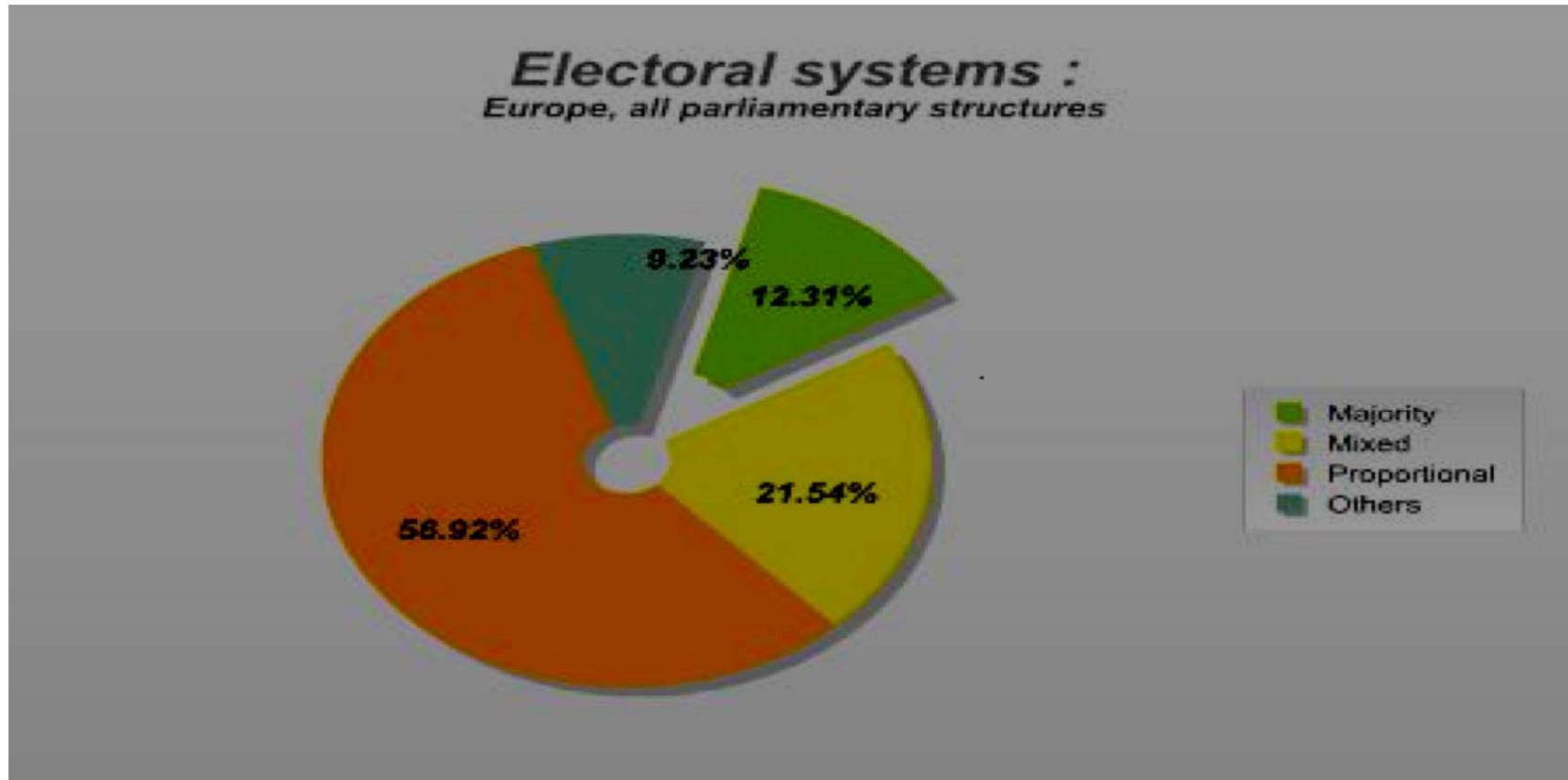
Current electoral system in Kosovo

- One electoral zone proportional system
- Threshold 5% for Albanian political parties
- 20 seats guaranteed for minority parties out of 120 in total
- 30% of seats is guaranteed for woman parliamentarians
- Preference voting of the party lists.

Different European electoral systems

- An election system is a method by which voters make a choice between options, often in an election or on a policy referendum.
- An electoral system contains rules for valid voting, and how votes are counted and aggregated to yield a final result.

Different European electoral systems



Comparative analyses of different systems

- **The German system** is a fixed one, combined proportional/majoritarian, where the distribution of seats is conditioned substantially by proportional.
- **The Spanish System** is regional proportional, where the allocation is made on a regional basis.
- **In the Bulgarian system** the allocation of mandates is done on national basis, but the competition with regional lists.
- **The Greek System** reinforces the main result and governance by a single party. It is also a proportional system with three levels (the District - Region - National).
- **North Ireland** uses the Proportional Representation through the Single Transferable Vote (PR-STV).

Threshold

- The provision foreseen in LGE implies that, unlike political entities representing the Kosovo Albanian majority community, political entities representing “non-majority communities” are eligible for participation in the allocation of these 100 seats without having to surpass the 5% eligibility threshold.
- Vast majority of the respondents consider that the threshold should be lower: i) to encourage the establishment of new political parties, thus increasing the choices for citizens, ii) to allow more diversity in the Parliament, and c) the majority of them (50%) wish not to ignore the political will of 5% of the voters in Kosovo.

Two round system (ballotage)

- Two-round system of voting or ballotage is used in Kosovo only for the election of the Mayors.
- Long period of electoral campaigns, which involves the second round, creates difficulties for the efficiency of the local administration.
- Expenses are also increased in the cases of second round, including: administrative expenses for the organization of the elections, expenses for the electoral campaigns, international and local observers etc.
- Interference of the politics in setting the administration after the second round, based on the fluid alliances to determine the winner.
- Solution: First-Past-The-Post system of voting.

Election of the president

- President, according to the Constitution is the unifying person and a guarantee of the Constitution, and should be above the temporary political interests.
- The experience of electing the President by the people instead of the parliament seems to be the best way to resolve the political crises that may happen because of the current system.

Administration of the elections

- Elections in Kosovo are administered by a three tier election administration comprising the CEC, 37 MECs and some 2,280 PSCs located in 746 Polling Centres.
- 50% of the respondents consider that the current electoral system does not administrate properly the electoral process.
- Having in mind that other 36% of the respondents are not sure if the systems appropriately administrates the process, means that vast majority of them believe that the system is in need for an overall reform regarding the administration of elections.

Gender

- Electoral gender quotas are in use in almost half of the countries in the world today, but still women constitute only 19 per cent of the members of parliaments around the world
- Opinions on gender quotas vary in terms of effects and repercussions but also concerning the meaning of key concepts in political analysis, such as 'equality', 'representation' and 'rights'.

Minorities

- Kosovo positively discriminates the minorities, but in the other hand a more detailed survey should be in place in order to measure the active involvement of the minorities in the political life of the country and what is the way to do it.

Six electoral regional zones exercise

- Kosovo was divided in six electoral zones according to the population
- Number of seats for each electoral zones corresponds to the percentage of the population
- Minimum threshold in country level is 2%
- Voters percentage in northern municipalities is calculated according to the overall voters percentage.

Political Parties	Result 2010		Regional proportional result	Political Parties
PDK	34		39	PDK
LDK	27		30	LDK
VV	14		16	VV
AAK	12		14	AAK
AKR	8		9	AKR
FER	0		2	FER
LDD	0		1	LDD
SLS	8		3	SLS
KDTP	3		1	KDTP
JSL	4		1	JSL
VAKAT	2		1	VAKAT
PDAK	1		3	Serbian Parties North
NDS	1			
BSDAK	1			
IRDK	1			
PAI	1			
SDSKIM	1			
PREBK	1			
GIG	1			
	120		120	

Three key Recommendations

1. Instead of having one electoral zone covering all Kosovo, the zone should be geographically divided in at least six electoral zones.
2. The experience of electing the President by the people instead of the Parliament should be established.
3. Threshold to be reduced to 3% for all political entities.

Other recommendations

- Avoid the second round (ballotage) in electing the Mayors. This would increase the effectiveness of the election process, shortening the expenses, affecting in good terms in sustainability of the local administration during the electoral process.
- Avoid the reserved seats for minorities. The current system does not support the integration of minority communities. Establishing the division on six electoral zones insure at least the same number of minorities as reserve seats now are in Assembly but through the democratic and legitimate process.

Other recommendations

- The women quota to be reduced to 25% and should not be applied to political entities allocated less than ten seats.
- Kosovo should adopt new regulations on the reporting of party accounts and the disclosure of the identity of the donors .
- Timelines should be set for every phase of the election complaint and appeals process especially for post-election challenges of official election results submitted, appeals to the Supreme Courts and final judgment by the Supreme Court.

Q&A

Thank you!