

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 236 (2008)¹ Kosovo municipal and assembly elections (Serbia) (observed on 17 November and 8 December 2007)

The Congress,

1. Refers to:

a. the principles laid down in the European Charter of Local Self-Government (ECLSG);

b. its previous reports on elections monitored in Kosovo, Serbia,²

2. Recalls its role in monitoring local and regional elections, based on the premise that the holding of free and fair local and regional elections and their organisation in accordance with international electoral standards is essential, with a view to ensuring the legitimacy of institutions, to building-up a democratic system based on sound foundations, and to establishing the grounds for good governance at local and regional level;

3. Reiterates that its report on observation of assembly and municipal elections in Kosovo is its contribution to the report of the Council of Europe election observation mission V (CEEOM V).

4. Welcomes:

a. the presence of the Committee of Regions' members in the Congress delegation and their contribution to the report;

b. the will demonstrated by the Provisional Institutions of Self-Government to co-operate with the Congress on electoral matters and the efforts made by the Provisional Institutions of Self-Government for improving the administration of elections;

c. the fact that the elections were generally conducted in line with Council of Europe as well as international and European principles for democratic elections;

d. the fact that, despite the late call, the domestic electoral administration, together with essential support from the international community, succeeded in putting into place the necessary arrangements to enable them to hold the elections in a timely manner;

e. the growth in ability of political stakeholders to adjust to new conditions and for complying largely within the set rules and timelines;

5. Notes however:

a. that, overall voter turnout decreasing from past elections revealed dissatisfaction among the population, due to the lack of improvements expected following the previous four elections and a particular loss of trust due to widespread discontentment with the prevailing socio-economic situation;

b. that withdrawals of Serbian political entities and the absence of the participation of Kosovo Serbs were certainly a result of the Belgrade Authority's appeal for a boycott, and further statement of the Association of Serbian Municipalities, calling all Serbs not to take part in the elections;

c. that there was no consolidated electoral framework in place, despite the fact that Kosovo was in its fourth electoral cycle, and that the Central Election Commission (CEC) had to promulgate electoral rules as late as 26 October 2007;

d. that the call for the elections came very late, even though their requirement was known well in advance and, due to such short notice, it became imperative that the international community, through the OSCE, took much more responsibility for the process than the CEC;

e. that, as already recommended by the Council of Europe election observation mission (CEEOM) in 2004, the decision-making mechanism within the CEC had to be changed from the chairperson to qualified majority;

f. that three elections were held at the same time with the introduction of "open lists" for the Kosovo Assembly and Municipal Assembly elections and that the chosen voting format proved quite difficult to negotiate for the ordinary voter, and resulted in significant voter-time spent in queues, and a surfeit of cases requiring voters with lessened facility frequently requesting help in casting their ballot;

g. that most polling stations were difficult to reach or inaccessible for people with disabilities;

h. that despite focusing on the counting procedures during the training of the polling station committees, cascade training provided at local level evidently was not optimal;

i. that the final voter list was not updated and therefore, amongst other shortcomings, there were a substantial number of names of deceased persons still included in the list;

j. that a relatively small number of female candidates participated in elections;

6. Invites, therefore, the Provisional Institutions of Self-Government to ensure that future elections are organised and conducted in full compliance with international electoral standards and, with a view to this, to implement the following recommendations, namely to:

a. ensure that future amendments to election legislation are introduced well before the date of the elections and are submitted to the Venice Commission prior to their adoption in order to bring legislative provisions fully into line with its recommendations;

b. pursue efforts aimed at improving the accuracy of the voters' register in good time for the next elections;

c. take all appropriate measures to strengthen the role and authority of the Central Election Commission as the legally independent body responsible for the administration of the elections;

d. ensure that all electoral commission members receive professional, timely and adequate training;

e. increase efforts to make polling stations more accessible for people with disabilities;

7. Furthermore recommends that the Committee of Ministers takes note of the present recommendation and its explanatory memorandum, and to transmit it to the relevant bodies of the intergovernmental sector, the Venice Commission and the Directorate General of Democracy and Political Affairs.

8. Invites also the Parliamentary Assembly of the Council of Europe to take account of this recommendation.

9. Renews its readiness to support and assist the Provisional Institutions of Self-Government in their efforts to implement the above-mentioned recommendations and to consolidate local and regional democracy throughout Kosovo, in respect of international electoral standards and of the European Charter of Local Self-Government.

1. Debated and adopted by the Standing Committee of the Congress on 14 March 2008 (see Document CG(14)34REC, draft recommendation presented by J. Conway (Ireland, L, ILDG), rapporteur).

2. Report on municipal elections in Kosovo (28 October 2000), CG/BUR (7) 63; report on the Council of Europe election observation mission to Kosovo (17 November 2001), CG/BUR (8) 98; information document on the Council of Europe election observation mission for the 2002 Kosovo municipal assembly elections (CEEOM III) interim progress report (September 2002), SG/INF(2002)36; report on the municipal elections in Kosovo (26 October 2002), CG/BUR (9) 80; preliminary report on the Council of Europe election observation mission for the Kosovo assembly elections (CEEOM IV), (8 September 2004), SG/INF (2004) 24; report on elections of the Kosovo assembly (23 October 2004), CG/BUR (11) 74.