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SELECTING A MODEL FOR ELECTION ADMINISTRATION
IN KOSOVO

Conclusions & Recommendations

Discussion Forum & Conference
Prishtinë/Priština

1-2 and 16 February 2002

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SELECTING A MODEL FOR ELECTION ADMINISTRATION IN KOSOVO

**Conclusions and Recommendations from the
Discussion Forum and Conference held in
Prishtinë/Priština on 1-2 and 16 February 2002**

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MAKING DEMOCRACY WORK

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EXECUTIVE SUMMARY

Election administration in Kosovo is at a crossroads. After conducting two successful election processes, the Organization for Security and Co-operation in Europe (OSCE) indicated that the transfer of responsibility for the administration of elections in Kosovo from the international community to Kosovar institutions will be a priority in its planning for future elections.

It is important that future elections in Kosovo be conducted to the highest international standards of election administration. It is equally important that the systems put in place to manage elections be sustainable and acceptable to the people of Kosovo.

As first steps in the process of determining the structure of a future election administration system in Kosovo, the International Foundation for Election Systems (IFES) organized two events to explore this issue. The Election Administration Discussion Forum and Conference were funded by the United States Agency for International Development (USAID). The OSCE Department of Election Operations (DEO) provided logistical support.

To ensure wide representation of opinions, Kosovar participants from various fields with an interest in the process of election administration were invited to attend these events. Among the invitees were Central Election Commission (CEC) members, Municipal Election Commission (MEC) members, OSCE national election staff, and representatives from non-governmental organizations (NGOs), political parties, the media, and academia.

The Discussion Forum took place in the Grand Hotel, Prishtinë/Priština on 1 and 2 February 2002. The aim of the Discussion Forum was to create the best opportunity for discussion among a smaller group of participants selected from the groups mentioned while the Conference served to present the deliberations of the Discussion Forum to a larger group of participants from the same groups and to discuss these issues further.

The Discussion Forum was structured to facilitate informed debate on the issue at hand. Professor Rafael López-Pintor, an internationally recognized expert on election administration, addressed the Discussion Forum to provide advice and information to participants. The discussions took place in both plenary session, and in smaller working groups. Dan Blessington, IFES Project Director in Macedonia, moderated plenary sessions while representatives from the National Democratic Institute (NDI) and the OSCE Department of Election Operations facilitated the working groups.

Although participants at the Discussion Forum reached broad consensus on many issues, such as the improvement in the performance of election staff on all levels, the need for an Election Management Body that is independent from the government of Kosovo, better voter education during the 2001 election, the pace of the handover to local officials, and the need for continued international oversight of election administration, the high level of discussion produced divergent opinions on the more detailed aspects of a future structure of election administration in Kosovo. Participants debated political party representation in election administration bodies, whether there should be at least one full-time MEC member, and the appropriate model for an election management structure. A report of the deliberations was prepared and presented at the Conference for further consideration of the issues.

The Conference, a one-day event held on 16 February 2002, was structured to facilitate presenting the report from the Discussion Forum and to explore the issues of consensus and debate further. In particular, the aim of the conference was to take a closer look at the more

immediate decisions to be taken during the 2002 election process. At this event, which was again moderated by Dan Blessington, another expert on election administration, Gerald Mitchell, Director of the Network of Europeans for Electoral and Democracy Support (NEEDS), was invited to present participants with his reflections on the need for integrity in election administration and the role election administration could play in democratizing societies. His presentation is presented in full in this report.

Rahman Kastrati, MEC Secretary from Malishevë/Mališevo, and CEC member Haxhi Rama presented the conclusions and recommendations from the Discussion Forum to the Conference. After considering this report, the Conference proceeded to discuss some of the immediate issues that should be addressed during the 2002 electoral process to facilitate effective handover of responsibilities for election administration to Kosovar institutions. The recommendations from this session are also included in the report.

Overall, this report attempts to reflect the areas of consensus as accurately as possible, and also to ensure that the opinions of those who differed are presented. In the spirit of the discussion, the participants expressed the hope that these opinions would be given serious consideration by decision-makers when the future of election administration in Kosovo is determined.

The conclusions reached and outstanding presented in this report reflect the need for Kosovar election administration institutions to be consolidated and institutionalized. The credibility of these institutions depends on the public's trust in their integrity. During the next few elections cycles, election administrators will be faced with increasing political pressures. It is essential that the MECs, CEC, and other election administrators have the support of the international community so that they may carry out their duties effectively while facing these pressures. It is essential to continued stability in Kosovo for these elections institutions to further develop their technical skills and maintain their credibility with voters, political parties, and all others involved in the electoral process.

INTRODUCTORY REMARKS AT THE ELECTION ADMINISTRATION DISCUSSION FORUM

IFES's Election Administration Discussion Forum brought together thirty-nine participants interested in election administration, including CEC and MEC members, DEO national staff, and NGO and political party representatives, to debate the current and future election administrations in Kosovo. The topic of the forum was selected in light of the major changes that are progressing within election administration and the effect those changes will have on the future of election management in Kosovo, since most changes concern the transfer of responsibility for election administration to Kosovar institutions. Several international guests spoke at the opening of the forum including Pauline Dion, IFES Kosovo Project Manager; Peter Erben, Director of Elections in the OSCE Department of Elections; Katherine Nichols of USAID; and OSCE Ambassador Pascal Fieschi.

Pauline Dion, IFES Project Manager in Kosovo, opened the Discussion Forum and thanked participants who accepted the invitation to this important seminar on the future of election administration in Kosovo. She mentioned that the basic foundation of the discussion is that choices regarding election administration reflect important societal choices and as such should involve all opinion leaders and decision makers not only election officials. Dion reminded participants that they have been invited to evaluate the accomplishments, to identify gaps that still to be filled to achieve the goal of sound election administration, and to set timelines for reaching that goal while maintaining international standards of administration. Dion expressed the hope that collectively the participants would be able to reach some consensus on the most suitable model of election administration for Kosovo.

Peter Erben, Director of Elections in the OSCE Department of Election Operations, also addressed the participants at the opening of the forum. He expressed his satisfaction with the opportunity this discussion presented to review the electoral process in Kosovo. He indicated that the international administration of elections in post-conflict societies is not just about organizing elections; more importantly, it is about creating a sustainable system for election administration and developing models that can exist when the OSCE is no longer present in Kosovo.

Erben indicated that he was very happy to see many local colleagues who are active in the running of elections in Kosovo and who will be taking over more responsibility in running the elections in the future. According to Erben, the CEC, MECs, and OSCE national staff took on significantly more responsibility during the past elections and learned much. The OSCE hopes to transfer much more of the responsibilities to them for the



Peter Erben, Director of Elections in the OSCE Department of Elections Operations, welcomes the participants to the IFES Election Administration Discussion Forum together with (from left to right) Professor Rafael López-Pintor, IFES Kosovo Project Manager Pauline Dion, Project Director Dan Blessington, and USAID Democracy Officer Katherine Nichols.

upcoming municipal elections; this is reflected in the initial operational plans that the OSCE is developing.

Erben noted that the issues discussed at this forum would be very important in planning the future of election administration in Kosovo. It is important that the people from Kosovo bring their views on the issues at hand to the attention of the international community. Erben asked the participants to remember that all policy decisions have important technical effects. These effects should be considered seriously in considering possible policy alternatives.

USAID Democracy Officer Katherine Nichols indicated that USAID was very happy to sponsor this discussion forum at such an important turning point in developments in Kosovo. She indicated that the international community should listen to the views expressed and hoped that the forum would be able to present some practical proposals.

The recently appointed OSCE Head of Mission Ambassador Pascal Fieschi thanked the conference organizers for the initiative they took to arrange this conference, which gave him the opportunity to meet his partners in organizing elections in Kosovo. Ambassador Fieschi expressed his hopes for yet another successful election in Kosovo. He stressed that his involvement started at the point when the process of transferring authority for election administration from the international community to Kosovar institutions is at its inception. The two key words for his involvement in elections would be cooperation and handover. The OSCE Mission in Kosovo will present a revised plan for the elections soon; this plan should include sharing much of the responsibility with national institutions. He noted the importance of this discussion for conducting practical and transparent elections and wished the participants well in their deliberations.

PRESENTATIONS BY PROFESSOR RAFAEL LÓPEZ-PINTOR AT THE ELECTION ADMINISTRATION DISCUSSION FORUM, 1-2 FEBRUARY 2002

Professor Rafael López-Pintor, an internationally recognized expert on election administration, was present throughout the Discussion Forum. He participated in the discussions and was available to answer some of the many questions raised throughout the discussion. However, his main contribution was two formal presentations that aimed to provide participants with a perspective on the international experience with election management and to assist in applying this experience to the specific situation in Kosovo.

In the first presentation, López-Pintor gave participants an overview of the different types of election management institutions found internationally. In doing this, he identified a trend towards the adoption of a model where the Election Management Bodies (EMBs) operate independently from the government. He also discussed the responsibilities any election administration institution would have irrespective of the type of EMB chosen for a specific state. He ended the first presentation by exploring the challenges and opportunities all election administrations face in the quest of becoming sustainable.

In his second presentation, López-Pintor applied his general discussion of election management institutions to the specific choices faced in designing a system of election administration for Kosovo. He began by exploring some of the challenges decision-makers face in Kosovo. Taking these challenges into account, López-Pintor discussed the present system of administering elections and placed it within the context of the three models discussed in his first presentation. López-Pintor explained how the current system in Kosovo would have to be changed if any one of the three models discussed previously were to be adopted and explored some of the important issues that should be considered in making the decision.

What follows is a summary of the two presentations and a representation of some of the questions posed to López-Pintor and the answers he provided.

Election Management Institutions

Models of Election Management Bodies

No two countries have adopted the same system of administering elections. López-Pintor used two interesting examples to illustrate how widely the structure of Election Management Bodies can differ but still have legitimacy in performing the tasks that any election administration has to perform.

In Canada, an advertisement once ran in a main newspaper with the message: "Thank you Elections Canada—we don't know who you are!" This simple message emphasized that it is a sign of confidence in the election administrators if they do their job so efficiently that nobody knows or cares who they are.

*"Thank you
Elections
Canada—we
don't know
who you are!"*

Uruguay represents the other extreme. López-Pintor explained that in Uruguay if you want to become an election administrator, you need a letter from a political party supporting your application. The administration of elections is multi-partisan on all levels. On the intermediate levels, the administrators are even popularly elected. It is very important that the identity of the election administrators is known.

López-Pintor emphasized that the EMBs in both Canada and Uruguay have proved to be efficient. Between the systems represented by these two examples, there are a myriad of different systems adopted in different countries. In his research, López-Pintor has classified these systems into three main types of institutional models:

1. **The government runs elections:** In this model, the government has full responsibility for conducting all aspects of administering an election.
2. **The government runs elections under a supervisory authority:** In this model, the government conducts elections under the supervision of a collective body, usually composed of judges, representatives of civil society, and/or representatives from political parties.
3. **An Independent Electoral Commission runs elections:** In this model, an independent commission is created, normally through a provision in the constitution of the country. The commission usually has full authority for conducting all aspects of administering elections and may even have a completely separate budget line in the consolidated budget of the country.

López-Pintor emphasized that although there are many variations within each model, the main characteristics remain similar. Using the table below, he explored international trends in election administration.

Table: Summary Distribution of EMBs by Region of the World and by Type of Institution (from: López-Pintor, Rafael Electoral Management Bodies as Institutions of Governance UNDP, September 2000)

Institutional Models	World Regions							Number of cases per institutional model
	North America Western Europe (%)	Latin America Caribbean (%)	Asia and Pacific (%)	Middle East (%)	East and Central Europe (%)	Sub-Saharan Africa (%)	Total (%)	
Government runs elections	43	12	30	45	-	8	20	29
Government under supervisory authority	43	18	7	33	33	39	27	40
Independent Electoral Commission	14	70	63	22	67	53	53	79
TOTAL	100	100	100	100	100	100	100	148
Number of cases per region	21	34	30	9	18	36	148	

In analyzing this table, López-Pintor noted that of all countries, 53% opted for an Independent Electoral Commission to run elections. In Eastern Europe specifically, more than two-thirds of the countries (67%) selected this model. In only 20% of all countries, mainly in North America and Western Europe, the government runs elections. None of the countries in East and Central Europe selected a model where the government has full authority for running elections.

The general trend that López-Pintor identified is that the government runs elections in older, more established democracies. They can afford to do this, since the basic political struggles in those societies took place a long time ago. Most importantly, a tradition of a neutral civil service has developed in these societies.

It is more difficult to adopt such a system in other states where there is a very small and weak civil service that is not considered to be politically neutral. This is the case in most of the recently democratized countries and most post-conflict societies. In such societies, it was considered to be a better option to design a system where the Election Management Body is independent from government.

The Duties of Election Management Bodies

López-Pintor discussed election management in the context of the huge challenges humankind faces. Essentially, he argued, people usually use similar solutions to solve similar problems. In this manner, whenever people have faced a problem requiring the mobilization of large numbers of people and resources with strict deadlines, they have developed a bureaucracy to deal with the problem. The Chinese, for example, developed a bureaucracy thousands of years ago to deal with the problem of providing water to people. The Romans developed a bureaucracy to deal with territorial expansion. Bureaucracies were developed by the Catholic Church, modern armies, kings, and most recently by multi-national corporations when each of them was faced with mobilizing large numbers of people and resources.

The greatest challenge of managing elections is to ensure that it becomes routine and that they can be conducted again and again using the resources available in the society.

Democratization is a fairly recent phenomenon in human history. As societies democratized, they were faced with the challenge of conducting elections. Managing these elections, according to López-Pintor, is a similar problem where huge numbers of people and resources have to be mobilized with Election Day as a deadline. An election is not a one-time phenomenon; in a democracy, elections should take place repetitively. In the most advanced democracies, the management of these elections has become routine. In these routine elections, Election Management Bodies are responsible for the following tasks irrespective of the model chosen:

- Developing a normative or regulatory framework for elections, either through legislation or electoral rules;
- Developing strategic and operational plans for conducting the elections;
- Conducting voter registration and compiling voters' lists;
- Registering and certifying political parties and candidates;
- Conducting the voting operation;
- Counting ballots and announcing results;
- Adjudication of claims and complaints; and
- Performing voter information and civic education exercises.

The sustainability of managing elections

The greatest challenge of managing elections is to ensure that it becomes routine and that they can be conducted again and again using the resources available in the society. According to López-Pintor, election administration has to be sustainable on three levels.

The first level is technical sustainability. Technical sustainability is achieved when local staff can conduct elections without external assistance. This is the easiest of the three challenges, since one can train staff and retain their expertise for subsequent elections.

The second level is financial sustainability. Financial sustainability is achieved when a country can pay for its own elections without receiving financial contributions from external sources. This is more difficult to achieve than technical sustainability, since elections have to compete with many other needs in society. In post-conflict societies, this problem is more acute, since the more basic needs of people, such as food and jobs, may also be a very high priority for government. However, it is possible to gradually lower the cost of elections. For example, it is much cheaper to keep a voters' register updated than to create a new voters' register from scratch.

The third level is political sustainability. Political sustainability is achieved when all actors, both internal and external, accept the results of elections as legitimate and binding. This is the most difficult of all to achieve, particularly in post-conflict societies.

Choosing an Election Management System for Kosovo

Selecting a System

In his second presentation, Professor López-Pintor argued that in selecting an election administration system, you are "condemned" to take account of three issues:

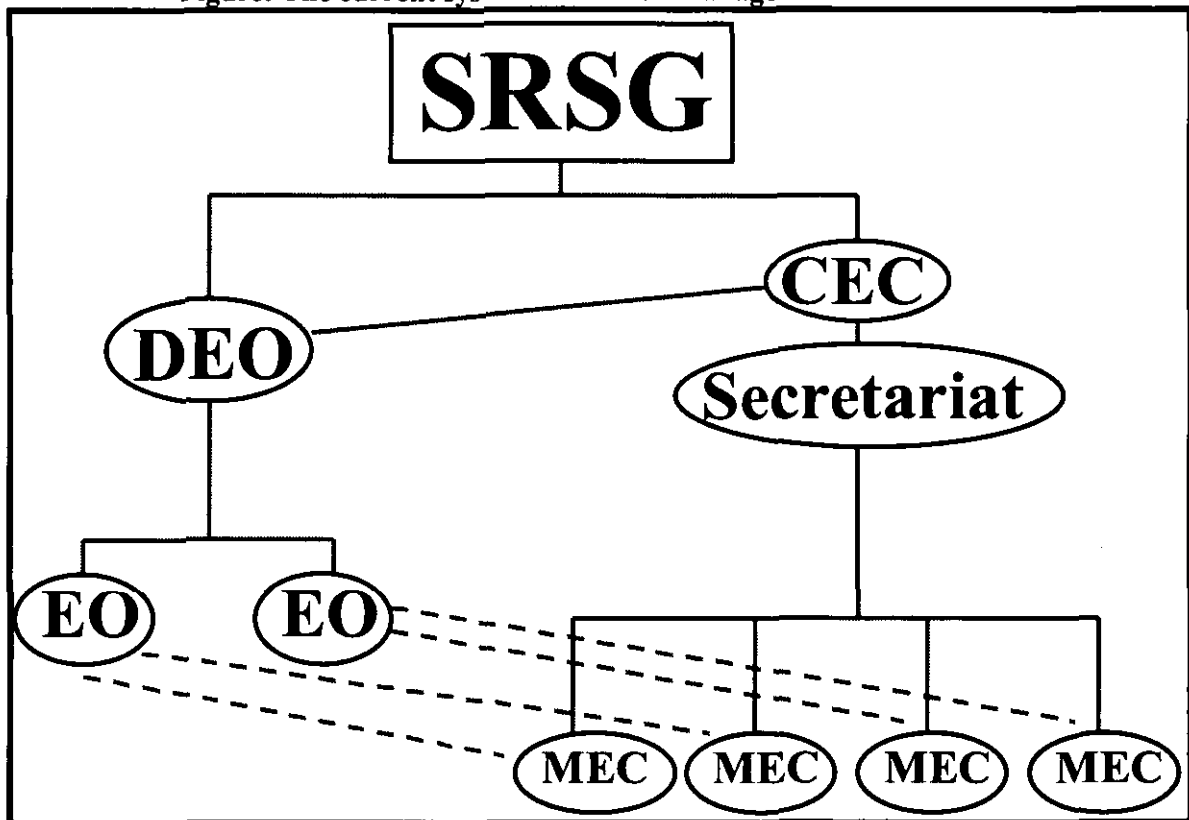
1. **Politics:** Politics exists because there are permanent conflicts in societies. The question is which institution would better help a society accommodate the kind of conflict it has to deal with, whether this be conflict along religious, ethnic, class lines, or another division. Specifically, the question that concerned this discussion forum was: Which kind of electoral administration would best help society manage its conflicts?
2. **Resources:** A society has to make do with whatever resources it has available whether it be human resources, technical resources, or financial resources. Quite often in post-conflict societies, the mistake is made of introducing an election management system that is too advanced and costly to maintain for a society with limited resources.
3. **Leadership:** A society does not always choose its own leadership. Sometimes it has to deal with the leaders that are available. However, leaders are often conditioned by public opinion and can be influenced in their decisions. López-Pintor pointed out that this is why forums such as this one are important in influencing the decisions of leaders in important matters such as deciding how elections will be managed in a society.

With these challenges as background, López-Pintor analyzed the specific options available to Kosovo. To do this, he discussed how each of the systems that he had introduced in his first presentation would work in Kosovo.

If the first model is chosen, López-Pintor argued that very few questions would remain. The future government of Kosovo would run elections and the only questions still to be answered would be technical. The CEC and the MECs would completely disappear from the structure.

The current system in Kosovo is closest to the second model where the government runs elections under supervision of an external body. López-Pintor described the current system of managing elections in the territory by using the following graphic:

Figure: The current system of election management in Kosovo



Currently, the United Nations Mission in Kosovo (UNMIK) manages elections under direct authority of the Special Representative of the Secretary General (SRSG). The Organization for Security and Cooperation in Europe (OSCE) and its Department of Election Operations (DEO) conducts the elections as part of UNMIK.

The SRSG also established a Central Election Commission (CEC), supported by a small Secretariat. The CEC is responsible for the formulation of Electoral Rules and oversight of the conduct of elections by the Department of Election Operations of OSCE. The CEC established Municipal Election Commissions in each municipality, but until now the MECs mostly assisted the Election Officers (EOs) of DEO in implementing elections in the municipality. They also received most of their operational instructions via the Election Officers.

The DEO functions similar to a government department, since UNMIK is currently in charge of governing Kosovo. The way the current CEC operates is similar to a body that has oversight of the actions of a government department running elections in other systems. If Kosovo were to retain this model, the functions of DEO would be taken over by a department within the government of Kosovo. The CEC would largely retain the function of overseeing the activities of the government department responsible for conducting elections.

If Kosovo follows the third model, an independent Electoral Commission would be appointed and would assume full responsibility for conducting the elections. López-Pintor indicated that under such a model the Secretariat of the Commission would assume the functions currently performed by the DEO and would necessarily be much larger than the current CEC Secretariat.

Issues to Consider When Choosing a Model for Kosovo

Choosing either the second or third models would generate many questions. Professor López-Pintor proceeded to explore some of these issues.

The first issue concerns the ***composition of the commission***. Who would be the members? Most often professional appointees (often lawyers) staff such commissions. Other commissions are made up of a mix of professionals and political party representatives. Representatives of civil society are sometimes also added to the mix. It is also possible to have a legally established committee of political party representatives that must be consulted on some issues by the body responsible for running the elections.

The second issue concerns the ***nomination and appointment of the commissioners***. Normally the executive branch of government would appoint the commissioners after the nominations have been submitted to parliament. The sources of nominations include the executive, parliament, civil society organizations, judicial bodies, lawyers associations, universities, and professional associations. The Central Election Commission normally appoints local commissions, such as Municipal Election Commissions. These commissioners can be nominated directly by political parties, or the Central Election Commission can appoint commissioners in their individual capacity.

A third issue is whether the commissions should operate ***permanently*** or whether they should only be ***assembled when elections are due***. Normally, the commissions are composed of a small core staff who provide continuity and are responsible for maintaining the system between elections and of a larger group of temporary staff who are called for duty as elections draw closer. López-Pintor mentioned that empirical evidence indicates that it is easier to provide efficient service if the Election Management Body is permanent. In the long run, permanent bodies are also cheaper to maintain, since it is possible to retain expertise and maintain the system. Permanent bodies need not re-invent the wheel.

Related to this is the ***size*** of the election management body. The size depends largely on the level of political trust in the society. The less the political trust, the larger the commissions, since more political parties would have to be represented in the body. If efficiency were the only consideration, commissions would be smaller. In principle, a body does not have to be large to be efficient. There are examples of commissions where only one person is a permanent appointee to a commission.

*Professor Rafael López-Pintor with
IFES Kosovo Program Manager
Pauline Dion.*



A fifth issue is the ***degree of decentralization*** of the Election Management Body. Usually, either a two or three tier system is chosen. In small countries, there is often only a two-tier system. In many cases, there is only permanency at the central and intermediate levels. In addition to this, the system may need additional structures that relate to the specific ethnic distribution in a society.

Degree of Independence from the Government

López-Pintor ended his presentation by focusing on the degree of independence the commission should

have from government. Since it is impossible to achieve complete independence from government, it is a question of what degree of independence could be achieved. López-Pintor argued that in general, there are four mechanisms to ensure independence of the Election Management Body from government.

The first mechanism is the *legal treatment* given to the electoral authority. It is important to protect the independence of the body through the constitution, ensuring that changing the status of the Election Management Body requires the agreement of the different political parties involved in the political process. López-Pintor used the analogy of a referee in a sports event. For the game to be successful, all the players should accept and respect the authority of the referee. The Election Management Body is the referee in the game of elections.

The second mechanism is the *budget*. The budget can either be generated by the electoral authority or by government. It is also a question of where the budget is submitted. Usually the Election Management Body has more independence if the budget is submitted to parliament than if it is submitted directly to government. The electoral budget can also be ad hoc, or it could be part of the consolidated budget of a country. In some cases, the constitution stipulates that a specific percentage of the budget be allocated for elections. In other cases the election budget is based on a specific amount per potential voter.

A third mechanism is the *nomination and appointment procedures*. López-Pintor suggested that there is a great difference between a person appointed for life and a person appointed by every government. If a people are appointed for a longer periods, the chances are that they would perform their functions more independently than if they depend on each government for appointment.

Related to this is the fourth mechanism, the *civil service status* of the appointees. López-Pintor indicated that it is not necessary to have only civil service staff; it is better if the core staff members have civil service status. The important thing, however, is behavior. López-Pintor argued that even people who work temporarily for the Election Management Body should submit to the norms of a neutral civil service.

Questions and Answers

Question: Which model of election management is the cheapest to implement?

RLP: Research indicates that the most expensive elections are those conducted in places with political conflict. The cost of elections is the lowest where elections are routine such as in stable democracies like Sweden, India, and Australia. The two most important determining factors of the cost of elections are experience with elections and the level of conflict in a society. However, it is very difficult to study the cost of elections. We are currently trying to develop a methodology for assessing the cost of elections more systematically.

Question: How do election bodies interact with bodies that create voters' lists?

RLP: In Spain, for example, municipalities submit voters' list to an institute of statistics. The institute prepares the voters' lists and submits it to the election commission for approval. In Peru, on the other hand, all the responsibilities rest with the same body.

Question: Is the voters' register normally considered to be a public document, or is it normally a semi-confidential document as it is now in Kosovo?

RLP: There are two elements to this question. The first is the public display of the list. In all elections, people must be able to challenge the list and to check it for accuracy. The other issue is the degree to which it is a public document and can be used by the public or political

parties. The level of availability varies from country to country. In the most open cases, the voters' lists are provided to political parties to use for campaign purposes. The voters' list itself is not a confidential document. Where the register is a permanent list, it is normally open for a two-week period for people to inspect.

Question: *What makes a country decide which of the three models to choose? Why does it differ in different regions in the world?*

RLP: There is an element of political necessity in the answer to this question. In North America and Europe, the societies settled most of the severe political conflicts a long time ago, and a level of political trust exists so that the government can run elections without others fearing that the dominant party would use the system to unfairly win elections. In other societies, the political parties do not trust each other, so they had to design systems where they all could sit and watch each other. You have to do what is best for your society.

Question: *Should countries in transition have decision-making bodies at a higher level, not working for party interests, to determine whether elections were open and transparent?*

RLP: When it comes to problems of public confidence and trust, if there are problems in one area, it is very likely that there are problems in other areas as well. In the United States, they have had these problems. When the election results were in dispute, it was sent to the judiciary. This made the problem even more acute, since the judges were, like the election officials in Florida, appointed on a partisan basis. So, if there is a problem of trust when it comes to the Election Management Body, the judiciary is likely to also have this problem. The situation must be improved where the problem exists. Mexico presents an interesting example of how the problem of trust was solved. For elections, Polling Station Committees were selected by drawing a random sample of citizens and obliging them through legislation to work in polling stations. However, people started doubting this system, since they were not sure how the appointments were really made. The Chairperson of the Election Commission then had a great idea. For the last elections, he announced that they would appoint citizens born between 3 and 10 April. They just had to present themselves, and from those who presented themselves, the Polling Station Committees were selected. About one-third of the potential people in that category showed up. That was just enough for the elections, and they were trained to perform this important function.

CONCLUSIONS AND RECOMMENDATIONS FROM THE DISCUSSION FORUM

After Professor López-Pintor's presentations, the participants used the remainder of the discussion forum to consider the strengths and weaknesses of the election administration in 2001 and ways to improve the process. The conclusions that are drawn here are a result of these discussions and reflect the changes that were suggested at the Election Administration Conference.

Successes of the Kosovo Electoral Institutions during the 2001 Assembly Election Process

Analyzing and Eliminating the Mistakes of the Last Election

Participants generally agreed the most significant success of the Kosovo electoral institutions was the way they analyzed the problems encountered during the 2000 Municipal Elections and corrected these mistakes in the management of the 2001 Kosovo Assembly election. They were assisted by the efforts of outside organizations, including USAID, to facilitate such evaluation efforts and the formal reports on these evaluation efforts.

In particular, the most visible success in the election campaign was the smooth operation at the Polling Centers and Polling Stations. This success was attributed mainly to two factors. First, it was a very sensible decision to organize the Voters' Lists at the Polling Stations in alphabetical order. Second, by splitting some of the larger Polling Centers into two or more locations, congestion of voters was also eased.

Participants also believed that the Voters' List was more accurate than in 2000.

The most visible success in the election campaign was the smooth operation at the Polling Centers and Polling Stations.

Experience Gained by Kosovo Electoral Officials

By significantly increasing the level of responsibility of both Municipal Election Commissions and Polling Station Committees, Kosovo election officials gained substantial experience in running elections. This cadre of experienced officials should form the core of a future electoral administration. In planning the future structures of election administration in Kosovo, every attempt should be made to retain the expertise of the current body of election officials.

Logistical Support to MECs

The work conditions for MECs improved markedly, particularly after MECs received office space in the municipalities and received a monthly travel allowance. Having received more direct support for their work, MEC members displayed more motivation. However, it was noted that this support should be increased significantly if MECs are to take on increased responsibilities for the coming municipal elections.

Appointment of Polling Station Committees

Participants underlined the success achieved in applying the new formula for appointment of Polling Station Committees. According to this formula, each of the three largest parties in a municipality received 20% of the positions on Polling Station Committees (PSCs), smaller parties combined and NGOs as a group also received 20% of the positions each. This formula was perceived to be fair by the parties. The political parties also cooperated well, and MEC members were of the opinion that the quality of PSC members was better than during 2000.



Participants discuss the role of the CEC at the Discussion Forum.

A small number of participants differed from the majority opinion, believing that political parties should not be represented on PSCs and that it would be better if PSCs were recruited from other civil society organizations.

Training of Election Staff on All Levels

Participants indicated that election staff on all levels (including MECs, PSCs, and other national staff) and the International Polling Supervisors was significantly better trained than previously. Some MEC members stressed the value of early training of the PSC Chairpersons. Not only did this provide very valuable additional information to the Chairpersons, but it also enabled the MECs to start the recruitment of PSCs earlier than in 2000.

Improved Cooperation with Political Entities

All participants emphasized that the working relationship between the electoral bodies, particularly the MECs and the political parties, was better during the 2001 electoral process compared to 2000. The working relationship between MECs and political entities was described as "closer and more concrete." Greater cooperation was required since political entities could nominate people for Polling Station Committee duty.

Improved Relations with the Media and Municipal Assemblies

Participants also observed that the relationship of MECs with Municipal Assemblies improved, specifically since the MECs commenced regular briefings at Municipal Assembly sessions. MECs also had closer contact with the media in their municipalities. In most municipalities, the MECs were able to use local radio stations effectively to inform voters on the electoral process and more importantly on how and when they could find out where to vote.

Overall security situation

Participants expressed satisfaction with the improved security situation during both the electoral campaign and on Election Day. They commended the political parties for the restraint exercised in this regard.

CEC-MEC Relationship

The relationship between the CEC and MECs improved during the 2001 electoral process, particularly since the CEC had contact sessions with the MECs in the different regions. However, the opinion on this issue was not unanimous, and some MEC members expressed the opinion that even closer contact and more opportunity for collaboration by the CEC and MECs should be created. There should be more opportunities for direct contact and for exchange of information between the two groups. It was specifically suggested that the CEC

Secretariat should become more directly involved in developing a more constructive working relationship between the CEC and MECs.

MEC-EO Relationship

Many MEC members believed that the success of the 2001 elections were largely due to much closer cooperation between the MEC and the international Election Officer responsible for their municipalities. This relationship will remain important, since the EOs will play a very important role in the process of preparing the MECs to take over responsibility in their municipalities.

Voter Education

Participants believed that voters were much better informed about the voting process. They considered it a particular achievement that most voters knew exactly where to vote. It was suggested that the MECs should become more actively involved in ensuring that voters are properly informed on the electoral process, specifically where and how to vote.

Participation of Minority Groups

Although CEC and MEC members had little to do with the negotiation processes, participants regarded the participation of minorities in the electoral process as a particular success.

Training of Election Observers

Participants agreed that most election observers were much better trained and prepared for their role in 2001 than in 2000.

Weak Points in the Administration of 2001 Assembly Elections

PSC Appointments for NGOs and Smaller Parties

Smaller political entities and NGOs were allowed 20% of PSC positions each according to the electoral rule. All MECs indicated that they experienced difficulty in receiving enough nominations from these groups to fill the positions. It took a substantial amount of time to fill these positions later after the smaller parties and NGOs failed to deliver the required number of nominees. It was suggested that the formula for appointing PSC staff be reviewed to take account of this problem.

Polling Centers for Voters in Rural Areas

Most participants indicated that there are still voters who have to walk long distances to their polling centers. This remains a particular problem in rural areas, and the suggestion was made that additional polling centers be made available to voters who may have this problem.

Special Needs Voting

The participants identified the limited involvement of the MECs in the SNV process as a problem. They would like more responsibility concerning the identification of SNV polling locations and scheduling of this process.

The Closed-List Electoral System

Some participants, particularly from the NGO community, indicated that the closed list system infringes on the right of the voter since they are not able to directly elect candidates. They preferred the open-list system used during the municipal elections.

...participants identified limited involvement of the MECs in the Special Needs Voting process as a problem. They would like more responsibility concerning the identification of SNV polling locations and scheduling of this process.

Electoral Rules and Procedures

The CEC should pay attention to passing electoral rules early enough for MECs to implement the measures. For example, MECs had to start recruiting the PSC Chairpersons before the electoral rule on the PSCs was passed. In addition, MEC members indicated that they should be consulted on the development of procedures for polling and counting in the Polling Stations.

Transferring Responsibilities to Kosovo Election Administrators

A very important theme of the discussion forum was the process of transferring responsibility for conducting elections in Kosovo from the international community to local Kosovo election institutions. Overall, participants were very eager that significant responsibility should be handed over to local institutions but tempered this by indicating that the prevailing

Overall, participants were very eager that significant responsibility should be handed over to local institutions but tempered this by indicating that the prevailing political situation in Kosovo would necessitate continued international oversight of the electoral process.

political situation in Kosovo would necessitate continued international oversight of the electoral process. The participants stressed that the international community should assist in creating conditions favorable for local election administrators to take over the electoral process.

Speed of Transferring Responsibilities

The participants took a very sober approach to the question of the speed of the transfer of responsibilities. The majority of participants were in favor of a step-by-step approach. However, participants from the OSCE Department of Election Operations stressed that budgetary limitations would probably necessitate the transfer of many of the technical responsibilities sooner rather than later.

The Need for Training during the Transfer Process

Participants were adamant that the transfer of responsibilities from the international community to Kosovo election administrators should be accompanied by significantly increased

training efforts. Although they indicated that there are enough people in Kosovo capable of taking over the election operation, most of these people need to be trained on the technical aspects of running elections. It was also mentioned that the election administrators need training on general management skills to enable them to manage a large operation such as elections.

The Continued Need for International Oversight of Elections

Through enhanced training projects and gaining more experience, the Kosovo election administrators could be technically ready to take over election administration fairly soon. However, most participants emphasized that it may not be politically feasible to reduce international oversight of the elections dramatically in the short term. In addition, given limited resources, Kosovo may also require significant financial support for conducting credible elections in the future.

Although it is desirable that all responsibilities are transferred, participants agreed that it would be difficult to implement without international involvement. MEC members agreed that the presence of an international made their task of administering fair elections at the municipal level easier.

Challenging the CEC and MEC members, some representatives from the NGO community expressed the opinion that people from Kosovo are sometimes scared to take over responsibility and implored the Kosovo electoral administrators not to be scared to take on responsibility.

One of the main difficulties Kosovo election administrators will inevitably experience is operating across ethnic boundaries. Currently internationals cross these boundaries, but if internationals were not participating, significant problems would be experienced with the transport of equipment, ballots, and personnel across these boundaries.

Participants agreed that there is less of a need for direct international involvement in municipalities that are more ethnically homogenous than in municipalities that are more ethnically diverse. It was suggested that, when the number of International Election Officers is reduced, the positions in ethnically homogenous municipalities be eliminated before the others.

Participants also agreed that the international community should, for the foreseeable future, run the Out-of-Kosovo registration and voting operation.

Transferring Responsibility for the Budget

To achieve full responsibility for running the elections, election management bodies need to have some measure of control over budget and finances. Currently the CEC and MECs have no control over any budget. According to many participants, the CEC and MECs need to have some control over the budget for elections in their areas of responsibility, not only for gaining responsibility, but also to gain much needed experience in managing a budget.

Transferring Responsibilities from the Election Officers to the MECs

Most participants agreed that there should still be very close cooperation between the EOs and the MECs during the next electoral cycle. This is necessary because the role of the EO will be vital in ensuring that the MECs are properly prepared to perform their functions. In general, the MECs should be responsible for implementation while the EO should be advising the MEC and monitoring their performance. The EO should also be able to correct actions of MECs, if necessary, during the 2002 Municipal Elections, but for later elections MECs should have full responsibility for implementation.

An Association of Election Officials

Many participants stressed the need to create an independent Association of Election Officials. This association should provide support to election administrators in Kosovo and should assume primary responsibility for the professional development of all election administrators in Kosovo. Such an association would be able to assist in ensuring a smooth handover of responsibilities, but more importantly it would be the primary body maintaining the standards of professionalism in election administration in Kosovo.

A Future System of Election Administration in Kosovo

Participants had grave concerns regarding the influence of the political situation on the process of electoral management. The post-conflict situation and polarization in society will have a long-lasting effect.

Kosovo society is severely politicized. The possibility is great that the majority party in the Kosovo Assembly may try to change the composition of an Electoral Management Body if it

is not entrenched in the constitution or constitutional framework, since they may believe that the composition of the body would give them an advantage in elections.

All political parties should participate and "buy into" the electoral process. As one participant observed: "There is an unwritten rule in Kosovo that we will not recognize the results if we do not participate in the game." Stated differently, the chances are great that political parties may not recognize the results of the election if they are not represented in the process.

Taking this into consideration, the following suggestions were put forward concerning the structure of a future Election Management Body in Kosovo.



Kosovar Serbian and Kosovar Bosniak participants discuss the future of election administration during one of the workshops at the Discussion Forum.

Independence from Government

There was unanimous agreement among the participants that the future Election Management Body for Kosovo should be independent from the government of the day. The main concern was that the majority party in government may try and influence the electoral process to their advantage.

The independence of the Election Management Body should be guaranteed through specific constitutional arrangements and through the budgetary process.

The Election Management Body should be independent on all levels of government, central and local. In particular, although the MECs may rely to some extent on logistical support from the municipal government, the MECs should be able to administer elections in the municipalities without interference from the Municipal Governments.

Overall, participants stressed the need to develop a core of election administrators who are civil servants in the classic sense, performing their duties independently and fairly with a sense of pride in their status as professional election administrators.

Financial Support for Elections

A huge concern among the participants was financing future elections in Kosovo, particularly given the many other needs of this developing society. They recognized that the conduct of elections is one among many concerns competing for resources. However, the participants stressed that it would be crucial to have future elections that are credible and that elections should be given the level of financial support required that would enable the election administrators to ensure a fair electoral process resulting in an outcome that is accepted by all concerned. To ensure this, they suggested that a separate budget line in the Kosovo Consolidated Budget be created for election purposes. The size of this budget should either be linked to the size of the potential electorate or should be a fixed percentage of the budget. The independent Election Management Body should manage this budget.

The Future Election Management Body

Most participants favored a model that builds on the current structure of election management in Kosovo. They foresee a system where an independent Central Election Commission, who will be mainly responsible for developing the regulatory framework for the elections and making important policy decisions, runs the elections.

The technical implementation of the elections would be managed by a Secretariat to the CEC. This Secretariat will take over the functions currently performed by the OSCE Department of Election Operations in supporting the CEC, including compiling the Voters' List, certifying political parties and candidates, designing ballots, and all the other functions normally performed by an election management body.

Composition of the Central Election Commission

In general, participants believed that the current composition of the CEC is close to what it should be in the future. There was some disagreement, however, regarding the extent to which political parties should be represented on the CEC. Some participants would prefer a model where all CEC members are independent from political entities while others prefer a model where the majority of CEC members are representatives from political parties. The argument of the latter group is that one can safely assume that most people in Kosovo are aligned with a political party. It would be better to explicitly recognize this reality than to pretend that people are independent. A further qualification regarding the possibility of political appointment is that, although a party may nominate them, the commissioners should not hold any official position within the party.

Although most participants agreed that NGOs, the academic community, and the media should also be represented on the CEC, some argued that most representatives of NGOs, academia, and the media are usually aligned with political parties. They argued that the representation of political parties should be more important than representation from these three groups.

All participants agreed that ethnic minority groups should have representation on the CEC. The recommended size of the commission varied between seven and twelve members.

Appointment and Accountability of the Central Election Commission

Most participants agreed that the Kosovo Assembly should appoint the Central Election Commission in the future. The general opinion also was that the Central Election Commission should be accountable to the Assembly rather than the government. The Assembly should have a monitoring function and should be able to replace members but should not be able to control the commission or exert any kind of undue pressure on commission members. The Commission should be able to make independent decisions.

Participants agreed that, in the short term, the final authority for appointment of the Central Election Commission should reside with the SRSG but indicated that in the long run this responsibility would have to reside with the Kosovo Assembly.

The scope of the activities of the Commission should be specified by law. In holding the commissioners accountable for their actions, the Assembly should refer to such legislation.

Most participants favored a model that builds on the current structure of election management in Kosovo. They foresee a system where an independent Central Election Commission... runs the elections.

Commissioners should be required to take an oath or sign a code of conduct, committing themselves to perform their functions fairly.

Term of Office

Although there was not consensus among participants, a large proportion indicated that it would be preferable for the term of office of commissioners to be longer than that of the Assembly. Specifically, five-year or seven-year appointment periods were suggested. This would give commissioners the opportunity to administer at least two elections, and the possibility of undue influence by the government would be minimized. Incumbent CEC members should also be given the opportunity to be re-appointed to the commission.

A Permanent Election Management Body

There was general consensus among participants that it would be preferable for a core group of election officials to be appointed full-time and permanently. By ensuring that there would be a small group of permanent officials, continuity and retention of existing expertise would be ensured. The number of officials should be augmented as the elections draw closer. The shorter-term election officials should, however, also be required to participate in all training activities and should be required to work full-time as the elections draw closer.

The Central Election Commission should be a permanent institution. They could have a few members working full-time, but the majority of the members should be called only when needed.

Technical Management of the Elections

Generally, participants favored a model where the technical implementation of the elections would be handled by a Secretariat, appointed by and accountable to the Central Election Commission. The Secretariat should be composed of people with demonstrable professional expertise. This Secretariat would also be made up of a small group of core staff appointed on a permanent basis with their numbers augmented when the elections draw closer.

There was no consensus among participant on the question whether political parties should have direct representation on the MECs.

Participants emphasized the need for early identification of possible staff members for such a Secretariat. The need for continuous evaluation of this staff has also been emphasized.

At a local level, the Municipal Election Commissions would be responsible for implementing the elections.

Appointment and Composition of the Municipal Election Commissions

Overall, participants agreed that the MECs should be composed of one full-time and some part-time commissioners. The full-time person should be required to work the equivalent of a full workweek (forty hours) while the part-time commissioners should be required to work around an average of twelve hours per week.

There was no consensus among participant on the question whether political parties should have direct representation on the MECs. While some participants indicated that it would be necessary to ensure balance on the MECs, other participants argued that the MEC is a different body from the CEC, since it mostly is responsible for the technical implementation of the elections and have very few policy decisions to take. Consequently, it is necessary to appoint people with technical expertise rather than according to their political affiliation.

The general consensus was that minority communities should be represented on the MECs. The Chairperson and preferably the person who works full-time should be from the majority community in that municipality. The representation of minorities should be guaranteed by law. If it is not possible to guarantee representation for every minority group, some participants suggested the possibility of rotational representation of the different minorities in the specific municipality.

Participants indicated that the MECs should also be subject to regular evaluation based on the quality of their performance and adherence to a code of conduct. Initially, the international Election Officer should do this evaluation, but later on this evaluation could be done by the Secretariat of the CEC.

INTRODUCTORY REMARKS AT THE ELECTION ADMINISTRATION CONFERENCE

The IFES Election Administration Conference brought together one hundred and eighty-four MECs members, CEC members, OSCE election administrators, political party representatives, NGO representatives, and members of the media to learn about the conclusions of the IFES Electoral Administration and Performance Survey and elaborate on the conclusions reached during the Election Administration Discussion Forum. Representatives of IFES, OSCE, and USAID opened the conference while Gerald Mitchell, Director of the Network of Europeans for Electoral and Democracy Support (NEEDS), spoke on the election administration and election administration as a lever for democratizing other institutions. Finally, participants made suggestions about the future of election administration in Kosovo.

Pauline Dion, IFES Project Manager in Kosovo, opened the conference by welcoming all participants on behalf of IFES. She described the conference as an opportunity to celebrate the great improvements that happened in election administration during the last election cycle. She singled out the increased responsibilities for Municipal Election Commissions as one of the most significant of these improvements.

Dion referred to the commitment from OSCE to transfer responsibilities to Kosovo institutions and highlighted that this conference is an opportunity to work towards an election administration system that will conduct elections conforming to the highest international standards of election administration and be accepted by the people of Kosovo.

Peter Erben, Director of the OSCE Department of Election Operations (DEO), used the opening of the conference to congratulate all MEC members on their success during the past electoral process and to thank them for their contribution in administering an election that was hailed by all observers as very successful.

Erben also addressed the new challenges ahead. He mentioned that the previous SRSG requested that the OSCE prepare for municipal elections in 2002, as mandated by the constitutional framework. These elections will be the most complicated elections in Kosovo to date, since they will entail thirty different elections and all communities in Kosovo should participate.

Erben emphasized that the elections in 2002 will still be internationally supervised but that OSCE will aim to conduct the elections to simulate the way elections will be conducted in the future by Kosovo election bodies. He referred specifically to the MECs, who will have to assume all responsibilities they will have in the future. Erben indicated that the OSCE realizes that infrastructure support to MECs will have to be significantly increased for the MECs to perform their duties adequately.

Erben described 2002 as the year of handover. For the Kosovo Assembly election due in 2004, the key word will be partnership and hopefully the international community will only serve in an advisory capacity in elections after that. He ended his remarks by thanking IFES for the good work the organization has done in elections, specifically regarding the training they provided for the MECs; he also thanked USAID for funding this training program.

Deputy Director of the USAID Kosovo Mission Andrew Sisson congratulated the election administrators in Kosovo on behalf of the US government and USAID for the successful conduct of the 2001 Kosovo Assembly elections. He indicated that the process was a credit to

the OSCE and the participants at the conference. USAID was pleased to have been associated with the process and to help build the capacity of Kosovo election officials.

Sisson stressed, however, that there are many issues, some very complicated, that have to be resolved in the process of shifting responsibilities for election administration. He was confident, however, that the Kosovo election administrators will succeed in their task.

Sisson noted that some issues are very important for the US government in developing a system for election administration in Kosovo. For building a successful democracy, the system of election administration should have complete integrity. He stressed the importance of the election administration's independence from government and politics. To ensure stability and independence of election administration, it is necessary to include the elections management bodies in the Kosovo Consolidated Budget. It is time, he said, to make elections systematic and regular and to avoid postponement of important activities due to dependence on donors and the lack of a budget for elections.

Sisson also emphasized the importance of handing over responsibility for election administration quickly. Learning comes with responsibility; Kosovo election administrators and the people of Kosovo are ready for this responsibility. He referred to the lessons learned through activities such as the USAID funded conference in 2001 and indicated that the marked improvement was due to the problems and solutions identified by the participants. This gives USAID confidence that the participants could do it again, and he wished them well in that quest.

PRESENTATION BY GERALD MITCHELL AT THE IFES ELECTION ADMINISTRATION CONFERENCE, 16 FEBRUARY 2002

At the request of many participants at the Conference, this presentation is reproduced here in full.

I have been asked to speak this morning about the integrity of election administration and election administration as a lever for democratizing other institutions. I know that this is a topic that most of you are living and breathing everyday, but it is also important to take the time to reflect upon, as Kosovo has been facing a rigorous election schedule in challenging circumstances. It is also important, as Kosovo will be faced with many decisions related to election administration as it starts to take charge of its own electoral life and the transfer of responsibility from external actors to local election officials proceeds according to plan. The transfer of authority to national authorities is obviously a top priority and recognizes that the necessary knowledge and skills to administer an election is increasingly being developed in Kosovo. I know that many of you participated in a Discussion Forum two weeks ago to generate discussion as to how to create a sustainable system for election administration and developing models that can exist in the longer term.

The Integrity of Election Administration

What I have been asked to focus on this morning is the issue of integrity. The integrity of the election administration is of paramount importance to delivering a credible election process through all of the necessary steps—from the registration of parties, candidates, and voters through to the delivery of the final results. If the election administration lacks integrity, or is even perceived as lacking in integrity, the election administration will not be politically



Gerald Mitchell answers questions after his presentation.

sustainable. Political sustainability is only achieved when the parties to the election and the electorate at large can accept the result of the elections as credible and legitimate.

The integrity of an election process is a little like putting a jigsaw puzzle together, and you do not know whether or not the puzzle has integrity until the last piece is in place. Once the last piece is in place, a picture should emerge that has order, and everyone can agree that the pieces have been correctly

placed. However, as you well know, in an election process the election administration often has to preserve the integrity of an election against the challenging circumstances of social turmoil or a conflict resolution process.

As Head of the Election Section at the OSCE Office for Democratic Institutions and Human Rights between 1996-98, I presided over a very intensive period of election observation activity within the region. This necessitated the observation of a number of transitional and post-conflict elections and determining whether or not an election process displayed integrity in line with the principles enshrined in the Universal Declaration of Human Rights and the OSCE commitments. I should note here that the OSCE commitments are not legally binding commitments but are political commitments.

I am sure that the OSCE commitments are very familiar to you, as they set out the basic requirements for an election process with integrity. They can be summed up in seven key words central to democratic tradition: universal, equal, fair, secret, free, transparent, and accountable. However, while the OSCE commitments reflect fundamental democratic principles and require participating States to abide by these principles, they do not require a specific form of election system or administration in order to arrive at the agreed upon objective of a democratic election process, nor should they. This is a decision that each country determines for itself. But whichever system and corresponding administration is chosen, all countries in the region are expected to deliver elections with integrity and respect for the OSCE commitments and international norms. Most importantly, these countries must also exhibit the will and determination to deliver an election with integrity.

Seven key words are central to democratic tradition: universal, equal, fair, secret, free, transparent, and accountable

A striking example of the will to deliver an election with integrity is the Croatian election of January 2000. The same election commission that delivered the highly criticized election of 1997 was able to deliver the 2000 election in a manner that gave confidence to the process. Furthermore, both elections were administered according to the same law. What had changed? It may have been that the death of President Tudjman removed the political pressure to deliver a certain result, but there also must have existed the will to deliver the election correctly in 2000. In contrast to the highly criticised 1997 election, the 2000 election was assessed by an OSCE/ODIHR observation mission to be in line with OSCE Commitments.

After more than a decade of elections in countries undergoing a transition process throughout this region and beyond, there are many clear options and trends regarding how an election administration can best guard its integrity. I would like to raise some of these options with you this morning. However, before discussing some of these practical aspects of election administration, I would first like to take a moment to review some of the overriding principles for safeguarding the integrity of an election process.

It has been said that elections in transitional and emerging democracies require three conflicting imperatives: administrative efficiency, political neutrality, and public accountability. While these three goals are interdependent, they can also be contradictory. Election officials cannot neglect any one of them, nor can they always implement each of them to maximum effect. Particularly in the context of a transitional election, often characterized by widespread distrust and lack of material resources, the election administration must meet these three challenges but realize that this will require balancing and sometimes finding compromises between these three competing imperatives.

What is important is that in the final assessment, the overall integrity of the election administration is sufficient to safeguard the fundamental principals of the democratic process. This is crucial to ensure that the electoral process is considered to be legitimate in the eyes of the participants: parties, candidates, and the electorate at large. There is little point in holding an election if the outcome is questionable due to either any lack of efficiency of the election administration or doubt about its impartiality. At the time of an election, the hopes of the electorate rest with the election administration, and it must be certain that it is prepared to deliver a democratic process, to withstand scrutiny, and to ensure the legitimacy of the election process for which it is responsible.

In terms of administrative efficiency, an election administration must be professional in its approach to the huge administrative task that electoral management demands. The duty of an

election administration is to the electorate, and failure to deliver administrative efficiency may have the consequence of calling into question the key principles of independence and impartiality.

In terms of political neutrality, it is a fact that in the context of transitional and emerging democracies, an election administration can only have confidence if its work is conducted independently of the incumbent government or any other overriding interest. This may be best achieved through a balance of political party interests on the commission or through a commission of non-political experts appointed in their professional capacities.

Whichever model is adopted, the fundamental issue is that the election administration should not care about who wins or loses the election it is administering. Its interest should be in establishing a level playing field on which candidates and parties may compete, in giving all voters sufficient information so that they can cast their vote in an informed manner, and in adding up votes and declaring results without prejudice toward any party or candidate.

An election administration must be publicly accountable. It should ensure that the electoral law is faithfully administered and that all candidates, parties, and voters are treated equally and fairly. It should also consider how best to inform and educate the voters about the electoral process and keep them updated. An Election Administration has a special responsibility to clearly explain the legal rationale for its decisions, to justify its decisions, and to make freely available the information upon which the decision was based. All decisions should be made public. Having reviewed these fundamental principles of election administration, I would like to come back to the fact that none of the above can be accomplished without good faith intent and the will to deliver a democratic process.

Often the election administration does not have the necessary independence from the government of the day to implement the above principles even if it wanted to. This fact was underscored during 1996, as the ODIHR mandate for long-term observation was being implemented, which permitted much closer scrutiny of election processes and of election administration. 1996 was indeed a watershed year for the OSCE in terms of holding participating states increasingly accountable to their commitments and raising the awareness of electoral integrity.

The two elections in which the OSCE had to determine that the election administration had been sub-standard and not in line with OSCE commitments, due to government pressure and lack of independence of the electoral authorities, were in Albania and Armenia; these were the May 1996 parliamentary elections in Albania and the October 1996 presidential elections in Armenia. Both of these elections raised issues pertaining to transparency and accountability, and in the final assessment, neither of the election administrations in their respective countries safeguarded the integrity of the process. However, in both of the instances, it was clear that the political leadership was not willing to let the election administration perform its duties without political pressure to deliver a result favorable to the incumbent government.

Both governments set out on an aggressive diplomatic campaign to attempt to discredit the conclusions contained in the election observation reports. In the case of Albania, the Berisha government cited a crisis of confidence between the Government of Albania and the OSCE, and months after the election, was still demanding that the ODIHR withdraw its election report. In the case of Armenia, President Ter Petrosian concluded that the OSCE election observers had misunderstood Armenia's vote counting process although the government could not ultimately dispute the fact that 20,000 ballots that had been cast in Yerevan could

not be accounted for in the final result. In the end, both election observation reports stood, and both elections were proven to lack sufficient integrity vis-à-vis the OSCE commitments.

Both elections pointed out the same basic problem. How does an election administration deliver a process with integrity, when its work is interfered with by the government of the day? If a government is determined to win at any cost, it can subvert the democratic process and stunt the development of democratic institutions.

In the long-term, a government that respects the democratic process may have to concede power but will leave office with the reassurance that impartial and democratic institutions are in place that may permit the outgoing government to recapture political office in the future. How many people thought that President Iliescu of Romania, when losing the 1997 presidential election according to a significant margin, would recapture the presidency in 2000 according to a peaceful and democratic process?

Governments who truly want to cultivate the development of democratic institutions must not place undue pressure on the election administration to deliver a particular result. There are still many examples in the OSCE region where such power plays are still occurring, and there are thankfully fewer and fewer examples from Southeast Europe although there are still several examples in the South Caucuses and Central Asia.

However, the observation of elections according to the methodology outlined in the OSCE Election Observation Handbook now provides for a thorough assessment of the election process, and any government willing to interfere in the process, and any election administration not willing or able to withstand such pressure, will surely not escape scrutiny and find their conduct reported on in the OSCE Election Observation Reports.

The Formal Independence of Election Commissions

The independence of an election commission is crucial to its ability to perform without interference. However, an election administration will never be entirely free of the influence of government, given the fact that government must approve budgetary funding and participate in the appointment of key personnel, but those powers should not be used to exert influence on an election administration.

Legal Guarantees

The election administration should be structured to protect it from influence and ideally should have constitutional guarantees of independence. While established democracies may not have given constitutional safeguards to their election administrations, there is generally a long-established procedure that still maintains public confidence. However, in emerging democracies, constitutional guarantees for the election administration would clearly provide the best protection of independence. In most cases, constitutional guarantees do not exist, and the legal basis for the election administration is contained in the Election Law. Occasionally, there is a separate Central Election Commission law such as in Azerbaijan, which provides an additional legal guarantee to the election administration in addition to the election law. Albania is one of the few countries in the region that now provides a constitutional guarantee to the election administration. Again, a constitutional guarantee is preferable, as any change in status of the election administration would require the agreement of a broad base of political parties in the political process. In the

The election administration should be structured to protect it from influence and ideally should have constitutional guarantees of independence.



Conference participants take notes on Gerald Mitchell's presentation.

absence of a constitutional guarantee, a specific CEC law is preferable. However, in the final instance, the Election Law is the minimum legal guarantee that should certainly establish the independence of the election commission.

However, while formal guarantees of independence are essential, they are not a sufficient condition. The ultimate test of any legal or constitutional guarantee is the implementation. It must be remembered that Azerbaijan's Central Election Commission law that is supposed to protect the independence of the CEC has existed since 1998, but this did not prevent seriously manipulated Presidential elections in 1998 and Parliamentary elections in 2000.

Budgetary Independence

Another potential area in which the government of the day could exert undue influence on the election administration is through budgetary decisions. The independence of the election administration is best guaranteed by an independent and sufficient budget on the public record. Parliamentary overview of the election administration's budget is preferable to government overview. There is less chance that a parliamentary body as a whole would have an interest to interfere with the election budget, whereas the government acting in its executive capacity might find that the budget could be used as a lever for influence on the election administration. A predictable budget is normally preferable to an ad hoc budget. Some countries stipulate that a certain percentage of the national budget be allocated to elections, while some devise a system based on the number of voters. Whatever system is chosen, it should be underscored that the more predictable the procedures and the less ad hoc, the more the election administration can perform its role without political interference through budgetary measures. The funding of an election process is crucial and must be clearly regulated in the law.

Permanent or Ad Hoc Commissions

Election commissions can either be ad hoc and formed for each election, or they can be permanently established bodies. There is one point of view that professionally organized election commissions with sufficient lead time, say three months, are more effective than the entrenched bureaucracy of a permanent commission. On the other hand, there is the viewpoint that a permanent staff is more efficient and constitutes a professional body with a truly institutional memory. While there are obviously budgetary factors involved with opting for a permanent election administration, if this is deemed as the best model to protect the integrity

of the election process in a given country, the long run the expenditure is of course a very good investment in the democratic process.

While the full commission may not be permanent, there is always the option to have a permanent core staff composed of key personnel. However, this can also raise issues that come election time, some members of the election administration are more equal than others.

Whichever is the case, it is extremely important to provide continuity to the election administration although theoretically this can be achieved through both systems. A permanent election commission provides continuity although this could be achieved through an ad hoc commission as well as long as the commission members serve for some reasonable period of time.

Election schedules in emerging democracies, and sometimes in established democracies, can be notoriously unpredictable. If an election commission is ad hoc and called for each election, the political will must therefore exist to convene the election commission at least three months before election day. A permanent election commission will of course negate the need to convene the election commission for each election.

Duration of Appointment

The independence of an election commission is best safeguarded when an individual is appointed for some reasonable length of time, so they do not have to depend on each government for re-appointment. The duration of appointment for the election administration is ideally longer than the term of office of the appointee. This is intended to give increased confidence to the members of the election administration, that their term of office is longer than the appointee, and therefore, should safeguard the integrity of its decisions without undue political interference. The term of office could overlap the term of office for the executive and/or legislative branch. The appointments can also be staggered so as not to have an entirely new commission whose term of office begins and ends at the same time. For example, if you have a nine-member CEC and members are appointed every three years, it will take nine years to change the body totally. This can be a guarantee for continuity in the Commission.

Nominations

Members of the election administration may be nominated by the executive, parliament, judiciary, or political parties in the process. Once the nominations have been submitted, the appointing body should just confirm that the nominations are in line with the law but should not have the right to hand pick an election commission through repeatedly rejecting nominations. Whether the appointing body is the executive, the legislature, or the judiciary that officially appoints the commission, it should be consistent so that all members are appointed according to the same procedure. Nominations are often submitted to parliament and then presented to the executive for official confirmation.

The important point is that the source of the nominations comes from a balance of participants in the process, which is an important point at all levels of Commissions from the top CEC level to the local commission levels. This is clear in the case of party-based commissions but should also be the case for the model of a non-party based commission of experts.

The Central Election Commission normally appoints local commissions, such as regional, district, or municipal election commissions. In the event that the CEC is a party-based commission, these members at lower levels of the election administration can be nominated directly by party members. In the event that a non-party based commission of experts is the

model, then the CEC can appoint individuals in their individual capacity. However, in this instance, it should be noted that the further you get to the local levels of election administration, the harder it can be to find individuals with an independent profile or the ability to act independently of local interests.

Composition

It is clear that independent election commissions have best served transitional countries in the OSCE region. Government-run or government-supervised elections may work satisfactorily in long standing democracies but are largely irrelevant as a credible model in emerging democracies. Within the OSCE region, experience has shown that election commissions composed of political party representatives have generally had the best chance of maintaining the public's confidence and upholding the integrity of the process. This recognizes the reality that in a politically charged environment, it is hard to identify truly independent individuals, so it is therefore best to have a balance of political interests within the commission. In some instances, members appointed by a particular political party may not be a member of the party but have the confidence of the party in question.

However, there is also the point of view that there is the need for non-political experts to administer the process, which do not look at the process through party eyes. In all societies, there should be persons independent of party interests that can maintain trust, but again, this can be harder to achieve than is often realized particularly for election commissions at the local level.

In the event that parties nominate persons to the commission, be they party members or trusted persons, they must perform their election administration tasks in a manner that is professional and with respect for the integrity of the overall process rather than narrow party interests. If political party representatives constitute election commissions, they should be prohibited from campaigning. Likewise, a member of the commission should not be vulnerable to have their appointment repealed by a political party for making decisions in the interest of the process but not to the liking of the party.

There are certain steps that can be taken to prevent domination of election commissions by a single party. For example, the Commission's Chairperson and Secretary should belong to different parties, and legislation should prohibit parties or coalitions from having a majority of members on a commission. One option is to have the Chairman of the Commission come from the opposition and the deputy from the ruling party. Multi-party elections only work in reality when they are genuinely multi-party in composition and not only multi-party in name. There should be safeguards to prevent party domination. This was a major criticism of the Albanian parliamentary election of May 1996. While according to the election law the election administration was supposed to be multi-party, it was clear, particularly at polling station level, that it was in fact only the representatives of the Democratic Party who were administering the process.

An interesting example of the professionalism that a multi-party commission can exhibit is the case of the Bulgarian parliamentary election of 2001. The OSCE election observation report noted that despite the fact that none of the members of the CEC represented the winning party, the newly formed National Movement of Simeon the Second, they were still able to deliver a credible election result. The Bulgarian CEC administered these elections in an unbiased and transparent manner, showing a high level of professionalism and non-partisanship, despite the fact that none of its members belonged to the winning party.

I would underline that while party-based independent commissions seem to have secured the greatest confidence as a model in the OSCE region, it has been possible in some instances for a non-political independent commission of experts to deliver a credible result. In such cases, the appointment of well-known, respected, and experienced persons may best contribute to independence. I have given the example of Croatia. Once the political pressure was apparently removed through the death of President Tudjman, the election commission lived up to its duties. There is an opinion that if a commission is composed of non-political experts rather than political party members, then parties should have the right to observe. However, it is perhaps more important that the parties have enough confidence in the members that they do not feel that they have to observe.

Occasionally, party-based commissions do not succeed because political parties neglect the overall process and act only in the interest of their party or coalition. This comes back to the question of the will of individuals to deliver a result with integrity. For example, in the 2000 election in Azerbaijan, a CEC composed of political party appointees became deadlocked, and the right



CEC members were engaged in the presentation by Gerald Mitchell at the Conference.

of the opposition to have a blocking minority vote on the commission was withdrawn. This was of course unfortunate, as it removed a balance to the decision-making process within the CEC. There was suspicion that there were some members of the opposition representatives on the CEC that were not truly members of the opposition, which contributed to this crisis leading to the right of the blocking minority vote on the commission to be withdrawn.

In some instances, there can be suspicions that political parties are established not because they represent any real social interests but for the purpose of getting a seat in the election administration. Their role is just to have representation, and they are normally puppet parties of the ruling party. This can be a way to create a majority in a party-based commission, and in some countries, such a threat has to be watched closely. If such concerns exist, a commission of inquiry dealing with political parties may be one method to ensure that parties participating in the process are genuine parties.

Whichever model is chosen, a politically based election commission or a commission of non-political experts, in the end, for an election to be successful, participants in the process have 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.

Size

The size of the election commission that is agreed upon is usually determined by the amount of trust or mistrust that exists in a particular society: the greater the mistrust, the larger the

commission. Everyone wants a seat on the inside, even the smaller parties, as they do not trust representatives of larger parties to look out for the integrity of the process as a whole. However, this is a question of trust rather than a question of efficiency. An election commission does not have to be large to be efficient although some think that a larger commission can sometimes reduce the amount of reliance on civil servants as long as the election commissioners undertake their work professionally and in a pro-active manner. Some think that it is exactly the opposite case, that smaller commissions are normally more effective, as long as the commission takes all of the decisions and only relies on civil servants for their implementation role.

Supporting Roles

On the issue of civil servants, various ministries or other central and local administration bodies may be called on for carrying out administrative or logistical preparations for the conduct of the election. All participants in any supporting role should submit to the norms of a neutral civil service. If mistrust in the country precludes even confidence in the neutrality of the civil service, then the government should make an explicit public statement regarding the neutrality of civil servants. Whichever model of election administration is chosen and whatever the size, it is certain that the election administration will have to count on the support of civil servants. It is key that civil servants are not left to make decisions regarding the process but only carry through on the implementation.

Rules of Procedure

In addition to the structure, rules of procedure are important. For example, when it comes to selecting a system of voting, it is better to have two-thirds of appointed members necessary for approval; however, this also ultimately depends on the size of the commission. The ideal is to achieve decision by consensus, but when this is not possible, it is best not to have a sizable minority within the commission with an opposing view.

The role of the Secretary is also important. As already mentioned, in party-based commissions, the Secretary should be selected from a different party as the Chairman. Documents need to be kept in order, and members need to be notified of meetings and supplied with relevant documentation in sufficient time in order to prepare for meetings. The decisions must be transparent, and the election commission should have a public spokesperson to ensure the proper dissemination of information.

Election Administration is Not a Surrogate Parliament

Electoral governance can be defined as the wider set of activities that creates and maintains the broad institutional framework in which voting and electoral competition take place. It operates on three levels: rule making, rule application, and rule adjudication. Rule making involves designing the basic rules of the electoral game. Rule application involves implementing these rules to organize the electoral game. Rule adjudication involves resolving disputes within the game. Rule making is a legislative responsibility. While election authorities may be consulted during this process, it is ultimately a legislative responsibility. Ideally, an election law is arrived at in a procedural and transparent manner and enjoys broad consensus. An election commission can get into difficulties when the law has too many holes in it, and the election commission has to issue too many regulations to, in effect, legislate gaps in the law. This should be avoided. An election commission is not an alternative legislative assembly. The commission should only be responsible for issuing regulations that complement the law in terms of explanations of the law and procedural matters.

Adjudication of Complaints

One last word on the adjudication of complaints; an adjudication body is a quasi-judicial body. It must be the body to adjudicate complaints in the first instance; and in this task, it should have the right to call on testimonial evidence in the form of hearings rather than just have documentary evidence. Decisions of the commission should of course be able to be appealed in the regular judicial system. In some countries, you have a special court dealing just with election related matters in order to speed up appeals to the judiciary. It is most important that the process is consistent, and that there are not parallel tracks for appeals that can originate both with the election commission and also in the judiciary.

Finally, in terms of the integrity of election administration, we must not forget that while the election administration should have rights to enable its independence of action, we must not forget its duties. Administering an election process is largely a logistical exercise. An election commission must do more than just discuss principles; it must oversee and direct implementation. It must share responsibility for the work at hand and will normally divide into sub-committees in order to meet all its necessary tasks.

The integrity of an election process also depends on effective communication between the various levels of the election administration. An election administration is effectively headless when the national election administration, or CEC, does not take decisions or effectively communicate them down the ladder of election administration. As already stated, it also must depend on civil servants in various ministries to obey the instructions of the election commission.

Election Administration as a Lever for Democratization of Other Institutions

An election process is an institutionalized struggle for power. Electoral administration, therefore, plays a key role in assisting a society to manage its conflicts. For emerging democracies, the early transitional elections are therefore central to institutionalizing the democratic process. In addition to a fair conduct of balloting and counting, the democratic process necessitates opportunities for political parties to compete, reasonably equitable access to media, an impartial election administration, a political environment free of intimidation, and a prompt and just resolution of election-related grievances. While the election administration is at the center of this process, it must associate with government ministries, the judiciary, media, and civil society in order to deliver the election.

To the degree that an election administration is functioning independently and with integrity, it can serve as a lever for democratizing other institutions. For example, within a multi-party election commission, political party representatives may build relationships with other parties that may serve to foster inter-party relationships. An election administration is not a surrogate legislature, but if it goes about its work in a congenial manner, it can facilitate improved relationships between political actors. This is one example of how election administration can assist the further the process of democratization in other institutions, in this case tolerance among political parties.

Civil Society

The election administration should recognize the integral role of civil society actors in any election process. Representatives of relevant civic organizations, particularly non-partisan domestic monitoring organizations, should be given due recognition by the election administration and this must be regulated in the law. The election administration should try to engage domestic monitoring organizations in dialogue beyond the official accreditation process. This recognition by the election administration can serve to both recognize and

encourage civic participation in the election process. It should also be mentioned that an election process is an incredibly mobilizing event that can release many constructive energies from the society at large. These should be constructively channeled equally, and civic participation is just as important after an election as before. Sometimes civic organizations come together through the challenge of observing elections but find other useful roles and outlets for civic activism to support the democratic process in the post-election period or between elections.

Media

Likewise, an election administration should develop a constructive relationship with the media and to this end could have a spokesperson. The election administration should facilitate the exchange of information to the electorate that it serves rather than becoming an obstacle to the flow of information. This can assist the media to find a constructive role in covering the election administration process rather than a combative relationship between the election administration and the press corps.

Judiciary

As has already been covered, an election administration is a quasi-judicial body and must adjudicate election related disputes. However, a right of appeal should exist to the regular judicial system; in this context, an election administration that is functioning well can serve as a positive model for the judiciary or at least limit the possibility that the judiciary will use the election administration as a scapegoat for a backlog of election related complaints.

Commissions of Inquiry

In some instances, particularly in circumstances where ministries are not properly functioning, Commissions of Inquiry may be established. Election Commissions can benefit from such Commissions of Inquiry (for example, a Commission of Inquiry on political parties or anti-corruption) but can also serve as a lever for encouraging government action to call such commissions when the circumstances necessitate it.

These are some examples of how an election administration can serve as a lever for democratizing other institutions.

As I close my comments, I would just like to add that experience from the region shows that an electorate will become tired of repeated elections without seeing the results being implemented. Implementation of the results is essential for the integrity of the process.

I hope that these comments will provide some food for thought for today's discussions.

RECOMMENDATIONS FROM THE ELECTION ADMINISTRATION CONFERENCE

Presentation of Discussion Forum Conclusions

Following the presentation by Gerald Mitchell, the conclusions of the IFES Election Administration Discussion Forum were presented. Rahman Kastrati, Secretary of the MEC in Malishevë/Mališevo, presented the conclusions and recommendations from the Discussion Forum to the Conference. Kastrati's presentation was followed by comments from CEC member Haxhi Rama. Rama urged participants to use the conclusions and recommendations as a tool to clarify the issues that needed to be solved in developing a system for election administration in Kosovo. He noted that the participants could contribute to the process by providing the international community and other players such as political parties advice on how to develop a system of election administration that would ensure that the people from Kosovo would accept the results of elections. He stressed that everything said at this conference would be seen as a contribution to this process.

Discussion to Reach Conference Conclusions*

Several participants from the discussion forum commented on the presentation of the conclusions and recommendations. The discussion at the conference focused on some concrete issues to be solved in the process of planning the handover during the election process in 2002. The conference participants endorsed the following conclusions and the recommendations put forward.

Relationship with the Municipality

The conference participants requested that the Central Election Commission and the Department of Election Operations work on a regulation or memorandum of understanding with UNMIK Civil Administration and the municipal governments regarding support for the Municipal Election Commissions. This document should serve as the basis for developing a working relationship between the MEC and the Municipality. Participants stressed that such a document is necessary, since some municipal authorities do not properly recognize the logistical needs and official role of MECs.

The conference participants also concluded that the responsibilities of municipal governments in providing support for the MECs should be clearly specified in the document but stressed the need for maintaining the independence of the MECs from municipal government in conducting the elections.

In discussing the relationship with the municipality, the conference participants considered the option of including a member from the municipal government (such as the Director of Administration or someone appointed by the Chief Executive Officer) as an *ex officio* member of the MEC to assist with coordinating election-related activities with other municipal activities. Many MEC members, however, opposed this proposal. They indicated that such an arrangement would remain worthless without a strong memorandum of understanding.

* Conclusions listed in the Discussion Forum section reflect changes that were made to the original Discussion Forum conclusions at the IFES Election Administration Conference.

Full-time MEC Staff

The conference participants requested that the CEC change the MEC composition to allow for one member to be employed full-time. This change is necessary given the proposed increase in the level of responsibility of MECs.

In defining the changes, the conference requested that the CEC specify the criteria for appointment, duties, responsibilities, and rights of the full-time and part-time MEC members carefully.

Although the principle of full-time employment was endorsed, conference participants indicated there are many practical issues to be considered in making such a change. In particular, they were concerned about the position of the current chairperson and the relationship between the chairperson and the full-time member (if the chairperson was not the full-time person). They also indicated that most MECs currently have very good working relations and a new arrangement may disturb that.

Another issue of contention was the payment for such a full-time person. It may become problematic if chairpersons are required to work more hours for the same remuneration received while they performed their duties on a part-time basis.

Composition of the MECs

The conference participants requested that the CEC consider the experience of current MEC members and the investment made in their professional development seriously when deciding on the future composition of the MECs. They also asked the CEC to ensure that professionalism would be the most serious consideration in appointing MEC members. The need for a strong Code of Conduct to be signed by MEC members was brought up, and the participants requested that the CEC remove MEC members from their positions if they are proven to have breached the Code of Conduct.

The conference did consider the possibility of giving direct representation on MECs to political parties. In response to such a proposal, however, most of the current MEC members indicated that the emphasis on MEC work until now has been on acting fairly and impartially. They argued that the current MEC members, who have been appointed in their individual capacity, take pride in their work and their independence. That may be lost if political party representatives are appointed to MECs. What is important, they argued, is that the MECs conduct their activities in a manner transparent to all political parties.

Conference participants indicate their support of the conclusions that have been reached.



There were some participants who argued political party representatives would not necessarily be biased towards their parties. If political parties are represented the different members would be able to check each other. That will ensure that the activities of the MEC as a whole would not be biased towards any specific party. These participants also argued that the success with giving political parties representation on PSCs clearly shows that by creating balance between parties on the committees, a more fair process was achieved.

National Co-Chairperson for the CEC

The Conference asked the OSCE to appoint a national co-chairperson for the CEC to assume duties during the 2002 election cycle.

Responsibilities for Municipal Election Commissions during 2002

The last substantial item for discussion at the conference was the responsibilities of the MECs in the 2002 Municipal Elections. To discuss the extent to which MEC responsibilities could be increased, the Department of Election Operations proposed the following list of duties and responsibilities to the conference for consideration:

- MECs must submit a report to the CEC every two weeks;
- MECs have to brief Municipal Assemblies regularly on progress with election preparation in the municipality;
- MECs should liaise regularly with political parties to inform them regarding progress with election preparation and with respect to the appointment of Polling Station Committees;
- MECs have to ensure that political entities in their municipalities have all the information they require regarding registration and certification of political entities and candidates;
- MECs are responsible for ensuring that all communities in their municipalities are reached through public information and voter education activities;
- MECs have to oversee all voter services activities in their municipalities and cooperate closely with DEO in preparing and executing voter services activities;
- MECs have to select and prepare all polling centers for polling day;
- MECs must prepare operational plans for each of these centers for Election Day;
- MECs have to recruit and appoint all polling center staff and Polling Station Committees;
- MECs have to cooperate closely with national trainers to ensure that all polling center staff and Polling Station Committees are properly prepared for their tasks;
- MECs will receive and store all non-sensitive election related material. They will also be responsible for distributing this material to all polling centers and stations in their municipalities;
- MECs will be responsible for receiving and processing all election material from polling stations at the end of voting and counting on Election Day. All material would be retrieved from MECs for transfer to the counting and results center; and
- MECs will be responsible for entering the unofficial results of the election in their municipality. This first entering of the results would be for internal use of the CEC and DEO only.

The conference recognized that MECs gained more experience performing some tasks than others. Most were very involved in briefing Municipal Assemblies and political parties on election preparation, recruiting and appointing Polling Station Committees, and ensuring that all communities were reached through public information activities. It would be easier for MECs to take full responsibility for these tasks than for other tasks with which they were less involved. MECs were less involved with the more technical tasks such as receiving, storing and distributing election material, and selecting and preparing polling centers. Participants indicated that for these and other very technical tasks, such as receiving and processing election material from polling stations after the vote and count, and entering the unofficial

results, MECs still require significant training and professional development input. They would also need considerable assistance and advice from international Election Officers to perform these functions.

In addition, the conference stressed that there would still be a need for international oversight of many functions particularly when dealing with sensitive election material such as ballots.

NEXT STEPS FOR ELECTION ADMINISTRATION IN KOSOVO

The IFES Election Administration Discussion Forum and Conference allowed those involved with election administration in Kosovo to first convene in a small group for an in-depth analysis of the future of election administration and then have a larger group consider these ideas and add their own opinions. The two events enabled Kosovo election administrators, NGO and political party representatives, and other interested parties to present numerous suggestions for improving election administration within the province and propose steps on how to move forward in the transition from internationally to locally administered elections were presented.

All involved in the process agreed that the 2001 Kosovo Assembly Election was administered well. The greatest need now is for local officials to assume a greater responsibility in administering elections in Kosovo. This report outlines those responsibilities that they are ready to take on and can be used as a tool for the planning of and division of duties for the 2002 Municipal Elections in Kosovo, and the future system of election administration in Kosovo.

It is necessary that the international community remains involved in the process of election administration but that it steps back and begins to act as an advisor in the process rather than an implementer. Its role should focus on ensuring that local officials have the knowledge and training to carry out their tasks and on providing security in the still fragile political environment, particularly in ethnically mixed areas. Although an international presence will remain necessary to ensure integrity of the electoral process, the credibility of local election administrators should be consolidated through developing their technical expertise and instilling an ethic of fair, unbiased, and independent election administration.

The conclusions and recommendations from these events should serve as a basis in planning the future structure of election administration in Kosovo. This report will be presented to the SRSG, OSCE and its Department of Election Operations, UNMIK Civil Administration, the Kosovo Assembly, the Central Election Commission, and other interested international and Kosovo organizations. All these players should follow-up on the recommendations in this report. Municipal Election Commissions should present this report to Municipal Assemblies and discuss the issues with them.

Finally, the planners of the 2002 Municipal Elections should take these recommendations into consideration in developing all operational plans for these elections.

Appendix 1: Conclusions and Recommendations—A Brief Summary

- The election administrators in Kosovo successfully analyzed weaknesses in administering the 2000 Municipal Elections and significantly improved the election process for the 2001 Kosovo Assembly Election.
- The most significant improvements from 2000 to 2001 include better organization at polling centers, a more accurate and better organized Voters' List, representation to political entities on Polling Station Committees, better trained election staff, better cooperation between election administrators and political parties, and more educated voters.
- Weak points identified by participants include the failure of smaller parties to fill their positions on Polling Station Committees, a need for more polling centers in rural areas, and the limited involvement of Municipal Election Commissions (MECs) in the Special Needs Voting program.
- Kosovo election officials gained substantial experience during 2000 and 2001 and should form the core of a future electoral administration in Kosovo.
- The transfer of authority from international to local election administrators should be a step-by-step process and accompanied by significantly increased training efforts.
- To ensure the integrity of the election process there remains a need for international oversight of elections in Kosovo. This is true especially in ethnically mixed areas.
- The future Election Management Body in Kosovo should be independent from the government of the day. This independence should be guaranteed in the constitution and through a separate election budget line in the Kosovo Consolidated Budget.
- A future Election Management Body should include an independent Central Election Commission supported by a Secretariat responsible for technical implementation.
- The Central Election Commission should include both political party representatives and representatives from other sectors in society.
- The Central Election Commission should be accountable to the Assembly and not to the government. Its term of office should be longer than that of the government.
- Appointing a small core group of permanent, full-time officials in the Election Management Body can ensure continuity and retention of skills.
- Municipal Election Commissions should be composed of one full-time and some part-time commissioners. Minority communities should be represented on MECs. When deciding on the future composition of MECs, the CEC should consider the experience and investment in the training of the current MECs.
- The relationship between the MEC and the municipality should be regulated. MECs should operate independently from municipal government, but should receive logistical support from the municipality to conduct elections.
- The SRSG should appoint a Kosovo co-Chairperson for the Central Election Commission to assume duties for the 2002 Municipal Elections.
- For the 2002 Municipal Elections, MECs could assume most responsibilities regarding implementation. The international Election Officers should retain advisory and supervisory functions.

Appendix 2: Agenda of the Election Administration Discussion Forum, 1-2 February 2002

IFES Election Administration Discussion Forum

Selecting a Model for Election Administration in Kosovo

GOALS:

- Present alternative models of election administration from an international perspective;
- Discuss the present and future responsibilities of Kosovo Electoral Management Bodies, including the Central and Municipal Election Commissions, according to these models;
- Develop and articulate recommendations for the future configuration of election administration in Kosovo;
- Develop a plan for the transfer of authorities to local administrators.

AGENDA:

1st Day – February 1st, 2002 - Responsibilities of Election Management Bodies (EMBs)

- 9:00 Registration
- 9:15 Opening Remarks:
Pauline Dion, IFES Project Manager
Peter Erben, Director, Department of Election Operations
Katherine Nichols, Democracy Officer, USAID
- 9:30 Self-introduction of the participants
- 9:45 Presentation of the agenda
Moderator: Dan Blessington, Project Director IFES/Macedonia
- 10:00 Presentation by Rafael Lopez-Pintor
Theme: Election Management – An International Perspective
Q&A
- 10:30 Presentation by Haxhi Rama, CEC member and Selajdin Selimi, former chairperson of Pristina MEC*
Theme: Responsibilities of the Kosovo EMBs (CEC and MECs) during the last two elections
Q&A
- 11:00 Break
- 11:15 Presentation of Findings from the IFES Election Administration and Performance Survey
Q&A
Hermann Thiel

* Please see Appendices 6 and 7 for notes from these presentations.

Working Groups

Participants break down in 3 smaller groups. Each group will work on each theme. They will stay in the same group and have the same facilitator during the two days.

- 11:30 **Theme:** Successes and failures of the Kosovo CEC and MECs and their causes.
- 12:15 Lunch
- 13:15 **Theme:** Increasing responsibilities of the CEC for the next 2 elections, and between elections
- 14:00 **Theme:** Increasing responsibilities of the MECs for the next 2 elections, and between elections
- 14:45 Break
- 15:00 **Theme:** The process of transferring responsibilities for election administration from the international community to Kosovo EMBs (CEC and MECs)
- 15:45 Presentation of conclusions and recommendations of the 3 workshops
- 18:00 Cocktail

2nd Day – February 2nd, 2002 – Election administration in Kosovo

- 9:00 Presentation by Rafael Lopez-Pintor
Theme: Alternative models of Election Administration relevant to Kosovo's Experience
Q&A

Working Groups

- 9:45 **Theme:** Should EMBs be permanent or only called when elections are due?
- 10:30 Break
- 11:15 **Theme:** Should EMBs be independent from Political Entities?
Should EMBs be independent from Government?
- 12:00 Lunch
- 13:00 Presentation of the Working Groups conclusions
- 14:00 **Theme:** Selecting a Model of Election Administration for Kosovo
- 14:45 Break
- 15:00 Sharing Workshops conclusions
- 17:00 Closure

Appendix 3: Participants List from the Election Administration Discussion Forum, 1-2 February 2002

*IFES Attendance Sheet at the
“Election Administration Discussion Forum”*

<i>Name</i>	<i>Last Name</i>	<i>Institution</i>	<i>Address</i>
Ardiana	Gashi	NPO	Prishtinë/Pristina
Bajram	Gecaj	USOP	Prishtinë/Pristina
Idriz	Hetemi	MEC	Ferizaj/Urosevac
Enisa	Skrijelj	MEC	Pejë/Pec
Marija	Sindic	NPO	Leposaviq/Leposavic
Sefket	Ajrudini	CEC	Peja/Pec
Karin	Volkner	CoE	Prishtinë/Pristina
Vukoman	Jovanovic	MEC	Zveçan/Zvecan
Finn	Flensted	DEO-HQ	Prishtinë/Pristina
Hugh	Stohler	DEO-HQ	Prishtinë/Pristina
Selajdin	Selimi	NPO	Prishtinë/Pristina
Hakif	Sheholli	MEC	Prishtinë/Pristina
Islam	Demolli	MEC	Podujevë/Podujevo
Aferdita	Berisha	NPO	Prishtinë/Pristina
Kushtrim	Cukaj	NPO	Pejë/Pec
Anita	Nijsten	DEO-HQ	Prishtinë/Pristina
Sean	Gralton	DEO-HQ	Prishtinë/Pristina
Ylli	Hoxha	KACI	Prishtinë/Pristina
Ibrahim	Makolli	KMDLNJ	Prishtinë/Pristina
Fahredin	Shehu	Trainer	Rahovec/Orahovac
Astrit	Istrefi	Trainer	N/A
Zena	Qosja	Norma	Prishtinë/Pristina
Ramiz	Livoreka	MEC	Kaçanik/Kacanik
Arsim	Janova	CEC	Prishtinë/Pristina
Haxhi	Rama	CEC	Peja/Pec
Shefqet	Ibrahimi	MEC	Skënderaj/Srbica
Rrahman	Kastrati	MEC	Malishevë/Malisevo
Musa	Fetahaj	MEC	Istog/Istok
Sehadin	Misini	MEC	Dragash/Drugas
Esad	Hafiz	CEC	Prizren/Prizren
Gezim	Kiseri	NPO	Prishtinë/Pristina
Gazmend	Kelmendi	NPO	Prishtinë/Pristina
Iliriana	Dobroshi	NPO	Prishtinë/Pristina
Andrew	Caldwell	DEO-HQ	Prishtinë/Pristina
Jarrett	Blanc	DEO-HQ	Prishtinë/Pristina
Vjosa	Zylfiu-Nimani	NORMA	Prishtinë/Pristina
Carmina	Sanchis-Ruescas	IFES LTD	Prishtinë/Pristina
Hamide	Konushevc	CEC	Prishtinë/Pristina

Appendix 4: Agenda of the Election Administration Conference, 16 February 2002

Election Administration Conference

GOALS:

- Endorsement of the conclusions and recommendation of the symposium on the future of election administration in Kosovo;
- Present findings from the IFES Election Administration and Performance Survey and rationale for election distraction system recommended
- Identify increased responsibilities for Kosovo EMBs, specifically the CEC and MECs during future electoral cycles under this system; and
- Identify training requirements to fulfill those responsibilities.

DATE:

February 16, 2002

VENUE:

Conference Hall, OSCE HQ

GUEST SPEAKER:

Gerald Mitchell, Director of the Network of Europeans for Electoral and Democracy Support (NEEDS)

MODERATOR:

Dan Blessington, Project Director of IFES/Macedonia

AGENDA:

- 8:30 Registration
- 9:15 Opening Remarks, Pauline Dion, IFES/Kosovo Project Manager
Peter Erben, Director of Department of Election Operations
USAID
Andrew Sisson, Deputy Director, USAID
- 9:30 Presentation by Gerald Mitchell, Director of the Network of Europeans for Electoral and Democracy Support (NEEDS)
Theme: Electoral administration as a guarantee of integrity of the election process and as an important lever in democratizing local political institutions.
Q&A
- 10:15 Presentation of the findings of the second IFES Electoral Administration and Performance Survey
Hermann Thiel, IFES Survey Coordinator
Q&A
- 10:45 Break
- 11:00 Report on the discussion forum and presentation of the conclusions and recommendations for a system of electoral administration in Kosovo
One member of the CEC and one MEC member
Q&A
- 12:00 Lunch
- 13:00 Discussion and responses to the recommendations proposed by the discussion forum

14:30 Break

14:45 Presentation of the results of the first meeting of the MEC group on the Association

15:00 Discussion in plenary on the MECs training and professional development needs

16:00 Presentation of IFES certificates to the MEC members who have attended 70% of the training program

Appendix 5: Participants List from the Election Administration Conference, 16 February 2002

IFES Attendance Sheet of the "Election Administration Conference"

<i>Name</i>	<i>Last Name</i>	<i>Institution</i>	<i>Address</i>
Vehbi	Jusufi	MEC	Kamenicë/Kamenica
Bilall	Shehu	MEC	Glogovc/Glogovac
Bill	Ega	OSCE	
Ruhan	Avdyli	MEC	Kamenicë/Kamenica
Rexhep	Zogaj	MEC	Malishevë/Malisevo
Ismail	Kovac	MEC	Prizren/Prizren
Miftar	Adzemi	MEC	Prizren/Prizren
Desanka	Milasevic	MEC	Prishtinë/Pristina
Xhavit	Rexhahmetaj	MEC	Deçan/Decani
Idriz	Dushi	MEC	Klinë/Klina
Halil	Ibrahimi	MEC	Obiliq/Obilic
Sefket	Ajrudini	CEC	Prizren/Prizren
Gani	Mikullovci	MEC	Mitrovicë/Kosovska Mitrovica
Beshir	Mekolli	MEC	Mitrovicë/Kosovska Mitrovica
Bashkim	Ademaj	MEC	Istog/Istok
Brikena	Blakaj	OSCE-NPO	Prishtinë/Pristina
Haxhi	Rama	CEC	Pejë/Pec
Afrim	Shyqeriu	MEC	Dragash/Dragash
Mejdi	Dehari	MEC	Prishtinë/Pristina
Irfan	Ohri		
Gjana	Kurshumliu	MEC	Mitrovicë/Kosovska Mitrovica
Alija	Tahirovic	MEC	Istog/Istok
Fadil	Millaku	MEC	Klinë/Klina
Jonathan	Browning	OSCE-DEO	Prishtinë/Pristina
Iliriana	Dobroshti	OSCE-NPO	Prishtinë/Pristina
Bahri	Dashevc	MEC	Mitrovicë/Kosovska Mitrovica
Agim	Korenica	MEC	Mitrovicë/Kosovska Mitrovica
Musa	Fetahaj	MEC	Istog/Istok
Shadin	Misini	MEC	Dragash/Dragash
Hamide	Konushevc	CEC	Prishtinë/Pristina
Rrahman	Kastrati	MEC	Malishevë/Malisevo
Nezir	Bytyçi	MEC	Ferizaj/Urosevac
Hyzri	Hasani	MEC	Ferizaj/Urosevac
Selim	Mehmeti	MEC	Novo Berdë/Novo Brdo
Hakif	Sheholli	CEC	Prishtinë/Pristina
Enver	Kabashi	MEC	Prizren/Prizren
Zejnepe	Ramadani	OSCE-NPO	Prishtinë/Pristina
Esad	Hafiz	CEC	Prizren/Prizren
Dunajder	Bojda	MEC	Dragash/Dragash
Nesim	Lamaxhema	MEC	Ferizaj/Urosevac
Anita	Nijsten	DEO	Prishtinë/Pristina
Michael	Stephenson	DEO	Prishtinë/Pristina

Selecting a Model for Election Administration in Kosovo:
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Ana	Milosevic	DEO-NPO	Shtërpçë/Strpce
Ardiana	Gashi	DEO-NPO	Prishtinë/Pristina
Hajdin	Gakaj	DEO-Trainer	Prizren/Prizren
Slavica	Jovanovic	MEC	Viti/Vitina
Goran	Antic	MEC	Kamenicë/Kamenica
Selami	Gashi	MEC	Rahovec/Orahovac
Miodrag	Brkljac	CEC	Serbia
Hugh	Foulton	OSCE-DEO	Gjilan/Gnjilane
Afrim	Shefkiu	MEC	Gjilan/Gnjilane
Luljeta	Rexhepi	MEC	Lipjan/Lipljan
Idriz	Hetemi	MEC	Ferizaj/Urosevac
Afrim	Sojeva	MEC	Ferizaj/Urosevac
Çlirim	Hajdini	MEC	Skënderaj/Srbica
Ljubomit	Davidovic	MEC	Shtërpçë/Strpce
Aferdita	Berisha	CEC Secretariat	Prishtinë/Pristina
Behare	Hoxha	MEC	Suharekë/Suva Reka
Bujar	Basha	MEC	Prishtinë/Pristina
Illir	Haziri	OSCE-NPO EO	Gjilan/Gnjilane
Hamza	Berisha	MEC	Kaçanik/Kacanik
Zyber	Zeka	MEC	Rahovec/Orahovac
Miro	Delevic	CEC	Serbia
Ferid	Shabani	MEC	Gjilan/Gnjilane
Bukurije	Stublla	MEC	Gjilan/Gnjilane
Xhemail	Peqani	MEC	Lipjan/Lipljan
Zulfija	Omeragic	MEC	Mitrovicë/Kosovska Mitrovica
Nexhat	Beqiri	MEC	Vushtrri/Vucitrn
Qemajl	Hamdiu	MEC	Kaçanik/Kacanik
Fikrije	Islami	MEC	Shtërpçë/Strpce
Refki	Gega	MEC	Suharekë/Suva Reka
Ali	Caglar	OSCE-Trainer	Prizren/Prizren
Olivera	Slavkovic	OSCE-Trainer	Gjilan/Gnjilane
Dhurata	Azemi	OSCE-NPO	Gjilan/Gnjilane
Mentor	Rexhepi	OSCE-NPO	Gjilan/Gnjilane
Murat	Durguti	MEC	Rahovec/Orahovac
Edmond	Hyseni	OSCE-Trainer	Gjilan/Gnjilane
Ajne	Iberhysaj	MEC	Deçan/Decani
Halit	Ferizi	CEC	Prishtinë/Pristina
Ilyas	Sait	MEC	Gjilan/Gnjilane
Savica	Stevanovic	MEC	Mitrovicë/Kosovska Mitrovica
Naile	Gashi	MEC	Mitrovicë/Kosovska Mitrovica
Riza	Livoreka	MEC	Kaçanik/Kacanik
Valon	Maloku	OSCE-Trainer	
Rasim	Alaj	MEC	Deçan/Decani
Adem	Kryeziu	MEC	Lipjan/Lipljan
Shefqet	Ibrahimi	MEC	Skënderaj/Srbica
Besim	Krasniqi	MEC	Obiliq/Obilic
Haki	Krasniqi	MEC	Obiliq/Obilic
Bajram	Rogova	MEC	Prishtinë/Pristina
Andrew	Sisson	USAID	Prishtinë/Pristina
Edmond	Dushi	OSCE-Trainer	Rahovec/Orahovac
Fahredin	Shehu	OSCE-Trainer	Rahovec/Orahovac
Xheme	Gashi	MEC	Malishevë/Malisevo
Savo	Kasalovic	MEC	Zubin Potok

Selecting a Model for Election Administration in Kosovo:
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Mehrije	Hoti	MEC	Pejë/Pec
M.	Friberg	OSCE-DEO	Prishtinë/Pristina
Shpresa	Beqaj	OSCE-Trainer	Prishtinë/Pristina
Kushtrim	Cukaj	OSCE-NPO	Pejë/Pec
Ali	Dreshaj	MEC	Pejë/Pec
Lulzim	Muharremi	MEC	Shtime/Stimlje
Islam	Demolli	MEC	Podujevë/Podujevo
Emina	Demirovic	OSCE-Translator	Prishtinë/Pristina
Viktoria	Milisavlievic	MEC	Zvečan/Zvecan
Nina	Kompirovic	MEC	Zubin Potok
Miodrag	Milictevic	OSCE-Trainer	Mitrovicë/Kosovska Mitrovica
Nike	Komani	MEC	Gjakova/Djakovica
Nazmi	Qafani	MEC	Gjakova/Djakovica
Lucas	Jay	OSCE-DEO	Prishtinë/Pristina
Sevdije	Ahmeti	Center for Protection of Women and Children	Prishtinë/Pristina
Eleonora	Laçi	MEC	Prizren/Prizren
Sulejman	Çerkezi	Justice Party	Prishtinë/Pristina
Sherif	Rama	MEC	Zubin Potok
Sadie	Mehmeti	OSCE-NPO	Prishtinë/Pristina
Avni	Maloku	MEC	Podujeve/Podujevo
Malisa	Belosevic	MEC	Istog/Istok
Skender	Shatri	OSCE-Trainer	Pejë/Pec
Muhamet	Asanaj	MEC	Pejë/Pec
Lavdim	Bajraktari	MEC	Suharekë/Suva Reka
Bujar	Beshi	OSCE-Trainer	Prizren/Prizren
Yasemin	Hadzi Tokay	OSCE-Trainer	Prizren/Prizren
Gazmend	Gjilkolli	OSCE-Trainer	Pejë/Pec
Arben	Thaçi	UNMIK-Translator	Prishtinë/Pristina
Arta	Ibishi	OSCE-Trainer	Mitrovicë/Kosovska Mitrovica
Jeton	Ujkani	OSCE-Trainer	Mitrovicë/Kosovska Mitrovica
Bislim	Hoti	New Democratic Initiative Party	Prishtinë/Pristina
Rushit	Rushiti	MEC	Leposaviq/Leposavic
Matteo	Vaglio	OSCE-DEO	Pejë/Pec
Ole	Holtveb	OSCE-DEO	Prishtinë/Pristina
Hilmo	Kandic	Bosniac Democratic Action of Kosova Party	Prishtinë/Pristina
Lars	Lagergen	OSCE-DEO	Pejë/Pec
Astron	Mahmutaj	"24 ore" Newspaper	Prishtinë/Pristina
Ibrahim	Makolli	Council for Defense of Human Rights & Freedoms	Prishtinë/Pristina
Idriz	Pllana	MEC	Prishtinë/Pristina
Arieta	Seferaj	RTV 21	Prishtinë/Pristina
Valon	Thaçi	RTV 21	Prishtinë/Pristina
Albert	Prencakaj	OSCE	Gjakova/Djakovica
Miomir	Srblljak	MEC	Pejë/Pec
Isuf	Bajrami	MEC	Podujevë/Podujevo
Skender	Dumani	MEC	Fushë Kosovë/Kosovo Polje
Tahir	Xhema	MEC	Shtime/Stimlje
Hasime	Qyqalla	MEC	Fushë Kosovë/Kosovo Polje
Zeqirja	Sadriu	MEC	Shtime/Stimlje
Selvete	Gerxhaliu	OSCE-ECAC	Prishtinë/Pristina
Vlora	Istogu	OSCE-ECAC	Prishtinë/Pristina

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Urim	Salihu	OSCE-DEO	Prishtinë/Prishtina
Elez	Krasniqi	MEC	Vushtrri/Vucitrn
Xhemail	Kelmendi	MEC	Vushtrri/Vucitrn
Zekije	Sutaj	MEC	Istog/Istok
Enver	Peci	MEC	Zveçan/Zvecan
Safete	Hoxha	OSCE	
Sherif	Sherifi	MEC	Viti/Vitina
Naim	Breznica	MEC	Fushë Kosovë/Kosovo Polje
Behxhet	Binaku	Handikos	Prishtinë/Prishtina
Admir	Kastrati	OSCE-NPO	Prishtinë/Prishtina
Selajdin	Selimi	OSCE-NPO	Prishtinë/Prishtina
Arsim	Janova	CEC	Prishtinë/Prishtina
Paul	Suane	OSCE-DEO	Shtërpcë/Strpce
Mehmet	Rushiti	OSCE-Trainer	Lipjan/Lipljan
		OSCE-Trainer	
Wilfried	Wesch	OSCE-DEO	Rahovec/Orahovac
Andrijana	Miletic	OSCE-NPO	Leposaviq/Leposavic
Sasa	Dacevac	MEC	Leposaviq/Leposavic
Gazmend	Kelmendi	OSCE-NPO	Prishtinë/Prishtina
Anna	Gorska	OSCE-DEO	Mitrovicë/Kosovska Mitrovica
Nehat	Shala	OSCE-NPO	Prishtinë/Prishtina
Enisa	Skrijel	MEC	Pejë/Pec
Gani	Sadiu	Kosova Democratic Turk Party	Prishtinë/Prishtina
Veton	Ruka	OSCE-Trainer	Prizren/Prizren
Fatmir	Aliu	MEC	Podujevë/Podujevo
Avdush	Hazimi	OSCE-NPO	Lipjan/Lipljan
Alessandro	Parziale	OSCE-DEO	Lipjan/Lipljan
Lavdie	Zeqiraj	OSCE-Trainer	Prishtinë/Prishtina
Mihone	Kerolli	OSCE-Trainer	Mitrovicë/Kosovska Mitrovica
Turkan	Dervari	MEC	Vushtrri/Vucitrn
Skender	Batalli	MEC	Fushë Kosovë/Kosovo Polje
Xhemajl	Zenuni	MEC	Viti/Vitina
Donika	Alixhiku	OSCE-Trainer	Pejë/Pec
Hakif	Mehmeti	OSCE-Trainer	Podujevë/Podujevo
		OSCE-Trainer	Podujevë/Podujevo
Sean	Gralton	OSCE-DEO	Prishtinë/Prishtina
Besim	Peni	MEC	Gjakova/Djakovica
Hasime	Qyqalla	MEC	Fushë Kosovë/Kosovo Polje

Appendix 6: Biographical Sketches of the Speakers and Moderator at the Election Administration Discussion Forum and Conference

Dan Blessington

Mr. Blessington, a native of Boston, Massachusetts, has worked in the Balkans in the areas of electoral, public and international law and administration since 1996. He is currently the IFES Project Director for Macedonia. Until July 2000, he served in Pristina as legal advisor to the Director of Election Operations and Head of Registration under the authority of the United Nations Mission In Kosovo. Previously he was a member of the OSCE Kosovo Verification Mission. In 1998, he became the first director of the IFES Field Office in Tirana, Albania. In 1996, he was Chief Prosecutor of the Election Appeals Sub-Commission in Sarajevo, a quasi-judicial body that enforced the electoral provisions of the Dayton Agreement. He has also worked on democracy projects in Armenia, Montenegro, Uzbekistan, Kyrgyzstan and Ukraine. From 1979 to 1993, he was an attorney with the Federal Election Commission in Washington, D.C. Mr. Blessington holds a LL.M. in International and Comparative Law from Georgetown University Law Center in Washington, D.C. He is the author of *From Dayton to Sarajevo: Enforcing Election Law in Post War Bosnia and Herzegovina*, 13 Am. U. Int'l L. Rev. (1998).

Rafael López-Pintor

Rafael Lopez-Pintor was born in Córdoba (Spain), and is a Spanish national. He is currently Tenure Professor at the Sociology Department of the Universidad Autónoma of Madrid, and Senior Advisor to International IDEA for Democracy and Electoral Assistance. He obtained the degrees Ph.D. in Political Science (University of North Carolina at Chapel Hill); Doctor in Law (Universidad Complutense, Madrid) and MA in Political Science (FLACSO In Santiago de Chile).

Rafael Lopez-Pintor has more than thirty years experience in public opinion research and electoral consultancy and is a founding member of the consulting firm DEMOSCOPIA (in charge of opinion and election surveys for at the Spanish daily EL PAIS since 1986). He has been Director-General in the Prime Minister's Office (in charge of opinion surveys and electoral research for the Center of Sociological Research, CIS). He lectured at several universities and research institutes in Europe, North America and Latin America. Rafael Lopez-Pintor served in several election-related capacities with the United Nations in diverse settings, including Central Asia, El Salvador, Mosambique, Guatemala, Azerbaijan, Lesotho, Cambodia, Angola, Liberia, Albania, and Nicaragua. He also has extensive experience in other organisations. He was coordinator of the EU electoral observer mission in Côte d'Ivoire (Aug. 2000), and was member of a need assessment mission to Peru (November 2000). He served as an IFES consultant in Nigeria, Kosovo, Bosnia and Herzegovina, Yemen and the West Bank/Gaza and with the National Democratic Institute in Slovakia, FYROM, and Peru.

As a leading researcher, Rafael Lopez-Pintor published numerous works in Spanish and English on elections, public opinion and political change. His publications include a policy book for UNDP (under contract with IFES) published under the title *Electoral Management Bodies as Institutions of Governance* (2000) and his latest book in Spanish, *Votos contra Balas* (Planeta, 1999). He also contributed several articles and chapters to influential journals and books covering the fields of elections and democratization.

Gerald Mitchell

Gerald Mitchell is an expert/adviser on political and electoral processes in the context of democratic transition. He has a comprehensive international affairs background, which incorporates political/election analysis, policy prescription, government relations and program implementation. From 1995-1998 he was Head of the Election Section at the OSCE Office for Democratic Institutions and Human Rights in Warsaw. In this capacity, he wrote and operationalized the OSCE/ODIHR Election Observation Handbook, which has provided the standard approach to OSCE election observation. During 1993-94, he served as an expert to the European Commission, conducting policy analysis to further articulate EU Common Foreign and Security Policy pertaining to electoral assistance and democratization. During 1986-93 he worked with the National Democratic Institute for International Affairs, developing and implementing democracy assistance programs in Eastern Europe and Africa. More recently, he served as IFES Program Manager in Indonesia in 1999, overseeing an integrated technical assistance program to the Indonesian National Election Commission during the historic transitional election of June 1999. He is presently Director of the Network of Europeans for Electoral and Democracy Support (NEEDS), an NGO consortium which provides assistance to the European Commission. He holds degrees in International Relations (BA) from Georgetown University and Comparative Government (MSc) from the London School of Economics and Political Science.

Appendix 7: Election Managing Bodies' Responsibilities in Kosovo during the Last Two Years*

Legal Regulations

UNMIK Regulation No. 2000/21, signed by SRSG Bernard Kouchner on 18 April 2000, as amended by Regulation 2000/65 of 19 December 2000, envisages the establishment of the Central Election Commission as an independent and unbiased body. The CEC composition is envisaged to have 9 local members and three internationals, as well as their deputies.

The local members were appointed in different fields three members from three political entities, the Rambouillet key (LDK, PDK, LBD); three members that represent Bosniac, Turkish, and Serbian communities; and three members from NGOs, the media, and the civil society.

CEC Competencies

The CEC activity is envisaged by CEC Rules and Procedures.

- approval of Electoral Rules, which SRSG announced as Regulations (12 in 2000 and 13 2001);
- determination of working time of elected officials' duty;
- definition and design of election material, including the ballot paper design;
- accreditation of national and international observers;
- registration of political parties, coalitions, and candidates;
- appointment of Municipal Election Commissions and Polling Station Committees;
- voter registration provisions;
- voting and counting procedures;
- voter information;
- approval of the Code of Election Ethics;
- election of a Complaints and Appeals Commission; and
- recommendation for publishing of election results by SRSG.

The Constitutional Framework and CEC

The Constitutional Framework for Provisional Self-Governance in Kosovo, in Chapter 11, envisages the Central Election Commission as one of the independent bodies from Self-Governance Provisional Institutions (11.1 item a).

CEC, MECs, DEO, national, and international observers noticed significant shortcomings and irregularities in addition to delays in the citizens' registration process and compilation of Voters' Register in the preparation for 28 October 2000 Municipal Elections.

The CEC activity during 2000 included several fields of activity such as:

- preparation of Electoral Rules (altogether 12 Electoral Rules);
- appointment of MEC's;
- certification of Political Entities;
- accreditation of national and international observers;
- observation of citizens' registration process;
- assignment of the electoral system;
- the formulation and design of ballot paper;
- participation of women in political entities' lists;

* This Appendix is the notes from CEC member Haxhi Rama's presentation during the Discussion Forum.

- ECAC election; and
- other activities from the CEC fieldwork.

The Election of 28 October 2000 was assessed as successful, even though there were a few deficiencies, which appeared on both Election Day, and following the announcement of the Election results. The most emphasized and characteristic questions were:

- delays in the Electoral Regulations approval;
- lack of proper professionalism of Polling Station Committees, long queues of citizens in front of Polling Centers, and improper Voters Lists;
- voters in long queues in Mega-Centers;
- delays in local observers accreditation;
- delays in the election of Polling Station Committees;
- lack of professionalism of international observers;
- improper organization of help desks work in Polling Centers; and
- delays in opening of Polling Stations.

The reported and observed deficiencies were displayed as challenges that ought to be faced by CEC, DEO, MEC, and other bodies that were to participate in the administration and management of the general elections.

Based on the election results of 28 October 2000, another re-composition of CEC was made in March 2001.

The CEC was much more prepared for the General Elections because the largest part of work had been done in the previous year. Hence, the approval of the Constitutional Framework and fixing 17 November 2001 as a date for holding the Assembly Election in Kosovo, according to the SRSB, did not present any serious problem from a time aspect.

The CEC directed its activity for this election as follows:

- the amendments and supplements to the existing Electoral Regulations – their adjustment to the Constitutional Framework and for General Elections (total: 13 Electoral Regulations);
- completion of MECs;
- elimination of obstacles and shortcomings that occurred in 2001 Elections;
- CECs contacts with MECs;
- discussions regarding gender and regional representation on Political Entities' Lists;
- certification of Political Entities;
- accreditation of national and international observers;
- allocation of entity composition of Polling Station Committees and NGOs;
- the lottery for determination of entities' order on the ballot paper;
- ballot design; and
- ECAC election.

CEC thanks all the participants of the electoral process for successful work in 2001 Elections:

- Political Entities for peaceful campaign and tolerance;
- MEC and PSC for their engagement;
- the CEC Chairman, Mr. Daan Everts, and CEC members;
- the Director of DEO Mr. Peter Erben;
- the Chief of the Election Observation Mission (CEOM), Mr. Owen Masters;
- Election officers in the Field and Regional Offices;
- the CEC Secretariat Head, Mr. Andrew Caldwell; and
- the ECAC Chief Commissioner, Mr. Adrian Stoop.

Appendix 8: Municipal Election Commissions: Experiences Gained and Their Future*

MUNICIPAL ELECTION COMMISSIONS EXPERIENCES GAINED AND THEIR FUTURE

Whatever claim for designing any important issue such as the case today about the issue of the election administration, it will necessarily oblige us in future to refer to the experience gained from the past. What this experience in Kosovo was like, as during a time distance somewhat longer than a year, between 24 October 2000 and 17 November 2001, the first Municipal Elections and then Central-Parliamentary Elections were held. At the very beginning, we should say that Parliamentary Elections of 17 November 2001 showed much more successful than Municipal Elections of 24 October 2000, in all aspects.

Which were the major factors that had an impact on this success?

- First, the time span for the period of election preparations was significantly longer than for the Municipal Elections;
- Second, there was more harmonized coordination of activities of international and local communities in all the phases of election administration;
- Third, some regulatory solutions by CEC proved to be very favorable, such as setting of PPs and NGOs participation quota in the PSC as well as awarding MECs more responsibilities;
- More qualitative training of all EO structures that participated in the election administration;
- Good inter-party organization during the pre-election campaign and cooperation with OSCE, CEC, MEC, etc, in all electoral phases;
- Supplying voters with personal identification documents;
- Setting up of municipal bodies;
- More qualitative preparation and managing of PSCs;
- Identification of problems emerging from Municipal Elections; and
- Media experience and their contribution to information and education aspects of citizens.
- NGOs and election observation.

These are only some crucial identifying elements of the success in Parliamentary Elections in Kosovo last year. It is our obligation to identify and eliminate the problems and deficiencies that certainly occurred in this Parliamentary Election, since we are facing a lot of tasks for preparation of local elections that are in front of us. This is all with intention for a qualitative electoral progress in regulatory and technical organisational aspects.

Competencies and MEC's Role in the Future

First, let us say that MECs were truly without any concrete regulatory identity in the Municipal Elections of 24 October 2000, and looking at them from this aspect now, they did not have any particular concrete and determining role in the election administration except for offering assistance to international election officials.

* This Appendix is the notes from Seladin Selimi's (former chairperson of Pristina MEC) presentation during the Discussion Forum.

This situation obviously changed with Electoral Rule No. 4/2001, but not to the extent it should and did in regulatory aspects in other countries. It is considered that such a way of institutional building, thus also of MECs, within this framework is inevitable in a post-conflict society. Kosovo also had its ten years of an under-pressure period of non-functioning of authentic local bodies.

Additional responsibilities to MECs and the theoretical and practical experience gained (seminars and workshops) have proved that now it is the time when MECs, and not MECs alone, must receive the responsibilities and functions that they may and must really have and which are compatible with the ones in other countries.

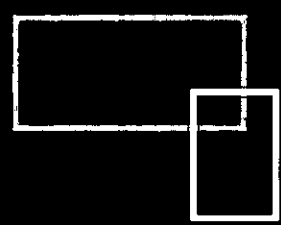
Then the question is raised what kind of identity MECs will have. What rights, obligations, and responsibilities MECs will be given. We estimate that the knowledge and experience of this forum participants may help us very much in authentic building of regulations and personnel and professional structure in the near future when the whole competencies and responsibilities will be transferred to Kosovo local bodies and institutions.

It is of particular interest that the following issues should be reviewed in work groups, such as:

- who should the MEC members be elected by (in BiH, the MA proposes and the CEC appoints them);
- how many members a MEC should have;
- what kind of professional profile a MEC member should be;
- how the minority representation in MEC can be provided;
- if political parties should be represented to MEC;
- what mandate a MEC should have;
- if a person from municipal administration should be engaged full-time at a MEC's office;
- if it can be a solution with a person to work full-time, while others to be engaged for a period of three months prior and one month after the elections and be paid only for this period; and
- what relations a MEC should have with the Municipal Assembly.



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