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Parliamentary Election in Kosovo: Will the Victor also Become Prime Minister?

Clear Election Victory for *Albin Kurti's Vetëvendosje* Movement

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According to the latest figures, *Albin Kurti's Vetëvendosje* almost secured an absolute majority with 48.95 per cent of the vote. Less than two years after the last general election in 2019, Kosovans were called to the ballot box once again on 14 February 2021. A decision by the Constitutional Court of Kosovo on 21 December 2020 set the scene for this early vote. ¹It declared the parliament's election of the incumbent Prime Minister, *Avdullah Hoti*, on 3 June 2020, to be unlawful, since a parliamentarian whose previous conviction should have barred him from entering parliament cast the decisive vote for an absolute majority (61 out of 120). This election is also particularly important because the resignation of President *Hashim Thaçi* on 5 November 2020, due ²to an indictment before the Kosovo Specialist Chambers for War Crimes in the Hague, warrants the election of a new president within a period of six

months for which a two-thirds majority is needed. Whether a potential one-party government under Vetëvendosje can also elect a president remains to be seen.

2019 Elections and the Change of Government in 2020

The electoral victory of *Albin Kurti's* Vetëvendosje turned out to be even better than expected, having only just failed to achieve an absolute majority. However, questions remain which can be elucidated by analysing the background to these elections. In July 2019, the former Prime Minister *Ramush Haradinaj* resigned due to an indictment before the Kosovo Specialist Chambers for War Crimes in the Hague,³ making new elections necessary. These elections took place on 6 October 2019 and witnessed the victory of the opposition parties Vetëvendosje (self-determination; left-wing nationalist) and LDK (Democratic League of Kosovo; centre-right) under their lead candidates *Albin Kurti* and *Vjosa Osmani*. Following over four months of negotiations, they agreed to form a joint government with *Albin Kurti* as Prime Minister and Konrad-Adenauer-Stiftung scholar *Vjosa Osmani* as Parliamentary President. Many (particularly young) Kosovans placed great hopes on this government, since its protagonists belong to a younger political generation, did not originate from⁴ the "war parties", as well as having credibly devoted themselves to fighting the black economy. This was notably reflected by the fact that the once-dominant parties PDK (Democratic Party of Kosovo) and AAK (Alliance for the Future of Kosovo), which are blamed in particular for corruption and unfair patronage, were no longer part of government.

This coalition, however, collapsed again after only seven weeks due to internal disputes (and probably also external influence) which were clearly rooted in *Kurti's* conflict with President *Thaçi*, who are bound together by a strong mutual dislike. The main point of contention was the differing views on dialogue with Belgrade. *Thaçi* was open to suggestions for mediation by US President *Donald Trump's* Special Envoy *Robert Grenell*, which did not rule out the question of an exchange of territory; this was vehemently opposed by *Kurti*.

Re-elections were rejected by *Thaçi*, citing the onset of the Covid-19 pandemic. This resulted in the formation of a new government under the leadership of *Avdullah Hoti* from the LDK, with

support from former Prime Minister *Haradinaj's* AAK party and the Serbian List, to name a few. Although the former LDK lead candidate, *Vjosa Osmani*, did not support this change of coalition, she continued to be speaker of parliament. Prime Minister *Kurti*, toppled after only a short term in office, has since successfully presented himself as a victim of intrigue by the country's "old" political guard and the Trump administration, while having accused the LDK of entering into a pact with them. This went hand in hand with the narrative that he and Vetëvendosje alone stand for a fresh start and promising future in Kosovo, which strikes a chord with young people in the country with Europe's youngest demographic.

Polarised Electoral Campaign with Unauthorised Lead Candidates

From the very beginning, polls showed Vetëvendosje and *Albin Kurti* to be clear favourites in the re-elections scheduled for 14 February 2021. Yet, from the onset, the "presidential elections" hung over the vote like a sword of Damocles. This is because the new parliament has to elect a new president by 5 May 2021, as the Kosovan Constitution stipulates that new elections must take place within 30 to 45 days if it fails to do so. Polarisation among the political parties and *Kurti's* public commitment to rejecting any cooperation with the "old guard" under any circumstances, means a potential rupture in the political system is still likely. A two-thirds majority for one political power alone still seems difficult to achieve.

Substantive issues largely took a back seat to those cited above. Vetëvendosje did not submit an official election manifesto, instead aiming to use rhetoric to garner support on socio-political issues such as the introduction of a public health insurance system. Other issues addressed by the parties were an increase in the minimum wage, strengthening the economy and transatlantic and European relations. The issue of visa liberalisation with the EU continues to be an important issue for all political parties and Kosovans in general. Frustration and disappointment about this permeate across all political camps; especially if we consider that Kosovans already believed this to have been

agreed in 2018 in return for having ratified the border demarcation with Montenegro.

The Central Election Commission (CEC) dropped a bombshell with its announcement that *Albin Kurti*, together with 46 other candidates from all parties, would not be authorised to run for election due to a final conviction from 2018. This announcement was in line with a decision by Kosovo's Constitutional Court, which declared the election of *Hoti* to be invalid in December 2020. This was based on a complaint by Vetëvendosje regarding the participation of a deputy with a previous conviction. The Election Commission called on all parties to revise their lists accordingly. *Kurti* and Vetëvendosje rejected this and refused to amend the list even after complaints to the Election Commission and to the Supreme Court of Justice were dismissed.

Enraged attacks by representatives of Vetëvendosje on the Chairwoman of the Election Commission led to appeals by international observers and organisations, including the German and American ambassadors, to respect state institutions. The Election Commission confirmed that all votes for *Kurti* and other unauthorised candidates from his list would remain invalid.

Nevertheless, Vetëvendosje took the lead by a wide margin in all polls. In this respect, it was also a wise political move to recruit the speaker of parliament, the interim president and former LDK lead candidate, *Vjosa Osmani*. The latter merged her own list, which she had previously announced, with *Kurti's* Vetëvendosje list and was then proclaimed candidate for the presidential elections scheduled to take place by 5 May. The *Kurti-Osmani* duo thus embodies a progressive-looking approach for a new beginning. One week before the elections, both illustrated their refusal to enter into a coalition with the "old guard", instead fully focusing on winning an outright majority. There can be no doubt that *Albin Kurti* is currently the most popular and certainly the most charismatic politician in Kosovo, with many placing their hopes on him as a driving force for change and renewal. Should he become prime minister again, he will have to be appraised in many ways. His previous nationalistic statements on Greater Albania and the deployment of tear

gas in parliament raise questions as to what the future may bring.

The EVP partner party LDK, under the former head of government and new lead candidate, *Avdullah Hoti*, and long-standing party leader, *Isa Mustafa*, was subject to fierce attacks during the election campaign from both Vetëvendosje /*Osmani* and the other parties. The LDK certainly has a pragmatic, forward-looking political style which respects established principles of governance, especially when it comes to cultivating European and transatlantic relations. However, circumstances surrounding the change of government in 2020 and former lead candidate *Vjosa Osmani's* open opposition represented a stumbling block to their electoral campaign. Significant losses certainly did not come as a surprise.

The PDK, under the former President *Thaçi* and *Kadri Veseli*, who is also facing charges in the Hague, remained an important political heavyweight. Having said that, deprived of its leading figures, with *Enver Hoxhaj*, it was unable to field a lead candidate of comparable charisma; despite his extensive experience of government in roles such as Foreign Minister. Nevertheless, losses incurred by the PDK were still within reasonable limits.

Ramush Haradinaj and his AAK focused their entire electoral campaign on the presidential office, which *Haradinaj* is keen to occupy. In light of poll numbers under ten per cent, it has however been clear that he would consider cooperating with *Kurti*, with the latter having ruled this out, since *Haradinaj* is definitely one of the "old guard" from *Kurti's* perspective. *Haradinaj* caused a stir in the election campaign with his calls for Kosovans to hold a referendum, in no more than five years, on unification with Albania if deadlock were to continue on the issues of visa liberalisation and rapprochement with the EU and NATO. International reactions, particularly those from Serbia, bear witness to how explosive such musings can be. The weak performance of the AAK outlined voters' disdain for this tactical skirmish.

Other parties were unable to raise any realistic hopes of entering into parliament (again), while NISMA (Social Democratic Initiative), which used to be represented in the government, was voted out of parliament. 20 parliamentary seats are guaranteed to Kosovo's minorities. Serbs account for ten of these votes, usually won by the Serbian List, which has close ties with Belgrade. Roma, Ashkali and Balkan Egyptians (four overall), Bosniaks (three), Turks (two) and Gorani (one) account for the other ten.

Voters in the Diaspora

As in previous elections, voters from the Kosovan diaspora participated in or wanted to register for elections. With 400,000 Kosovans in Germany alone and 200,000 Kosovans in Switzerland as well as a substantial number in Scandinavia, the importance of this group, with Kosovo itself having an official population of 1.8 million, must not be underestimated. All demoscopic surveys indicated that particularly *Albin Kurti* would be able to rely on great support among diaspora voters. That's why, weeks before the election, *Vetëvendosje* chartered buses around Europe to bring as many Kosovans as possible home in order to vote. The background to this was the assumption that the Kosovan Election Commission would deliberately impede expats voting in foreign countries, for which there is a serious lack of evidence. The fact that this posed a challenge to logistics and infection protection under conditions created by the COVID-19 pandemic is all too clear to see. For counting of the votes and the official final result, the votes are only added afterwards. This is also particularly important if we consider that none of the election polls in Kosovo itself took the diaspora's votes into account. A total of approx. 38,000 letters arrived from abroad, which could each contain up to five votes. The deadline for submission of these documents was 12 February 2021.

The Election Result

Party	Share of the votes	Seats
Vetëvendosje	48.95 per cent	56

PDF	16.93 per cent	20
LDK	13.34 per cent	15
AAK	7.45 per cent	9

The election sees *Vetëvendosje* as the triumphant victor, with an absolute majority also being possible once all votes have been counted, including the diaspora's postal voting ballots. What's more, support from the Roma and Turkish minority parties is also likely, which may also provide *Vetëvendosje* with the necessary votes for at least 61 parliamentary seats. This would then enable them to rule without the LDK, PDK or AAK as coalition partners. What is more difficult to predict is whether *Vetëvendosje* will be able to form a two-thirds majority in with *Vjosa Osmani* in parliament. *Kurti's* electoral victory is so clear that it would be difficult to justify not (indirectly) electing a new president, as well as not holding re-elections ensuing from this; however, on the other hand, polarisation is so entrenched that this cannot be ruled out. Speculation remains about whether *Kurti* would nominate another candidate whom the opposition would also deem more eligible to stand for election.

Can Kurti Become Prime Minister?

The Kosovan Constitution allows the election of a prime minister who is not a member of parliament if the victorious party proposes this candidate to the president. This would represent a formal act, merely confirmed by the acting president *Osmani*. There is, however, contention among international constitutional lawyers about whether disqualification from the parliamentary election should also apply to election as prime minister. This means it may be possible to elect *Kurti* as a non-member of parliament. The party will probably have to expect that if this likely scenario becomes a reality, the opposition camp could bring a lawsuit before the Constitutional Court.

In this regard, it is interesting to observe that *Kurti's* three-year suspension owing to a final conviction will expire in autumn, after which he would be eligible to stand for election without restriction. Without placing too much focus on

speculation and rumours, the inability to elect a president due to the absence of a two-thirds majority, and the ensuing re-elections, would not necessarily be detrimental to *Albin Kurti*. This is because Vetëvendosje, as the undisputed leading party, could shape the next electoral campaigns with the slogan that only by further strengthening their movement can Kosovo's political system achieve lasting stability. Surveys of the electorate on this issue already indicate that his supporters would remain loyal to him.

In light of the various domestic and foreign policy challenges facing Kosovo, we must support a plea for political stability. Whether *Albin Kurti* can live up to this task remains to be seen and needs to convince the Kosovans. The overwhelming mandate conferred on him by the Kosovans not only reflects high expectations for leading the country into a better future, but also the hopes and impatience of many of the country's citizens that a strong government is best placed to quickly fulfil these wishes. This could prove to be difficult, particularly when it comes to foreign policy challenges. For instance, just one week before the election, Paris announced its continued scepticism towards visa liberalisation.

Albin Kurti enjoys a more comfortable majority than any Kosovan head of government before him, yet the political challenges he faces are no less great.

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- ¹ The judgement is based on a lawsuit by *Albin Kurti's* Vetëvendosje.
 - ² The Kosovo Specialist Chambers and Specialist Prosecutor's Office forms part of the Kosovan justice system.
 - ³ <https://www.dw.com/de/kosovos-regierungschef-ramush-haradinaj-tritt-wegen-vorladung-in-den-haag-zur%C3%BCck/a-49654288>
 - ⁴ This refers to parties such as PDK and AAK which emerged from the UCK liberation army.

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