

KOSOVO ELECTIONS: FAILING THE TEST OF DEMOCRACY?

Dr David Chandler, a Council of Europe monitor at the Kosovo municipal elections on 28 October, considers whether or not the elections mark a transition to democracy and self-government in the region.

Introduction

According to the OSCE (Organisation for Security and Co-operation in Europe) Chairperson-in-Office, Austrian Foreign Minister Benita Ferrero-Waldner, on 28th October the people of Kosovo had 'an historic opportunity to show the international community that the people are committed to a democratic future'. The OSCE claimed the right to set the people of Kosovo a test of their democratic commitment because under the UN's administrative mandate over the Yugoslav province the OSCE is tasked with organising elections and building democratic institutions. The high turn out and calm queuing for several hours for the municipal polls has earned the Kosovo citizens the chance to have more tests of their commitment to democracy in the future. The next one being the elections planned within the next nine months, this time for provincial level bodies. This article suggests that while the voters of Kosovo may have passed this test of democracy the international administrators of the province who set the tests still have a lot to learn.

Training

The lack of international support for democracy in Kosovo was brought home to me in my stint which lasted a week as a Council of Europe observer of the elections. At the two-day training session in Skopje, Macedonia, the monitors received relatively little background information on the political process. All we were told was that the voters of Kosovo could not be expected to understand too much about democratic politics, while the political parties were described as amateurish, lacking training, leadership and programmes. Victor Ruffy, the Head of the Council of Europe Mission, stressed the importance of the elections for restoring a sense of civic dignity and community pride to the people; the importance of democratic accountability was notably absent.

Any monitors who had done some background research of their own would have realised that the elections were more important for the credibility of the international community than for the democratic rights of the people of Kosovo. After the elections, the UN administrators will still be running the municipalities in much the same way as before, the only difference is that more of the Kosovo representatives on the largely consultative local councils will be elected rather than appointed directly by UNMIK (UN Mission in Kosovo). The UN administrators still reserve for themselves the job of selecting representatives to give a greater political, ethnic and gender 'balance' to the newly elected councils. The job of the councils remains as it was prior to the elections, of enacting UNMIK administrative regulations decided at a provincial level and formally agreeing to policy proposed by the UN-appointed Municipal Administrator who has the right to attend and convene meetings of the council and all its committees. The Administrator also has the responsibility for all municipal property and must approve all appointments of staff as well as the budget and any financial decisions. Any councils that disagree with the UN Administrators' edicts have no right of appeal and can be overruled by their Municipal Administrator, who can suspend any legislation disagreed with. Alternatively, the councils can be held to be in breach of UN regulations and the elected representatives dismissed for failing to carry out their duties.

The majority of our Council of Europe training was focused around the personal security of the monitors, and we were made to feel as if we were entering hostile territory. We were bombarded with information about evacuation procedures and threats to life and health, and survival tips such as how to use a wrist watch and the sun to find out where North is. After this, we election monitors were not going to be too investigative now we were scared of being out of radio contact or of being caught on our own surrounded by potentially hostile Kosovans, let alone the threat of (NATO) unexploded ordinance, mines and bobby-traps which could be marked by empty bottles and cans (not a rare sight in Kosovo). The US was so concerned about casualties that the large

US monitoring contingent (which were somehow honorary members of the Council of Europe) were located in Camp Bondsteel for their own protection. We spent most of the training being taught the importance of radio contact, it apparently needed two sessions in Skopje and another in Kosovo itself to ensure that we knew what radio-bands to use and how to use 'Roger' and 'Over'.

The poor quality of the training was fully revealed when, on arrival in Kosovo, we discovered not only that there were US flags on sale everywhere and everyone we met was friendly and helpful but that none of the 'all important' 2-way radios worked because the Council of Europe had forgotten to programme them. While there were no security problems and the only threat to health was driving on the roads, quite a few of the monitors didn't have much of a clue about what they were meant to be observing the next day.

International Democracy?

For the OSCE and the Council of Europe, the lack of political differentiation between the parties who all focused on the demand for independence and very little else was a sign of the lack of democratic maturity of both the parties and the voters. The fact that the international community runs Kosovo affairs, controls the purse strings and has the final say on policy over all important policy questions would indicate that the central problem facing political party development is actually the opportunity of taking responsibility for policy-making rather than some innate incapacity. The organisation of local elections before elections at the broader provincial level also meant that the political parties were fairly fragmented and based on regional allegiances more than policy-agreements.

Rather than seeing the lack of fully-developed party programmes and organisations as the product of the lack of opportunities for self-government, the international administration use this as an argument for extensive international regulation. As one of the European Community Monitoring Mission team informed me, the internationals had learnt from Bosnia that it is better to start with a full protectorate and gradually introduce some political freedoms rather than, as in Bosnia, increase the powers of the international community in response to problems. In fact this response is even less likely to work.

The system of UN and OSCE regulation in Kosovo mitigates against the development of traditional democratic competition as the role of elected representatives involves little input into policy-making. Whichever party the people in Kosovo vote for, the policies implemented at local and provincial level will be decided by international appointees. This perversion of democratic competition is reflected in the development of the political parties and their programmes. The programmes were largely written by the OSCE, who also organised international funding for the smaller parties and helped establish a network of 'civil society' NGOs. In some cases the OSCE actually ruled on the names and leaders of some of the smaller political parties. The OSCE and UNMIK published a political party guide in which the OSCE priorities are repeated by rote, from concerns over the environment, health, education and social services to the economic policy for encouraging small and medium enterprises and promises to accept the election results.

Although the people of Kosovo have major problems of poverty, water and electricity supply, unemployment and lack of health and education and social services and transport and communications infrastructure, there is little evidence that they do not understand democracy. Nevertheless, more international resources seem to be going into providing Kosovo with civil society NGOs than in meeting basic health needs or literacy. Only the most idealistic OSCE administrator could argue that the women of Kosovo will be more empowered through seeing the international imposition of at least one third women candidates on all political parties than by employment and literacy skills. This reversal of reality is par for the course for Kosovo's international bureaucracy, who read the lack of basic infrastructure as a damning indictment of Kosovan 'culture' rather than a reflection of Kosovo's historic underdevelopment in former Federal Yugoslavia and the destruction caused by civil conflict and NATO bombing.

While the communally organised systems of service provision and 'parallel society' organisations have been undermined by international rule, the international bureaucracy have been slow to put anything in its place. The rubbish piled high in the streets of every town and city is seen as a sign of Kosovan stupidity rather than a problem of inefficient international bureaucracy. Similarly the cars without number plates are automatically seen as symptoms of Mafia rule rather than the failure of the international administrators to establish a system of vehicle registration. The more inefficient international regulation is the more Kosovans appear to be incapable of governing themselves. The 28th October elections fitted the same pattern. The fact that the OSCE procedures were so disorganised meant that voters with the correct identification papers spent between 3-5 hours standing in queues while OSCE staff explained (wrongly) that the queues and delays were only natural because they had never voted before.

Election Day

No one expected the Council of Europe's monitoring of the elections to be too invasive as the international monitors were in effect monitoring international OSCE administrators who were in charge of each polling station assisted by OSCE locally selected and trained staff. A lot of monitors ended up trying to help the OSCE officials to understand the complex election regulations. Although we did not know too much about the election process we were warned from our training sessions that the people of Kosovo would try to cheat anyway they could. The measures taken to avoid fraud at the individual level were extreme. In order to cast their ballot, voters had to produce identification, which matched their photograph and registration details and then sign under their picture. There was little possibility of voting twice, but just in case every voter had to have a finger sprayed with luminous ink once they had voted and all voters were checked for luminous ink on entry to the polling station. Just to make sure that this method of checking was not being undermined by watering down the ink, the Council of Europe equipped every monitor with a pack of cotton buds to spray the ink on and check that it was full strength!

There was no detected fraud or cheating as far as we were aware, nevertheless the international monitors only saw this as a test-run for democracy, meeting the technical conditions of a 'free and fair' election. In terms of content, no one was prepared to give much time to the democratic choices of the people of Kosovo, with 58% support for Ibrahim Rugova's LDK party. Even before the elections we had been instructed that votes for the former UCK/KLA parties signified hard-line nationalism, while votes for the moderate LDK signified a backward-looking conservatism. Because the internationals had little respect for the democratic choices expressed by the electorate, the focus was on the technical aspects of the election-process.

Teaching the people of Kosovo about democracy didn't end with them standing for hours in queues to be ink-checked and identified. The OSCE officials sometimes played along with them and pretended that by giving the local chairperson of the polling station the chance to count some ballots they were teaching democracy. In fact the elections were treated surprisingly lightly by the OSCE organisers. The fact that election supervisors had just arrived in Kosovo the day before and many were not familiar with the rules was one indication, as was the fact that polling stations were disorganised with 12 or 15 in one building with just one narrow entrance and little indication of which room was which, and the fact that the registration check-lists were missing data and in an unfathomable order. The UN and OSCE organisers had ruled that no Albanian flags could be displayed outside election buildings, as Kosovo is formally part of Yugoslavia. However, the day before the elections this rule was dropped, in fact in some polling centres Albanian and US flags were actually displayed side-by-side in the polling stations themselves. The OSCE and UNMIK didn't want anything spoiling the day so they were quite willing to drop the usual regulation regime. To avoid any difficulties they even let people vote without identification, although unbeknown to them marking the ballots as invalid. The election day went off without incident except for the OSCE's disorganisation and the voters of Kosovo (excepting the disenfranchised Serbs and other minorities) were made to feel that the elections were a major step on the way to independence.

This was probably the biggest con of the elections. All the Kosovo parties stood with independence as their main platform, even the Green Party had independence as one of their main aims. But while the Kosovan parties promised independence and the polling stations were bedecked in Albanian flags and Stars and Stripes, the OSCE was pretending that the people were voting for toothless municipal councils. To enhance this fiction the OSCE produced their own election publication 'Voters Voices: Community Concerns', which alleged that the voters were more concerned with municipal issues than with Kosovo's future status. Everyone gained from the pretence, the voters felt that this was the start of their political independence and the OSCE could sell the elections as 'going down in history as the best ever post-conflict first elections'. If the Kosovan voters knew that these elections were just the first of many for talking shops under international regulation they would probably have been less willing to put up with the long queues and disorganisation.

Self-Government?

The dependent nature of the new Kosovan and Yugoslav leaderships have led US and UN officials to be more much open about rewriting UN Resolution 1244 which promised to respect Yugoslav integrity and grant substantial autonomy to Kosovo. Bernard Kouchner the UN appointed Governor of the province, wanted to start talks on independence with Belgrade a month after these elections, and an 'independent' UN report has called for 'conditional independence'. Negotiating Kosovo's future status before the establishment of a provincial assembly, means that Kouchner and his replacement, from January 15, the Danish Defence Minister, Hans Haekkerup, can enter talks as the representatives of the people of Kosovo, a move that has been strongly condemned by the leaders of the Kosovo parties. While many commentators fear that granting Kosovo 'independence' risks conflict between Kosovo factions and with Belgrade, they ignore the reality of US and international domination over the region. The UN administration want to settle the future status of Kosovo, not too quit the province, but to overcome current uncertainties over the limits of international control.

Independence for Kosovo will not mark political autonomy for the province but will institute another UN protectorate along the same lines as the 'independent' state of Bosnia, which has been managed under international administration since the Dayton Accords of 1995. The October elections unfortunately do not mark the 'birth of democracy' in Kosovo but the international legitimisation of the UN administration, which, as in Bosnia, portrays the elections as 'free and fair' enough to legitimise elected consultation bodies but not democratic enough to justify political autonomy. The people of Kosovo will be set democratic tests by their international rulers for the indefinite future.

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