

Kosovo's political crisis suggests its citizens are no longer willing to accept large-scale electoral fraud

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Kosovo is no longer at war, but deeply entrenched problems persist. [Andrea Lorenzo Capussela](#) warns that socio-economic issues are now at risk of turning into a rapidly escalating political crisis. But against the backdrop of disputes over whether early elections should be called, he identifies one reason for optimism: that Kosovo's citizens are no longer likely to accept the large-scale electoral fraud that has characterised previous elections.



Kosovo was the theatre of the most ambitious, intensive, and expensive state-building intervention ever launched. As I argued in a recent [book](#), however, the results are unsatisfactory. The problems of this small country are no longer made of blood and death, as in Goya's 3 May 1808 [canvas](#), but of poverty, as in Courbet's paintings. This is progress, undoubtedly. But those socio-economic problems are morphing into a political crisis that could escalate. In parallel, however, democracy seems to be taking root in Kosovo's society. If so, real progress can finally begin.

Although generally well-designed, Kosovo's political and economic institutions are gravely inefficient. Suffice it to say that Freedom House still [qualifies](#) Kosovo as a 'semi-consolidated authoritarian regime', the only one in the Balkans. The formal institutions erected by the international community, in fact, have [been distorted](#) by the underlying oligarchic 'social order'. And the main beneficiary of the 'extractive' institutions that this unequal social order sustains is a narrow political and economic elite, which still has private military power at its command and partly coincides with the criminal elite.



'The Stone Breakers', by Gustave Courbet

Kosovo is now witnessing a serious political crisis. In protest against two unpopular agreements with Serbia and Montenegro, as well as against the government's attempt to by-pass parliament on their ratification, last September the opposition began a boycott of parliament. The tactics they employed followed an escalation, which has caught the attention of the international media: first they blew whistles, then threw eggs, then [opened tear gas cans inside the chamber](#) (on seven consecutive sessions). In parallel, the opposition organised large demonstrations, which were [occasionally violent](#). Parliament did manage to meet a handful of times, but sometimes the entire opposition was banned from attending.

The authorities responded by arresting thirteen of the thirty-one opposition MPs, and detained many for one month. One of them is the main opposition leader. The arrests are plainly illegal, as I have [previously argued](#). Predictably, these measures exacerbated the conflict, which threatens to degenerate. Another large demonstration is now expected on 17 February, the eighth anniversary of Kosovo's declaration of independence.

Kosovo's government now faces two main choices. The first relates to the election of the next president of the republic, which must take place by the end of February. The choice is complex because although the government

controls a vast majority in parliament, a (flawed) judgment issued in 2011 by the constitutional court – which [largely serves](#) as an instrument of the ruling powers – has unwittingly granted to the opposition a veto over the election. So the government must choose between losing the presidency, leaving it to a consensual figure, or losing that instrument. They could certainly remove the veto, by declaring that the 2011 judgment needn't be obeyed, or else by asking the court to overturn it ahead of the election, but in either case the court's credibility would be shattered.

The second question is how to end the political crisis. This crisis has greatly reduced legislative business, is embarrassing Kosovo's western friends, and is delaying and complicating a tentative process of reconciliation with Serbia, in which the EU has invested a lot of energy and political capital. Reasoned and open debate between the government and the opposition could help remedy this situation. But this is unlikely to happen because Kosovo's political institutions are too weak and discredited to maintain political conflict within their perimeter. Moreover, neither side seems interested in compromise: the government is politically weak and not very cohesive, and therefore cannot afford to blink; the opposition feels strong, and is now aiming at toppling the cabinet and securing early elections.

The government can either hold out, and resist the opposition's assault, or call for early elections. Should it opt for the first solution, the government shall probably count on both the support of some western actors, and the possibility that the opposition will commit mistakes that may harm its popular support (such as renewed use of tear gas). To call for early elections, conversely, as the opposition demands, the government must count on favourable election results, which would dampen any resumption of the opposition's assault after the vote. The fact that the cabinet would remain in office, and thus retain full control over the electoral machine, is an important factor in this calculation, as we shall see.

So the government faces two sets of alternatives. First it could either elect a consensual president, while saving whatever is left of the credibility of the constitutional court, or elect an elite figure and lose the court. On the other hand, the government could either resist the opposition's assault, or call for early elections while retaining power in the interim.

A complex political situation

The situation is further complicated by the nature of political parties in Kosovo. Two members of the opposition, the [Alliance for the Future of Kosovo](#) (AAK) and the [Initiative for Kosovo](#) (Nisma), have in the past been in government with the ruling parties, and arguably maintain these links. Unlike the rest of the opposition, therefore, these two parties share an interest with the governing coalition, led by the [Democratic Party of Kosovo](#) (PDK) with the involvement of [Democratic League of Kosovo](#) (LDK), in preserving the current governance system, including the existing social order and the political and economic institutions that it sustains. Their intention is therefore not to reform Kosovo, but rather to replace or join the current governing coalition. As such, they are unlikely to help the PDK and LDK destroy such a useful instrument of government as a docile constitutional court (particularly if this is done merely to elect a PDK figure as president).

The choice of the next president therefore depends on whether the governing coalition, plus half of the opposition, judges that a docile court is a more valuable asset than a partisan president, and whether they can reach an agreement about this choice. In the abstract, I think that they should prefer the court. But the choice is less easy than it may seem because the court has already lost much of its credibility, at least in Kosovo – and it could be discredited further, should the former president be convicted for having effectively [forged a judgment](#) (to save, incidentally, the [controversial appointment](#) of the three EU-chosen foreign judges of the court).

Naturally, the choice between resistance and early elections depends on whether the governing coalition, and especially the senior partner, PDK, expects to do well at the elections. Opinion polls are rarely reliable in Kosovo, and I am not aware of recent ones. But I suppose that they will be only one of the factors that PDK will consider. The other factor is election fraud, which [was documented](#) in 2010, but was less profusely and more discreetly used in 2014 (mainly because of international pressure). The PDK will have to reflect over four variables: how many votes it

can successfully acquire through fraudulent practices; how many votes its competitors can themselves acquire; how much election fraud citizens would tolerate; and how much election fraud western actors can accept.

The most delicate variable is the third one as the PDK's election-fraud machine is famously effective and has an edge over those of other parties. As concerns the possible reaction of western actors, it must be recalled that in 2013 the former UK ambassador said, publicly, that in 2010 the international community had 'closed their eyes' before 'industrial-scale fraud'. Consequently, the PDK and the other elite parties are likely to calculate that, now the fate of the agreement with Serbia is at stake, the West, which has invested a lot in that agreement, might be tempted to close its eyes again, in order to save the agreement. I hope and trust that this calculation shall prove wrong, but its logic – the agreement must be implemented; only PDK-LDK are willing to do so; but without fraud they risk losing the elections – is cogent.

This leaves four strategies available to the government. First, they could elect a consensual president. Going for early elections will never be attractive for the governing coalition because they need a partisan president during the campaign, the vote, and the count. Moreover, they can delay the presidential election by six months, and have the speaker of parliament (a PDK figure) as acting president. Then, having won the elections, they will choose between the president and the court.

A second strategy of electing a consensual president and resisting calls for new elections might seem a better strategy. Under this scenario, the government would have acquired some goodwill, by accepting a consensual president, and would have retained the court as its loyal instrument, ready to help if the opposition's assault intensifies. But it is questionable whether the coalition feels strong enough – politically, and not just numerically – to take this route.

Third, there is the option of electing a partisan president and resisting calls for new elections. This can be preferred to the previous strategy only if the government judges that the court's credibility is already beyond repair. This is unlikely because foreign observers still seem to take the court's words at face value.

The same is true for the final alternative, namely appointing a partisan president and accepting calls for early elections. This strategy, however, does not have the weakness of the first strategy because the governing coalition would have the support of the new president during the electoral process (which may last longer than the mandate of the acting president).

What will happen?

The final outcome will depend to a large extent on the PDK's calculations as to its capacity to influence the electoral process, and the degree to which citizens will tolerate this, which will impact on its decision over whether to opt for early elections. This will determine most other choices, including how the two segments of the ruling powers – the two governing parties and the two parties now in opposition – will negotiate the choice of the next president (namely whether to destroy the court's reputation or not).

If this is right, then Kosovo has made some progress given that foreign actors are not part of events on the ground and that the main question would be whether the electorate will accept a return to 'industrial-scale' election fraud (which is probably what the PDK needs to retain power). But as diplomatic circles seem firmly opposed to early elections, also for good reason, the PDK may also be inclined to avoid new elections. It has likely calculated – rightly, in my view – that citizens would not tolerate large-scale fraud again.

Should this be true, it would imply that the democratic principle has already cast some rather long roots in the soil of Kosovo's society: this would no longer be a polity where elections can be stolen with impunity, as in 2010. If so, the news would be so positive that what happens to the presidency, the court, and the government would become of secondary importance.

But is it true that large-scale election fraud would trigger a reaction that would frustrate the aims of those controlling the levers of power in Kosovo? Are there enough organised forces, beyond the opposition, that could organise a sustained popular reaction? Could the opposition alone do that? I hope that observers closer to Kosovo will discuss these questions, which seem far more important than either the presidential election or the agreement with Serbia.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics. A previous version of this article was published by Koha Ditore, in Kosovo, on 1 February 2016.

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