



## Kosovo elections 2007

### A new referendum of the independence of Kosovo Drago Flis<sup>1</sup>

Kosovo's parliamentary elections scheduled for 17 November 2007, which will be held together with the local elections, are the third elections since the international community introduced its civil and military administration in Kosovo. The third democratic elections since 1999 will thus round off the political context for the independence of Kosovo. The concept of controlled independence is envisaged already by Ahtisaari's plan which remains the only viable political roadmap for Kosovo in the international community regardless of eventual difficulties in its implementation.

Ever since it became an international protectorate the West has granted Kosovo the right to its own elections within the existing borders, while it never took a position on the possibility of another referendum on independence, although such referenda have had quite a long tradition in Kosovo. The Constitutional Framework (Korniza kushtetuese) of 15 May 2001 provisionally replacing the constitution contains no provisions on referendum either. Nevertheless Korniza acknowledges certain elements of administrative self-government. It provides for direct elections to the parliament while it remains restrictive regarding the elections of the president who is not elected directly but by the qualified majority of the parliament.

The provisional Constitutional Framework is based on the UN Resolution No. 1244, which has left the issue of sovereignty formally open pending the final solution of the status of Kosovo. All previous elections have been organised separately from the Serbian elections although the minority has occasionally held its own elections.

The 2001 and 2004 parliamentary elections were organised by the international community. In this year's elections the role of international organisations has diminished substantially to the level of observing and advising, as envisaged by Ahtisaari, and the realisation of the elections is the responsibility of the Central Election Commission (KQZ) headed by Kosovo's officials.

#### **Independence - the focal topic of elections**

The 2007 elections have practically no other topic except for the focal issue of independence. Regardless of their political differences and personal rivalries, all majority parties present independence as their sine qua non goal. This goal has been promoted also by some minority parties except for the Serbian ones. Most minority parties are already looking for the possibilities of forming coalitions with certain Albanian parties. Serbian minority is still sceptical about the elections since it rejects independence. The official Belgrade has repeatedly called the Serbian minority to boycott the elections, as has the Raška-Prizren Orthodox Metropolitane Artemije. By doing so the Serbian minority in Kosovo would deprive itself of the possibility to ensure its own position in the future Kosovo state through participation at the elections as one of the signs of loyalty. The Serbian minority and Belgrade authorities have decided to take another road, although that can not prevent the realisation of elections but only aggravate the position of the Serbian community after the elections and the solution of the final status.

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## **Another declaration of independence**

Should it be necessary the political representatives of Kosovo majority are ready to organise another referendum on independence while still fully respecting the agenda envisaged by the international community which neither stipulates nor prohibits such possibility. The international community is still withholding its decision on the final status and insists on always new and new negotiation rounds. Even in the negotiating process no positions have been assumed on the previous and eventual future decisions on independence taken by the Kosovo leadership. Nevertheless, the latter announced a new declaration of independence without stating the date. The former Kosovo leadership announced the independent republic of Kosovo already in July 1990, which was not recognised by the international community. Regardless of that they continued the sovereignty process, proclaiming the new constitution in September 1990 and rounding off the process with the referendum on independence in 1991.

In addition to independence as the focal point the pre-election campaign has introduced some novelties in the probable post-election structure of authority. The Democratic Party of Kosovo (PDK) led by Hashim Thaçi stands out as the country's central party which will most probably form the coalition government.

The present government has been based on the division of power between the Democratic League of Kosovo (LDK), the former party of Ibrahim Rugova which appoints the President of Kosovo, and the Alliance for the Future of Kosovo (AAK) headed by the incumbent Prime Minister. AAK had lost Prime Minister Ramush Haradinaj who resigned immediately following the indictment for war crimes by the International Criminal Tribunal for the former Yugoslavia. Subsequently his position was assumed by Agim Çeku.

The pre-election campaign is taking place in parallel with direct negotiations between Belgrade and Priština on the final status of Kosovo, organised alternately in Vienna and Brussels. Until now the negotiations have borne no tangible results. Despite enormous efforts by the international community to bring the two sides closer together, the gap between them is still deepening. Notwithstanding the obligations of the pre-election fight the Kosovo side fully respects the desire of the international community to participate at the negotiations which are to last until the end of November.

In view of the obligations assumed by Kosovar politicians during the election campaign, the declaration of independence is inevitably going to take place after 10 December 2007 together with the appeal to the international community to remain in Kosovo and recognise its independence.

Even if the international community further postponed the recognition, the Kosovo Parliament will, in the framework of its efforts to achieve international recognition, initiate the procedure for the adoption of the new constitution based on Ahtisaari's plan.

The third set of tasks for the newly elected government will be the regulation of relations with the neighbouring countries. Although this will be a time-consuming and complex process no one can doom it to fail. The initial period of blockades may be replaced by a process of gradual and practical approximation and eventual peaceful settlement of relations between Kosovo and its South Slavic neighbours.

## **Eventual reconciliation between Serbs and Albanians?**

The international community has been postponing long enough the recognition of Kosovo as the independent state. In the international community, the Serbian lobby has been permanently rejecting independence regardless of the self-determination principle. The Serbian lobby relies on traditional allies, especially Russia and some other states, as well as on the customary distrusting attitude of the international community towards the Albanians. That attitude is also present in the newly emerged states in the territory of the former Yugoslavia since their political mentality had developed under the strong influence of Belgrade. This accounts for their reserved and hesitating expression of positions when it comes to the issue of Kosovo and consequently their postponed decisions on its independence.

The traditional antagonism between Serbs and Albanians in the area of West Balkans can not be overcome without the recognition of Kosovo's independence which is the precondition for eventual reconciliation between Serbs and Albanians living together.

The Serbian lobby among other claims that the independence of Kosovo would lead Serbia to a collapse, although there are no reasons for such fears. Another example of political fiction was the idea on annexing the Bosnian Republic of Srpska to Serbia should the international community decide to recognise Kosovo's independence. Serbia has simply no possibility to achieve this.

Kosovo's odyssey to independence may thus end with a peculiar political paradox: the country which has suffered so many wars and devastations in its own and neighbouring territories will eventually enter its independence in a peaceful manner.