



Information Documents

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**Council of Europe Observation Mission
Kosovo Assembly Elections (CEEOM IV)**

Preliminary Report

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EXECUTIVE SUMMARY

1. On the 5 May 2004, the Ministers' Deputies accepted the invitation of Harri HOLKERI, then Special Representative of the Secretary General of the United Nations in Kosovo, that the Council of Europe organises the international observation of the forthcoming elections for the Kosovo Assembly on 23 October 2004.¹
2. Accordingly the Election Observation Mission IV was established, with a Core Team in Pristina and the deployment of 14 long-term observers in different parts of Kosovo, to be followed immediately prior to the election by between 150-180 short-term observers.
3. Since its establishment on 15 July, the Core-Team has held meetings with senior representatives of the international community and electoral bodies; political entities and religious leaders, diplomatic liaison officers, local authorities and their associations, civic society, human rights, election aid organisations and other relevant international organisations.
4. The core-team and the LTOs have assessed the current political environment in relation to the forthcoming election:- the impact of the major disturbances of 17-18 March, the economic and social background, frustration with the status quo, the platforms of the political entities and the background to the current Serb boycott of the elections.
5. The core team has followed closely the preparations for the elections, looking particularly at the work of the Central Election Commission; the Central Election Commission Secretariat, established by OSCE as a local body, destined in time to assume full responsibility for future elections; the Election Complaints and Appeals Commission; the establishment of Municipal Election Commissions; the registration and certification of the 32 political entities; the situation concerning candidates, to be completed by 24 August; the by mail voting procedures; the arrangements under the voters service and checking of voters lists; the establishment of polling stations and conditional voting; regulations concerning equal access to media and the extent of domestic observation.
6. The 2004 Kosovo Assembly elections will be held in a complex socio-political environment. Though the security situation throughout Kosovo has been gradually improving following the March events, there is general discontent within Kosovo society with the socio-economic situation, which affects all communities. Unemployment is high (60%) and the prospects for economic development are limited. This situation generates widespread frustration, which is a potential source of instability.

¹ The Council of Europe acts within the framework of United Nations Security Council Resolution 1244.

7. Participation of the Kosovo Serbs is considered crucial to the political significance of the October elections, including in the context of the 2005 Standards Review. Consequently, the (non)participation of the Serb community currently remains the main unresolved issue of the October elections. The Kosovo Serbs have serious concerns with respect to security, returns, freedom of movement and decentralization. The official position of Belgrade remains crucial with regard to the final decision on participation.

8. The mission notes that the 2004 election is a key element in the implementation of Standards for Kosovo; that a major question affecting the participation of the Serb minority in the election and as a factor in peaceable ethnic co-existence is a programme for decentralisation.

9. Good and effective working relations have been established with officials of UNMIK, OSCE, the CEC and representatives of all other institutions involved in the election process. The media coverage has ensured that the presence of the Observation Mission in Kosovo is well-known.

10. The mission records its satisfaction thus far with the preparation of the elections, whilst making a number of preliminary observations, which could be taken into account in future elections.

1. INTRODUCTION

On 23 October, the people of Kosovo will go to the polls to elect the Assembly of Kosovo, for a second term of office. These elections have a particular significance, both for the population of Kosovo and for the international community, as the Provisional Institutions of Self-Government (PISG), which will emerge as a result, are expected to partake in the negotiations concerning the future status of Kosovo, possibly to commence in mid-2005.

The Ministers' Deputies, on 5 May 2004, accepted the invitation of Harri HOLKERI, then Special Representative of the Secretary General of the United Nations, to organise the international observation of the election process, intended to elect representatives to the Kosovo Assembly, as called for in UNMIK Regulation 2004/12.

According to the Terms of Reference of CEEOM IV, the election observation will comprise the following phases:

- registration and updating of the Voters' List (VL);
- electoral campaign (one month before election day, to end on 21 October);
- Election Day – Saturday, 23 October 2004;
- Count and Results Centre.

On the basis of the observation of the electoral process, CEEOM IV will submit recommendations to the Special Representative of the Secretary General of the United Nations in Kosovo "regarding the certification of the registration process and of the election results".

2. ESTABLISHMENT OF CEEOM IV

a) Core Team

The Council of Europe Election Observation Mission IV (CEEOM IV) was established accordingly, placed under the authority of the Secretary General of the Council of Europe. Andrey TEHOV from Bulgaria was appointed Head of Mission, with Richard HARTLEY, Secretary of the Chamber of Local Authorities of the Congress of the Council of Europe and subsequently Gyorgy BERGOU, Administrator in the Congress, as Deputy Head of Mission (DHoM), and with Fredrik BLANCK as Field Operations Director (FOD).

b) Exploratory mission

An exploratory mission took place from 15 to 17 June 2004, to establish contacts with representatives of UNMIK (Acting SRSG Charles BRAYSHAW) and OSCE (Head of OMiK Ambassador Pascal FIESCHI, Deputy Head of OMiK Jens MODVIG and OMiK Directors of Elections and Democratisation); to discuss co-operation; to assess the needs of the Mission; and start the necessary logistical preparations.

Members of the Core Team arrived in Pristina during July and the HQ of CEEOM IV opened on 15 July 2004.

c) Long-term observers (LTOs)

The 14 LTOs, seconded by member and observer States of the Council of Europe, as well as Council of Europe staff, mostly persons with earlier relevant experience, arrived by 5 August, and followed a two-day training session on electoral issues, security, health problems, communications etc. on 6-7 August. This was organised by the Core Team in co-operation with speakers from OSCE, KFOR and other relevant bodies. All members of the Core Team and the LTOs were also required to sign a code of conduct which stipulated a number of standards to be observed, drawn up as a result of the experience of earlier missions.

On 9 August the LTOs were deployed in seven teams of two to their respective Areas of Responsibility (AoR) – Prishtinë/Priština, Prizren, Mitrovicë/Mitrovica, Gjilan/Gnjilane and Pejë/Pec.

LTOs are required to send weekly reports to CEEOM IV HQ and attend fortnightly meetings for additional election-related briefings and to discuss their observation findings.

d) Short-term observers (STOs)

In addition, between 150-180 STOs are expected to join CEEOM IV by 18 October 2004. The Core Team and the LTOs have started making arrangements for their accommodation and training in Pristina and subsequent deployment throughout the Mission area.

Generally, CEEOM IV has been receiving excellent support from UNMIK and OSCE, including assistance in setting up the mission, security and radio communication, etc. OSCE staff members have participated as speakers at the training sessions for the LTOs and promises of similar support have been received regarding the STOs.

e) Visibility of the Observation Mission

Visibility for the mission was also ensured, coinciding with the deployment of the LTO's to the regions. Arrangements were made for the HoM to meet journalists from the media in Kosovo. LTOs also gave short interviews after their training course. Coverage was extensive, both in the press and on local TV.

The Press Officer has also met journalists and editors of local and international media outlets, as well as the Heads of the UNMIK and OSCE Press Offices. He attends the weekly UNMIK press conferences, as well as special media events.

3. CONTACTS AND MEETINGS OF THE CORE TEAM (21 July – 31 August 2004)

A fundamental part of any observation mission is to hold regular meetings with representatives of all relevant institutions, political entities, technical, administrative and logistical bodies involved in the preparations for the election.

Accordingly therefore, during the reporting period, the Core Team (HoM, DHoM, FOD – together and/or separately) held the following meetings:

a) The international community and electoral bodies

Charles BRAYSHAW, Principal Deputy Special Representative of the Secretary General, Deputy Head of UNMIK,
Ambassador Pascal FIESCHI, Head of the OSCE Mission in Kosovo (OMiK),
Jens MODVIG, Deputy Head of the OSCE Mission in Kosovo (OMiK),
Janie SITTON, Chief Commissioner, Election Complaints and Appeals Commission
Lars LAGERGREN, Director, OSCE Department of Election Operations (DEO),
Johan TE VELDE, Director, OSCE Department of Democratisation.
Adnan MEROVCI, Chief Executive Officer, CEC Secretariat

b) Political entities and religious leaders

Ibrahim RUGOVA, President of Kosovo, Leader of the Democratic League of Kosovo (LDK);
Bajram REXHEPI, Prime Minister of Kosovo (PDK)
Hashim THAÇI, President, Democratic Party of Kosovo (PDK);
Ramush HARADINAJ, Leader of the Alliance for the Future of Kosovo (AAK);
Edita TAHIRI, Leader of the Democratic Alternative of Kosovo (ADK)
Sylejman ÇERKEZI, Leader of the Justice Party (PD);
Veton SURROI, Founder, Citizens' List ORA
Ylber HUSA, President, Citizens' List ORA
Oliver IVANOVIĆ, member of the Kosovo Assembly Presidency, Leader of the Povratak Coalition (KP)
Dragiša KRSTOVIĆ, Leader of the Povratak Coalition caucus in the Kosovo Assembly;
Faik MAROLLI, Deputy Leader, Democratic Albanian Ashkali Party of Kosovo (PDASHK);
Bishop ARTEMIJE, Head of the Serb Orthodox Church in Kosovo;
Naim TERNAVA, President of the Islamic Community of Kosovo;

c) Diplomatic Liaison Offices

Fernando GENTILINI, the personal representative of Javier Solana for Kosovo
Heads/Acting Heads of the Liaison Offices in Pristina of the Netherlands, Greece, France, USA, Italy.

d) Local authorities and their associations

Shefti GASHI, First Deputy Mayor of Pristina (LDK);
 Sazan IBRAHIMI, Executive Director, Association of Kosovo Municipalities;
 Slaviša RISTIĆ, President of Zubin Potok Municipal Council, Union of Serb Municipalities of Kosovo;
 Velimir BOJOVIĆ, President of Leposavic Municipal Council, Union of Serb Municipalities of Kosovo;
 Dr Dragiša MILOVIĆ, President of Zvečan Municipal Council, Union of Serb Municipalities of Kosovo;

e) Civic society, human rights, election aid organisations

Marek Antoni NOWICKI, Ombudsman, Ombudsperson Institution in Kosovo;
 Robert GILLETTE, Temporary Media Commissioner, Office of the Temporary Media Commissioner.
 Ibrahim MAKOLLI, Head of the Council for Defence of Human Rights and Freedoms (KMDLNJ);
 Ylber HUSA, Executive Director, Kosovo Action Civil Initiative (KACI);
 Lulzim PEÇI, Executive Director, Kosovo Institute for Policy Research (KIPRED);
 Oliver VEZMER, Regional Co-ordinator in Kosovo (CESID),
 Carmina SANCHIS-RUESCA, International Foundation for Election Systems (IFES);
 Alex ANDERSON, Director, Naim RASHITI, Researcher, International Crisis Group in Kosovo (ICG).

f) Other international bodies

Michael O'CONNOR, European Union Monitoring Mission (EUMM)
 Mario Lito MALANCA, the International Organisation of Migration (IOM).

4. POLITICAL ENVIRONMENT**a) Major disturbances 17-18 March and the aftermath**

Following the major disturbances of mid-March of this year, (which left 20 dead, more than 950 injured, more than 4 100 persons displaced, an estimated total of 935 houses, apartments and public buildings - including a number of churches, deliberately damaged or destroyed) the security situation throughout Kosovo has been gradually improving and at present could be described as relatively stable.

As a result of the efforts of the PISG some progress to repair the material damages has been achieved. A sum of 4.5 million Euros has been earmarked for reconstruction.

However, many of the root causes, which gave rise to the March events, are largely still present. Furthermore, as the UN Secretary General noted in his report of 30 July 2004 to the UN Security Council, in relation to the March riots, noted that "The already limited trust between communities was gravely shaken".

b) The economic and social background

There is evident discontent with the socio-economic situation, which affects all communities living in Kosovo. Unemployment is high and growing (60% to 70% according to recent estimates); the prospects for economic development are limited, with little inward investment. The process of the privatisation of property has been ruptured on several occasions.

Inevitably, this situation generates widespread frustration, a potential source of instability. Reaction has been relatively restrained thus far, but plans for industrial action have been announced by organised labour for September.

c) Frustration with the status quo

Several weeks before the elections, the current state of Kosovo society as a whole can be summarised as one of increasing dissatisfaction and frustration of all its constituent parts – the Kosovo Albanians, the Kosovo Serbs and the other minority populations.

Most Kosovo Albanian leaders consider the current policies of the international community in the territory as contributing to the deteriorating economic and social conditions. Likewise, some of them tend to regard the principle of “standards before status” formulated by the international community as a convenient instrument for postponement of the unresolved issue of “final” status. The international community, originally seen as the arbiters of peace, stability and security and the harbingers of the way forward, is now more associated with the maintenance of the status quo and lack of clarity over the future status.

These views seem to have wide support among the majority population, which besides the general economic difficulties, is faced with dwindling remittances from the diaspora (a traditional source of funds) and growing donor fatigue.

However, many Kosovo Albanian politicians appear to have also gradually understood that the March events, and – no less importantly – their apparent reluctance to accept responsibility for not doing enough to prevent them, may have seriously affected their reputation and, potentially, the existing international support for their proposals for Kosovo’s political future.

d) Reaction of political entities

The general feeling of discontent with the performance of the current dominant Kosovo Albanian political parties (LDK, PDK and AAK) has also apparently inspired the formation of new political entities, such as ORA and ADK, which have been certified for participation in the elections.

It is expected that all Kosovo Albanian political parties – both the traditional and the newly-formed – will include in their electoral campaigns demands for the further rapid transfer of competencies, including “reserved” powers (under Ch. 8 of the Constitutional Framework) to the Provisional Institutions of Self-Government.

e) The participation in the election of the Serbian minority

The Serb minority seems to perceive the March events as a violent episode in the process that had begun from 1999, aimed at their gradual ejection from the territory of Kosovo. They feel that the international community has done very little to reverse this process.

Since March, Kosovo Serb representatives have ceased their participation in the work of the Provisional Institutions of Self-Government, emphasising that these institutions had done nothing to promote the interests of their community.

Therefore, while the PISG have moved to repair part of the damage, it may be concluded that unless and until such issues as security for the Serb community, effective prosecution of the perpetrators and instigators of the March violence, sustainable returns (including reconstruction), freedom of movement (which continues to remain a key problem for them, as well as some other minorities), as well as the implementation of genuine decentralisation and local government reform, are seriously and resolutely addressed, the Serb community would have little incentive to take part in the October elections.

5. THE KOSOVO ASSEMBLY

a) Structure and Mandate

Chapter 9 Section 1 of the Constitutional Framework for Provisional Self-Government (UNMIK/REG/2001/9 of 15 May 2001) provides that the Assembly is “the highest representative and legislative Provisional Institution of Self-Government of Kosovo”.

The Assembly shall have 120 members elected by secret ballot. For the purposes of the election of the Assembly, Kosovo shall be considered as a single, multi-member electoral district.

100 of the 120 seats are distributed to parties, coalitions, citizens’ initiatives and independent candidates in proportion to the number of valid votes received in the election. 20 seats are reserved, as “set aside” seats, for additional representation of non-Albanian Kosovo Communities, as follows: 10 seats for candidates representing the Kosovo Serb Community; four seats for the Roma, Ashkali and Egyptian Communities; three seats for candidates representing the Bosniak Community; two seats for candidates representing the Turkish Community and one seat for candidates representing the Gorani Community.

The term of the Assembly is three years, commencing on the date of the inaugural session, which shall be convened within 30 days after the certification of the election results.

b) Political representation in the first Assembly

The first Kosovo-wide elections, held on 17 November 2001, resulted in the following composition of the Assembly:

LDK	- 359,851 votes; 47 seats
PDK	- 202,622 votes; 26 seats
KP	- 89,388 votes; 22 seats (incl. 10 set-aside)
AAK	- 61,688 votes; 8 seats
VATAN	- 9,030 votes; 4 seats (incl. 3 set-aside)
KDTP	- 7,879 votes; 3 seats (incl. 2 set-aside)
IRDK	- 3,976 votes; 2 seats (incl. 1 set-aside)
PDASHK	- 3,411 votes; 2 set-aside seats

Further, LKCK, PSHDK, PD and LPK have one seat each, while BSDAK and PREBK have one set-aside seat each.

6. ORGANISATION OF THE 2004 ELECTION PROCESS

a) Regulatory framework

UNMIK Regulation 2004/12 on the Elections of the Assembly of Kosovo (UNMIK/REG/2004/12 of 5 May 2004) contains provisions governing most aspects of the 2004 election process, in accordance with the “Constitutional Framework” (including distribution of seats, voter eligibility and voters’ list, political entity certification, candidate lists, incl. guarantees for balanced gender representation, candidate eligibility, campaign spending and financial disclosures, election observers, election complaints and appeals, voter information) It also defines the campaign period - 30 days before the Election.

b) The Central Election Commission (CEC)

The Central Election Commission (CEC) remains the principal regulatory body. It has an independent status, under international control. The Commission is chaired by the Head of OMiK.

The CEC is composed by representatives from the three strongest political entities representing the Kosovo Albanian community (3), from the Kosovo Serb (1), from the Turkish (1), the Bosniak and Gorani (1) communities and the Roma, Ashkali and Egyptian community (1) as well as from two local NGOs nominated by the Presidency of the Kosovo Assembly (2). Two more seats are reserved for internationals.

Decisions should be reached by consensus, otherwise the Chair decides on his/her own.

The CEC has responsibility for electoral rules, the voters' list, certification of political entities and candidates, ballots, appointing members of Municipal Election Commissions, establishing polling station committees, accreditation of observers, voter awareness, publishing of election results, as well as research in relation to the electoral system and regulating coverage by news media.

By 1 September 2004 the CEC has adopted 13 Electoral Rules: 1/2004 Code of Conduct for Political Entities & their Supporters & Candidates, 2/2004 Certification of Political Entities, 3/2004 By Mail Voting, 4/2004 Candidate Certification, 5/2004 Political Entity Mailboxes, 6/2004 Electoral Process Observers, 7/2004 Municipal Election Commissions, 8/2004 Campaign Spending Limit and Financial Disclosure, 9/2004 Appointment of Polling Station Committees, 10/2004 Media during the Electoral Campaign, 11/2004 Challenge and Confirmation Period, 12/2004 Notification of Political Events and 13/2004 Polling and Counting Inside Polling stations. Several more Rules are expected in the near future.

c) Breaking new ground; the Central Election Commission Secretariat (CECS)

In a fundamental break from election management and practice of the three previous elections, the voter process is conducted by a new local election administration body, the Central Election Commission Secretariat (CECS), responsible for field co-ordination and planning; the observer programme; public information; production of ballots and Election Day material. It also prepares proposals for certification of political entities and candidates. It is multi-ethnic in composition, headed by Adnan MEROVCI, a Kosovo Albanian. His Deputy is Mr Bogoljub STALETović, a Serb.

The CECS is non-political and funded by the Kosovo Consolidated Budget. It is represented in all 30 municipalities by its field staff, the Municipal Executive Officers (MEOs) who chair and co-ordinate the Municipal Election Commissions, composed of employees of the Municipal Administration nominated by the Chief Executive Officer in each municipality. They receive support from Municipal Assemblies for logistics, staffing and transport.

d) The OSCE Department of Elections

The OSCE Department of Elections supports the process by providing training, mentoring and monitoring and has its own reserved tasks, including out-of-Kosovo voting; registration of political parties after monitoring their internal democratic functioning; the Counting and Results Centre; anti-fraud structures; and voters' list.

e) Oversight/observation: The Election Complaints and Appeals Commission (ECAC)

The ECAC, an independent body established by the SRSG, is responsible for adjudication of all complaints and appeals concerning the electoral process.

The Chief Commissioner is an international and was officially appointed by the SRSG on 2 June. Four Commissioners, all locals, complete the membership of the ECAC. Decisions should be reached by consensus, otherwise the Chief Commissioner decides on his/her own.

Individuals, who consider that their rights concerning the electoral process have been violated, may submit a complaint to ECAC. The ECAC may also take cases on its own initiative on any matter within its jurisdiction. In addition to adjudicating complaints, ECAC serves as the appeals body against decisions of the Central Election Commission (CEC) on matters such as voter registration, participation in the by-mail voting programme, political entity certification and observer accreditation. ECAC may order remedial action to be taken or impose sanctions, including fines of up to 200,000 Euros. When the ECAC intends to sanction a political entity through e.g. removing a certain number of candidates from the list of candidates or decertify a political entity, it has to seek the prior approval of the CEC.

f) Municipal Election Officers (MEOs) and Municipal Election Commissions (MECs)

Municipal Election Officers (MEOs) are appointed and remunerated by the CEC. They have a task of proposing membership of the Municipal Election Commissions (MECs) in coordination with the Chief Executive Officer in each municipality. MEOs chair meetings and report regularly to the CEC. They are required to “endeavour” to ensure gender and ethnic balance in the MECs.

MEC members are required to be apolitical and professional. Under the exclusive supervision and direction of the CEC, acting through the CEC Secretariat, they administer the election within their municipality ensuring the legality, legitimacy and efficiency of the electoral process.

A MEC member can be dismissed, if the member has failed to adequately perform his or her duties as a member.

Logistic and administrative support for them is to be provided by local municipal assemblies.

g) Registration and internal democracy of the political entities

UNMIK Regulation 2004/11 on the Registration and Operation of Political Parties in Kosovo introduced new standards of internal democracy and financial transparency applicable to all political entities registered in Kosovo. Compliance with such standards was made a prerequisite for participation of the parties in election cycles. Requirements include the holding of an assembly meeting every 24 months, submission regularly of financial reports, compliance with the regulations on statutes and programmes, abstaining from letting certain categories of members holding functions contrary to the regulations, full cooperation with the auditors and paying of fines. Furthermore, they are encouraged to promote policies which support community reconciliation rather than division.

h) Certification of political entities for the Election

The closing date for certification of political entities contesting the October Election was postponed until 6 August, by which date 34 political entities had been certified by the CEC. Previously, the CEC had rejected two political entities for non-compliance with the regulations, (unpaid earlier fines imposed by ECAC). According to decisions given in 2002, 11 other political entities wanting to contest the 2004 elections were found not to have complied with, among other things, the Financial Disclosure Regulations and thus disqualified to be certified. ECAC, however, concluded in a reconsideration of its own decision from 2002 to withdraw the sanction and therefore recommend the 11 entities for certification.

All the principal existing parties, including the Alliance for the Future of Kosovo (AAK), the Democratic League of Kosovo (LDK), and the Democratic Party of Kosovo (PDK) will run, as well as some new entities, including the Citizens List ORA and the Democratic Alternative of Kosovo (ADK). The only Serb political entity on the ballot paper is the Citizens' Initiative of Serbia.

i) The ballot paper

A lottery was held on 12 August to decide upon the order of the political entities on the printed ballot paper – an operation conducted successfully in the presence of election officials, observers, media and representatives of parties and individual candidates. As by 12 August two political entities had withdrawn – the Serbian PSS-SPOT entity and the National Movement for Liberation of Kosovo (LKCK) – 32 political entities participated in the lottery.

The printing of the ballot paper will begin shortly, the contract having been awarded after tender to a local company.

j) Candidates

Candidates will appear on “closed” lists of the political entities, i.e. the choice of persons and their place on the lists will have been selected by the respective entities. The names of the candidates will not appear on the ballot papers. However, they will be displayed at the polling stations. According to a special gender requirement, a third of the candidates must be women, otherwise political entities will be disqualified.

Candidates are required to complete a Personal Income and Assets Statement. They must be registered voters, over 18 years of age, must not be deprived of their legal capacity or under indictment by the International Criminal Tribunal for the Former Yugoslavia, cannot appear on more than one political entity, must not be a member of an electoral body nor a member of KPC, KPS or the Armed Forces.

By 24 August, all 32 certified political entities had submitted their lists of candidates making a total of approximately 1300 accepted by the CEC, after thorough verification of eligibility. Some candidates have been rejected, including notably seven of the 14 candidates of the Citizens' Initiative of Serbia, either for failure to register with the Civil Registry or failure to submit a Financial Disclosure form.

k) By-mail voting

To ensure maximum inclusiveness, the election process foresees by-mail voting, conducted in two phases. The first one (ended on 18 August) consisted of an invitation to eligible voters living outside Kosovo to apply to register. Those who participated in the 2002 elections only have to submit a new application. Those who have not previously been registered to vote in an election must also submit documentary proof meeting the eligibility criteria - 18 years of age and having been a resident in Kosovo on 1 January 1998. The operation covers over 30 countries.

The process has already started in Montenegro through a Memorandum of Understanding with the Commissariat of Refugees in Montenegro. In Serbia proper the process has been complicated because of the Serb boycott of elections. Nevertheless, 100,000 application forms have been mailed to Serbia proper.

l) The Voter's Service Period and Provisional Voters' Lists

The Voter Services period formally commenced at the end of June and ran throughout all Kosovo Municipalities until 6 August. An extract of data from the UNMIK Central Civil Registry per 6 August will establish the Provisional Voters' List (PVL). The Voters' List gives the name, date of birth and residence as of 6 August according to the UNMIK Central Civil Registry.

m) The UNMIK Central Civil Registry

The UNMIK Central Civil Registry was begun in 2000 for the first Municipal Elections but at the time remained incomplete and controversial. However, since 2000 it has been progressively improved and recent screening has shown it to be highly accurate, (200 mistakes out of a sample of 130,000 names.) However, since civil registration is not mandatory, the Registry is considered by those officials responsible for it, to cover only 80% of the population (clearly more accuracy could be obtained through a new census, the last more or less reliable one having been undertaken in 1981).

All voters who were registered on the civil registry during previous elections and those who registered since the 2002 Municipal Elections will receive polling station allocations automatically. Civil registrants wishing to amend their Civil Registry details may do so at the Municipal Civil Records Centre (MCRC). Further assistance may be gained through contact with the Municipal Elections Office in different localities.

n) The Challenge and Confirmation Period

The Voter Services will then be followed by the challenge and confirmation period (30 August – 10 September), during which voters are able to challenge the provisional voters' list, both to check their own details and raise objections to entries, to be considered subsequently through an appeals procedure. Voters also have the option to check their polling locations in the tri-lingual Kosovo Elections websites.

o) Polling stations

No later than 40 days before the Election, the precise location of polling stations should be clarified. CEC Rule 13/2004 makes a number of stipulations relating to polling stations, their location, the organisation of materials, including ballots, hours of opening and closing, different types of acceptable voter identity, counting arrangements, return of spoiled ballot papers, etc.

There should be one polling station for every 1000 voters. Polling stations are grouped in polling centres. There should be no party political propaganda in or around polling stations 24 hours beforehand and other provisions concern the presence of police and security forces in or around polling stations.

p) Conditional voting

On polling day, voters who find that their names are not on the Voters' List in the polling station in question will be re-directed to an alternative polling station, physically situated in the same polling centre, where the voter may cast his/her vote following a special procedure that enables a later check of his/her eligibility, i.e. so-called conditional ballot voting.

This is a change from earlier elections when such voters could be put on a supplementary list on-the-spot, with the provision of adequate proof of identity and residence. The purpose is to give additional safeguards, as supplementary on-the-spot lists are not without risk of fraud; to encourage voters to check their details beforehand, during the Challenge Period; to avoid disturbances in the polling station on Election Day.

q) Equal access to Media

Media access is regulated by Rule No. 10/2004 of the CEC. Broadcasters must air CEC voter education material free of charge. All certified political entities shall receive "fair and equitable" news coverage and access to political discussions and debates. Political discussion programmes and debates on broadcast media shall have guests that represent diverse standpoints. Reporters, moderators and studio audiences shall project an image of impartiality. Media professionals standing as candidates for the 2004 Kosovo Assembly may not contribute or otherwise influence the material content of their respective media.

Broadcasters that air paid political advertising are required to offer a minimum number of minutes of free air time (excluding regular news coverage) to all certified political entities during the campaign period. If a private broadcaster offers free air time to any certified political entity, it must offer free air time to all certified political entities. The price per second charged for paid political advertising spots shall be no more than 60% of a broadcaster's normal prices for the same time slots in the 30 days prior to the campaign period.

No broadcasts or publications of any material pertaining to campaign activity is permitted during the 24 hours prior to the opening of the polling stations until the official close of the polling stations. There shall be no publication or broadcasts of opinion polls or surveys relating to the electoral campaign – including exit polls – during the 72 hours prior to the official close of the polling stations.

r) Public information

A public information campaign has been developed and conducted by the CECS both for in-Kosovo and out-of-Kosovo voters. It started on 28 June in support of the voter service period and will continue throughout the campaign for all other related purposes. All media vehicles are used - television, radio, posters, public meetings, direct contact with the political entities. Relevant material is available in at least three languages. Campaign monitoring is carried out, to ensure the accuracy of the transmitted information and the effectiveness of the campaign. Since the beginning of the publicity campaign, there have been over 7,000 individual hits from 53 countries on relevant websites.

s) Domestic observers

There are two main domestic election observation organisations: Kosovo Action Civil Initiative (KACI) and the Council for the Defence of Democracy and Human Rights (KMDLNJ) have been involved in previous elections in co-operation in different degrees with OSCE and other international organisations both on observation, voter education, training of election officials and public awareness. For the moment KMDLNJ is fielding approximately 100 observers but nearer to and on Election Day they will have approximately 2,500 in the field.

The current President of KACI has recently become the President and one of the most prominent candidates of the newly founded political entity ORA, thus creating a potential conflict of interest, which presumably will be resolved in the near future.

Political entities and journalists are authorised to be present as observers in polling stations, upon accreditation by the CEC.

7. POLITICAL ISSUES RELEVANT TO THE ELECTORAL PROCESS

a) The 2004 Election: an element in Standards

In his report of 30 July 2004 to the Security Council, the UN Secretary General emphasized that “Standards implementation remains the fundamental and overarching means of improving conditions in Kosovo”.

Criteria regarding elections are an important part of the “Standards for Kosovo”, endorsed by the United Nations Security Council in December 2003. The relevant electoral requirements are contained in Standard I of the document - “Functioning Democratic Institutions”:

- Elections are regular, transparent, free and fair, conforming to international standards, allowing the full and peaceful participation of all communities and ethnic groups.
- Internally-displaced persons and refugees continue to be fully included in the Kosovo election process and their ability to vote is facilitated.
- An independent, representative and multi-ethnic Central Election Commission administers elections;
- A range of democratic political parties contests elections;
- A comprehensive legal framework covering political party operation and finances is adopted and enforced.

b) Participation of the Serbs and other minorities

In the context of these requirements, participation of the Kosovo Serbs is considered crucial to the political significance of the October elections, including in the context of the 2005 Standards review - and the expected negotiations on what is commonly referred to as “final status”.

Consequently, the (non)participation of the Serb community currently remains the main unresolved issue in the coming October elections in Kosovo. It should be recalled that in the three previous elections in the province (2000, 2001, 2002) the full participation of the Kosovo Serbs was also in doubt, although in the end the decision was positive. However, this time such a prospect would appear less likely.

The other minorities: Turks, Ashkali, Gorani, Bosniaks, Roma have registered and certified political entities to contest the elections.

Kosovo Albanian politicians and members of the international community clearly and strongly wish to have the Serbs participate in the electoral process and are actively encouraging such participation. Thus, a number of appeals for the participation of the Serb community were made, including by Bajram REXHEPI, Prime Minister of Kosovo, by the newly appointed Head of UNMIK Søren JESSEN-PETERSEN and previously by the Acting Head of UNMIK Charles BRAYSHAW, by the Head of the OSCE Mission in Kosovo, Pascal FIESCHI. Support for participation was also voiced by the leader of the AAK Ramush HARADINAJ. Talks were also held on the subject in the reporting period in Belgrade by the Head of OMIK and latterly by the SRSJ Søren JESSEN-PETERSEN.

For its part, the CEC on several occasions postponed certain electoral deadlines with the aim of facilitating participation, should the Serb community decide to review its position.

The fact remains, however, that by the final certification date (11 August), the principal Kosovo Serb political entity, the Povratak Coalition (KP), did not submit the required documents for participation in the coming elections. Furthermore, on the same date, an already certified Serb political entity, PSS-SPOT, informed the CEC that it was withdrawing from participation.

In choosing to boycott the election process, Kosovo Serb leaders also made it clear that any Serb appointed to take up one of the “set aside” seats would not be invested with any credibility.

This stance may be seen as continuing the logic of the earlier Serb boycott of the PISG, particularly after the events of March 2004. However, the reasons for non-participation are more serious and complex, as indicated above. They include dissatisfaction with the absence of a positive response to Belgrade proposals for decentralisation (see below); a perception that voting will condone institutions which have failed to guarantee Serb security; impact of the March riots, proof for the Serb community of the incapacity of PISG and the international community to protect minorities.

It should be noted, nonetheless, that many Serbs in Kosovo apparently would be prepared to participate, provided certain conditions are met. However, the official position of Belgrade remains crucial in this regard. At the time of submission of the present report, this position, as summarised by the Prime Minister of Serbia, Vojislav KOSTUNICA on 28 July 2004, remained unchanged - “the turnout of Serbs for the elections at this moment hardly makes sense” – despite continued representations to the contrary, notably by members of the Contact Group and the Head of UNMIK Søren JESSEN-PETERSEN.

c) Decentralisation

One of the factors for the Serb boycott is said to be the continuing lack of tangible progress on the issue of decentralisation in Kosovo.

This issue is not new. Previous reports of Council of Europe election observation missions have referred to it. There have been various proposals for decentralisation, including one arising from a Council of Europe sponsored mission in 2003 at the request of UNMIK. A Working Group, composed of members of the international community, including Council of Europe experts, as well as representatives of the PISG and some observers from the Serb community, has recently submitted proposals, which were agreed “in principle” on 23 July 2004. However, these are unlikely to be operational before 2005, except for possible related pilot projects.

The debate over decentralisation has become overly politicised, particularly in the context of its presentation as a condition for the participation of the Serb community in the October elections.

Decentralisation is not only relevant to the electoral debate. More importantly, it is one of the keys to the future ethnic stability in Kosovo. As the UN Secretary General emphasised in his report to the Security Council, dated 30 July 2004, “A concrete sustainable reform of local government is likely to be the most important political process that will affect the Kosovo Serb community in the future”.

The history of the Balkans has shown that it is possible for different ethnic communities to live side by side in peace. Furthermore, recent history has shown that local communities and their leaders can co-operate and go where national leaders often find it difficult. There is no reason why this should not be the case in the future in Kosovo, provided that all communities have their rights institutionally guaranteed, based upon accepted European-wide standards of local democracy.

Decentralised districts in Kosovo may or may not coincide with the boundaries of ethnic groups - this should be a secondary consideration. It is worth recalling in this context the definition of municipal boundaries used in the proposals of the Kosovo Working Group on the Reform of Local Self-Government, which defined boundaries based on “clusters of villages with some geographical features where citizens are connected by common needs, interests, cultural traditions and language. In the larger towns..... based on historic divisions, main roads, rivers, railways, etc”.

If local communities can function harmoniously, the rest may follow.

8. PRELIMINARY OBSERVATIONS

a) General

The Mission is largely satisfied with the progress made by electoral bodies in the preparation for the Election in what remains a difficult political environment. So far, the process has been conducted in accordance with relevant international standards.

Most of the representatives of political entities have expressed their hope and belief that the campaign will proceed without major incidents or confrontation.

The Mission is satisfied with the access it has been given to different parts and stages of the electoral process.

Good and effective working relations have been established with officials of UNMIK, OSCE, the CEC and representatives of all other institutions involved in the election process.

The Mission would also like to acknowledge the readiness of representatives of political entities, civic organisations and religious leaders in meeting its members.

Likewise, LTOs are established in their respective regions and are making satisfactory progress in meeting relevant electoral officials and local representatives of parties.

The arrangements for the recruitment of STOs are in place and the first candidates have been approved.

The media coverage has ensured that the presence of the Mission in Kosovo is well-known.

The Mission is currently observing the challenge and confirmation process and checking the accuracy of the Voter's List, in addition to attending all relevant electoral meetings.

The international community and in particular the OSCE, has begun to transfer gradually the responsibility for elections to the PISG, which has led to increased local control of the election process. CEEOM IV welcomes this important development.

The October elections are a transitional stage in this transfer process and the structures put in place, including the CEC and the CECS, reflect this shared responsibility. Relations between the relevant structures seem to be coherent and working well. The aim is to ensure that the process is efficiently managed, that a maximum number of views are taken on board and that the process is sustainable over the longer term.

The Mission wishes to congratulate OSCE for the management and determination in going ahead with complex by-mail voting procedures, which would ensure that many refugees and IDPs currently residing out of Kosovo would be guaranteed their right to vote.

The overall impressions of the Mission at this stage are therefore positive. Nevertheless there are some aspects to which the Mission would like to draw attention.

b) Closed/open lists

Closed (as opposed to open) lists were retained, allegedly partly because of the risk of the names of women included as an electoral requirement being deleted in the ballot papers. Quite apart from whether it is wise or reasonable to cater to such practices of gender inequality, it is also likely that closed lists tend to perpetuate the dominating influence of the leaders of the parties and reduce voter identity with their representatives.

Preference for open lists was indicated to the Core Team by many, including political party leaders. Open lists could be considered for future elections, for instance in the 2006 municipal elections and would contribute to a more representative democracy.

c) The ballot paper

The order of parties and political entities appearing on the ballot paper was decided by lottery in a perfectly open and transparent manner, as witnessed by the Core Team. However, the numbering of the political entities on the ballot paper (31 to 62) risks sowing some confusion, especially with less informed voters and seem unnessecary.

d) A plethora of political entities

As at 31 August 2004, a plethora of 32 political entities (parties, coalitions, citizens' initiatives and individuals) are taking part in the forthcoming Elections. The political platforms of many of these are quite similar, particularly on the main issues. It could be surmised (and hoped) that with the move towards a more politically mature society there would be a gradual reduction in the number of parties contesting elections.

e) Set aside seats

The notion of setting aside seats reserved for minorities is debatable. It is probably justifiable in a transitional period, in order to ensure that, in the specific conditions of Kosovo, minorities are assured of seats in the assembly with otherwise they may not have.

f) Electoral rules and regulations

The CEC is still in the process of adopting the required Rules regulating different aspects of the election process. Based on previous electoral experience, it should have been possible for the relevant bodies to draft, adopt and publish the electoral provisions more in advance and simultaneously, rather than consecutively and at a relatively late stage in the election process.

g) Municipal Electoral Commissions

The current provisions do not give adequate guarantee for a politically objective composition of MECs. In many countries there is a stipulation that party members should not be members of a local Election Commission or, if this is the case, that there should be a balanced representation from a range of different parties. Current regulations on MECs do not obviate the risk of political bias.

9. CONCLUDING REMARKS

It should be recalled that while the Core Team and the LTOs will observe the campaign leading to the elections, the Mission will need at least 150 short-term observers to enable it to conduct a credible operation on Election Day.

As to the capacity of the local election administration to take full responsibility for the organisation of future elections, this will depend upon the evaluation by the Mission of the performance of local election officials in polling stations and at the Count and Results Centre.

Finally, while the mandate of the Council of Europe mission is the observation of the elections for the 2004 Kosovo Assembly, the role of CEEOM IV should be seen in the wider perspective, since through its recommendations to the Special Representative of the Secretary-General of the United Nations in Kosovo the Council of Europe will also be assisting the wider international community in its assessment of the progress in the implementation of one of the key Standards for Kosovo.

APPENDIX I

**TERMS OF REFERENCE
FOR THE COUNCIL OF EUROPE ELECTION OBSERVATION MISSION
FOR THE 2004 ASSEMBLY ELECTIONS IN KOSOVO
(CEEOM IV)**

General Terms of Reference

1. Upon request of the Special Representative of the Secretary General of the United Nations (SRSG), Head of the United Nations Interim Administration Mission in Kosovo (UNMIK), the Council of Europe, acting on behalf of the international community in Kosovo, is to observe the electoral process intended to appoint representatives to the Kosovo Assembly, as called for in UNMIK Regulation 2004/12.

The SRSG, in a letter dated 2 March 2004, has asked the Secretary General of the Council of Europe to accept the responsibility for the international observation of the electoral process, including the areas of registration and the updating of the Voters' List, the electoral campaign, Election Day and the Count and Results Centre.

2. The observation of the process is intended to enable it to run smoothly by checking and attesting its conformity with international standards and with the objectives set out in Resolution 1244 of the UN Security Council, in particular its paragraph 11.(c), which provides the framework for the process. The aim is to ensure the impartiality and credibility of the electoral process and thereby to encourage all the communities of Kosovo to play their full part in it.
3. Responsibility for the electoral process has been vested in the Special Representative of the UN Secretary-General (SRSG), who heads the United Nations Interim Administration Mission in Kosovo (UNMIK), and the process is being organised by the OSCE Mission in Kosovo (OMiK), Pillar III of UNMIK. Many of the operational responsibilities have, for the 2004 Elections, been transferred to the Central Election Commission Secretariat (CECS) with the OMiK Department of Election Operations (DE) acting as advisors. DE and CECS will provide CEEOM IV with details of operational plans and other assistance which CEEOM IV may require.

The establishment of the electoral rules concerning issues such as the certification of parties, coalitions, citizens' initiatives and independent candidates, the code of conduct, domestic monitoring, polling and counting are the responsibility of the Central Election Commission set up under SRSG Regulation 2000/21, as amended by Regulation 2000/65. The certification of the electoral results and the design of an appropriate electoral system are the responsibility of the SRSG. It is the responsibility of the Election Complaints and Appeals Commission to adjudicate complaints of the electoral process and sanction/remedy violations of the electoral rules.

4. The Ministers' Deputies of the Council of Europe agreed to this mission at their 883rd meeting on 5 May 2004 and set up a Council of Europe Election Observation Mission IV (CEEOM IV) placed under the authority of the Secretary General of the Council of Europe.
5. In its observer role, the Council of Europe carries out its tasks completely independently of any other parties, and, in particular, the United Nations and OSCE.

The electoral process

6. The electoral process comprises four phases:-

- a. Registration

The Voters' Lists of voters casting their ballot inside Kosovo were initially drawn up on the basis of the registration of the population of Kosovo carried out between April and July 2000 and consist of an extract from the Civil Registry, now being updated in a continuous process conducted by offices throughout Kosovo. The Voters' Lists are updated through CECS with new data. The CEC decided that 6 August should be the cut-off date for the final extract from the Civil Registry.

The plan is that, in Serbia and Montenegro and elsewhere outside Kosovo, the registration will be conducted by mail.

- b. Electoral campaign

An analysis of the rules governing the campaign period and of the behaviour of the political entities and the media is critical to ensuring that voters have a suitable environment in which to make and express their choices.

- c. Assembly Elections, to take place on 23 October 2004

The organisation of Election Day, the security environment and the adherence of the political entities and polling staff to the electoral rules during polling and counting are key areas for observation.

- d. Count and Results Centre (C&RC)

By-mail ballots (including by-mail ballots cast in Serbia and Montenegro), special needs ballots and conditional ballots will be counted in the C&RC. It will also be responsible for adjudicating conditional ballots, auditing all polling station results and producing partial and final results.

The observation of the electoral process by CEEOM IV

7. The CEEOM IV makes an assessment of the result of the Voter Service activities on the Voters Lists to be used in the upcoming elections. It conducts a full observation of the electoral campaign and organises the international short-term election observation by inviting observers from Council of Europe Member States and other International Organisations as it deems appropriate.
8. The CEEOM IV's terms of reference begins on 15 July 2004 and ends after the certification of the elections by the SRSG. The terms of reference may be terminated at any time by the Secretary General of the Council of Europe, after consultation of the SRSG.

The composition of the CEEOM IV

9. The CEEOM IV is led by a Head of Mission supported by a Core Team. It comprises a group of long-term international observers appointed by the Secretary General of the Council of Europe. Before Election Day it will be supplemented by a group of short-term observers. The capacity and number of observers may vary, depending on the progress of the process.

Territorial jurisdiction of the CEEOM IV

10. The CEEOM IV is observing the process throughout the territory of Kosovo, as well as the postal registration and voting process for the population originally from Kosovo in Serbia and Montenegro and eligible voters elsewhere.

Means for the observation of the process

11. CEEOM IV is organising the observation according to any means it deems appropriate, including
 - regular visits by observers to the registration sites mentioned in paragraph 10;
 - observer status in the meetings of the OSCE Elections Administration, in particular the Central Election Commission; and access to its official documents, subject to data protection regulations;
 - observer status in the meetings of the Municipal Election Commissions and access to their documents, subject to data protection regulations;
 - observer status in the meetings of the Election Complaints and Appeals Commission;
 - consultations with the representatives of political parties and the representatives of the different communities of Kosovo, as well as with the representatives of refugees or displaced persons from Kosovo outside the territory of Kosovo;
 - discussions with the representatives of UNMIK, OSCE and other international organisations concerned;
 - observation of media coverage of the process;

- attendance by observers at polling stations during polling and during vote counting;
- observation of the work of the Count and Results Centre.

Reports and recommendations

12. The CEEOM IV is to report directly and unrestrictedly to the Secretary General of the Council of Europe.
13. During its activity, the CEEOM IV may draw up reports containing an assessment of the process. In particular, a progress assessment report may be drawn up after the end of the registration phase.

The Head of the CEEOM IV may decide to publish these reports, with the agreement of the Secretary General of the Council of Europe.

A preliminary statement shall be drawn up shortly after the end of polling and vote counting, whilst a final assessment report on the electoral process shall be drawn up by the Head of the CEEOM IV after completing the analysis of the reports received from observers, but prior to the certification of the elections by the SRSG.

The use of international expertise

14. For the purposes of its mission, the CEEOM IV may call in consultants in specific fields through the Secretariat of the Council of Europe.

Security and Logistics

15. In order to be able to accomplish its task, the CEEOM IV is provided with the necessary resources to guarantee its security and the free movement of its members throughout Kosovo; and in particular the assistance of the international civilian police (CIVPOL) and KFOR.

APPENDIX II

**CERTIFIED PARTIES, POLITICAL ENTITIES
AND INDEPENDENT CANDIDATES**

Entity Acronym	Political Entity Name	Type of Political Entity	President of Political Entity	PE contesting set aside seats
AAK	Alliance for the Future of Kosovo	Political Party	Ramush Haradinaj	No
ADK	Democratic Alternative of Kosovo	Political Party	Edita Tahiri	No
	Belul Beqaj	Independent Candidate		No
BK	National Front	Political Party	Sylejman Daka	No
/	Citizens' Initiative National Democratic Front	Citizens' Initiative	Naser Bresa	No
BSDAK	Bosniac Party of Democratic Action of Kosovo	Political Party	Hilmo Kandić	Bosnian set aside seats
	Fuad Ramiqi	Independent Candidate		No
GIG	Citizens' Initiative of Gora	Political Party	Rustem Ibiši	Gorani set aside seat
/	Citizens' Initiative of Serbia	Citizens' Initiative	Slaviša Petković	Serb set aside seat
IRDK	New Democratic Initiative of Kosovo	Political Party	Bislim Hoti	RAE set aside seats
KDTP	Kosovo Turkish Democratic Party	Political Party	Mahir Yagcilar	Turkish set aside seats
LDK	Democratic League of Kosovo	Political Party	Ibrahim Rugova	No
LPK	People's Movement of Kosovo	Political Party	Emrush Xhemajli	No
ORA	Citizens' List ORA	Citizens' Initiative	Ylber Hysa	No
PD	Justice Party	Political Party	Sylejman Çerkezi	No
PDAK	Democratic Ashkali Party of Kosovo	Political Party	Sabit Rrahmoni	RAE set aside seats
PDASHK	Democratic Albanian Ashkali Party of Kosovo	Political Party	Beqir Bytiqi	RAE set aside seats

PDI	Initiative of Prizren – Dragash	Citizens' Initiative	Mehmed Meta	Bosniac set aside seats
PDK	Democratic Party of Kosovo	Political Party	Hashim Thaqi	No
PLK	Liberal Party of Kosovo	Political Party	Gjergj Dedaj	No
PNDSH	Albanian National Democratic Party	Political Party	Rexhep Abdullahu	No
PREBK	United Roma Party of Kosovo	Political Party	Haxhi Zylfi Merxha	RAE set aside seats
PReK	New Party of Kosovo	Political Party	Bujar Bukoshi	No
PSDK	Social Democratic Party of Kosovo	Political Party	Kaqusha Jashari	No
PSHDK	Albanian Christian Democratic Party of Kosovo	Political Party	Mark Krasniqi	No
	Ramë Dreshaj	Independent Candidate		No
	Riza Lluka	Independent Candidate		No
SDA	Party of Democratic Action	Political Party	Numan Balić	Bosnian set aside seats
UD	Democratic Union	Political Party	Mentor Kaqi	No
UNIKOMB	Albanian National Unification Party	Political Party	Muhamet Kelmendi	No
VAKAT	Coalition VAKAT (DSB, DSV, BSK)	Coalition	Džezair Murati	Bosniac set aside seats
	Xhevdet Rexhaj	Independent Candidate		No

REJECTED POLITICAL ENTITIES

Nr.	Entity Acronym	Political Entity Name	Type of Political Entity	President of Political Entity
1.	IQK	Citizens' Initiative of Kosovo	Citizens' Initiative	Qemajl Sokoli
2.	KOS	Kosovo Objective Party	Political Party	Milija Popović