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Kosovo Local Elections 2013: Lessons Learnt for Minority Communities

A short analysis

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Introduction

2013 local elections were organised for the first time in the whole territory of Kosovo, including in Leposavić/Leposaviq, Mitrovica/Mitrovicë North, Zubin Potok, and Zvečan/Zveçan. This presents a new phase in Kosovo's development after its declaration of independence in 2008. While on the one hand, participation of all citizens and ethnic communities in the elections is a positive sign for Kosovo's fledgling democracy and rule of law, on the other hand the election of parties and Mayors that contest Kosovo's authority and status represents a major challenge to the institutions of the state.

Generally, the elections were held in free and fair conditions,¹ and the parties did not contest the results, as was the case with the last elections of 2009,² when major election fraud was reported. None of the candidates and parties that participated in the elections has contested the results, and in a new spirit of sportsmanship, seen for the first time in Kosovo, many candidates congratulated their opponents on their victory.

The election results featured a general wave of anti-incumbent sentiment. In the majority of municipalities, with the exception of 16 out of 38 municipalities, there have been new mayors elected. Finally, the first female mayor in the young history of Kosovo, Mimoza Kusari-Lila, was elected in Gjakovë/Đakovica.

The following paper provides a short summary of the results in areas where communities live, with a special emphasis on Serb municipalities, and a short analysis of the major challenges that have arisen as a result of mayors and parties in the Serb inhabited areas that do not see Prishtinë/Priština as their capital. Moreover, the paper will address the complex circumstances this creates for the institutions of Kosovo and the stability of inter-ethnic relations in Kosovo as a whole. Finally, the paper provides a contribution to the ongoing debate on the reserved and guaranteed seats, by re-introducing ECMI Kosovo's analysis on the reform of the electoral system and provides a simulation of results according to the two systems, by projecting the results of the current municipal assembly elections at the national level.

¹http://www.eueom.eu/files/pressreleases/english/preliminary-statement02-eueomkosovo2013_en.pdf

²<http://www.balkaninsight.com/en/article/kosovo-election-results-not-approved>

I. Major trends in Serb municipalities

a) High turnout and political mobilisation

For the first time, a significant part of the Serb community participated to a democratic vote under Kosovo's jurisdiction. This is particularly true for the Serb inhabited areas south of the Ibar/Ibër river, which enjoyed more relaxed voting conditions, as opposed to those north of the Ibar/Ibër river, where there were major obstacles and resistance to voting. The elections saw several significant achievements.

First, a high voter turnout was reported in all Serb-majority municipalities during both the first and the second round, with up to 64% in Parteš/Partesh and above 20% in northern Kosovo.³ Given that the voter lists are not accurate, the turnout in the municipalities south of the Ibar/Ibër river, in reality, has likely been much higher. This fact shows the level of political mobilization the Serb community experienced during these elections, especially in the decentralized municipalities. A similar wave of eagerness to cast votes was also seen among the Albanian community in the first elections that were organized after the 1999 conflict, in 2001, when the turnout was 64%.⁴

ECMI Kosovo has stated in its regular bulletins that tensions have been very high in Serb areas and that several incidents have occurred among Serb candidates and parties. After a fierce electoral campaign, marked by several incidents between Belgrade-sponsored G.I. Srpska and locally-anchored SLS (see our previous Information Bulletin), elections themselves were reportedly held in a relatively quiet environment in most municipalities. However, major incidents took place in Mitrovica/Mitrovicë North, Zvečan/Zveçan and Parteš/Partesh.

In northern Kosovo, groups of masked people broke into three polling stations on 3 November, threatening those present and damaging electoral materials, including ballot boxes. As a consequence, all polling stations closed three hours before the time initially scheduled. Therefore, the Central Election Commission (CEC) organised a re-run on 17 November. This re-run, together with the run-off organised on 1 December, were both held in satisfactory conditions.

In southern Kosovo, the only major incident took place in Parteš/Partesh on the evening of 1 December after the count of the ballots when unknown individuals set fire to ballot boxes and other election materials and a TV Plus crew was attacked. These events led the CEC to order a re-vote in the polling stations involved in Parteš/Partesh. This re-run took place on Sunday 15 December. In addition, several arrests were reported in Gračanica/Gračanicë and Ranilug/Ranillug.⁵

ECMI Kosovo has previously reported that the level of voter education and understanding of

³ Results in Zvečan/Zveçan has not yet been certified by the Central Election Commission.

⁴ <http://www.kqz-ks.org/en/parliamentary>

⁵ <http://media.unmikonline.org/?p=30079>

voting procedures has been very low, especially among the Serb community, who in effect took part for the first time in large numbers in voting according to Kosovo procedures. This has been confirmed to ECMI Kosovo through its voter education campaign, organized within the project '*Support to Minority Communities during and after the Decentralisation Process*', supported by the Ministry for Foreign Affairs of Finland. Despite these elements (persisting tensions, boycott campaigns in northern Kosovo, limited voters education), the calls to vote made by Serb leaders were heard, and the turnout in all municipalities was extremely high. This trend was confirmed during the run-off, although the overall Kosovo average significantly decreased from the first to the second round.

Municipality	Turnout 1st round ⁶	Turnout 2nd round ⁷
Gračanica/Gračanice	54.6 %	47.4 %
Klokot/Klllokot	61.2 %	57.4 %
Leposavić/Leposaviq	23.5 %	n/a
Mitrovica/Mitrovicë North	22.2 %	20.6 %
Novo Brdo / Novobërdë	58.3 %	57.5 %
Parteš/Partesh	63.8 %	59 %
Ranilug/Ranillug	58.4 %	56 %
Štrpce/Shtërpce	58.6 %	51.5 %
Zubin Potok	31.1 %	n/a
Zvečan / Zveçan	n/a	n/a
Kosovo average	46%	40 %

Fig 1, turnout in the 2013 local elections, first and second round.

b) A new political landscape for Kosovo Serbs: unclear majorities in municipal assemblies leading to difficult cooperation with central government?

Nine (9) mayors were newly-elected and one (1) incumbent was re-elected in the ten (10) Serb-majority municipalities. While the Belgrade-sponsored civil initiative G.I. Srpska appears the winner of these elections with nine (9) mayors elected, the situation is far less clear regarding the composition of municipal assemblies, where G.I. Srpska lists never reached the absolute majority (except in Zubin Potok). G.I. Srpska is even preceded by the Serb Liberal Party (SLS) in Parteš/Partesh and Klokot/Klllokot and by LDK in Novo Brdo/Novobërdë, opening the door to coalitions to propose alternative majorities. This situation may well form a new era of difficulties in the self-government of these

⁶ Data certified by the Central Election Commission (CEC).

⁷ Preliminary results, not yet certified by the CEC.

municipalities. Such situations would constitute a major challenge for the proper functioning of these municipalities, but also in their relations towards the central government as after being elected mayor of North Mitrovica/Mitrovicë, Krstimir Pantić declared, *“We have won nine municipalities, where Serb citizens will never recognize the independence of Kosovo,”*⁸ alluding to the political strain that may arise.

In addition, G.I. Srpska managed to secure at least one (1) seat in eight (8) other municipalities, confirming its political leadership over the Serb community throughout Kosovo.

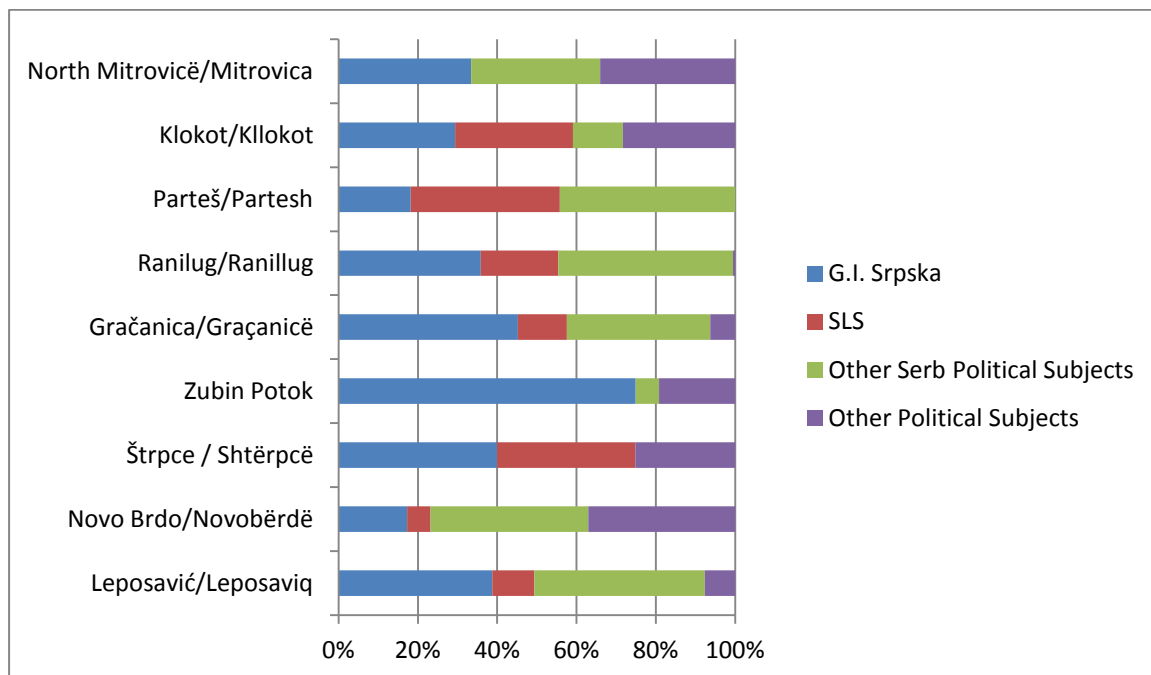


Fig 2, percentage of votes for municipal assemblies in Serb-majority municipalities.

Gračanica/Gračanicë

The newly-elected mayor from G.I. Srpska, Branimir Stojanović, will have to compose a coalition with another Serb political entity as his list is short of one seat of the absolute majority.

⁸ <http://media.unmikonline.org/?p=29830>

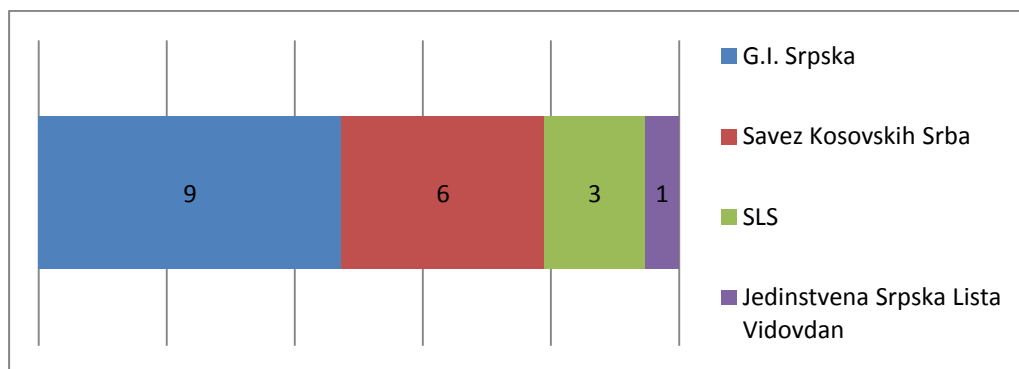


Fig 3, repartition of seats in the municipal assembly of Gračanica/Gračanicë

Klokot/Kllokot

Although the G.I. Srpska candidate, Sredko Spasić, was elected as Mayor on 1 December, SLS benefited from gaining one more seat than G.I. Srpska in the municipal assembly. If SLS was to build a coalition with Albanian parties PDK and LDK or AAK (five seats in total), it could offer an alternative majority and make the daily administration of the municipality relatively challenging.

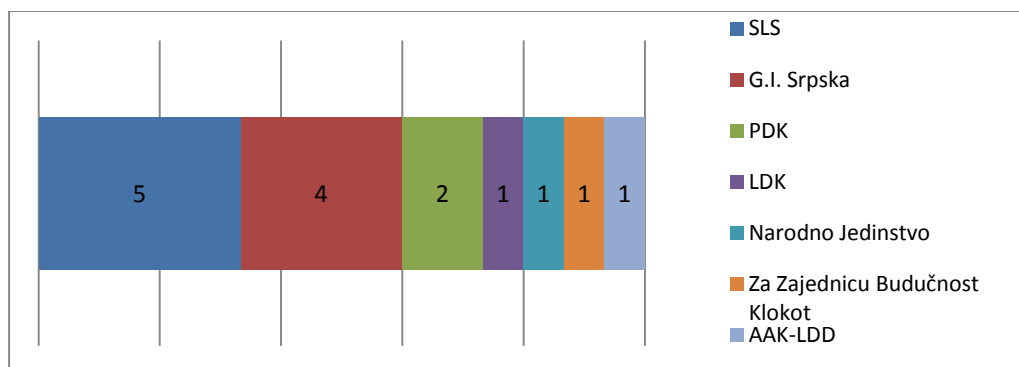


Fig 4, repartition of seats in the municipal assembly of Klokot/Kllokot

Leposavić/Leposaviq

The situation is quite clear in this municipality, as the G.I. Srpska mayor is likely to build up a coalition with other Serb political subjects to secure the two missing seats to reach the absolute majority.

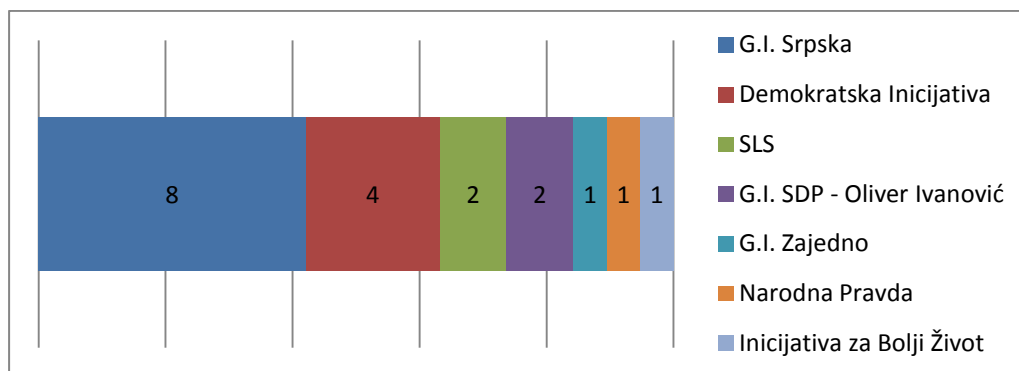


Fig 5, repartition of seats in the municipal assembly of Leposavić/Leposaviq

Mitrovica/Mitrovicë North

While the G.I. Srpska candidate, Krstmir Pantić was elected mayor, two political subjects managed to secure six seats each out of 19 in the municipal assembly. Minority communities also secured a total of six seats (five for Albanian parties and one for the Bosniak political subject).

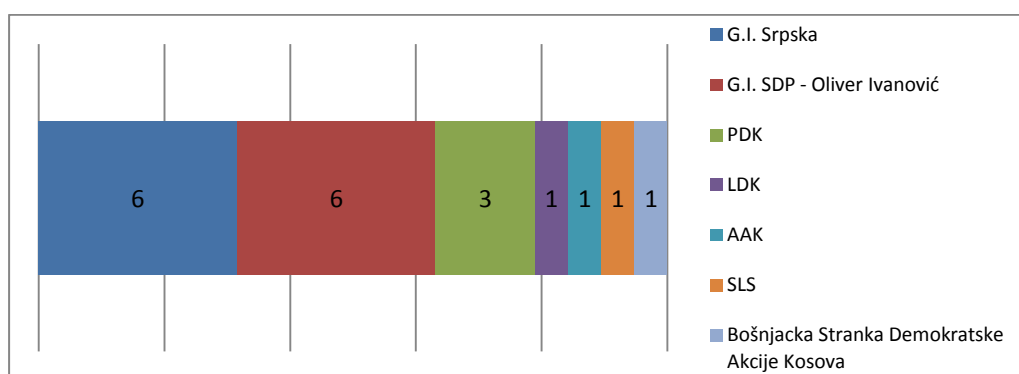


Fig 6, repartition of seats in the municipal assembly of Mitrovica/Mitrovicë North

Novo Brdo / Novobërdë

In this municipality, the municipal assembly is extremely fragmented, with a total of eight political subjects sharing the 15 seats available. Different options can be envisaged, but it is likely that the newly-elected G.I. Srpska mayor, Svetislav Ivanović, will have to compromise in order to reach the threshold of the absolute majority in the assembly.

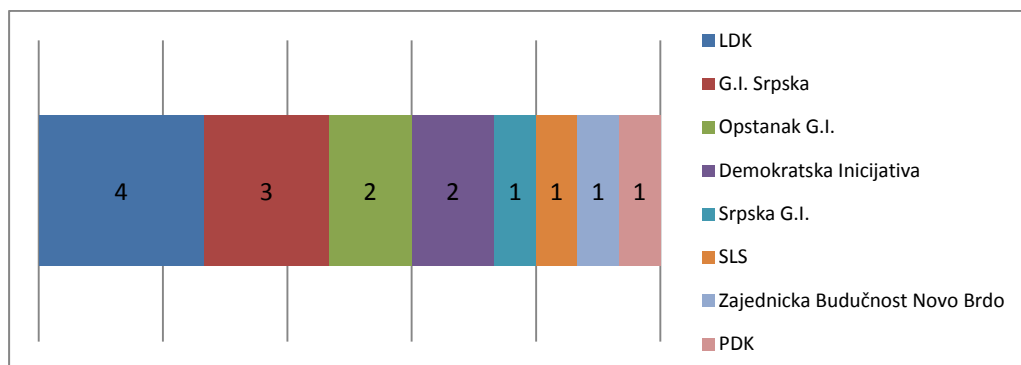


Fig 7, repartition of seats in the municipal assembly of Novo Brdo / Novobërdë

Parteš/Partesh

The municipal assembly is exclusively composed of Serb representatives from six different lists. The newly-elected mayor from G.I. Srpska, Dragan Nikolić, will also have to explore different options to secure a majority in the assembly.

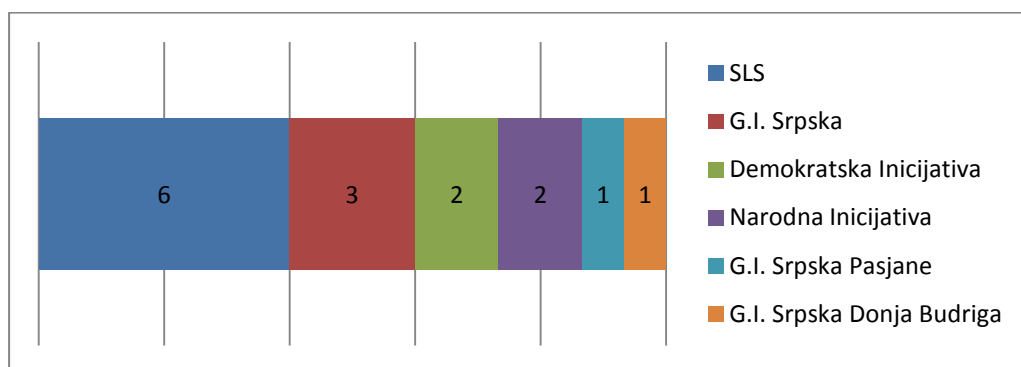


Fig 8, repartition of seats in the municipal assembly of Parteš/Partesh

Ranilug/Ranillug

Although the G.I. Srpska candidate, Gradimir Mikić, was elected on 1 December, he is not guaranteed to be supported by a majority in the assembly. An alternative option could be the formation of a coalition between SNPK (five seats) and SLS (three seats).

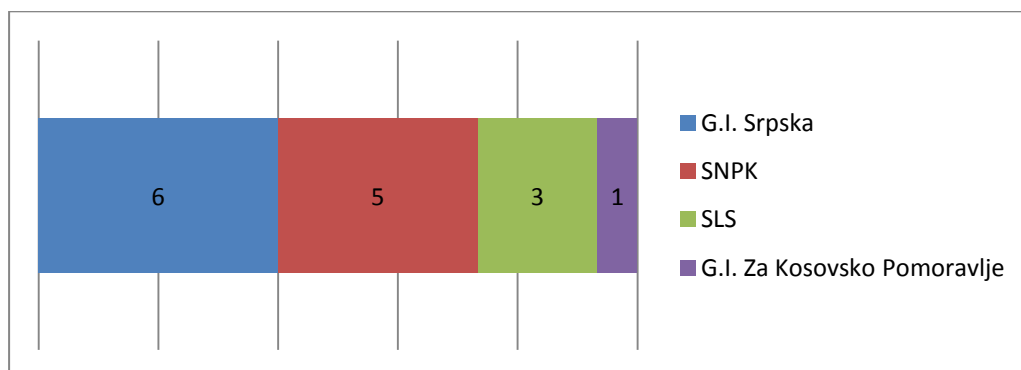


Fig 9, repartition of seats in the municipal assembly of Ranilug/Ranillug

Štrpce/Shtërpçë

In this municipality, the incumbent SLS mayor, Bratislav Nikolić, will have no other option than offering a coalition to Albanian parties PDK and LDK if he intends to reach an absolute majority in the assembly, as the solid 6-seat score of G.I. Srpska does not open the door to any alternative.

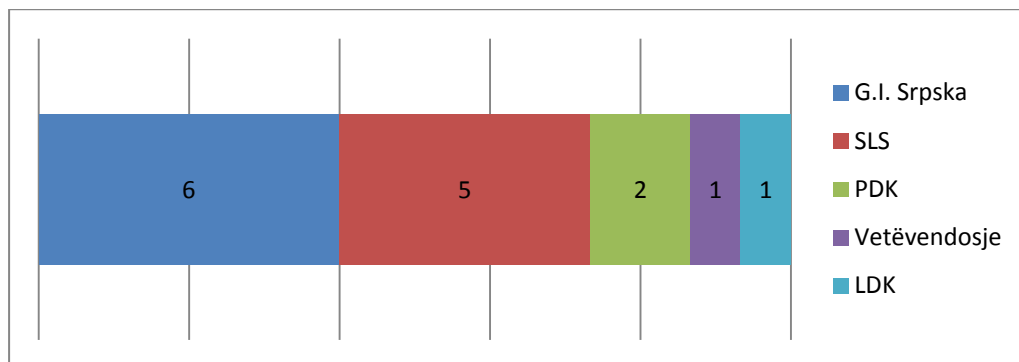


Fig 10, repartition of seats in the municipal assembly of Štrpce/Shtërpçë

Zubin Potok

This municipality offers the clearest political situation, with a G.I. Srpska mayor elected on the first round and backed by an absolute majority of 11 G.I. Srpska seats in the assembly.

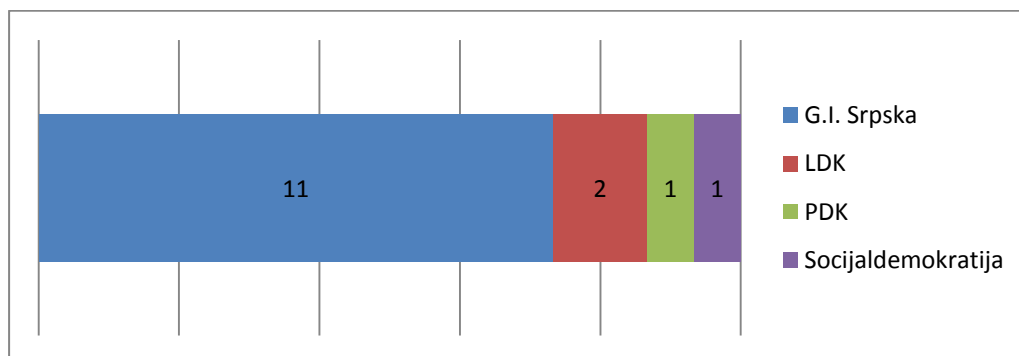


Fig 11, repartition of seats in the municipal assembly of Zubin Potok

Zvečan / Zveçan

No data available yet.

Other municipalities

Serbs – 12 seats

In addition to the ten above-mentioned Serb-majority municipalities, G.I. Srpska managed to secure a seat in each of the following eight municipal assemblies: Fushë Kosovë/Kosovo Polje, Istog/Istok, Klinë/Klina, Lipjan/Lipljan, Obiliq/Obilić, Pejë/Peć, Prishtinë/Priština, and Vushtrri/Vučitrn.

Such a result ascertains the political leadership of G.I. Srpska over the Serb community in Kosovo, as other Serb political subjects are only present in three municipal assemblies: two seats out of 27 in Kamenicë/Kamenica (for the list *G.I. Svi Za Kamenicu*), one seat out of 35 in Gjilan/Gnjilane (for the list *Za Evropsko Pomoravlje*), and one seat out of 21 in Obiliq/Obilić (for the list *Demokratksa Inicijativa*).

Bosniaks – 16 seats

The Bosniak community will be represented in the assembly of five municipalities in Kosovo.

The best electoral performance was reached in Dragash/Dragaš, where the lists *Centar Demokratske Unije* and *Vakat* secured respectively four and three seats in the municipal assembly composed of a total of 27 seats.

In Prizren, the Bosniak community obtained a total of five seats out of a total of 41, shared between the *Nova Demokratska Stranka* (two seats), *Vakat* (two seats), and the *Centar Demokratske Unije* (one seat).

In Pejë/Peć the *SDA-SDSG* coalition secured one seat, and the list *Vakat* also secured one, out of a total of 35 seats.

Finally, the list *G.I. Bošnjaka Istok* secured one seat out of 27 in the municipal assembly of Istog/Istok; and the list *Bošnjacka Stranka Demokratske Akcije Kosova* obtained one seat out of 19 in Mitrovica/Mitrovicë North.

Turks – 21 seats

The Turk community overall managed to be represented in a total of six municipalities in Kosovo.

In Mamuşa/Mamush/Mamuša, the *Kosovo Türk Adalet Partisi* (KTAP) won both mayoral and assembly elections. Mr. Arif Bütüç was elected mayor after the first round on 3 November. In the assembly, KTAP secured the absolute majority with eight seats. The remaining seats went to the *Kosova Demokratik Türk Partisi – KDTP* (five seats), the *Kosova Türk Birliği – KTB* (one seat), and the Albanian PDK (one seat).

KTAP also obtained one seat in Prizren, while KDTP obtained two seats. If we add these ones to the five seats obtained by the Bosniak community, it means that minority communities obtained nearly 20% of the seats in this municipality.

Finally, KDTP obtained one seat respectively in Gjilan/Gnjilane, Mitrovicë/Mitrovica South, Prishtinë/Priştina, and Vushtrri/Vučitrn.

Ashkali – 2 seats

The Ashkali community entered two municipal assemblies through the political subject *PDAK (Partia Demokratike e Ashkanlive të Kosovës)*, securing one seat in Ferizaj/Uroševac (out of 41) and one in Fushë Kosovë/Kosovo Polje (out of 27).

Gorani – one seat

The *Građanska Inicijativa Gore* obtained one seat in the municipal assembly of Dragash/Dragaš.

Other communities – no seat

Roma, Egyptian, Croat and Montenegrin political subjects were unable to gather a sufficient number of votes to enter any municipal assembly, making it a very poor performance as Egyptian and Montenegrin political subjects had previously managed to secure respectively four (one in Fushë Kosovë/Kosovo Polje, one in Gjakovë/Đakovica, one in Istog/Istok, one in Pejë/Peć) and one seat (in Fushë Kosovë/Kosovo Polje) after the last local elections.

II. How far beyond Ahtisaari: a strong partnership of municipalities or a new administrative layer?

Whatever the talk and agreement on the Association/Community of Serb Municipalities has been in Brussels, during the election campaign and especially with the election of G.I. Srpska candidates in the Serb-majority municipalities, it is now very clear that Serbia and Kosovo leaders see this scenario in completely opposite views. There have been a number of analyses that underscore the many risks that the establishment of the Association/Community of Serb municipalities can pose to Kosovo's stability and the future of inter-ethnic relations in Kosovo.⁹

The need to balance between allowing a great level of self-government to the Serb-majority municipalities and the necessity for a unified and effective central level government in Prishtinë/Priština was central to framers of the Ahtisaari Plan, and is reflected in the Kosovo Constitution. At all stages, the aim was to avoid the stalemate of Bosnia and Herzegovina with Republica Srpska. There is a great level of fear among the Kosovo government that the creation of an Association/Community of Serb Municipalities in Kosovo will bring the Kosovo legal and institutional functionality to a standstill. The following is a short analysis of the characteristics that the Ahtisaari Plan and Kosovo legislation anticipate for the Association/Community of Serb municipalities and what is expected in the context of the Brussels agreement.

In the Ahtisaari Plan, Serb municipalities can exercise some of their competencies in common under a "partnership" of municipalities. There is a clear list of what competencies the Partnership can exercise, and what it cannot: municipal responsibilities in the areas of their own and enhanced competences may be exercised through municipal partnerships, the exceptions being the application of fundamental municipal authorities, such as the *"election of municipal organs and appointment of municipal officials, municipal budgeting, and the adoption of regulatory acts enforceable on citizens in general."*¹⁰

In areas of enhanced municipal competences, subject to the restrictions mentioned above, the partnership may establish *"a decision making body comprised of representatives appointed by the assemblies of the participating municipalities, the hiring and dismissal of administrative and advisory personnel, and decisions on funding and other operational needs of the partnership."*¹¹ Chapter V of the Kosovo Law on Municipal Self-Government also reiterates these capacities within the framework of a partnership.¹²

⁹ http://d4d-ks.org/assets/D4D_Scenarios_1_ENG_WEB.pdf; <http://www.balkaninsight.com/en/article/kosovo-ngo-predicts-a-republika-srpska-to-be-formed>

¹⁰ http://www.unosek.org/docref/Comprehensive_proposal-english.pdf, Article 9.1(1)

¹¹ Ibid, Article 9.1(2)

¹² <http://communityrightsdatabase-ks.com/assets/uploads/files/4c0f5-Law-on-Local-Self-Government.pdf>

Article 4 of the 19 April agreement between Kosovo and Serbia states, *"In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the Community/Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning."*

Local economic development is defined as an "own" municipal competence. However, it is important to note the omission of the word "local" from the text of the agreement. This might pose difficulties if the text is to be interpreted with markedly opposing views, as is the present case. Urban and rural planning are also listed as "own" competences of municipalities.

Education and health both fall under "own" and "enhanced" competences. The *Law on Education in the Municipalities* lists the responsibilities of the municipality in the education area, mainly covering administrative responsibility and the election of school directors.¹³ The *Law on Health* in Kosovo regulates the healthcare system in Kosovo, including the competences of municipalities.¹⁴ The "own" competence is primary health care, while *"municipalities of Mitrovicë/Mitrovica North, Graçanicë/Graçanica, Shtërpçë/Štrpce shall have the competence for provision of secondary health care, including registration and licensing of health care institutions, recruitment, payment of salaries and training of health care personnel and administrators."*¹⁵

The first difference between the 19 April agreement and Kosovo legislation is the phrase "full overview" The definition of "full overview" is, of course, absent. Some analysts have considered this as entailing "ministry-like competences."¹⁶ The term "overview" or "full overview" does not necessarily mean that such a function has an executive power; rather, it is the function of being put into a "full" knowledge on something.

The second difference between the 19 April Agreement and Kosovo legislation is the representative nature of the Association/Community. Point 6 of the Agreement states, *"the Community/Association shall have a representative role to the central authorities and will have a seat in the Communities' Consultative Council for this purpose. In the pursuit of this role a monitoring function is envisaged."* Both in the Ahtisaari plan and in the *Law on Local Self Government* of Kosovo, the partnership of municipalities is carried out with the purpose of mutual cooperation and interest,¹⁷ and there is no representative role vis-à-vis central level institutions envisioned for this purpose. The Consultative Council for Communities (CCC) does not have an executive function and carries out an important, though only consultative, role in relation to the Kosovo institutions. However, the first part of the

¹³ <http://communityrightsdatabase-ks.com/assets/uploads/files/027f4-Law-on-Education-in-the-Municipalities-of-the-Republic-of-Kosovo.pdf>

¹⁴ <http://communityrightsdatabase-ks.com/assets/uploads/files/c8115-Law-on-Health.pdf>

¹⁵ <http://communityrightsdatabase-ks.com/assets/uploads/files/4c0f5-Law-on-Local-Self-Government.pdf>, Article 20

¹⁶ http://d4d-ks.org/assets/D4D_Scenarios_1_ENG_WEB.pdf p. 9

¹⁷ Law on Local Self Government, Article 28 and Ahtisaari Plan, Article 10

sentence in the Agreement leaves ample room to interpret the membership of the CCC as one of the aspects of the representative role that the Association/Community is to carry out in relation to "central authorities." The last part of the sentence provides for a "monitoring" role of the Association/Community, again a function that can be contained within the "full overview" function already mentioned of the Association/Community. In the current text of the agreement, it is unclear whether the functions of "full overview" and "monitoring" will be turned into a "review", or rather how much the Association/Community will operate as a review mechanism for its member municipalities. At the moment, the administrative review, both with the Ahtisaari and Kosovo legislation, is clearly placed within the central government of Kosovo.

It is interesting to note the widely opposing statements between the leaders of Kosovo and Serbia, underpinning a showdown on the issue of Association/Community and the expected functions of Kosovo institutions in the North. The Prime Minister of Kosovo has declared that the Association/Community will *"be based on the conception of an NGO without any executive role,"* which was backed by several members of the opposition.¹⁸ The Serbian Prime Minister, on the other hand, has expressed that the Association/Community *"will have full supervision and executive authority when it comes to education, health, culture and spatial planning."*¹⁹

Serbia has expressed its desire to fund the Association/Community and essentially control the institution. It aims to have the entity exercise control over the police in Northern Kosovo alongside the Ministry of Internal Affairs (MIA) in Prishtinë/Priština, manage its finances and elect a president of the Association/Community.²⁰ Some view this as Belgrade's initiative to create the Association as a *"hand-brake over Kosovo's functionality."*²¹

Prime Minister Thaçi stated on December 13, *"Serbia should not delay and hinder implementation (of April 19 Agreement). We will have a unified police, customs and justice system, in accordance to standards and Kosovo laws,"* while also reiterating the status of the Association/Community as an NGO.²² Just the day before, Krstimir Pantić, set to be the future leader of the Association/Community, declared, *"you will never see Kosovo flag in the north and we will never accept the state of Kosovo."*²³ Thus, with the inability to reach a consensus, it is unclear how the Association/Community will proceed in the Serb-majority municipalities.

It is therefore evident that the text of the 18 of April agreement is a clear departure from the Ahtisaari Plan. The separation between the Ahtisaari Plan and Kosovo legislation is also present the agreement on courts and customs, which is not part of this analysis.

¹⁸ http://d4d-ks.org/assets/D4D_Scenarios_1_ENG_WEB.pdf

¹⁹ http://d4d-ks.org/assets/D4D_Scenarios_1_ENG_WEB.pdf

²⁰ http://d4d-ks.org/assets/D4D_Scenarios_1_ENG_WEB.pdf

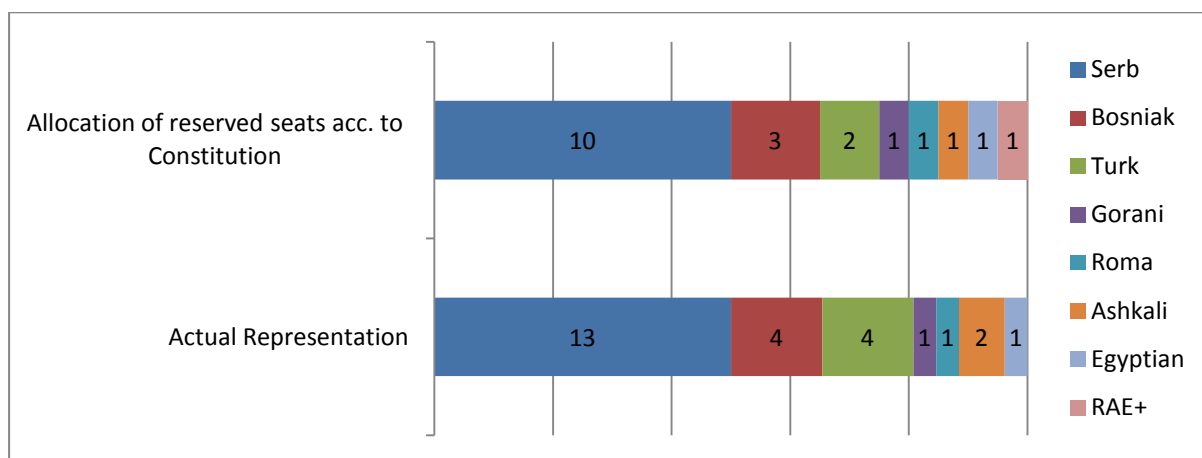
²¹ http://d4d-ks.org/assets/D4D_Scenarios_1_ENG_WEB.pdf

²² <http://media.unmikonline.org/?p=30572>

²³ <http://media.unmikonline.org/?p=30478>

III. What is the difference between reserved and guaranteed seats systems of representation for communities?

In 2011, at the outset of an initiative for electoral reform, ECMI Kosovo published a discussion paper analysing the implications of electoral reform to the current system of minority community representation in the Assembly of Kosovo. The discussion paper accounted for reserved and guaranteed seats, as well as the switch from the current one to more than one electoral district in Kosovo, as it was originally agreed in the PDK-LDK and AKR Agreement of 2010. This agreement on electoral reform was within the same accord for changing the procedures for the election of the President of the Republic of Kosovo. The discussion paper is still very much up-to date and for a full account, we kindly refer you to this discussion paper which can be found on the ECMI Kosovo website at the following link: <http://www.ecmikosovo.org/?p=4302>. Below is a subsequent discussion of the on-going debate on the reserved and seat aside seats in the Assembly.



Representatives of all minority community political parties in the Assembly of Kosovo have come forth with a motion to maintain the existing system of reserved seats for two additional terms in the national legislature, which effectively means extending the validity of provisions of Article 148 of the Constitution of the Republic of Kosovo. High-level discussions between political parties on possible constitutional changes, under the mediation of international representatives in Kosovo, are currently taking place. However, it is striking to note the level of ignorance that exists, particularly among political parties representing the majority Albanian community, on the issue of reserved and guaranteed seats. Numerous public statements made by political representatives give an impression that there is no difference between these two systems of representation. This shows that these political

parties have actually failed to distinguish between the two systems of representation in the Assembly, namely that of reserved and that of guaranteed seats.

Indeed, the debate focuses on whether or not to maintain reserved seats for an additional two terms in the Kosovo Assembly or whether Kosovo should make the transition to the system of guaranteed seats, as provided for by the Constitution.

The fact is that according to the Kosovo Constitution, pursuant to Article 64 of the Constitution of the Republic of Kosovo, the system of guaranteed seats will always be an integral part of representation of minority communities through elections for Kosovo's national legislature: it will consist of 20 seats, 10 out of which for the Serb community and 10 others for non-Serb non-majority communities. Article 64 of the Kosovo Constitution clearly states this, making the guaranteed seats a permanent feature of representation of communities in the central elections of Kosovo.

However, as a temporary solution, Kosovo opted for maintaining the pre-existing system of reserved seats, established in 2001 under UNMIK, for the two initial post-independence terms in the national legislature. When originally designed in 2001, this system was considered the most appropriate one given the multiple challenges to participation in elections that minority communities were facing in the aftermath of 1999 conflict, from freedom of movement up to internal displacement. There is an obvious difference between reserved and guaranteed seats. Under the system of reserved seats, 20 seats are reserved or set aside for the political entities representing minority communities and all political entities run for the remaining 100 seats of Kosovo's national legislature. Political entities representing minority communities are also exempt from the 5% threshold. Minority communities currently have 26 seats in the Assembly of Kosovo, which implies that they have won 6 seats, while 20 reserved seats have been added to these.

On the other hand, the system of guaranteed seats uses a different representation formula. This system also sets aside 20 seats in the Assembly of Kosovo for all minority communities. However, in order to be eligible to run for the remaining 100 seats, each minority community is required to initially gain the guaranteed seats granted to them by the Constitution, i.e. the political entities representing the Serb community would need to initially gain 10 guaranteed seats in order to be allowed to compete for the remaining 100 seats. In this light, in the event that the political entities representing the Serb community gain less than the number of guaranteed seats, for instance 7 of them, they would still be granted 10 seats, for guaranteed seats represent the minimum of that community's representation in the Assembly.

The European Centre for Minority Issues Kosovo (ECMI Kosovo) has conducted a simulation with both systems, which is presented in the following. The basis for ECMI's simulation were the results of 2013 Municipal Assembly election of political entities representing minority communities and the way how these results would reflect at the central level under either of these two systems of minority communities' representation.

Simulation 1: Same number of votes as in Municipal Elections under Guaranteed Seats**System:**

As the simulation showed, under the system of guaranteed seats, no minority community in Kosovo would manage to gain more than the number of seats guaranteed to them. Based on the trends observed in the recent election results, it was possible to simulate the scenario of 10 reserved seats granted to the political entities representing the Serb community, out of which 6 seats would belong to the 'GI Srpska, 2 to SLS, 1 to DI, and 1 seat to SKS. Similarly, the simulation speculates that each of the political entities representing the Bosniak community, VAKAT, CDU and NDS, would receive 1 seat in the Assembly, while the political entities representing the Turk community, KTAP and KDTP, would gain 1 seat each.

Nevertheless, the next general election would produce several scenarios if the provisional provisions on set aside seats, provided for under the Article 148 of the Constitution, would be further maintained.

Simulation 2: Same number of votes as in Municipal Elections under Reserved Seats**System:**

According to results of this election, the first scenario would result in the political parties representing the Serb community gaining the remaining 4 seats reserved for them in the Assembly of Kosovo. Moreover, this first scenario speculates that the political entities representing the Turk community would gain 2 additional seats and those representing the Bosniak community 1 additional seat. All in all, there would be a total of 27 minority seats in the Assembly, out of which 14 would belong to the political entities representing the Serb community. This does not differ much from what is currently the situation with regard to representation of minority political entities in the Assembly of Kosovo- 26 seats.

Simulation 3: Same number of votes as in Municipal Elections under Reserved Seats**System with minority communities competing with unified lists-one political entities**

Under this scenario, ECMI Kosovo has explored the possibility that all votes of the political entities representing the respective communities would go to one political entity (e.g. if 'GI Srpska' would receive all votes cast by members of the Serb community). In this context, the political entities representing the Serb community would gain 7 additional seats, those representing the Bosniak community 2 additional ones, and those representing the Turk community 1 additional seat. Under this scenario, although the number of votes remains the same as in the first instance, the number of seats won per community is increased because now votes are not "lost" in smaller parties. In total, entities representing minority communities would gain 30 seats in the Assembly of Kosovo, out of which 17 would be gained by the 'GI Srpska'.

Conclusions:

It should be borne in mind that unlike other minority communities, who have reached their maximum of electoral votes, relative to their demographic size, the Serb community has not

yet achieved this. While the election turnout among the Serb community in other Kosovo municipalities was high, it was only at an approximate 20% in northern municipalities. This shows that there are still voters who could be added to the Serb community's voting body in Kosovo. Consequently, the number of seats for the political entities representing the Serb community may also increase: it is speculated that it can reach up to 20 seats.

In general, maintaining the temporary provisions on reserved seats may result in at least 14 to 20 seats gained by the political entities representing the Serb community, or 27 to 33 seats for those representing all minority communities, as a whole, out of the total 120 seats of the Assembly of Kosovo. Under such a system, MPs representing the Serb community would occupy 12-17% of the overall membership of the Assembly, while all communities would occupy 23-28% of it. In numerical figures, such representation is far greater than the demographic weight of minority communities in Kosovo and would not be a contribution neither to democracy in Kosovo and it would disrupt the development of Albanian political scene. There are other mechanisms in place to ensure that minority communities are not outvoted in the Assembly of Kosovo, like the "vital interest procedures" (Article 81 of the Constitution), powers of the Assembly Committee for Rights and Interests of Communities, as well as a wealth of other mechanisms to ensure protection of rights and interest of communities. Reserved seats were put in place as a means to compensate for non-participation of minority communities in Kosovo's political life, especially for the Serb community in the aftermath of 1999 conflict. They were also provided for in the Ahtisaari package as a temporary mechanism for the initial two post-independence terms of the national legislature, following which, they were to be replaced by guaranteed seats. At the current stage, a substantial political participation of minority communities, including of the Serb community, has already been achieved and the original arguments against the system of reserved seats do not hold any longer.

On the other hand, guaranteed seats ensure adequate representation of minority communities in the Assembly of Kosovo and represent an affirmative measure of minority rights in Kosovo. Kosovo should be proud of a permanent and advanced mechanism on minority representation in the country's highest decision-making body, the guaranteed seats system, and must allow this mechanism to take the appropriate legal effect, as provided for by the Constitution of the Republic.