


IMPACT OF THE 2021 LOCAL ELECTIONS ON THE WORK OF THE ASSEMBLY OF KOSOVO

Brief analysis



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TABLE OF CONTENTS

INTRODUCTION.....	6
MEMBERS OF PARLIAMENT – CANDIDATES IN THE LOCAL ELECTIONS 2021 AND THEIR POSITIONS (FUNCTIONS) IN THE ASSEMBLY.....	7
HOW MUCH THE MOVEMENTS OF THE MPs AFFECT THE QUALITY OF THE REPRESENTATION OF THE ASSEMBLY?	10
THE IMPACT OF LOCAL ELECTIONS ON THE PERFORMANCE OF THE ASSEMBLY.....	12
PRESIDENCY OF THE ASSEMBLY	12
PLENARY SESSIONS	12
LEGISLATIVE AGENDA	12
PARLIAMENTARY OVERSIGHT	13
PARTICIPATION OF MPS IN PLENARY SESSIONS	13
PARLIAMENTARY COMMITTEES	13
CONCLUSIONS AND RECOMMENDATIONS.....	14

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INTRODUCTION



The great focus of the parliamentary political parties in the election campaign of the local elections of October 17 and the run-off of November 14, has made the work in the Assembly almost completely ignored. **About 15% of the composition of this legislature of the Assembly have been candidates for mayor, including those MPs who were part of the lists for members of Municipal Assemblies.**

in the Assembly was seemingly coordinated at first. Unable to balance their campaign commitments with their duties and responsibilities in the Assembly, MPs have directly affected the proper functioning of the Assembly, problems that have been observed most in the meetings of the Presidency and the holding of sessions. As a result, there have been setbacks in meeting the legislative agenda.

Qëllimi i kësaj analize të shkurtër është që të nxjerrë në pah ndikimin që zgjedhjet lokale 2021 kanë pasur në punën dhe performancën e Kuvendit të Kosovës, gjegjësisht në punimet e të gjitha trupave të Kuvendit për periudhën kohore 16 shtator – 14 nëntor 2021¹. The analysis addresses the phenomenon of MPs running for other public positions or taking other public positions, as well as the impact that these movements bring to the work of the Assembly and the quality of representation of the Assembly. At the same time, this paper analyses the performance of MPs during this period in the legislative, oversight and representative role, with special emphasis on the setbacks and difficulties encountered during this time..

On June 15, 2021, the President of Kosovo, Vjosa Osmani, has set October 17, 2021 as the date for holding local elections in Kosovo. Based on the election date set by the President, the CEC set the start date of the election campaign on 16 September. Since the announcement of the election date, three months before the campaign officially started, political parties had begun to make public the names of some of their candidates for mayors, and some of them had started the pre-campaign.

The Assembly of Kosovo, during the spring parliamentary session March - August 2021, i.e. the first working session of the VIII legislature, was characterized by a slow pace of work in terms of legislation but with better performance in the oversight role. Although this legislature has a consolidated majority, the lack of a quorum has continued to be an obstacle to the work of the Assembly. The numerous absences of the MPs in the session, undoubtedly, have affected the progress of the plenary proceedings. The low work dynamics has followed the Assembly in the first two months of the autumn session, which corresponds to the period how long the local elections 2021 lasted. Small number of sessions, committee meetings held, and, consequently, a very small number of the adopted laws, is the balance of work of the Assembly during this period of time.

The great focus of the parliamentary political parties in the election campaign of the local elections of October 17 and the run-off of November 14, has made the work in the Assembly almost completely ignored. Although the local election process should not have affected the work of central level institutions, in Kosovo, traditionally, not only the commitment and presence of MPs in election rallies of the respective parties has been observed, but also direct participation as candidates in the local election race - a phenomenon that has been quite evident in these elections as well.. About 15% of the composition of this legislature of the Assembly have been candidates for mayor, including those MPs who were part of the lists for members of Municipal Assemblies. Some other MPs have also played certain roles in the election headquarters of their political parties. Such a situation seems to have been adapted to all parliamentary political parties, so the negligence towards the work

¹ This period corresponds to the official start of the election campaign period, until the holding of the second round of mayoral elections.



MEMBERS OF PARLIAMENT - CANDIDATES IN THE LOCAL ELECTIONS 2021 AND THEIR POSITIONS (FUNCTIONS) IN THE ASSEMBLY



The Law on General Elections and the Law on Local Elections do not prohibit persons holding public office, whether elected or appointed, from running for another public office. However, according to the aforementioned laws, it is not allowed to hold two positions at the same time. The Law on Local Elections, respectively Article 9.3, states that *‘A certified political Entity’s candidate for the position of Mayor may be certified as a candidate in other elections such as for the Assembly of Kosovo or a Municipal Assembly, but shall only hold one elected office. If elected as Mayor, a candidate shall be deemed ineligible to hold a seat in the Assembly of Kosovo or a Municipal Assembly.*

The Law on Local Elections also stipulates that although it is legally permissible for a person holding a public office to be part of an election contest, that person who holds a public office, elected or appointed, may not use such office or any of its resources for the purpose of obtaining votes.²

The contest for the mayor, in the local elections 2021, was entered by 13 MPs of the Assembly of Kosovo, where three of them were also bearers of their respective lists and five other MPs ran as bearers of lists for municipal assemblies. If we look at the percentage, it means that 15% of the full composition of this legislature have been part of the local election contest 2021. The parliamentary group with the most MPs who have ran for the position of Mayor is Vetëvendosje Movement, with a total of six such. The second group with the most candidates for mayor is that of PDK with four MPs,

² Article 3, paragraph 4 of the Law.



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followed by the parliamentary group of AAK with two candidates. While the parliamentary group with the least number of MPs who have run in these elections has been that of LDK with only one. However, there were no such candidacies from the parliamentary groups of the communities. Meanwhile, regarding the MPs who have ran as bearers of lists for the Municipal Assembly, the parliamentary groups of PDK, LS and the Multi-Ethnic Group had each two MPs running for elections, followed by the other two parliamentary groups such as LVV and AAK with one MP each.



Member of Parliament	Parliamentary group	Function/role in the Assembly of Kosovo	Candidacy
 Mimoza Kusari - Lila	LVV	Chair of the LVV Parliamentary Group	Candidate for Mayor of Gjakova
 Adnan Rrustemi	LVV	Chair of the Committee on Legislation, Mandates, Immunities, Rules of Procedure of the Assembly and Oversight of the ACA	Candidate for Mayor of Lipjan
 Alban Hyseni	LVV	Member of the Committee on Legislation, Mandates, Immunities, Rules of Procedure of the Assembly and Oversight of the ACA	Candidate for Mayor of Gjilan
 Visar Korenica	LVV	Member of the Committee on Budget, Labour and Transfers	Candidate for Mayor of Rahovec
 Salih Zyba	LVV	Deputy Chair of the Committee on Oversight of KIA; and Member of the Committee on Agriculture, Forestry, Rural Development, Environment, Spatial Planning and Infrastructure	Candidate for Mayor of Suhareka
 Valon Ramadani	LVV	Member of the Committee on Public Administration, Local Governance, Regional Development and Media	Candidate for Mayor of Ferizaj /bearer of the electoral list
 Bedri Hamza	PDK	Member of the Presidency of the Assembly	Candidate for mayor of Mitrovica
 Urani Ismaili	PDK	Member of the Committee on Health and Social Welfare	Candidate for mayor of Prishtina
 Fadil Nura	PDK	Member of the Committee on Agriculture, Forestry, Rural Development, Environment, Spatial Planning and Infrastructure; and Member of Committee on Oversight of Public Finances	Candidate for Mayor of Skenderaj
 Floretë Zejnullahu	PDK	Member of the Committee on Public Administration, Local Governance, Regional Development and Media	Candidate for Mayor of Podujeva/bearer of the electoral list for Municipal Assembly
 Eliza Hoxha	PDK	Member of the Committee on Education, Science, Technology, Innovation, Culture, Youth and Sports	Candidate for the Municipal Assembly of Prishtina/bearer of the electoral list
 Besnik Tahiri	AAK	Chair of the Parliamentary Group of AAK	Candidate for Mayor of Podujeva



Member of Parliament	Parliamentary group	Function/role in the Assembly of Kosovo	Candidacy
 Bekë Berisha	AAK	Chair of the Committee on Security and Defence Affairs	Candidate for Mayor of Istog/bearer of the electoral list for Municipal Assembly
 Anton Çuni	LDK	Member of the Committee on Security and Defence Affairs	Candidate for Mayor of Prizren
 Fridon Lala	Multietnik / IRDK	Member of the Committee on Rights and Interests of Communities and Returns, Committee on European Integration and Committee on Oversight of the KIA	Candidate for the Municipal Assembly of Gjakova/bearer of the electoral list
 Bahrim Šabani	Multietnik / VAKAT	Member of the Committee on Rights and Interests of Communities and Returns and Committee on Foreign Affairs and Diaspora	Candidate for the Municipal Assembly of Prizren/bearer of the electoral list
 Adem Hodža	LS / JGP	Member of the Committee on Rights and Interest of Communities and Returns and Committee on Oversight of Public Finances	Candidate for the Municipal Assembly of Dragash/bearer of the electoral list
 Ivan Todosijsjević	LS	Member of the Committee on Rights and Interest of Communities and Returns	Candidate for the Municipal Assembly of Zvečan/bearer of the electoral list

Fig 1. Data on MPs and already former MPs who have participated in local elections divided by parliamentary group, function in the *Assembly and candidacy in local elections 2021*.

Six of these MPs - candidates for mayor are MPs who have also had leading functions within the working bodies of the Assembly. Considering the important role that the chairpersons of the parliamentary groups have in the work of the Assembly and the progress of the plenary proceedings, their regular presence in the Assembly has directly affected the overall smooth running of the proceedings of the Assembly. Also, since the chairpersons of the parliamentary committees have the authority to convene committee meetings, chair and set the agenda of those meetings, their lack of commitment in performing these tasks has affected the work dynamics of the respective committees.

From the ranks of the PDK parliamentary group, the candidate for Mayor of South Mitrovica, Bedri Hamza, was also the Deputy Speaker of the Assembly of Kosovo. On the other hand, the chairpersons of the parliamentary

groups of LVV and AAK, Mimoza Kusari-Lila and Besnik Tahiri, were also candidates for Mayors of the respective municipalities. Whereas, one MP from each of these two parliamentary groups were candidates for Mayors, who hold the positions of chairpersons of parliamentary committees - the Committee on Legislation, Mandates, Immunities, Rules of Procedure of the Assembly and Oversight of the ACA (Adnan Rrustemi) and Committee on Security and Defence Issues (Bekë Berisha). Also, Salih Zyba, MP of the LVV PG and Deputy Chairperson of the Committee on Oversight of KIA, was also a candidate for Mayor. Whereas, other MPs who have also been part of the local election race have been members of one or more relevant parliamentary committees.





HOW MUCH DO THE MOVEMENTS OF THE MPS AFFECT THE QUALITY OF THE REPRESENTATION OF THE ASSEMBLY?

In Kosovo, politicians have consistently seen the position of MP as an opportunity to be promoted to other public positions. Although, being an MP in a parliamentary republic, as in the case of Kosovo, represents the highest position of representation in the representative and legislative body.

Despite the importance, responsibility, and privilege of being the representative of the people in the highest legislative body, in each legislature of the Assembly, there have been MPs who have left their mandate to take other executive positions at the central or local level. This occurred even though the citizens have voted for these people to represent them and their interests in the Assembly.

Parliamentary groups that have a parliamentary majority and consequently lead the government are always most affected by the departure of many important figures who are valuable to that particular parliamentary group. With the formation of the government, the key figures of the party, who have already won seats in the Assembly, usually take leading positions in the executive to give way to candidates for MPs who are next on the list in terms of the number of votes. But in the case of local elections, almost all parliamentary groups are influenced by the movements of many of the important figures in their groups, given the importance that political parties attach to local elections.

In almost every pair of local elections, the same situation is repeated, where a certain number of MPs enter the race for Mayor from all parliamentary groups. In the local elections

of 2017, where there were 13 MPs of the Assembly of Kosovo in the race for Mayor, only two had won the elections in the respective municipalities and both belonged to the Vetëvendosje Movement. Whereas, in these pairs of elections, out of 13 MPs who had become part of the race for Mayor, three have managed to win this election race, of which two are from the PDK parliamentary group and one is from the LVV parliamentary group. The PDK parliamentary group came out the most "affected", as it 'lost' three MPs from this race – which were important figures of the party. From the PDK, in addition to the two former MPs, Bedri Hamza and Fadil Nura, who have won the mayoral race, the former MP Uran Ismaili, as a candidate for Mayor of Prishtina, had resigned since the beginning of the election campaign, although the same has not won the race. Uran Ismaili was the only MP to resign from the position of MP to focus on his election race at the local level. While from LVV, the only winner from the group of MPs who had entered the race for Mayor was the former MP Alban Hyseni.

In addition to the differences in functions and importance that these former MPs may have in their respective parties, as opposed to those MPs who have replaced them, there is also a big difference in the popular support they received in the last parliamentary elections of 14 February.

Former MP Uran Ismaili, who had resigned from the position of MP, previously, as part of PDK, has been Chief of Staff to the former Speaker of Parliament, Kadri Veseli, then Minister

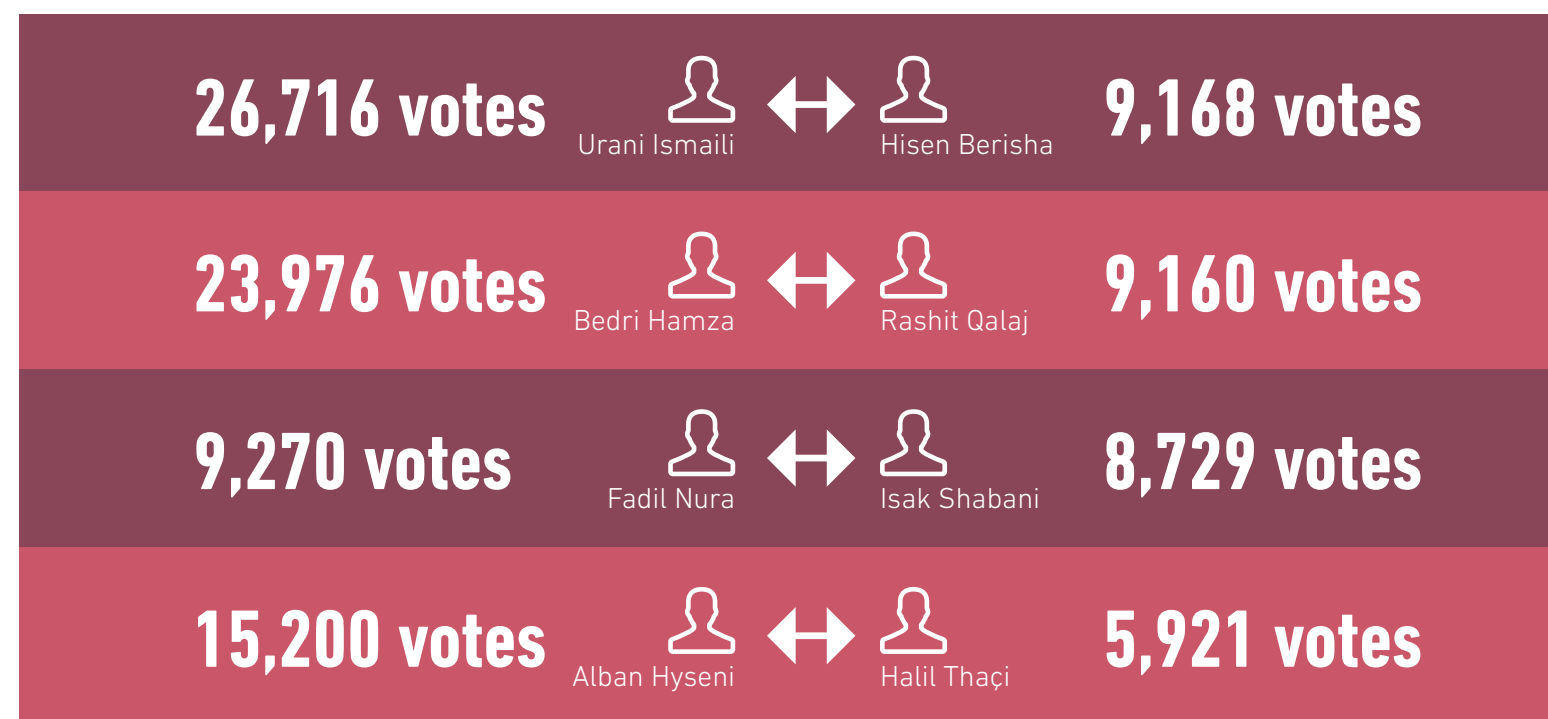


Fig2. Votes of former MPs who have resigned from the mandate of MP and votes of MPs who replaced them.

of Health in the «Haradinaj» Government, and has been an MP in the last two legislatures. In the last early parliamentary elections, he had managed to get 26,716 votes, being the second most voted candidate on the PDK list. After his resignation, he was replaced by Hisen Berisha, former KLA commander in the Brigade 138 «Agim Ramadani», who had joined the PDK more than two years ago, while in the last parliamentary elections had won 9,168 votes or about 18,000 fewer votes than former MP Uran Ismaili.

Former MP Bedri Hamza, who was an MP for two terms, was also part of the local election race from the ranks of PDK, while in the last parliamentary elections, he was ranked as the third most voted MP in the PDK list with a total of 23,976 votes. He had served as Governor of the CBK, and as part of the PDK, he was Minister of Finance. After resigning from the mandate of the MP, he was replaced by the MP Rashit Qalaj, who had joined the PDK a year ago, on the eve of the early parliamentary elections, in which he had received 9,160 votes, or about 15 thousand votes less than the former MP Hamza. Rashit Qalaj has previously exercised the function of Director of Kosovo Police.

Former MP Fadil Nura, although a first-time MP in this legislature, had previously held senior leadership positions as part of the PDK. Fadil Nura has been the Deputy Mayor of Skenderaj for one term, then he served as Acting Mayor of Skenderaj for one term, as well as Deputy Minister of Justice in the «Haradinaj» Government. In the last elections, he had managed to collect 9,270 votes, being among the top three most voted PDK MPs in Skenderaj. Former MP Nura, after the victory in Skenderaj and after resigning from the mandate of MP, has been replaced by Isak Shabani, who won 8,729 votes in the last elections, which is a similar number of votes to those of former MP Fadil Nura.

From the local elections, the VV parliamentary group has «lost» one MP as a result of the victory of the now former MP Alban Hyseni in the Municipality of Gjilan. He was a MP for two terms, while in the last parliamentary elections, he was the most voted MP from the list of LVV in Gjilan, with 15,200 votes. In his place, Halil Thaçi has already won the mandate of MP, who was also the candidate of LVV for Mayor of Obiliq, in the local elections of October 17. Currently, he is the Head of the LVV centre in Obiliq. In the last parliamentary elections, he had managed to secure 5,921 votes, or about 9 thousand votes less than the former MP Alban Hyseni.





CONCLUSIONS AND RECOMMENDATIONS

As expected, the campaign for the local elections of October 17 and the run-off of November 14 has significantly reduced the efficiency of the work of the legislature, due to the focus that parliamentary political parties have had in this election process, where participated about 15% of the composition of this legislature. While in countries with consolidated democracies, the phenomenon of the impact of the local election process on the work of central level institutions is not implemented, in Kosovo it has become a practice the direct participation of MPs as candidates in the local election, but also the commitment and presence of MPs in election rallies of the respective parties.

In addition to influencing the performance of central institutions, in this case the legislature, the candidacy of MPs in local elections, and then resignation from the mandate of MP for an executive position at the local level also weakens representation in the Assembly. In many cases, MPs who resign from the mandate of MP to take office at the local level are also very important figures of the respective parties but also MPs with great popular support. The same, in most cases, are replaced by MPs with whom they have a big difference in the popular support expressed through the vote in the parliamentary elections, which raises the discussion whether in these cases the distortion of the civic will is occurring. As many political scientists say, the way of functioning and internal organization of political parties is a precondition for democratic governance and development of the state in general. In the framework of the process of internal democratization of political parties in Kosovo, it is more than necessary to review the way candidates are selected for elections at both levels. Nomination of candidates in the electoral lists of political parties, both for the central and local level should be addressed through legal rules. By defining in advance the form of the list of candidates in an election contest, on the one hand, the candidacy process is clarified for those who intend to be part of an electoral list, and on the other hand, it enables political parties to create

professional and political staff for representation in advance at both levels without damaging the representation in one or the other.

The practice of participation of MPs in local elections in Kosovo has been adapted due to the space provided by the Law on Elections, which allows MPs to be part of the local elections and until they are certified for the mandate for which they ran, they hold at the same time the other post as an MP. Such a legal opportunity, however, should not be used to the detriment of the institution and the mandate they have received to represent the interests of citizens in the legislature. Given the impact that commitment to another public office has on his / her role as elected by the people, it is imperative to set some ethical norms for MPs who have ambitions for other public office, including the option of resigning of the deputy since the beginning of the election campaign

Parliamentary political parties, ie MPs, must take into account the fact that they have been elected to fulfill their obligations to the citizens of Kosovo, through the drafting and adoption of policies and laws that improve their lives. The Assembly must adhere to the work calendar even at the time of local elections, respecting in the first place the Rules of Procedure and the criteria for the number of meetings and sessions to be held. And, at the same time, to function with increased dynamics in accordance with the issues that are raised for treatment, in order not to procrastinate those issues that require treatment by the deputies and not to hinder the proper functioning of the Assembly.



