

Strange days in Kosovo

10 June 2014

by Marko Prelec in Pristina.

The final results from Kosovo's parliamentary elections are not even in and already strange things are happening.

At first glance the election changed almost nothing. After a turbulent four years, featuring a breakthrough in relations with Serbia, the integration of the Serb population, the trials on war crime and organised crime charges of several leading politicians and much else, voters' preferences scarcely budged. The ruling PDK increased its share from 34 to 36 seats and will again be the largest party in parliament. The only significant change can be found down in the smaller parties. The AKR dropped out of parliament, while NISMA, the party of PDK renegades, is set to win six seats.

That seems to have made all the difference: on Tuesday 10 June three party leaders, the LDK's Isa Mustafa, the AAK's Ramush Haradinaj and NISMA's Fatmir Limaj, announced a coalition agreement. Together they should have 48 seats, short of the 61 needed for a majority. But LDK and NISMA already had a deal with the Vetëvendosje party, which is likely to offer the tacit support of its 16 representatives. With some minority support from Serbs and others, whose support is necessary to pass certain kinds of legislation, the coalition would command a strong majority.

And this is where it gets weird. Kosovo's constitution reads, at article 95:

After elections, the President of the Republic of Kosovo proposes to the Assembly a candidate for Prime Minister, in consultation with the political party or coalition that has won the majority in the Assembly necessary to establish the Government.

It turns out that little of this is clear. Is the "coalition" one formed before, or after the elections? The PDK is likely to argue it must be a formal, pre-election coalition and that the first candidacy must go to them. LDK et al. will say it means a coalition in parliament, whenever it forms, and that the mandate should be theirs.

If the candidate fails to secure a majority within 15 days the President is to offer the job to another – but can the second candidate be from the same party? Again, the PDK may argue it not only may but indeed must be so, since they won the largest share of the vote.

There are other questions; the only sure thing today is that if the second candidate fails, Kosovo will head to the polls again, probably in August and in a foul mood.

I am not a constitutional scholar, least of all of Kosovo law, but it seems clear the text is not unambiguous. The claim that the constitution requires the plurality party to form the government will strike many as a transparent attempt to make the document say something politically expedient. After all, there were simpler ways of saying that. To deny parties who between them won a clear majority of votes the right to form a government seems likely to increase public anger and drive support to extremists.

Or not: cooler heads may prevail, or be induced to prevail by international pressure, and no crisis may materialise. It is not unusual for a new state to experience a testing moment in one of its first free elections, and in no way disqualifies Kosovo's democracy. Yet the struggle over the mandate shows how it could all go very wrong quite quickly. For the sake of this small, young country's people and for its neighbours, one hopes for the best.