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Kosovo's tale of discontent and ongoing political crisis

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Since its declaration of Independence on 17 February 2008, Kosovo has faced particular challenges related to the state-building process and democracy. Following Kosovo's early parliamentary elections on 8 June 2014, these challenges have been attributed to a vicious cycle of polarization between the ruling parties PDK and LDK and the opposition parties AAK, Self-Determination, and Initiative for Kosovo. The tensions obstructed the political dialogue and created a long-lasting political stalemate, which weakened the legislative capacity of the parliament. In addition, the predominance of a divisive and conflictual style of policymaking has created deep disillusionment and political divisions. This further increases polarization in a country that needs broader political and overall consensus to address issues of democratic statehood.

The chronicle of a political dispute

After the Kosovo Assembly's dissolution in May 2014, Kosovo held early parliamentary elections on 8 June 2014. The center right Democratic Party of Kosovo (Partia Demokratike e Kosoves, PDK) led by the then-Prime Minister Hashim Thaci, emerged as the largest party receiving 31% of the votes and securing 37 seats in the 120 seat Assembly. However, it could not form a parliamentary majority as no ethnic-Albanian party was willing to join a coalition with it. On 9 June, the largest opposition party, LDK (Lidhja Demokratike e Kosoves) of the former president Fatmir Sejdiu (2007-2010), led by the former mayor of Pristina Isa Mustafa (2007-2014) with 25% of the votes (30 seats) together with AAK (Alliance for the Future of Kosovo, Aleanca per Ardhmerine e Kosoves) led by the former commander of the Liberation Army (UCK) Ramush Haradinaj, and Nisma (Initiative for Kosovo) led by Fatmir Limaj, former Transport and Telecommunications Minister (2008-2010) and a defector from the PDK, formed an anti-PDK post-election political bloc aiming at offering an alternative parliamentary majority to govern the country. They aimed to sideline their deadly rival PDK. The dilemma that emerged was to whom the country's President should give the mandate to form the government: Thaci was the winner of the elections but failed to form a government, while opposition parties claimed to have the parliamentary majority.

Table 1: Results of parliamentary elections 2014

Party	%	Seats
PDK	30.4	37
LDK	25.2	30
Self Determination (Vetevendosje)	13.6	16
AAK	9.5	11
Serbian List	5.2	9
Initiative for Kosovo (Nisma)	5.1	6
AKR	4.7†	-
Other minorities parties	<4†	10
Other Kosovo Serb parties	<2†	1

Source: State Election Commission

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Cases whereby parties receive the largest share of votes, but remain in opposition are quite common in parliamentary democracies. However, the dilemma is open to various interpretations. A mandate can be given to the coalition that has achieved parliamentary majority, as the fundamental principle of democracy is that the majority rules. But from a legal perspective, the abovementioned possibility seemed as a non-viable option in Kosovo. Two Constitutional Court judges argued that in accordance with Article 95 the term 'coalition' should be understood only as a pre-election coalition and the act of two or more parties reaching a post-election coalition in order to form a government is not valid. The justification of this interpretation rested on the grounds that those parties did not run with a single candidate list and a common policy programme during the election campaign. Things were further complicated by the Article 84 of the Constitution, which explicitly states that the President appoints as Prime Minister the candidate who is proposed by the party or the coalition that holds the majority in the Assembly.

Before this political and constitutional deadlock, President Atifete Jahjaga had appealed to the Constitutional Court to clarify who the President was expected to appoint as candidate for Prime Minister. The Constitutional Court ruled that the president appoints the candidate proposed by the party that had received the majority in the election process, in this case the PDK. If the party with a relative majority fails to obtain the confidence of the majority of MPs, then the President may call other parties for consultations to form the government. Furthermore, the Constitutional Court gave PDK exclusive power to propose its candidate for the position of the Speaker of the Parliament. But, as PDK lacked the votes to elect the Speaker, the Constitutional Court ruling did not break the political deadlock and the country was pushed further into institutional crisis. In the meantime, in August 2014, the nationalist party 'Self-Determination' (Levizja Vetevendosje, VV) joined the opposition bloc, offering external parliamentary support in exchange for the suspension of the implementation of the EU-brokered agreement between Belgrade and Pristina.

Following six months of crisis, LDK changed its position, demanding the position of Prime Minister, which had been promised to AAK's Ramush Haradinaj, and the removal of 'Self-Determination' from the opposition coalition. No political party agreed on this and soon after LDK and PDK formed a government, thus attaining an absolute parliamentary majority, together with minority parties. On the part of the LDK-PDK bloc, the agreement was that Thaci would give up the premiership for LDK's Isa Mustafa, and Kadri Veseli, the former head of PDK's shadowy intelligence service that was dissolved in 2009, would be elected Speaker of the Parliament. The feeling of political betrayal on the part of VV, Nisma and AAK was the prelude to a continuous wave of mobilization and criticism of the government on important issues concerning the process of building state and democracy in Kosovo.

The starting point: January 2015 protests

In a progressively deteriorating economic and social climate, Kosovo's political scene entered yet another phase of political and social polarization in January 2015. The opposition coalition (VV, Nisma and AAK) expanded its repertoire of actions by mobilizing citizens in street protests. The bedrock of the mobilization was the gloomy economic situation in Kosovo. With high unemployment and few possibilities for finding jobs, many Kosovo citizens attempted to immigrate to the EU. Statistical data from this period show that in the first months of 2015 approximately 50,000 people applied for asylum in the EU. These immigration waves, which began in September 2014 amidst the institutional deadlock, continued even more intensively in the first half of 2015, only to be followed in the second half of the year by a decrease in flows.

In January 2015, the already-tense social and political climate was further shaken. Alexandar Jablanovic, then head of ethnic Serbian party 'Lista Srpska' and a Kosovo government minister, made a remark about the protests organized by the mothers of Kosovo Albanian missing persons against Serb pilgrims who wanted to celebrate Orthodox Christmas in Gjakove using the word 'savages'. Jablanovic's statement triggered protests in Prishtina and other regions of Kosovo, which demanded the resignation of the Serb minister. Prime Minister Isa Mustafa, in order to stem the social unrest, dismissed Jablanovic. The dismissal that occurred in February 2015 was also accompanied by the withdrawal of the government's proposal for the nationalization of the mining and metallurgical complex 'Trepca' as result of protests from Belgrade. The Trepca lead, silver and zinc mines accounted for a large percentage of Kosovo's gross domestic product before the 1999 war. Situated mostly in the northern part of Kosovo near the border with Serbia, 'Trepca' has been 'an apple of discord' between the two countries. Amid social upheaval, 'Self-Determination' party joined the protesters opposing the PM's withdrawal of the proposal on 'Trepca'. The protests on 24 and 27 January

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2015 in Pristina were the largest that the country saw since the declaration of independence. In the following months, Kosovo political and social life returned to normalcy only to be disrupted again in August 2015 when the government introduced highly controversial issues to be ratified by the Assembly.

The escalation of violent protests

In September 2015, tension between the opposition and the government resurfaced. In Brussels and Vienna, Prime Minister Isa Mustafa signed a package of agreements to be ratified in the Assembly of Kosovo. Amongst them, three agreements were of paramount political importance. The first agreement was signed in August 2015, and was ratified shortly after in the Assembly by a two-thirds majority vote of 82 out of 120 deputies, without the main opposition parties, which declined to participate in the vote. The agreement aimed at the constitutional amendments to establish an International Criminal Court for trying Kosovo Liberation Army fighters for alleged crimes committed during the Kosovo war. The second agreement was signed within the framework of the 'First agreement of principles governing the normalization of relations' of 19 April 2013, an agreement facilitated by the EU in order to encourage dialogue between Serbia and Kosovo. It specified the formation of the Association/Community of Serb majority municipalities situated in Northern Kosovo and provided them a degree of institutional autonomy and competencies on issues such as urban and rural planning, economic development etc. The last agreement concerned border demarcation between Kosovo and Montenegro as a precondition for the liberalization of visa regime by the EU.

The opposition bloc mobilized against the government. It accused the PDK-LDK coalition of being a semi-authoritarian government that operates secretly and against the interests of the country, and also disregarding the opinion of the opposition. They further argued that the establishment of the special court distorts the historical truth about the Kosovo war; that the formation of the Association of Serb municipalities would be a breach of the Constitution, and that it would create a dysfunctional political and territorial system as in Bosnia and Herzegovina; that Kosovo would lose more than 8,000 hectares of territory through demarcation agreement with Montenegro. Members of the opposition kept interrupting the introductory discussion on the agreements by throwing dangerous objects at government representatives and even by releasing tear gas in the Assembly chamber. Even high-ranking members of 'Self-Determination' used tear gas and pepper spray, later resulting in their detention by the police. Representatives of the international and diplomatic community strongly condemned these violent acts. Leaders in Belgrade also expressed concerns about the aggressive nationalist rhetoric of the Kosovar opposition.

Following arrests of opposition party activists and MPs, more protests and violent demonstrations were organized rising in Pristina, demanding the withdrawal of the agreements. The wave of protests grew when the constitutional court decided that the agreement on the Association of Serb municipalities violates 22 articles of the constitution. The protests organized by the opposition parties after the decision of the court demanded that the Prime Minister steps down and the country goes to early elections. When the founder and former leader of 'Self-Determination' Albin Kurti was arrested again in November 2015 the protests continued, reaching a climax in January and especially in late February 2016 when Thaci was elected president of the country. With opposition parties boycotting the ceremony, the protests became more violent. Accusing Thaci of helping the politics of intrusion of Serbia in Kosovo and giving away land in the demarcation agreement with Montenegro, 'Self-Determination' admitted that its supporters were the responsible for the throwing of stones and petrol bombs in the parliament building.

Divisive politics: from occasional to a persistent feature?

With a background of constant political polarization, Kosovo parliament failed to ratify these important agreements. In September 2016, Prime Minister Isa Mustafa attempted to pass the law on the demarcation of the border but soon withdrew it as he didn't secure the necessary number of votes even from the coalition government. As a result, Kosovo's visa liberalization deal with EU, linked to the progress on the agreement with Montenegro, remained in limbo. Additionally, the creation of the Community of Serb municipalities was postponed indefinitely. At the same time, relations between PDK-LDK and 'Self-Determination' have moved beyond mere political rivalry to become relations of openly declared enemies. This hostility became more emphatic after the enigmatic death of an activist of 'Self-Determination' in his prison cell in November 2015.

All in all, as Kosovo is about to enter the ninth year since it declared independence, the political situation looks bleak.

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The tense political climate is expected to become even more divisive with the formation of the special court, which may redefine the contours of the political system as key political figures are highly likely to be prosecuted for war crimes. It remains to be seen whether extreme political polarization in Kosovo will subside or whether it will continue to be a key factor hampering state building and democratic reform efforts.

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