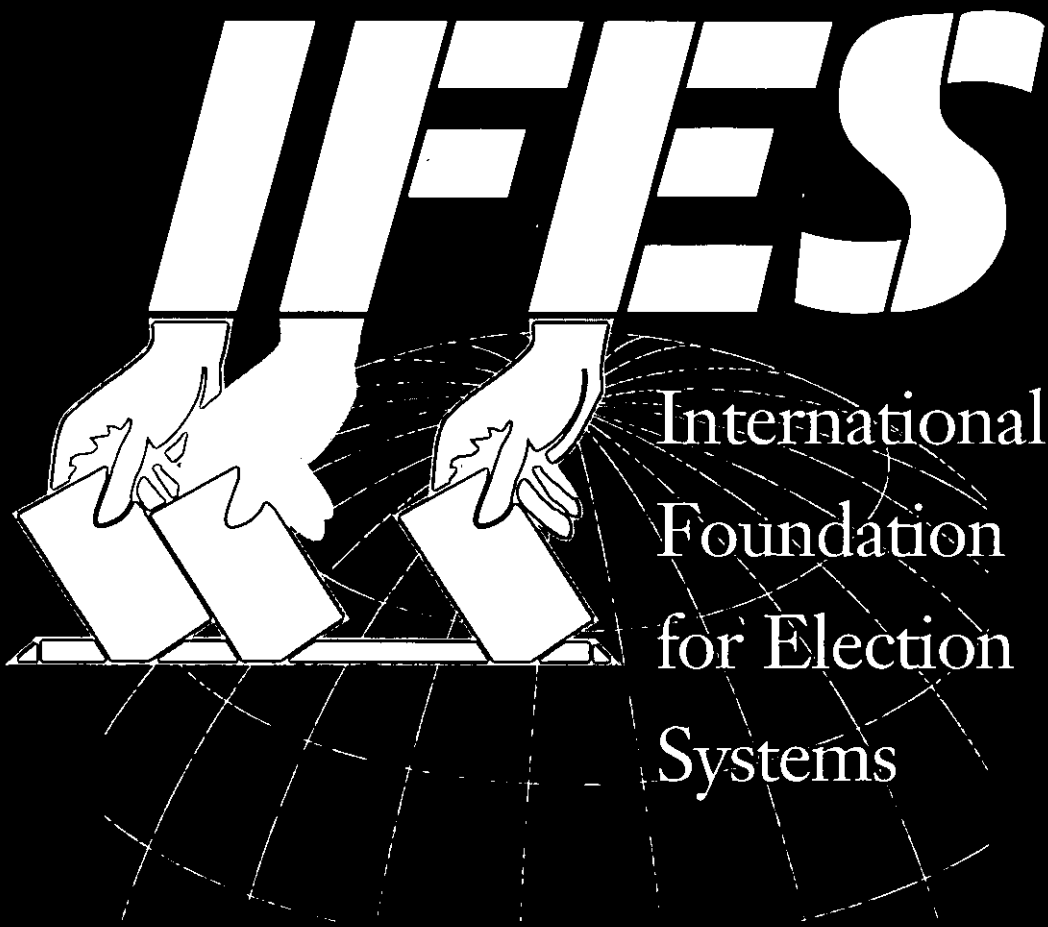


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KOSOVO ELECTORAL ASSESSMENT MISSION

Office of Democratic Institutions and Human Rights



December 9, 1998

Contributions By IFES Team Members

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KOSOVO ELECTORAL ASSESSMENT MISSION

Supplemental Notes

From November 22 through November 26, ODIHR conducted an assessment mission to Belgrade and Pristina in order to discuss the issues surrounding the elections which will result from the Agreement on the status of Kosovo. Two IFES staff members were part of the assessment team. This staff was Jeff Fischer, Executive Vice President, and Alex Knapp, Program Officer for Central and Eastern Europe. At the request of the OSCE Mission to Kosovo, Knapp remained in Pristina until December 9 to provide planning and administrative support for the Mission's start-up of activities in elections. His reports and contributions are attached.

At a meeting of the OSCE Troika on November 27, a request was made to offer a preliminary scenario on voter registration and its cost estimates. That registration program scenario is also attached. Additionally, a schedule of meetings from the ODIHR mission and the preliminary findings of the assessment team are included for reference. The recommendations from this report will support those findings.

OSCE Supervision

Under a legal framework agreed upon by qualified representatives of the Federal Republic of Yugoslavia, Republic of Serbia, and territory of Kosovo, the OSCE, through its Mission, ODIHR, and other instruments at its disposal, will possess the authority to supervise the agreed upon elections to assure that the conditions are appropriate for a qualified election to be organized, and if so determined, to assure that all of the steps of the electoral process meet international standards for access, eligibility, integrity, and transparency. The scope of the supervisory authority will be intrusive and will include the direction of the Central Election Commission, Election Appeals Commission, and Media Commission. More specifically, the supervisory responsibilities include the passage of rules and regulations on the conduct of the process, administration of the process, organization of voter registration, enforcement of campaign finance and expense disclosure, establishment of systems of representation, delimitation of districts, adjudication of results, enforcement of media rules, reporting and certification of results, and installation of newly elected officeholders. This description expands upon the initial discussion of supervision at the November 5 Warsaw meeting.

One methodology for establishing a legal framework would be to adopt a set of rules and regulations which will supersede, in whole or by Article, the electoral laws of the Republic of Serbia and the FRY and their constitutions. These regulations should grant the OSCE sufficient authority to supervise the elections as required by the final version of Annex 4. The regulations could be drafted to replace the election law, media law, nongovernmental organization law, and any other law affecting political assembly or campaign regulation; or regulations could be drafted to target certain statutes or articles which must be altered to meet Agreement requirements. This process was termed "harmonization and adjustment" of the law in a November 23 meeting with the Republic Electoral Commission of Serbia.

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A comparison of the topics covered by Annex 4 drafts from November 17 and 18, and the topics covered by the Serbian Parliamentary and Presidential Election Law show the inconsistencies which the regulation drafters will have to manage. In Annex 4, depending upon the version, there are four or five articles - Conditions for Elections, the OSCE Role, Central Election Commission, Eligibility, and Entry Into Force. By contrast, the Election Law covers the following thirteen Articles which will require some reconciliation with the OSCE regulations:

- Basic Provisions
- Contents, Form, and Manner of Certification of Extracts from the Electoral Rolls
- Arrangement of Polling Places and Behavior at Polling Places
- Manner of Voting for Voters Outside the Polling Station
- Publication of the Joint Electoral List
- Monitoring of Election By Representatives of Foreign States and International Organizations
- Standards for Electoral Materials and Technical Condition for Carrying Out Electoral Activities
- Forms for Carrying Out Electoral Activities
- Statistical Monitoring of The Elections
- Turning Over of Documents to the Republic Electoral Commission
- Financial Activities of the Bodies Charged With Conducting the Elections
- Keeping of Electoral Materials
- Final Remarks

Constitutional Issues

The central constitutional issue for the election remains the citizenship issue. In any voter registration process, personal identity and citizenship are critical determinants of voter eligibility. The citizenship question will be particularly problematic for refugees. For refugees, the voting regulations will have to establish a date of flight from the country which indicates that the refugee was a citizen removed from the territory by the conflict. A date of return for eligibility purposes may also be required.

Partner Commissions

In addition to its administrative support of the supervisory mandate conducted through the OSCE Mission to Kosovo and through its agreements with other international organizations and nongovernmental organizations, Annex 4 should also establish partner institutions which will be directed by the OSCE, possessing international and national community membership, and in whose authority rests regulation and enforcement for these electoral events.

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At least three such partner institutions can be envisioned for these elections: 1) Central Election Commission; 2) Election Appeals Commission; and 3) Media Commission.

1. Central Election Commission

The Central Election Commission of Kosovo (CEC) is the chief body chartered to draft, implement, and enforce the rules and regulations for these electoral events. The CEC approves the election planning and local election personnel. The composition of the body will be divided between international and national community members. The number and appointment process can be subject to varying scenarios. However, the underlying principles of election commissioner appointment should achieving a balance of representation, thus maintaining equal treatment, and keeping the numbers on the commission at a manageable level. While supporting this diversity in the core Commission, the OSCE must maintain clear authority to set policy or veto if it is expected to supervise the election. The composition of CEC could include two Albanian representatives (nominated by political parties), two members from the other national communities (nominated by political parties), and three or four commissioners from the international community. The OSCE Head of Mission would be the fourth (or fifth) international vote. According to the election law of the Republic of Serbia, there can be an "expanded" membership to the Commission which would include a representative from each political party qualified to field candidates in the election. However, in this case, their participation should be solely as observer members. The CEC should develop a structure to meet with political parties and inform them of election developments. Qualifications for Commission membership will have to be promulgated prior to their appointment.

The nominations for the international and national community members of the CEC should be performed by ODIHR. Posts could be reserved for nominees from the European Union or the Council of Europe. The ODIHR nominations should be forwarded to the OSCE Head of Mission in Pristina, the Permanent Council, and the Secretariat.

2. Election Appeals Commission

The next partner commission is the Election Appeals Commission (EAC). The EAC is a subordinated body to the CEC and is the administrative tribunal to hear complaints concerning the election process and the regulations adopted by the CEC. The EAC has authority to recommend penalties that could range from fines to the forfeiture of elected office. The EAC will monitor and enforce the campaign finance and expense disclosure provisions of the regulations.

The EAC could be composed of three judges from OSCE participating states, one Albanian representative (nominated by the competent bar association) and one other national community representative (nominated by the competent bar association). ODIHR nominations should be forwarded to the OSCE Head of Mission in Pristina, the Permanent Council, and the Secretariat.

3. Media Commission

The Media Commission can serve as the editorial board for Radio/Television Pristina during the period of the election and would have the authority to control the editorial content, broadcast time, and staffing of the facility during a defined electoral period. Certain staffing and other standards will be required to remain after OSCE supervision is relieved. The Media Commission could be composed of two international representatives, one Albanian representative (nominated by the competent journalistic society), and one other national community (nominated by the competent journalistic society). ODIHR can manage the nomination process. ODIHR nominations should be forwarded to the OSCE Head of Mission in Pristina, the Permanent Council, and the Secretariat.

On a final organizational note, in one of the versions of Annex 4, the establishment of an office of Supervisor for the election is proposed. One problem with such a position involves the potential confusion of roles between the operational side of the office of Supervisor and the operational responsibilities of the Deputy Head of Mission for the Human Dimension. It also tends to concentrate three functions - policy, administration, and adjudication - into the position of Supervisor in a situation where consensus building is required.

Conditions

The November version of Annex 4 contains 11 conditions for elections guaranteed by the Parties. In order to provide an evaluation of conditions, the OSCE requires: 1) an instrument to conduct the evaluation and 2) standards the instrument may employ for its evaluation of conditions; and 3) the means required to collect the information to make a rendering.

ODIHR has established a team of electoral experts through its November assessment mission which can be preserved, in whole or in part, for future evaluation efforts. Further, ODIHR has proposed the establishment of a Working Group of national community representatives and international representatives to begin to sort out the issues associated with the election. These efforts may also blend with appointments of partner institutions such as the CEC, EAC, and Media Commission as well as subsequent instruments such as the Joint Council and Joint Commission. Some combination of individuals appointed to these groups could become part of the OSCE instrument to evaluate the conditions called for in draft Annex 4. ODIHR can manage the selection process for this supporting committee chartered with the responsibility to certify conditions.

Politically Neutral Environment

According to Article 1 of draft Annex 4, one of the conditions required for free and fair elections to occur is a politically neutral environment. The OSCE should consider the following

in developing some working criteria on this conditionality.

A politically neutral environment is one in which:

- Government resources are not used in the political campaign
- Government media provides equal and equitable access
- Campaign finance and expense disclosure regulations are promulgated
- Secure environments exist in all communes
- Political parties have access to participation in the process
- Nonpartisan and political party agent domestic observation is permitted
- Polling stations have no political stigma
- Citizens have equal access to the franchise

Special Agreements Supporting Annex 4

In order to have authority to supervise the election, the OSCE will be required to ensure the conditions and the cooperation of the national community partners and neighboring States. As a result, it will be necessary for the OSCE to execute additional agreements or memoranda of understanding with various agencies in order to fulfill its supervisory responsibilities. A summary of these areas of responsibility and the national or Republic agencies involved is shown below.

Election Security	FRY Military, ROS Police, Local Police
Freedom of Movement/Return	FRY Military, ROS Police, Local Police Montenegro, Albania, Macedonia
Media Access	ROS Information Ministry, RTV Pristina, RTV Tirana
Financial Obligations	ROS Finance Ministry
Codes of Conduct	Political Parties
TA, Monitoring (IOs)	European Union, Council of Europe, ACEEEO
TA, Monitoring (NGOs)	Media Monitoring Institutes, Political Party Institutes, IFES, ERIS
Election Operations	Republic and District Election Authorities

Technical Assistance

As part of its mandate, the OSCE is providing technical assistance to the electoral process. There are resources existent in the ROS to conduct elections. The criteria for the selection of certain technical assistance activities or others must be to bolster areas where the electoral process is weak and to provide a confidence building component to the program.

The specific areas where technical assistance can be effectively applied include:

- Rules and Regulations
- Election Operations
- Voter Registration and Redistricting
- Media Development and Monitoring
- Voter and Civic Education
- Election Worker Training

Weak Points and Show Stoppers

In an environment where the OSCE is politically dependent on partners to assure quality and transparency, there is a potential for weak points and show stoppers. Weak points are areas of the process which may require special technical assistance or monitoring activities in order to function properly. Show stoppers are weak points whose fragility is sufficient to halt the process or result in some form of breakdown.

An illustrative list of these areas of concern is shown below.

- Selection and Performance of Local Partners
- Voter Identity and Documentation
- Voter and Candidate Movement and Return/Hot Spots
- Ballot Control
- Media Access
- Adjudication of Disputes
- Redistricting
- Reporting of Results
- Installation in Office of Elected Officials

Short Term Follow-On Issues

This report recommends the following three areas for short term follow-on actions.

The OSCE should take immediate actions through contracting or secondment to recruit a core team of election experts capable of producing a comprehensive electoral plan and calendar.

ODIHR should consider conducting a more broadly based assessment which would support the other Human Dimension OSCE activities in democratization and long term institution building. This assessment could be woven into the network of committees and Working Groups which are currently forming.

The OSCE Mission should develop a communications strategy for international and local media coverage of the election process. Such a communications strategy should be linked to the

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December 9, 1998

confidence building measures which will be needed for Belgrade, Pristina, and the international community to remain in support of this electoral process.

Jeff Fischer
12/9/98

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SITUATION REPORT

OSCE Kosovo Verification Mission

Tuesday, 02 December, 1998

Alexander T. Knapp, Program Officer - Central and Eastern Europe

I. TERMS OF REFERENCE

For the purposes of this report the following terminology will be used:

- "Kosovo": The territory of the Republic of Serbia delimited by the twenty-nine (29) municipalities [see Attachment A]
- "Kosovar": Any legal resident of Kosovo
- "National Communities": The primary ethnic groups in the Kosovo region [generally accepted to be Albanian, Serb, Muslim (Bosnia/Goran), Turkish and Roma]
- "Parties to the Agreement" (Hereinafter - "Parties"): Representatives of the Kosovar Albanians and the Republic of Serbia
- "Serb/Serbian": Representative of the Government of the Republic of Serbia (personnel or policy) [differentiated from "Kosovar Serb(s)": Members of the Serb National Community in Kosovo]

Attachment A: Administrative Structures

II. IFES ACTIVITIES

Since the close of the ODIHR electoral assessment last Thursday, IFES has been providing technical advising on elections and organizational management to the Deputy Head of Mission (DHOM) for Democratic Development, Mr. Berndt BORCHARDT.

Primarily, key issues that IFES is focussing on which need to be addressed at the earliest possible stage (even before the political agreement), namely five elements of Voter Registration (Basis of Lists, Scope of Registration, Methodology, Out-of-Country Voting and Registration Case-Studies).

In addition, IFES is working with the DHOM on developing relevant organizational charts, illustrative timetables and calendars, job descriptions, and assisting in staff selection (local and

international). IFES and the DHOM are also developing initial election unit procedures and policy, division of responsibilities and a chain of command, reporting requirements and format, and defining the scope and focus of preliminary field operations.

Finally, field assessments of the municipal administrations, voter lists, and security are being conducted by IFES.

Attachment B: Organizational Chart - Democratic Development

Attachment C: Organizational Chart - Elections Unit

Attachment D: Code of Conduct for International Election Administrators

III. VOTER REGISTRATION

Building a credible voter registry will likely be the most difficult technical issue for OSCE/KVM. Major issues include:

1) Basis: Both parties possess their own versions of voter registries which are accurate to wildly varying degrees. The Serb registry purportedly contains current, accurate data for Kosovar Serbs living in Kosovo. Kosovar Albanians have not participated in Serb administrative structures since 1989 are (in general) not represented in the Serb lists. Serb estimates of eligible voters are approximately 1,056,000.

They (the Kosovar Albanians) have, however, created and maintained their own lists since approximately 1991, which have been used in their 'shadow' elections of 28 May, 1992 and 22 March, 1998. Kosovar Serb representation in these lists are minimal, however, the 1998 list reflects a portion of Kosovar Albanian population abroad. Kosovar Albanian estimates of eligible voters are approximately 1,100,000.

Additional sources of statistical data on inhabitants of the region include National ID cards, passports, birth registries, driver's licenses, and the Republic Census (conducted in 1981, and in 1991 without Kosovar Albanian participation).

Both parties have agreed to the creation of a new, OSCE-supervised voter registry to be used in eventual elections in Kosovo. Existing registries of the Parties, as well as other sources of statistical data on inhabitants, may be used to confirm residency.

OSCE (Borchardt) has taken the position that the OSCE must conduct the registration with cooperation from both Parties.

2) Scope: Local Serb authorities [see: MEETINGS: Jovanovic] have stressed the need to conduct a full census of Kosovo. From that data, the relevant variables applicable to an eventual voter registries would be extracted, including ethnicity. The ethnic identifier has been key in Serb

propositions regarding the registries, and should, in their opinion, be included in the physical registries.

Current Serb electoral law (Parliamentary) references:

"Article 17 - The electoral roll shall contain: ordinal number, name, sex, year of birth, place of domicile (street and house number, village, hamlet, settlement), and a space for comments."

Law on the Election of Representatives (Official Gazette of the Republic of Serbia, nos. 79/92, 83/92, 53/93, 67/93, 90/93, 107/93, 48/94 and 32/97).

With the de facto system of negative legal interpretation in the region (i.e. anything not explicitly required or permitted is against the law), a case could be made that the inclusion of additional data or variables is illegal.

Additionally, the Framework Convention on National Minorities could also be interpreted to prohibit use of a mandatory ethnic identifier on public documents (voter registries).

"Article 3.1. - Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice."

A 'fall-back' position of the Serbs seems to be a more standard registration (ID number, name, gender, date of birth, address, comments) with a voluntary ethnic identifier. However, the issue of statistically and credibly determining ratios of national communities remains a Serb priority in negotiations and discussions.

Kosovar Albanian representatives support a more classical registration structure, however, do not object to a voluntary ethnic identifier, provided that it does not appear on the voter registers.

OSCE (Borchardt) has taken the position that while voter registration must take place, the conduct of an entire census would be too time consuming and costly, and is not necessary for the conduct of elections. Furthermore, an ethnic identifier on the voters list is unacceptable.

Issue - Voluntary Ethnic Self-Identification: One of the many potential pitfalls with the use of a voluntary ethnic identifier is the necessary "Other" or "No Response" option, which would invite political interpretation and manipulation of the eventual ethnic ratios. For example, assuming that a separate registration form, necessarily independent of the voter registration form for privacy reason, allowed the following national communities for purposes of self-identification:

- A) Albanian
- B) Serbian
- C) Muslim (Bosnia/Goran)

- D) Turkish
- E) Roma
- F) Other
- G) No Response

Further assuming that for whatever reason (political pressure or design, fear of retribution, lack of confidence in the security of the data, etc.), ten (10) percent of the populace chooses "F" or "G". Any Party could then claim that those 'unidentified' citizens "really" belong to their national community, and challenge any political or technical agreement/mechanism based on the assumption of those ethnic ratios - quota representation on an eventual representative assembly, division of territory or economic base, and so on.

Issue - Verification of Ethnic Ratios: Drawing upon the same example of a double registration, an additional problem would occur in the verification of ethnic ratios because of a lack of a secondary control variable. Because the practice of public ethnic labeling (i.e. on a voters list) could not be accepted by the OSCE (under international law and standards), there could not be any secure method to verify that the five members of Family X, duly registered to vote, and separately and voluntarily registered as belonging to the Kosovar Serb national community, would not be approached again by another registration team (or visit another registration center) and re-register their ethnic identification, effectively 'padding' the rolls because no name or identification number could be attached to their ethnicity to cross-check for duplication.

3) Methodology: Both parties are in favor of a door-to-door registration, to be supervised by the OSCE and conducted by teams comprised of one international representative, one Kosovar Albanian, one Kosovar Serb and potentially, one representative of the community where registration is being conducted (suggested by the Kosovar Albanians). Both parties have stated that registration centers (as opposed to door-to-door registration) would not be as effective, nor mentioned the possibility of using voter identification cards (single-cycle or permanent).

OSCE (Borchardt) has not yet endorsed either door-to-door or registration centers as the preferred methodology for voter registration. Cost and logistical concerns remain about door-to-door registration, particularly given the large number of team members necessary to make such a registration political credible to all Parties.

The OSCE (Borchardt) also questions the need for voter identification cards, particularly if they are only to be used for one election cycle (per Jeff Fischer's thought paper).

4) Out-of-Country Voting: Kosovar Albanians have demanded that Out-of-Country registration and voting take place, and the Serbs have no objections, provided that only legally eligible voters take part. Both Serbs and Kosovar Albanians identify the four largest populations of Kosovars living abroad as (in order of descending numbers) Germany, Switzerland, Austria, Italy.

Current Serb Parliamentary Law provides for "Voting by Mail":

"Article 15 - The electoral roll shall also include Yugoslav citizens temporarily residing abroad, in accordance with their last place of domicile before moving abroad."

"Article 64 - In exception to paragraph 1 of this law, a voter may vote by mail outside the polling place at which he is entered in the extract from the electoral roll, under conditions set down by this law."

"Further regulations about voting by mail shall be made by the Republic Electoral Commission."

"Article 86 - Electors who at the time of elections are temporarily resident abroad shall vote at the polling place in the area of the last place of domicile on the territory of the Republic of Serbia which they had before leaving to go abroad. "

"Article 90 - If a ballot has been cast by mail, it shall not be considered valid unless accompanied by a certificate of suffrage."

Law on the Election of Representatives (Official Gazette of the Republic of Serbia, nos. 79/92, 83/92, 53/93, 67/93, 90/93, 107/93, 48/94 and 32/97).

However, the method revolves (naturally) around the official Yugoslav representations abroad (Embassies and Consulates). In short, the process is as follows:

- 1) An eligible voter living abroad registers with the closest Yugoslav Embassy or Consulate in his country of temporary residence, indicating his desire to vote and requesting a ballot for the municipality in which he is registered.
- 2) The Yugoslav Embassy then transmits the request to the responsible Election Commission or Municipality directly (depending upon the relevant electoral law).
- 3) The responsible Election Commission or Municipality then transmits the appropriate quantities of ballot(s) to each Embassy after the "Out-of-Country" registration period closes and ballots are printed.
- 4) The Embassy abroad then mails the ballot(s) to the voter, who completes them, encloses a "Certificate of Suffrage" (confirming his right to vote), includes copies of the relevant identification (ID card, passport, etc.) and puts the entire package of forms into one envelope and sealed.
- 5) That envelope is then put into a second envelope which is then mailed to the Yugoslav Embassy. The collected completed ballots are then transmitted by the Embassy to the responsible Election Commission or Municipality directly (depending upon the relevant electoral law).

Kosovar Albanians have indicated that they could not accept registration or voting via the Yugoslav Embassies out of concerns for the integrity and secrecy of the ballots while under Serb control, and for political and security reasons pertaining to the provision of residency information to Serb authorities.

They would, however, accept the process above if the Yugoslav Embassies/Consulates were replaced by independent OSCE offices (staffed by Serbs and Kosovars under international supervision) working in conjunction with OSCE/KVM.

Issue - Secrecy of the Vote: An additional problem with the Serb legal and administrative process of "Voting by Mail" is a compromise of the secrecy of the vote. Under current law, the certificate of suffrage and identity documents are placed with the ballot in one envelope, nullifying any ballot secrecy.

5) Registration Case-Studies: Based upon initial assessments in Serbia and Kosovo, and the prevailing political and security environment, a series of small-scale registration case studies is recommended to determine the following information:

- A) Willingness of the general population to register;
- B) Channels for effective voter education and information;
- C) Effectiveness of active vs. passive registration;
- D) Acceptable composition of registration teams/staff;
- E) Acceptable levels of information requests;
- F) Types of identification held by electorate;
- G) Time required to conduct each registration.

Case studies can be conducted in a variety of environments: urban, rural, single- and mixed- ethnicity populations, conflict and non-conflict zones. A variety of tests, conducted under a common, predetermined methodology will provide a baseline overview of likely trends, issues and problems.

Attachment E: Issue Paper - Voter Registration

Combination of papers developed by IFES' Jeff Fischer and Alexander Knapp covering the pertinent technical issues of voter registration in Kosovo.

Attachment F: Draft Registration Timeline

III. VOTER TRAINING AND EDUCATION

OSCE/KVM Press and Media Department is conducting a preliminary assessment of available media channels and their independence.

Preliminary discussions with them have taken place outlining the voter education and information efforts which will need to take place and requesting them to bear these needs in mind as they get to know the media environment in the region.

IV. ELECTION SUPERVISION

Little discussion has taken place on the issue of election supervision, however within the OSCE and the Parties, there is an assumption that 100 percent supervision will take place, in addition to supervision of registration and Out-of-Country Voting.

Additional planning will commence upon conclusion of the Ambassador Hill negotiations on a political agreement.

V. ELECTION OPERATIONS

Little development or planning in Election Operations pending conclusion of the Ambassador Hill negotiations on a political agreement.

VI. LEGAL AND ELECTORAL SYSTEM

There still exists a substantial division over potential Kosovar institutions between the Serbs and the Hill negotiating team after the release of the Milutinovic proposal ten days ago. This is further evidenced by the differences in proposed electoral systems.

The current electoral law of the "Republic of Kosovo" is Dual-Ballot, Mixed Member Proportional system where 100 of the total seat are elected directly, and the remaining thirty (30) are elected through a proportional vote.

Ambassador Hill is reportedly also considering ethnic quotas on seats, as well as definitions of minority veto rights "in cases of the vital interests of the national community".

VII. PERSONNEL

Through direct solicitation, KVM/Elections is beginning to receive commitments to fill (second) medium- and low- level positions. At IFES' recommendation, DHOM Borchardt has given OSCE/Vienna notice that he will accept no seconded personnel not personally approved by him. As a result, out of 27 international C.V.s FAXed to his attention to date for electoral positions, only three have had elections experience in Bosnia as electoral supervisors, with the remainder being primarily former military personnel.

Senior staff (Director of Elections, Electoral Regulations Advisor, Coordinators of Voter Registration/Delimitation, Training and Education, Election Supervision and Election Operations) have not been identified to date. Ideal arrival time of senior elections staff would be in the first two weeks of January.

VIII. MEETINGS

Mr. Jovice JOVANOVIC (Member of the Executive Council of the Autonomous Republic of Kosovo and Metochija): Focused upon voter registration issues, Voting by Mail, and voter registers.

Mr. Tadej RODIQI (Chairman of the "Kosovo Republican Election Commission"): Focused upon voter registration, Out-of-Country voting and potential electoral systems. See Attachment "G".

Mr. Carl SIEBENTRITT (Second Secretary, US Embassy Bucharest and member of the Hill negotiating team) - Focused on registration difficulties, the technical necessity for at least six months of preparation prior to an election, and issues of electoral system and design.

IX. OTHER ISSUES

Field Visits: IFES will be visiting three separate municipalities in the next week (one primarily Kosovar Serb, one primarily Kosovar Albanian and one mixed municipality in a conflict zone).

Accreditation: Alexander Knapp has been accredited as a Mission Member though November 1999 and has submitted his passport for an OSCE six-month, multiple entry/exit visa.

ACE Project: The ACE Project material has been extremely useful for background, reference and primary source material. IFES will distribute at least five (5) copies to KVM/Elections ASAP.

Nikolai Vulchanov: Nikolai Vulchanov will arrive in Kosovo next Monday to initiate field work (case-studies) on registration. He will also be in Belgrade for several days attempting to obtain copies of centralized voter registries and election results.

Departure: Knapp will be departing Kosovo on/about next Thursday, 10 December. Dependent upon communications with OSCE/Vienna and the US Delegation, one day's worth of briefings may be conducted in Vienna.

X. RECOMMENDATIONS

Work should begin (if it hasn't already) to second five (5) senior level election experts (PIS Senior) for the 1999 calendar year. Additionally, time for Jeff Fischer (min. four weeks) and myself (min. six weeks) should be planned.

ATTACHMENTS

- A. ADMINISTRATIVE STRUCTURES
- B. ORGANIZATIONAL CHART - DEMOCRATIC DEVELOPMENT
- C. ORGANIZATIONAL CHART - ELECTIONS UNIT
- D. CODE OF CONDUCT FOR INTERNATIONAL ELECTION ADMINISTRATORS
- E. ISSUE PAPER - VOTER REGISTRATION
- F. DRAFT REGISTRATION TIMELINE

ATTACHMENT A: ADMINISTRATIVE STRUCTURES

OSCE KOSOVO VERIFICATION MISSION
Elections Unit

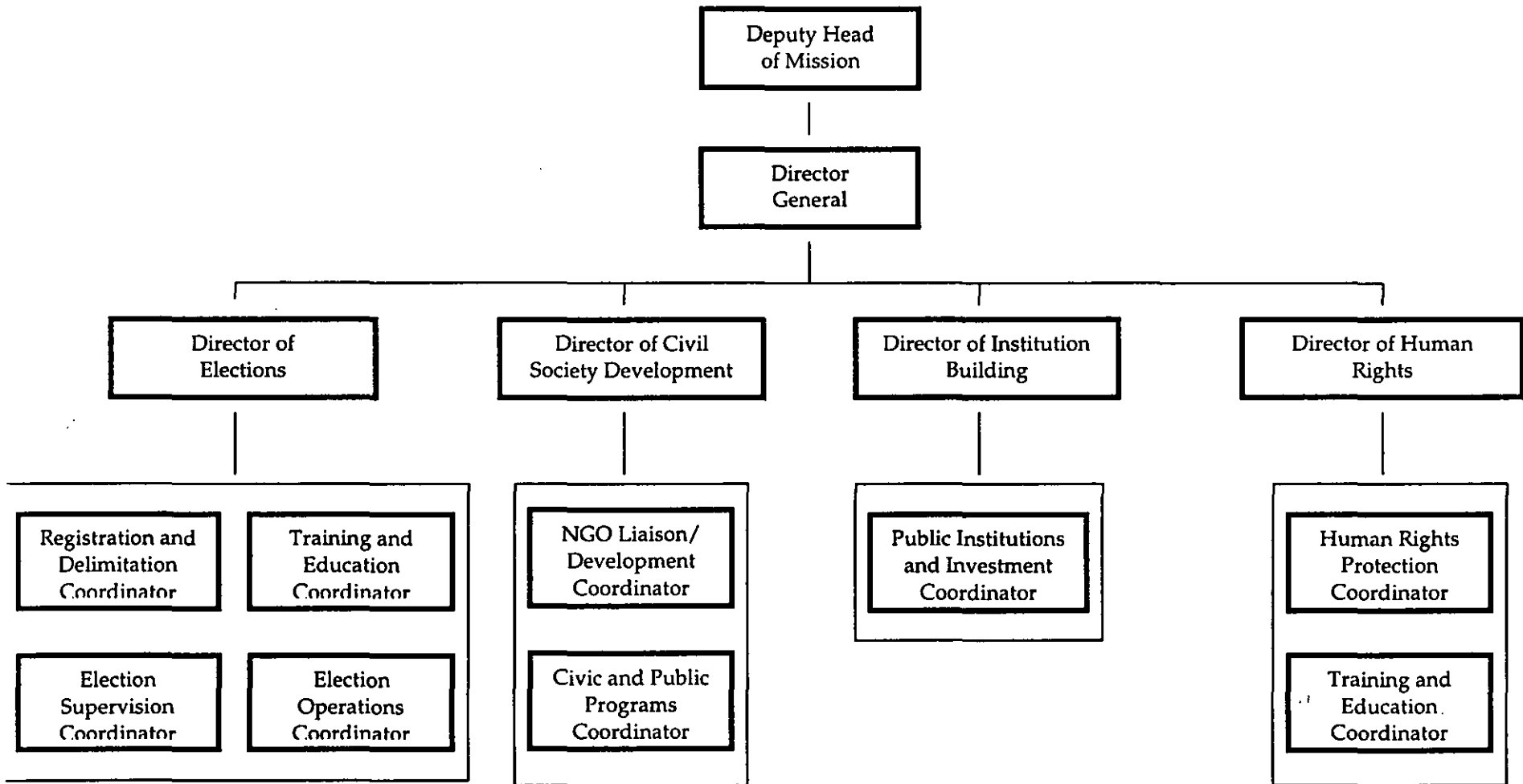
Administrative Structures

<u>County</u>	<u>Municipality</u>	<u>District</u>
I. Kosovsko	A. Pristina	1. Pristina 1 2. Pristina 2 3. Pristina 3 4. Pristina 4
	B. Podujevo	
	C. Kosovo Polje	
	D. Glogovac	
	E. Ljipijan	
	F. Stimlje	
	G. Strpce	
	H. Kacanik	
II. Kosovsko-Mitrovascki	A. Mirtovica	
	B. Zvecan	
	C. Vucitrn	
	D. Srbica	
	E. Zubin Potok	
	F. Leposavic	
III. Prizrenski	A. Prizren	
	B. Orahovac	
	C. Suva Reka	
	D. Malisevo	
	E. Gora	
	F. Opolje	
IV. Methoian	A. Pec	
	B. Klina	
	C. Istok	
	D. Dakovica	
	E. Decane	
V. Kosovsko-Pomarovski	A. Gnjilane	
	B. Vitina	
	C. Kosovsko Kamenica	
	D. Novo Brdo	

**ATTACHMENT B: ORGANIZATIONAL CHART -
DEMOCRATIC DEVELOPMENT**

OSCE KOSOVO VERIFICATION MISSION
Office of the Deputy Head of Mission – Democratic Development

Organizational Chart – Phase I

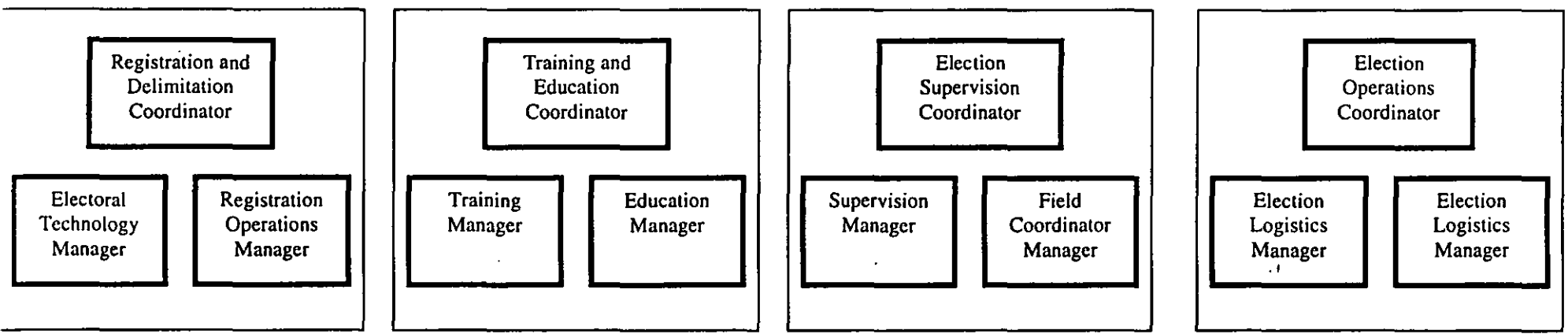
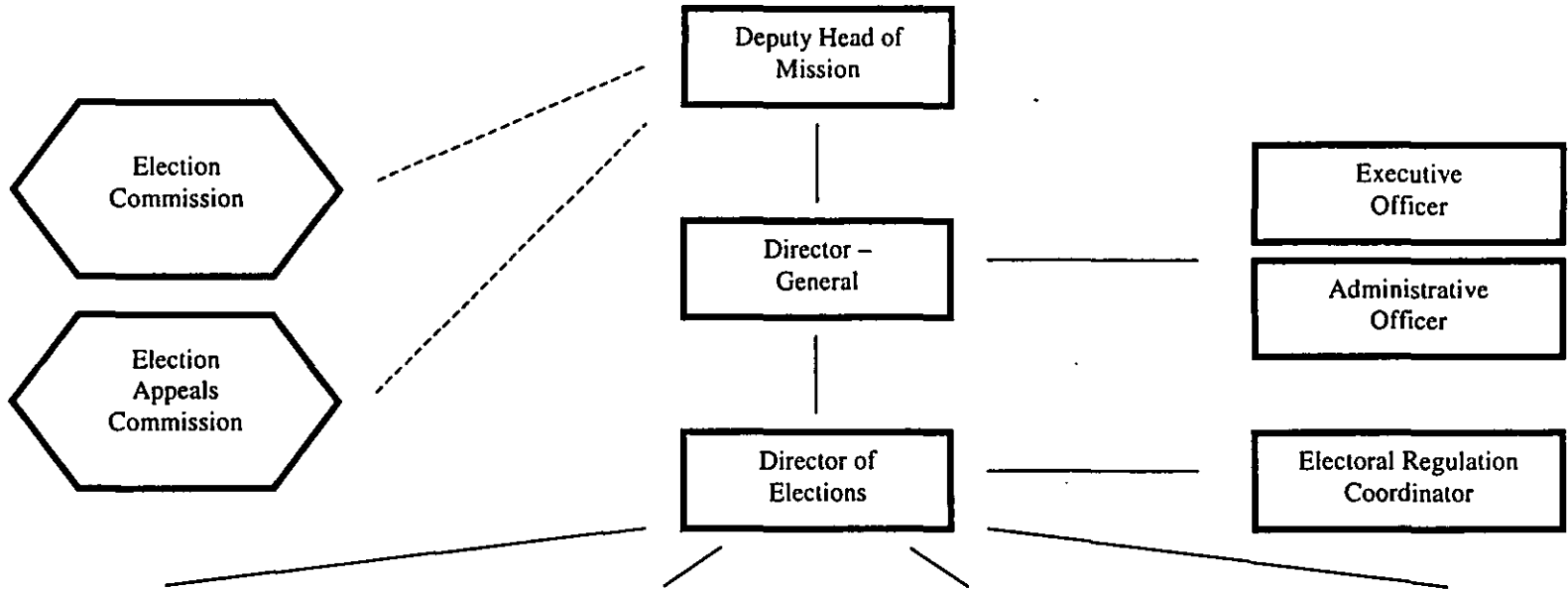


**ATTACHMENT C: ORGANIZATIONAL CHART -
ELECTIONS UNIT**

OSCE KOSOVO VERIFICATION MISSION

Election Unit

Draft Organizational Chart





**ATTACHMENT D: CODE OF CONDUCT FOR
INTERNATIONAL ELECTION ADMINISTRATORS**



OSCE KOSOVO VERIFICATION MISSION
Elections Unit

Code of Conduct for International Election Administrators

INTRODUCTION

This Code of Conduct is designed to assist election administrators by providing general guidelines for their work.

Election administrators face so many different circumstances and situations in their work that it would be impractical to attempt to make a firm rule for every possible situation. Rather, each person or organization using this Code of Conduct should apply it flexibly, together with good common sense, to meet the requirements of each particular situation.

PART ONE

The Functions of an Election Administration

This Part includes a brief summary of the purpose, functions, objectives and fundamental ethical principles of election administration.

PART TWO

Guidelines for Election Administration

This Part includes an expanded statement of each of the fundamental ethical principles which form the basis of election administration, with an explanation and detailed guidelines to give effect to that principle.

THE FUNCTION OF AN ELECTION ADMINISTRATION

According to the *Universal Declaration of Human Rights*: "The will of the people shall be the basis for the authority of government; this will shall be in periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote or by equivalent free voting procedures." The concepts that found expression in the *Universal Declaration* have been incorporated in other, more recent international documents, including: the *International Covenant on Civil and Political Rights*; the *African Charter on Human and People's Rights*; the

American' Convention on Human Rights; and the European Convention on Human Rights.

In *Free and Fair Elections: International Law and Practice*, Professor Goodwin-Gill argues that: "Experience and recent state practice confirm the necessity for oversight of the electoral process...[and] for institutionalized responsibility for implementation by impartial election officials..." "An oversight mechanism that enjoys the " The effective institutionalization of basic electoral and political rights obliges states...

- to establish an appropriate electoral system
- to implement international obligations in regard to the individual rights, [and]...
- to establish an effective impartial and/or balanced mechanism for the management of legislative elections."

The body or mechanism created to manage confidence of parties and electorate is especially pressing in situations of transition, for example, from single to multi-party systems, or wherever the impartiality of the administrative authorities is in doubt." legislative elections impartially and in a balanced fashion will be assigned many specific functions, which could typically include the following:

- (i) conducting elections and referendums;
- (ii) compiling and/or maintaining a register of voters;
- (iii) promoting public awareness of electoral matters by conducting civic education and information programmes for members of the public, particularly for women, youth, the illiterate and disadvantaged minorities;
- (iv) training of electoral officials;
- (v) informing candidates, political parties and other affected persons about the electoral process;
- (vi) ensuring that women and minorities are able to participate fully in the electoral process;
- (vii) making regulations governing the electoral process;
- (viii) enforcing the electoral law;
- (ix) researching electoral policy and related matters;
- (x) providing the government, the legislature, and organs of the executive with information and advice about electoral matters; and
- (xi) engaging in international co-operation and assistance.

The overall legitimacy and acceptability of each election will depend on many factors, but the integrity of the administration of the election is one of the most vital of those factors. The public will measure the legitimacy of an election on the basis of both the actual integrity of its administration, and the appearance of

integrity of the election process. Because of this, candidates, political parties, and election observers will all give very close attention to the way that the election administration performs its function.

ETHICAL PRINCIPLES OF ELECTION ADMINISTRATION

To ensure both the appearance and the actual integrity of the electoral process, election administration must conform to the following fundamental ethical principles:

1. Election administration must demonstrate respect for the law.
2. Election administration must be non-partisan and neutral.'
3. Election administration must be transparent.
4. Election administration must be accurate.
5. Election administration must be designed to serve the voters.

These ethical principles are now dealt with in detail.

ETHICAL PRINCIPLE 1

Election administration must demonstrate respect for the law

The success of an election depends on the extent to which it is accepted as legitimate and binding by the participants in the political process. The expression of major policy decisions in a clear legal form provides the degree of certainty which is required for the development of a common understanding, by all participants in the process, of how it will be administered. If the election administration does not follow the law, and apply it equitably and clearly explain the legal rationale for its decision, the common understanding of the participants may be affected, and support for the election process may be weakened.

An election administration should therefore:

- (i) Comply with the laws of the country.
- (ii) Ensure, within the legal framework of the country, that the laws relating to elections are fully implemented in an impartial and equitable fashion.

(iii) Ensure, within the legal framework of the country, that every party, candidate, voter and other participant in the election process is treated in a way that is fair and just, considering all the circumstances.

ETHICAL PRINCIPLE 2

Election administration must be non-partisan and neutral

11. For an election to be successful, participants in the process have to be able to trust that the election administrators will carry out their functions in a politically neutral way. If the people managing an election are perceived to have a commitment to any particular election result, the public credibility of the election process will be so seriously compromised that it will be difficult to restore faith in the process. Election administrators must therefore perform all their tasks in a manner that is strictly non-partisan and politically neutral.

At times, a country may choose people to be election administrators because they represent a political party or political tendency. In that case, even though the administrators are chosen because of their political affiliation, they must still perform their election administration tasks in a manner that is strictly non-partisan and politically neutral.

Election administrators should:

(i) Act in a strictly neutral and unbiased manner in every matter concerning a political party, candidate, voter, or member of the press or media.

(ii) Do nothing that could indicate, or be seen as indicating, partisan support for a candidate, political party, political actor or political tendency.

(iii) Conduct themselves, at all times, in an irreproachable manner, exercise sound judgement, and observe the highest levels of personal discretion.

(iv) Disclose any relationship that could lead to a conflict of interest with their duties as election administrators.

(v) Not accept any gift or favour from a political party, organization, or person involved in the election process.

(vi) Reject any improper influences, and, except as provided by law or custom, refrain from accepting directions relating to the performance of their tasks.

(vii) Not participate in any unauthorized activity, including any private activity, that could lead to an actual or perceived conflict of interest with their duties as election administrators.

(viii) Not participate in any activity, including any private activity, that could lead to a perception of sympathy for a particular candidate, political party, political actor, or political tendency.

(ix) Not express a view on any subject that is likely to be a political issue in the election;

(x) Not communicate with any voter on a matter of partisan significance.

(xi) Not wear, carry or display any obviously partisan party symbols or colours.

Election administrations should follow each of these guidelines, to the extent that each guideline applies to an organization as well as to a person.

ETHICAL PRINCIPLE 3

Election administration must be transparent

For an election to be successful, participants in the process have to feel able to accept the decisions of the election administration. Those participants will most likely feel able to accept those decisions if they can easily satisfy themselves that the decisions were made appropriately. To do that, they must have access to the information on which decisions are based.

Of course, each election will generate a large amount of data, extensive databases, and many documents. Generally, it is not practical to provide access to, or copies of, all the data or every one of those documents to every person who may want access or copies. However, election administrators should be prepared:

(i) To justify their decisions.

(ii) To make freely available the information on which each decision was based.

(iii) To arrange effective and reasonable access to relevant documents and information, within the framework of the country's electoral and freedom of information laws.

17. In addition, election administrators and administrations should:

(i) Ensure that the agents of each political party or candidate can fully and effectively exercise their legal rights.

(ii) Consult with participants in the electoral process on a regular basis, and in relation to specific decisions, if it is appropriate to do so in the circumstances.

(iii) Provide an explanation, in response to reasonable requests, for a decision they have made as part of the electoral process, or a decision made as part of the general operation of the election administration.

(iv) Establish a system that allows interested parties to access, in a timely manner, all critical information, documents, and databases used in an election process, or used in the normal operation of the election administration.

(v) Disclose any deficiency in the administration of an election if it comes to their attention.

ETHICAL PRINCIPLE 4

Election administration must be accurate

It follows from the discussion of Ethical Principle 3 that, for decisions of election administrators to be satisfactory to the participants, the information on which the decision is based must be accurate as well as accessible. Inaccurate or unreliable information can undermine confidence in both the administration's decisions and its general competence.

Election administrators and administrations must perform every task on the basis of the highest standards of accuracy of information and objectivity of analysis. In particular, they should:

(i) Ensure that information is collected, compiled, and published in a way that is systematic, clear, and unambiguous.

(ii) Do anything necessary, within the country's legal framework, to ensure that all the information that they compile, use, or publish has a sound factual basis.

ETHICAL PRINCIPLE 5

Election administration must be designed to serve the voters

Election administrators and administrations should work to provide to every voter the highest quality service required to enable voters to exercise their rights with the least possible inconvenience, given the circumstances and the country's legal framework. In particular, they should:

(i) Make it as convenient as possible for voters to participate in the election process.

(ii) Ensure that voters adequately understand the election process.

(iii) Do everything possible to provide a way to vote for people with special needs, such as blind, physically handicapped, or illiterate voters, or voters living in remote areas.

¹ Article 21, Paragraph 3, Universal Declaration of Human Rights.

² Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice*, Inter-Parliamentary Union, Geneva, 1994, pp. 12-14, 87.

³ There is little difference between "non-partisan" and "neutral", however, the election management bodies consulted felt this to be of such importance that it should receive special emphasis.

Based upon the "Code of Conduct: Ethical and Professional Administration of Elections" by *International IDEA* (Stockholm, Sweden). Grateful acknowledgement is given to the ACE (Administration and Cost of Elections) Project (<http://www.aceproject.org>) for the collection and organization of the material.

ATTACHMENT E: ISSUE PAPER - VOTER REGISTRATION



OSCE KOSOVO VERIFICATION MISSION
Elections Unit

Issue – Voter Registration

“Article 17 – The electoral roll shall contain: ordinal number, name, sex, year of birth, place of domicile (street and house number, village, hamlet, settlement), and a space for comments.”

Law on the Election of Representatives (Official Gazette of the Republic of Serbia, nos. 79/92, 83/92, 53/93, 67/93, 90/93, 107/93, 48/94 and 32/97).

Scope of Registration

One major challenge for election administrators is to ensure that eligible voters are registered once and only once on the voters list, and that ineligible voters (such as those who are deceased or have failed to maintain residency requirements) are removed from the list. By the same token, another challenge is to prevent ineligible voters from registering in the first place. This is particularly important in countries where questions of citizenship and concerns over permeable borders exist. Meeting these requirements for a national electorate that often numbers in the millions of eligible voters, therefore, is not only a logistical challenge but costly in man-hours and materials.

The three basic options available for the development and maintenance of an electoral register are a periodic list, a continuous list, and a voters list based on a civil registry. The comparative example of a full census highlights technical and legal issues of registration.

The Periodic List

The periodic register of voters, or periodic list, is one in which the election administration authorities devise a new voters list de novo for each new electoral event, without intending to maintain or update this list for the future. Periodic lists often are used for only one electoral event, and are normally, although not necessarily, created just prior to the election. This system is relatively expensive and time-consuming, since it requires election administration officials to come in direct contact with all eligible voters before the election. It has been used extensively throughout Africa as well as in Canada until 1997. This method of voter registration may be particularly useful where the election administration infrastructure is not sufficiently developed to maintain a continuous list, where population mobility is high or where the citizenry is averse to the maintenance of lists of citizens by the government. The periodic list may also be preferred by quasi-governmental agencies, such as electoral bodies or commissions.

The Continuous List

A continuous list of voters is one in which the electoral register is maintained and continually updated by the election administration. This system requires an appropriate infrastructure to maintain the list. Typically, this requires adding the names and other relevant information for those who are satisfying eligibility requirements, such as citizenship, residency and voting age, as well as deleting the names of those who no longer meet eligibility requirements, through death, for example, or change of residency. Since the continuous list is regularly (or continuously) updated, there is no need to conduct a final registration effort immediately preceding an election, as is normally the case with the periodic list. In addition, the continuous list may be maintained either locally, as in the United Kingdom, or nationally, as in Australia and Canada.

The Civil Registry

The third option for registering voters is the civil registry. The civil registry may contain a variety of information on all citizens, such as name, address, citizenship, age, identification number, and other data. In a number of countries, particularly in Europe and Latin America, the voters list is produced from information already collected through the national civil registry. One of the big questions in countries with a civil registry is whether the department responsible for the civil registry, often the Interior Ministry, is also responsible for the voters list.

Colombia, for example, uses a single ministry for both registries, while most other countries separate these responsibilities between two agencies.

Once a civil registry has been created, producing a voter list becomes relatively efficient and cost-effective. This is because the major costs are borne in the first place by the civil registry. Furthermore, while the maintenance costs of a civil registry are relatively high, the information recorded may be used for many other purposes, as it is in Sweden, thereby reducing the overall costs associated with government data management.

Paradoxically, the major drawback of this system stems from its major strength. Even though the high costs of maintaining the civil registry can often be justified because the database is shared among other governmental agencies or departments, and used for a variety of other purposes, issues of privacy may become controversial. Concerns may arise about the loss, or potential loss, of privacy that ensues from widespread sharing of electronic databases on citizens. Where these concerns are intense, the civil registry option may become simply unacceptable, regardless of its administrative utility.

The Census

In contrast, in addition to data useful to a voter registry, a full enumerated census covers a wide variety of topics, ranging from population demographics, land use, transportation and travel, law enforcement, social insurance, technology and media, comparative regional statistics and so on. Due to the extreme levels of planning,

resources and time required to complete a legitimate census, it is usually conducted only once every ten years.

It is possible to extract data from a census to construct a voter register, however is perhaps the least effective means of collecting the relevant information (usually given name(s), family name, address, date of birth and legal identification number) given the massive amount of other information which will not be relevant to the electoral process.

Technical and Resource Issues

Before estimating the time and resources necessary for a complete voter registration or verification, and the associated costs thereto, a wide range of methodological issues must be addressed.

- Administrative Framework – What authority mandates registration and defines its procedures (legal and operational basis for the activity);
- Method of Registration – Will the registry be based upon existing data or constructed in its entirety for the election;
- Logistical Planning – Will the registration be conducted actively (door-to-door solicitation) or passively (multiple registration centres);
- Registration Data Collection – How will the data be recorded (by hand, 'scan'-able forms, direct database entry and consolidation);
- Procurement of Registration Materials – What materials will be needed to conduct, tabulate and maintain the registry;
- Operational Infrastructure – What structures must be put in place in order to support registration (centres for material distribution, registration, data processing);
- Voter Education – What information must be disseminated to the populace (or sections thereof) in order to conduct an accurate registration;
- Worker Selection and Training – How will registration staff or teams be selected and trained;
- Implementation of a Plan of Action – What is the methodology for data collection, tabulation and dissemination;
- Determination of Registration Content (Forms) – What are the questions/data which will be solicited;
- Compiling Registration Data – How will collected data be entered, processed and produced for referencing;
- Storing Registration Data – Where and how will the registration data be stored (centrally, in each municipality);
- Verification of Registration Data – What cross-referencing and legitimization of each entry will take place;
- Production of a Preliminary Voters List (PVL) – How and where will the PVL be printed and distributed;
- Promotion Strategies – What additional motivational and/or informational campaign need be conducted for voters to verify their personal information;
- Changes to the Preliminary Voters List – How will amendments to the PVL be confirmed, transmitted and entered into the master database;

- Adjudicating Challenges to the Preliminary Voters List – Who will review and decide upon complaints regarding registration;
- Production of a Final Voters List (FVL) - How and where will the FVL be printed and distributed;
- Distribution of Final Voters Lists (FVL) – How will the FVL be distributed to local authorities or polling stations;
- Processing List Revisions for Early Voters – What measures will be taken to amend the FVL for voters who exercise their right to vote early or absentee.

Registration in Kosovo

The purpose of a voter registration exercise in Kosovo is to establish a reliable list of electors who will be eligible to cast ballots in commune and territory-wide elections projected to be held in the second or third quarters of calendar 1999. This discussion paper is intended to provide a preliminary look at a scenario and its costs associated with the OSCE supervision of this effort. Under this scenario, it is assumed that there is an estimated total population of Kosovo of 1.5 million persons. In the assessment mission meetings with both Serbian and Albanian interlocutors, the figures of 1,056,000 voters (Serb) and 1,100,000 voters (Albanian) were proffered. For the purposes of this discussion paper, a figure of one million voters will be used.

The end products of the registration process will be twofold:

- 1) a database which can produce lists of voters sorted or organized in the following fashions - province-wide (alpha and numerical sort), 'Opstina'-wide (alpha and numerical sorts), polling station (alpha and numerical sorts), and exceptional case lists (alpha and numerical sorts); and
- 2) an electorate possessing voter identity cards required for casting ballots. The voter's card will be used for this election cycle only.

In the rules and regulations for the event, provision can be made for voters to cast ballots if the voter's card is lost in between the registration period and election day. This registration scenario covers in-country activities only.

Under this scenario, the registration process is voluntary, with registrants presenting themselves at registration sites for processing. Such an approach then assumes four basic conditions for the OSCE to adequately exercise its supervisory functions:

- OSCE has the complete cooperation of Federal, Republic, and Territorial partners to fulfill their registration-related responsibilities;
- There is an environment conducive to the return of refugees and internationally displaced persons to their homes;
- There is freedom of movement guaranteed by Federal, National, and Territorial security authorities; and
- OSCE has the ability to be pro-active in identifying unregistered electors, assisting with registrations, and providing information to promote and facilitate the registration process.

At these sites, registrants are required to present any one of a number of documents which attest to their identity. The rules and regulations for the election will determine the final list of these documents. However, an illustrative list of these documents could include national identity cards, birth certificates, and passports. Registrants without such identity documents or whose documents the registrars question will be deemed as exceptional cases requiring special attention and follow-up. Each exception will be assigned a case number and their circumstances will be investigated by an international supervisor under the procedures of a committee reporting to the Kosovo Election Commission or other competent OSCE authority. Parameters for determining eligibility in these cases will be determined by the rules and regulations. Additionally, penalties for falsifying documents or organizing the falsification of documents will also be spelled out by the rules and regulations and enforced by the competent OSCE authority as part of its supervisory responsibilities.

At the registration site, registrants will complete a form printed in both the Serbian and Albanian languages. If determined by the rules and regulations, the same forms can be printed in other languages reflecting a recognized minority of the province at certain sites. In any case, the registration forms will request the same data. This data will include name, current address, gender, identity document number, and other such individual control data determined by the rules and regulations. If the rules and regulations require the collection of ethnic data, that data can be requested on the form but will not appear on any voters list made public or used in the electoral process. The forms will be retained under the supervision of the OSCE. Each document will bear a unique voter identity number (independent from other identity numbers) which will also appear on the voters card and on the voters list.

Under this scenario, the registrant completes the form, and submits the form and identity documents to the registrars. If approved, the registrant will be photographed and a voter's card will be generated and given to the voter. As a further control measure, a detachable registration receipt can be given to the qualified registrant. The card will be required to be presented at the polling station at the time of voting. It will be stamped or punched to show that the voter has cast a ballot. If there is more than one election occurring in the cycle, the voter will be expected to retain the card for subsequent presentation at the polls.

At this writing, there are a number of unknown factors that could significantly affect the viability of this scenario and its cost estimates. These unknowns include (but are not limited to) the number of communes, the actual size of the voting population, its distribution, the policy on out-of-country registration and balloting, security features on the identity card, and the extent of follow-up required for exceptional cases.

However, the timing and numbers calculus can be analyzed along the following lines. If the registration is conducted over a 30-day period, an average of roughly 33,000 registrants (one million person voting population base) will have to be processed each day. If the per registrant time processing target is 20 per hour, and each registration site is open for twelve hours per day, then this yields a result of 240 registrants processed each day requiring roughly 140 registration sites to process that total in 30 days. This analysis is based upon in-country sites only. It represents an average requirement of roughly five sites per commune (29 opstina base). Of course, the final number of communes agreed upon, and the distribution of the voting population

will determine the number of sites and their location, however, this framework provides an initial analysis of the infrastructure required to support this activity.

Two local registrars, one local photographic technical, and two international supervisors will staff each registration site. In each case, the supervisors will both serve as the final approvers for on-site applications and the caseworkers for registrants without proper documentation. The supervisors will also be expected to oversee the operations of the registration site. On a daily basis, the completed registration forms will be shipped to the OSCE regional centers for subsequent scanning at a central processing location to form the provisional voters list. The data entry process as well as the process for determining eligibility for exceptional cases would occur on a parallel track with the registration and would require some additional time after the close of registration for completion. A timing target can be established so that the provisional lists will be ready for review by ten days after the close of registration. (However, exceptional cases could continue to be worked until the publication of the final voters list).

The provisional lists would be posted for public review during a five-day claims period at each registration site. Voters possessing claims regarding the list, such as omissions, misspellings, or incorrect information, will be required to complete a claim form for submission to the OSCE. These claims would be processed as part of the final voters register. Under this scenario, the total number of days allotted for voter registration to be conducted would be 45.

In analyzing the costs associated with supervising this effort (see Annex I), one must distinguish between the use of resources, which will be in place already (such as supervisors), and those expenses that are unique to registration and only incurred if such a registration effort is organized. Cost estimates associated with the latter category are shown below. It must also be assumed that the competent election authorities in Serbia and Kosovo will bear the human resource costs of the registration site local staff. These authorities will also be responsible for the costs of the contracting and use registration sites. It must be noted that these cost estimates are notional in nature and final budget figures cannot be determined until scopes of work are defined.

International Technological Standards

Optical Mark Recognition (OMR) is a technology which has been used by educational institutions and market research firms worldwide to capture billions of pages of data in machine-readable form. OMR provides technology for scanning a form for pencil marks occurring within specified cells of a grid. The computer then translates these marks into meaningful data, based upon which cells were marked. Forms are easily customized for a variety of data-entry needs. The scanners also provide "exception-handling" capabilities, whereby a computer program can validate data as it is scanned. All forms, which do not meet the pre-defined conditions specified in the computer software, are rejected. Two paper trays catch forms after they are scanned - one for "accepted" forms, the other for "rejected" forms.

Each OMR Scanner can capture voter registration data at a rate equivalent to 100 good data entry clerks. Some high-end OMR scanners can scan forms at a rate of 7,200 per hour. Even the most optimistic projections for manual data capture estimate a rate of 60 forms per hour for a good data-entry clerk. It follows that it would take ten data entry persons (and ten computer terminals and work-spaces) to keep pace with just one OMR scanner (See Annex D).

Registration Case Studies

Based upon initial assessments in Serbia and Kosovo, and the prevailing political and security environment, a series of small-scale registration case studies is recommended to determine the following information:

- A) Willingness of the general population to register;
- B) Channels for effective voter education and information;
- C) Effectiveness of active vs. passive registration;
- D) Acceptable composition of registration teams/staff;
- E) Acceptable levels of information requests;
- F) Types of identification held by electorate;
- G) Time required to conduct each registration.

Case studies can be conducted in a variety of environments: urban, rural, single- and mixed- ethnicity populations, conflict and non-conflict zones. A variety of tests, conducted under a common, predetermined methodology will provide a baseline overview of likely trends, issues and problems.

Annex I – Tables

Scannable Forms versus Manual Data Entry

	<u>Scanner</u>	<u>Manual</u>
Registrations	1,000,000	1,000,000
Forms per hour	4,500	60
Work hours per day	16	12
Forms per day per person/scanner	72,000	720
Scanner/persons days required	28	2,778
Number of scanners/persons	5	100
Total forms per day	360,000	36,000
Days to complete data entry	3	28
Error rate	0.10%	2.00%
Forms to be re-entered	1,000	20,000
Re-entry days	.0025	.56

Preliminary Cost Estimates for Voter Registration

<u>Items</u>	<u>Cost Estimates</u>
Equipment	
Computer Equipment and Software (Scanners, Printers)	USD 350,000
Identity Card Equipment (Cameras, Card Production, Etc.)	USD 375,000
<i>Subtotal</i>	<i>USD 725,000</i>
Supplies	
Voters List Supplies (Paper)	USD 200,000
Identity Card Supplies (Film, Card Stock, Etc.)	USD 1,200,000
Forms (Registration, Claims)	USD 600,000
<i>Subtotal</i>	<i>USD 2,000,000</i>
Services	
Transport (Forms, Lists)	USD 300,000
Supervision (Supervisors/Staff)	USD 500,000
List Production (Scanning, Control, Management)	USD 350,000
<i>Subtotal</i>	<i>USD 1,150,000</i>
Total	USD 3,875,000

ATTACHMENT F: DRAFT REGISTRATION TIMELINE



OSCE KOSOVO VERIFICATION MISSION
Elections Unit

Registration Calendar

E - 0	Day, Month	Election Day
E - 1	Day, Month	Lists Delivered to Local Authorities with other Supplies
E - 3	Day, Month	Lists Available for Deliveries to Local Authorities
E - 4	Day, Month	Voters Register Printing is Completed
E - 10	Day, Month	Voters Register Printing Starts for Polls
E - 14	Day, Month	Voter Register Closes Claims and Objections Closes
E - 15	Day, Month	All Claims and Objection Updates are Entered
E - 16	Day, Month	Last Claim and Objection are Decided by the Responsible Election Commission
E - 23	Day, Month	Claims and Objections Opens Voter Registrar Exhibition Closes
E - 37	Day, Month	Voters Register Exhibition Opens Voters Register Preliminary List Processing Closes
E - 51	Day, Month	Voter Registration Period Ends Voter Registration Form Processing Begins
E - 96	Day, Month	Voter Registration Period Begins
E - 100	Day, Month	All Procurement Orders are Placed for Registration
E - 114	Day, Month	Other Procurement Orders For Registration are Initiated
	Day, Month	Printing Order Placed for Registration Forms
E - 120	Day, Month	Voter Information Efforts Commence
E - 125	Day, Month	Registration Rules are Adopted by the Responsible Election Commission

The information in this calendar is designed only to be illustrative of the registration process as a whole, and should not be taken to represent any specific electoral law, the official opinion of the OSCE or other participants in the eventual electoral process.



OSCE / ODIHR

PRELIMINARY FACT-FINDING MISSION TO KOSOVO

Preliminary Program

(Revision: Sunday, 22 November, 1998 - 15:05)

Saturday, 21 November, 1998

- 10.00 *Belgrade Humanitarian Law Center*
Mr. Natasa KANDIC, Executive Director
- 12.00 *Center for Free Elections and Democracy*
Dr. Slobodanka NEDOVIC, Executive Director
Mr. Zoran LUCIC
- 18.00 *Belgrade Human Rights Center*
Prof. Voin DIMITRIEVIC, Director

Sunday, 22 November, 1998

Arrival of OSCE / ODIHR Team Members

- | | | |
|-------------|-----------|------------------------------|
| 11.45 | (SR-454) | Jeff FISCHER
Thomas SCOTT |
| around noon | by car | Berndt BORCHARDT |
| 15.30 | (LH-3396) | Gerard STOUDEMANN |
| 15.35 | (BA-228) | Simon OSBORNE |
| 18.45 | (JAT-331) | Janice HELWIG |
- 20.00 Meeting at Reception Desk for an informal dinner

Monday, 23 November, 1998

- 09.00 Briefing – Embassy of Poland
- 10.00 FRY Deputy Prime Minister SAINOVIC
- 12.00 Briefing – Embassy of Italy
- 15.30 Briefing – Embassy of Norway

16.30 or 17.00 Briefing - Embassy of Austria (TBC)

Additional Meetings (TBD) - Central Election Commission
Ministry of the Interior

Contact: Mr. Veljac from the Protocol Office of the MFA
tel.: 3618115

Tuesday, 24 November, 1998

- 08.00 Departure from Hotel Intercontinental for Pristina
- 13.00 *Kosovo Verification Mission*
Ambassador William WALKER, Head of Mission
- 14.00 *Kosovo Verification Mission*
Mr. Sean BURNES
- 16.00 Mr. ANDJELKOVIC, Head of Provisional Government in Kosovo

Wednesday, 25 November, 1998

- 11.00 Dr. Ibrahim RUGOVA
Mr. RODIQI
- 13.00 Mr. Adem DEMAQI, UCK Spokesman
- 14.30 Mr. Mehmet HAJRIZI, Kosovo Opposition Leader
Mr. Hydajet HYSENI, Kosovo Opposition Leader
- 16.00 International Confederation of the Red Cross and Red Crescent (ICRC)
United Nations High Commissioner on Refugees (UNHCR)

Thursday, 26 November, 1998

- TBD Departure for Skopje, Macedonia
- TBD U.S. Embassy – Skopje
Ambassador Christopher HILL



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From: Nikolai Vulchanov, Election Advisor
Date: 27 November, 1998
Number of Pages: 6 (including cover page)

Re: **PRELIMINARY FACT-FINDING MISSION TO KOSOVO**
Ref: IB/302/98

Please find attached the Report on the OSCE/ODIHR Preliminary fact-finding Mission to Kosovo.

CONFIDENTIAL



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CONFIDENTIAL PAPER

REPORT FROM THE PRELIMINARY FACT-FINDING MISSION TO KOSOVO, NOVEMBER 22-26 1998

A preliminary fact-finding mission headed by Ambassador Gerard Stoudmann, and consisting of Berndt Borchardt (Deputy Head of the Kosovo Verification Mission for elections and democratisation), Thomas Scott (European Commission), Pierre Garrone (Council of Europe), Jeffrey Fischer (IFES), Alexander Knapp (IFES), Simon Osborn (ERIS), and Nikolai Vulchanov (ODIHR) travelled to Belgrade and Pristina to conduct a preliminary assessment of conditions for elections in Kosovo.

The mission met in Belgrade with Deputy Prime Minister Sainovic, Serbian Justice Minister Jankovic, and the Chairman of the Republic Electoral Commission of Serbia Govedarica. It also briefed the Ambassadors of Poland, Norway, Italy, and Austria.

In Pristina, the mission met with the Prime Minister for the AP of Kosovo Anjelkovic, Kosovar "President" Rugova and the Chairman of the LDK's shadow electoral commission. Rodiqi, UCK spokesman Demaqi, Albanian Democratic Movement representatives Hajrizi and Hyseni, newspaper editor. Shala, and UNHCR representative Todorovic. The mission also met with the Head of KVM, Ambassador Walker.

The team travelled out through Skopje, where they debriefed Ambassador Hill.

Main Points Made by the Serbian Side

- ◆ All Serbian interlocutors indicated they expected a political agreement before the end of the year.
- ◆ Elections should take place within nine months. Several interlocutors proposed early summer as a good date.

- ◆ The goal of elections in Kosovo is to get Kosovar Albanians to participate in the Serbian political system.
- ◆ They believed starting with local or municipal elections and working upwards would be the best approach.
- ◆ All nationalities in Kosovo should have "equal treatment." They should have an equal position (notwithstanding the relative size of each national community), and no group should be able to dominate another.
- ◆ Sainovic drew a "red line" between guaranteeing human rights and democracy in Kosovo, and secession.
- ◆ Sainovic mentioned the need for confidence-building measures on both sides; the OSCE could play a role in this.
- ◆ Serbian interlocutors accepted the ODIHR idea to establish a working group in Pristina, chaired by the OSCE, to deal with technical issues such as preparing a voters list. Serbian Justice Minister Jovanovic provided a list of contacts in Pristina.
- ◆ With the assessment mission, FRY and Serbian authorities did not question the concept of "supervision" as opposed to "monitoring." They considered the mission to be timely.
- ◆ They were keen to get the voters' lists established in order to "correct misinformation" on the total number of voters and ethnic composition of the population in Kosovo. They stressed that the number of persons belonging to ethnicities other than Albanian would be much higher than the international community expected.
- ◆ Sainovic gave Vojvodina as an example of how a minority can enjoy rights within the Serbian system. The CEC pointed out that Vojvodina has its own assembly and runs elections with a Vojvodina electoral commission.
- ◆ In general, Serbian authorities were agreeable and appeared to agree to our requests for information. However, they avoided actually giving things such as existing voters' lists by saying that others were responsible for them.

Main Points Made by the Kosovar Albanian Side:

- ◆ They welcomed extensive OSCE involvement in the process.
- ◆ Kosovars abroad should have the possibility to vote, either through out-of-country voting or by allowing for their return to Kosovo.
- ◆ All voiced concern that the Serbian regime would try to manipulate the voters register to lower the number of ethnic-Albanian voters. For example, Belgrade

could refuse to give documentation to Kosovars living abroad or prevent them from returning to participate in the elections.

- ◆ There should be minimal conditions set for the holding of elections. For example, Kosovar Albanians should have their own television and radio stations in advance of an electoral campaign.
- ◆ All stressed they wanted Kosovar Serbs to participate in the political system. Serbs should decide for themselves who will represent them. The problem is not between Albanian and Serbian people, but between Kosovar Albanians and the Serbian regime.
- ◆ Demaqi said the UCK would not participate in any elections until the status of Kosovo is resolved. An interim solution will be acceptable only if it allows for a referendum on the status of Kosovo after a certain period of time.
- ◆ Demaqi stressed the UCK was prepared to "pay with blood" for independence. He believes the international community eventually will accept Kosovo as a sovereign state after a period of fighting. Kosovars now realise the international community will not intervene militarily, and they must fight for themselves.
- ◆ The UCK must be brought on board with an agreement. Even Belgrade has acknowledged this with a formal invitation for Demaqi to meet Milutinovic in Belgrade. Demaqi said the UCK general staff has agreed to cooperate with all international organisations working in Kosovo.
- ◆ There was concern that fighting could start again in spring if a political solution was not reached in the meantime.
- ◆ Shala said democratic institutions and the rule of law must also be developed in Serbia for a solution to last in Kosovo because a democratic Kosovo would not survive in an undemocratic Serbia.
- ◆ Rugova agreed to have the LDK participate in ODIHR's proposed working group on technical issues. Representatives from the other parties were more reticent; all but Demaqi agreed as long as the work would not prejudge the outcome of a political solution on the status of Kosovo.
- ◆ Rugova and the chair of the electoral commission in Kosovo which conducted the shadow elections promised to provide the voters' lists used for the 1998 shadow elections; these were based on the 1981 census and updated by local LDK offices.
- ◆ The LDK stressed they have some experience in running elections. Kosovar Albanians conducted shadow elections in 1992 and 1998. Other Kosovar interlocutors, however, said that the shadow elections were not multiparty elections, but rather were a protest against the Serbian regime.

Points made by UNHCR:

- ◆ 30 to 40 percent of displaced persons may not have identification. Many lost documents when they fled their homes. In villages bordering Albania - where many of the refugees are from - people have not registered themselves or their children for decades. This is particularly true for those who moved to Kosovo from Albania in the 1950s. A UNICEF vaccination program in the area last year discovered 50,000 unregistered children.
- ◆ UNHCR estimates that the number of Kosovars who have left since the beginning of violence last February is some 220,000 displaced Kosovars within the FRY (170,000 in Kosovo, 30,000 in Montenegro, and 10,000-20,000 in other parts of Serbia); some 15,000 refugees in Albania, 5,000 in Macedonia, 10,000-15,000 in Bosnia, 3,000 in Croatia, and 70,000 in Western Europe.
- ◆ Some 20,000 homes have been destroyed in the fighting; some 30 percent of those irreparably. These homes often housed large extended families. Currently, there are no large-scale programs to help rebuild these houses.
- ◆ Recently, returnees have been stopped as they enter Kosovo by police; they are detained or arrested for supporting the UCK, and often mistreated. For this reason, a strong amnesty law will be necessary to ensure safe return.

CONCLUSIONS

- ◆ The OSCE must ultimately be responsible for the voters lists for both sides to agree on it. If the Serbian authorities are not forthcoming with information from existing registers, the OSCE will need to compile a new voters list. Registration centers set up in Kosovo for this purpose should be supervised by the OSCE. The return of displaced persons is an essential condition for the establishment of a credible voter register. Therefore the establishment of conditions for return of the displaced persons is a priority which also includes programs for reconstruction of houses and non-interference on the part of the Serbian police (see above, *Points made by the UNHCR*).
- ◆ The KVM should establish a working group with both sides (meeting separately) as part of the voter registration process. The KVM, Serbian representatives, and Kosovar representatives already have agreed to this.
- ◆ The political settlement will need to define the procedures for electing representatives of the ethnic communities for the Kosovo Assembly. A census will be extremely time consuming and would considerably slow down the electoral process. If the proportion of seats allotted to ethnic representatives is based on the ethnic proportion of the *voting* population, the registration process could determine the ethnic proportions. However, ethnic information would have to be removed from the voters list before they are made public. Another possibility would be to identify candidates ethnicity. A proportional election system without thresholds could be used for the election of the members of the Kosovo parliament to avoid inclusion of ethnic features in the voter registers and guarantee that the major

ethnic groups will be represented in the parliament by MP's acceptable for the respective ethnic groups.

- ◆ The political agreement should determine if and how Kosovars currently living outside of Kosovo can vote. Rules could be established to determine who would be eligible to vote and a deadline set for their return and registration. A procedure to issue identification documents would be integral in this case, as would agreement with the FRY to ensure safe and timely return to Kosovo. A second possibility would be to conduct out-of-country voting, although this would be time-consuming and difficult. Out-of-country voting is not currently practised in the FRY.
- ◆ There must be provisions to deal with people who do not have identification, both outside and inside Kosovo. Some type of adjudication should be provided for, under the direct control of the OSCE.
- ◆ A Kosovo Electoral Commission, similar to the Vojvodina electoral commission should be established.
- ◆ The political settlement should include reference to an amnesty law to encourage refugee return.
- ◆ In working toward creating conditions for elections, the political agreement should deal with media issues. Kosovar television and radio stations need to be re-established, and the application of the new Serbian Information Law may need to be addressed. In addition, the OSCE may want to set up a editorial board under OSCE supervision to ensure fair media access during the campaign period.
- ◆ The KVM election section should conduct tests in selected villages and parts of towns to determine the state of electoral lists and other election infrastructure. Staff of ODIHR will remain in Pristina at the request of the KVM to conduct such trial cases.

VOTER REGISTRATION IN KOSOVO
Scenario and Cost Estimates
Discussion Paper

The purpose of a voter registration exercise in Kosovo is to establish a reliable list of electors who will be eligible to cast ballots in commune and territory-wide elections projected to be held in the second or third quarters of calendar 1999. This discussion paper is intended to provide a preliminary look at a scenario and its costs associated with the OSCE supervision of this effort. Under this scenario, it is assumed that there is an estimated total population of Kosovo of 1.5 million persons. In the assessment mission meetings with both Serbian and Albanian interlocutors, the figures of 1,056,000 voters (Serb) and 1,100,000 voters (Albanian) were proffered. For the purposes of this discussion paper, a figure of one million voters will be used.

The end products of the registration process will be twofold: 1) a database which can produce lists of voters sorted or organized in the following fashions - province-wide (alpha and numerical sort), opstina-wide (alpha and numerical sorts), polling station (alpha and numerical sorts), and exceptional case lists (alpha and numerical sorts); and 2) an electorate possessing voter identity cards required for casting ballots. The voter's card will be used for this election cycle only. In the rules and regulations for the event, provision can be made for voters to cast ballots if the voter's card is lost in between the registration period and election day. This registration scenario covers in-country activities only.

Under this scenario, the registration process is voluntary, with registrants presenting themselves at registration sites for processing. Such an approach then assumes four basic conditions for the OSCE to adequately exercise its supervisory functions: 1) OSCE has the complete cooperation of Federal, Republic, and Territorial partners to fulfill their registration-related responsibilities; 2) there is an environment conducive to the return of refugees and internationally displaced persons to their homes; 3) there is freedom of movement guaranteed by Federal, National, and Territorial security authorities; and 4) OSCE has the ability to be pro-active in identifying unregistered electors, assisting with registrations, and providing information to promote and facilitate the registration process. At these sites, registrants are required to present any one of a number of documents which attest to their identity. The final list of these documents will be determined by the rules and regulations for the election. However, an illustrative list of these documents could include national identity cards, birth certificates, and passports. Registrants without such identity documents or whose documents are questioned by the registrars will be deemed as exceptional cases requiring special attention and follow-up. Each exception will be assigned a case number and their circumstances will be investigated by an international supervisor under the procedures of a committee reporting to the Kosovo Election Commission or other competent OSCE authority. Parameters for determining eligibility in these cases will be determined by the rules and regulations. Additionally, penalties for falsifying documents or organizing the falsification of documents will also be spelled out by the rules and regulations and enforced by the competent OSCE authority as part of its supervisory responsibilities.

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At the registration site, registrants will complete a form printed in both the Serbian and Albanian languages. If determined by the rules and regulations, the same forms can be printed in other languages reflecting a recognized minority of the province at certain sites. In any case, the registration forms will request the same data. This data will include name, current address, gender, identity document number, and other such individual control data determined by the rules and regulations. If the rules and regulations require the collection of ethnic data, that data can be requested on the form but will not appear on any voters list made public or used in the electoral process. The forms will be retained under the supervision of the OSCE. Each document will bear a unique voter identity number (independent from other identity numbers) which will also appear on the voters card and on the voters list.

Under this scenario, the registrant completes the form, and submits the form and identity documents to the registrars. If approved, the registrant will be photographed and a voter's card will be generated and given to the voter. As a further control measure, a detachable registration receipt can be given to the qualified registrant. The card will be required to be presented at the polling station at the time of voting. It will be stamped or punched to show that the voter has cast a ballot. If there is more than one election occurring in the cycle, the voter will be expected to retain the card for subsequent presentation at the polls.

At this writing, there are a number of unknown factors which could significantly affect the viability of this scenario and its cost estimates. These unknowns include (but are not limited to) the number of communes, the actual size of the voting population, its distribution, the policy on out-of-country registration and balloting, security features on the identity card, and the extent of follow-up required for exceptional cases.

However, the timing and numbers calculus can be analyzed along the following lines. If the registration is conducted over a 30-day period, an average of roughly 33,000 registrants (one million person voting population base) will have to be processed each day. If the per registrant time processing target is 20 per hour, and each registration site is open for twelve hours per day, then this yields a result of 240 registrants processed each day requiring roughly 140 registration sites to process that total in 30 days. This analysis is based upon in-country sites only. It represents an average requirement of roughly five sites per commune (29 opstina base). Of course, the final number of communes agreed upon, and the distribution of the voting population will determine the number of sites and their location, however, this framework provides an initial analysis of the infrastructure required to support this activity.

Each registration site will be staffed by two local registrars, one local photographic technical, and two international supervisors. In each case, the supervisors will both serve as the final approvers for on-site applications and the case workers for registrants without proper documentation. The supervisors will also be expected to oversee the operations of the registration site. On a daily

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basis, the completed registration forms will be shipped to the OSCE regional centers for subsequent scanning at a central processing location to form the provisional voters list. The data entry process as well as the process for determining eligibility for exceptional cases would occur on a parallel track with the registration and would require some additional time after the close of registration for completion. A timing target can be established so that the provisional lists will be ready for review by ten days after the close of registration. (However, exceptional cases could continue to be worked until the publication of the final voters list).

The provisional lists would be posted for public review during a five-day claims period at each registration site. Voters possessing claims regarding the list, such as omissions, misspellings, or incorrect information, will be required to complete a claim form for submission to the OSCE. These claims would be processed as part of the final voters register. Under this scenario, the total number of days allotted for voter registration to be conducted would be 45.

In analyzing the costs associated with supervising this effort, one must distinguish between the use of resources which will be in place already (such as supervisors) and those expenses which are unique to registration and only incurred if such a registration effort is organized. Cost estimates associated with the latter category are shown below. It must also be assumed that the competent election authorities in Serbia and Kosovo will bear the human resource costs of the registration site local staff. These authorities will also be responsible for the costs of the contracting and use registration sites. It must be noted that these cost estimates are notional in nature and final budget figures cannot be determined until scopes of work are defined

<u>Items</u>	<u>Estimates (US\$)</u>
Equipment	
Computer Equipment and Software (Scanners, Printers)	\$ 350,000
Identity Card Equipment (Cameras, Card Production, Etc.)	375,000
Subtotal	\$ 725,000

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Supplies

Voters List Supplies (Paper)	\$ 200,000
Identity Card Supplies (Film, Card Stock, Etc.)	1,200,000
Forms (Registration, Claims)	600,000
Subtotal	\$2,000,000

Services

Transport (Forms, Lists)	\$ 300,000
Supervision (Contingency Fund for Additional Supervisors)	500,000
List Production (Scanning, Control, Management)	350,000
Subtotal	\$1,150,000
Total Preliminary Estimate	\$3,875,000

JF
11/29/98



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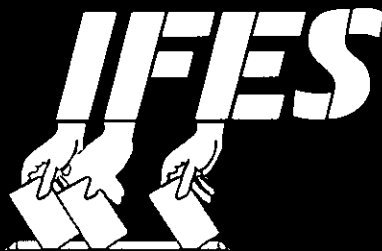


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