

**Electoral impact of public policies
Case Study: Elections as an instrument of
civic participation in public policies in
Kosovo**

Ibrahim Gashi, Bardhok Bashota

Abstract

Being aware of the role of electoral systems as the most important mechanisms of fostering political interaction in a political system of a certain democratic society, it is our intention to study and theoretically and practically analyze the establishment and functioning of the electoral system in Kosovo, in the temporal context of the last decade. Before that thought, several standard theoretical modalities attributable to electoral systems are to be set, with a view of explaining the role and functions of the electoral systems in consolidating basic attributes of a mature democracy.

In our case studies, amongst the most important attributes under analysis are: elections, as an instrument of civil participation in public policies. Furthermore, in studying the function of elections, we shall make efforts to elaborate on the level of political culture in Kosovo, creation of authority and legitimacy, and the extent of maturity of Kosovar society itself.

Since Kosovo has been under international administration for more than ten years, the analysis of the electoral system in Kosovo is found to be sui generis, and this fact allows for an extraordinary understanding of the role of elections as an instrument of citizens for participating in public policies and public life in Kosovo. In attaining such goals, we shall focus on the analysis of all cycles of elections held in Kosovo since 2001, and up to the constitutional reforms ongoing related to electoral reforms in Kosovo.

Keywords: *Electoral system, political interaction, democratic society, political culture, political system, authority and legitimacy, electoral cycles, case of Kosovo, elections as an instrument of*

participation, public policy, Kosovar society, international administration, constitutional reform.

The theoretical approach to political representation

Analysis and explication of the political reality¹ has undoubtedly been one of the largest challenges of political science in a given political system. Nevertheless, the efforts of political scientists in explicating the subjective side of this reality have been even more challenging. On the other hand though, in today's political science, the subjective dimension of political reality has surfaced into an object of study specifically in political culture research, and studies on voter behavior². In this sense, studies related to political representation (including electoral system analysis, elections, etc.) represent the main function of a political system, fulfilling an important sphere of the reality. Amongst subjective aspects of political reality, the following are more considerable: *subjective individual stances (attitudes), affective attitudes, cognitive and evaluative attitudes, etc.* All these very important variables are very important in understanding political processes such as political interaction, especially in relations between the governing and governed, an interaction having concrete and functional spheres in a political system of a democratic society.

It is already evident a fact that the analysis of political representation as a specific process is best achieved by analysing an electoral system, and the latter representing the most suitable platform in understanding political interaction, or more concretely the possibility of involvement of the governed in public policies. This is due to the relevance of election for political representation, or as Heywood underlines: "elections are often thought to be the heart of the political process... where elections are viewed as not less than democracy in practice... and that for this notion, the main principle is the one of representation"³. Authors such as Schumpeter, qualify elections as a minimum criterion for democracy⁴.

From this description, one would note that several analytical categories are rendered necessary to analyze for us to proceed further. These categories are: political representation, public policies, electoral systems, political culture, political system, etc.

¹ Frank Fisher: *Beyond Empiricism: Policy Inquiry in post positivist perspective*. Published in *Policy Studies Journal*, Vol. 26. No.1 Spring, 1998.

² Hysamedin Feraj: *Political Science (Introduction) (Shkenca Politike (një hyrje))*, First Edition, Tirana 2004, p.112.

³ Andrew Heywood: *Politics*, Third edition Palgrave MacMillan 2007, pp.247-255.

⁴ For more, see Joseph Schumpeter: *Capitalism, Socialism and Democracy* (New York: Harper and Row Torchbook, 1950), page 269.

In daily language, the word *representation* means “portraying” or “making present” an item. As a political principle, representation is a relation through which an individual or a group stands or acts on behalf of a larger body of people. Representation is different from democracy, in the sense that the former admits a difference between the governing and the governed, while the latter, at least in its classical form, aims to wipe out the difference, and to establish popular self-government. According to Heywood, there are four main forms of representation: trust, delegation, mandate, and simulation⁵. From this conclusion, it may be understood that the main role of political representation is guidance and activation of masses into political processes, and their influence, directly or indirectly, onto political life in a given political system.

On the other hand, *public policies*, especially the way Mayer defines them, are bound to fulfill the other part of the political process, which is the influence of the governing upon masses. According to Mayer, “*public policy* is the way governments affect our lives... public policies may be defined as decisions taken by the government towards attaining goals”.⁶ Therefore, by studying public policies, we aim to explain how state authorities and institutional dignitaries interact between them towards political decisions and actions in various sectors.⁷

In a more technical conception, electoral systems are conceived as rules, by which votes of constituencies are translated into division of positions or seats in the legislative, between parties or candidates for a political mandate.⁸ The electoral system may be considered as a linking bridge between the governing and the governed, or namely the manner in which the masses are to be represented in the state power, and depending on such representation, the authority and legitimacy of the governing to affect the civil masses. Before all, this depends on the organizational nature of an electoral system, which in turn may be representative or proportional. In the Kosovo’s case, the electoral system is to be analyzed for both aspects, to understand the true nature of political representation, and the possibility of electoral impact on public policies.

Another analytical concept relevant to political representation is political culture. Indeed, political culture may be the most affected by past experiences of a nation amongst aspects of a modern political system. This concept refers to

⁵ Andrew Heywood: *Politics*, Third edition Palgrave MacMillan 2007, pp.248.

⁶ Lawrence C Mayer, *Comparative Politics*, Texas Tech University. Publishing house “ORA”, Tirana 2001, page 24.

⁷ Bekim Baliqi: *Analysis of Public Policy (Analiza e Politikave Publike)*. Published by Iliria University, Prishtina 2011, page 11.

⁸ See notion of industrial democracy from Mayer, *Comparative Politics*, Texas Tech University. Shtëpia botuese “ORA”, Tiranë 2001, faqe 58.

predisposed features; the inner state of individuals... political culture of a political community includes the following features: positions towards authority, beliefs and conceptions, the manner of approaching a problem, political socialization etc.⁹

It is already an evident fact that all these concepts related to the political process, such as political representation, have their individual influences on the process. Nevertheless, influence is also mutual between the concepts. This particularly occurs in the logic of interaction within a political system. Therefore, systemic theories of political study render very important in analysing the functioning of a political process, where in fact the nature of the political system is similar to a proper process.

A simplified model of the political system is given by David Easton, according to which the system appears as an input-central political system - output - feedback.

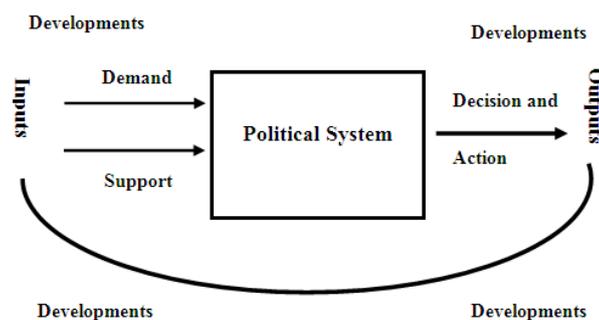


Fig. 1. The political system according to Easton. Source: Hysamedin Feraj: Political Science (an Introduction) (*Shkenca Politike (një hyrje)*), first edition, Tirana 2004, f. 209.

Electoral system models and their specifics

It is related to political interaction - as a political process - occurring between the "elites" and the "masses", mainly enabled through the election mechanism. In political science, such political activities are best explained through the "new political economy" approach, or otherwise known as the rational-choice theory. One of the key paradigms of this approach of studying political processes is the one viewing politics as an exchange of economic logic between the politicians and voters, where the politicians are the providers (producers) and voters are users (consumers), while the vote is the money. In simple terms, parties sell their programs, and voters buy them, while the means

⁹ Lawrence C Mayer, *Comparative Politics*, Texas Tech University. Shtëpia botuese "ORA", Tiranë 2001, faqe 14.

of exchange is the vote.¹⁰ Therefore, it may be stated that elections in a democratic political system appear as an intermediary mechanisms between various political agents. This is made possible by the interplay of functions in an electoral system. According to Bjørn Erik Rasch, democratic elections have two important functions. *First*, they are a method of *selection* of political leadership.

Second, they are a method for *assigning responsibility and obtaining control* over political leadership¹¹. But, the manner how elections play these two functions and democratic attributes also depends on the category of the electoral system.

There are hundreds of electoral systems currently in use, and even more mutations of each form, but for the sake of simplification, they may be categorized into three larger families of electoral systems: Majoritarian, Proportional and Semi-Proportional. Within the three, we may find 10 “sub-families”: the first wins the post (FWP), vote en-block (VEB), alternative vote (AV), and two-turn system (TTS). All these are systems belonging to the majoritarian system. Parallel systems on the other hand, the limited vote (VK) and single un-transferable vote (VVPT) are semi-proportional systems. The PR list, proportional with mixed members (PAP), and single transferable vote (VVT) are all proportional systems.¹² Each of 212 parliamentary electoral systems of the Global Electoral System Distribution may be categorized under one of the headings, while the tree, although rooted in long-term conventions, is the first to have into consideration all electoral systems currently used in parliamentary elections in the world, independently of the major issues of democracy and legitimacy. We hope it will offer a clear and concise instruction to select between them.¹³

There is a frequent question that arises, on what electoral system is best, within a state or a country under administration. The UN General Assembly Resolutions admit that there is no single electoral system that would suit equally to all countries. Furthermore, political systems and electoral processes are subdued to historical, political, cultural and religious factors. Whether a state wishes to apply one of the electoral systems is a discretionary matter of political entities and legislature of the state to choose the electoral systems to embrace.

¹⁰ See: Philipp Herder-Dorneich and Manfred Groser: *Okonomische Theorie Des Politischen Vvettbeverbs*, UTB Vandenhoeck und Ruprecht, Deutchland 1977:42-45, 55-59.

¹¹ Knut Midgard & Bjørn Erik Rasch: *Democracy – Conditions and Consequences* (Demokracia-kushtet dhe pasojat), Sh. B. Rozafa, Prishtinë 2008, faqe 177.

¹² The Electoral Knowledge Network, see at: <http://aceproject.org/main/overview-albanian/sistemet-e-zgjedhjeve>.

¹³ Ibid.

*The best manner for defining the electoral system in a state or country under administration is opening a public debate, to obtain opinions of the civil society and electoral experts to adequately adopt an electoral system.*¹⁴

Electoral systems and political representation in Kosovo

Electoral tradition in Kosovo until 2000

The global movement towards democratic governance in the 80-ies and 90-ies in the last century has incited a new urgency in investigating sustainable models of respective representative government, based upon a fresh assessment of electoral systems. This process was further encouraged by a wide realization that the choice of institutions may visibly influence the general political system – for example, it is increasingly recognized that an electoral system may be of help in “engineering” cooperation and decision-making in a divided society. The establishment of an electoral system, now accepted as largely relevant to major governance issues, and presumably one of major impact compared to all political institutions.¹⁵

In Kosovo, this practice was specific, and mainly connected to the early democratic transition by the early 1990-ies¹⁶. At this time, for specific political causes and circumstances, Kosovars had never decided their own political destinies. Even when they made an effort, such destiny was never recognized internationally.

In fact, Kosovo’s society had several practices in organizing elections and expressing its political will. Amongst these, one must mention the parliamentary and presidential elections held in 1992, thereby electing legitimate representatives of Kosovars (specifically those of Kosovo Albanians, which made over 90% of the population), but they never exercised their functions formally. Before 1990, this right was denied by a fifty-year Communist rule, and most recently, due to their placement under an international administration system. This shows that Kosovars had never expressed themselves fully democratically. Nevertheless, after 1999, when Kosovo was under international administration, a first electoral system was applied, with democratic elements, although rather flawed.

¹⁴ Sadik Haxhiu: <http://www.telegrafi.com/lajme/zgjedhjet-dhe-reformat-zgjedhore-ne-republiken-e-kosoves-26-3897.html>.

¹⁵ The Electoral Knowledge Network, see at: <http://aceproject.org/main/overview-albanian/sistemet-e-zgjedhjeve>.

¹⁶ For more, see: Arsim Bajrami: Parliamentary Democracy (Demokracia Parlamentare). Fourth edition, Prishtina 2005, pages 291-295.

Electoral tradition in Kosovo after 2000

From the first elections held in a post-war Kosovo in 2000, and down to the last election held in 2009/2010, Kosovo has inserted various changes to its electoral system. Still, due to political circumstances, and the transition Kosovo went through, these changes have not brought any major advance to the electoral system. These changes were mainly related to the issue of lists (open/closed) and other matters of a technical nature. More than ten years have passed from the end of war, and almost four years after its declaration of independence, therefore the institutions must do more in consolidating democratic principles. A change or further improvement of the electoral system would strengthen democratic legitimacy and general accountability.¹⁷

For example, in parliamentary elections of 2007, voters were entitled to vote one to ten candidates within a single party list. This form of voting is contrary to the right to equal vote: where every voter has in principle one single vote; in cases in which an electoral system allocates the electors more than one vote, each elector must have the same number of votes. This form of election allowed great room for electoral fraud, which in fact did occur. Election administration authorities had technical possibilities of forging votes without leaving any trace on the ballot. The same happened in 2010, but the voters were entitled from one to five candidates in a single political party list.

Since 2000, Kosovo has organized and held seven elections. Five rounds were organized and supervised mainly by internationals, assisted by locals, while the two last election processes were organized mainly by locals, assisted by internationals. In these elections, it is clearly visible that there was no electoral threshold, there were almost permanently reserved seats, and they were held, in the majority of cases, with closed lists. These practices show a flawed democratic nature, and this was due to the specific status of Kosovo through such time. This can even be considered a problem, leading to a declining turnout in elections, and consequently also in the political representation and institutional functioning of the country.

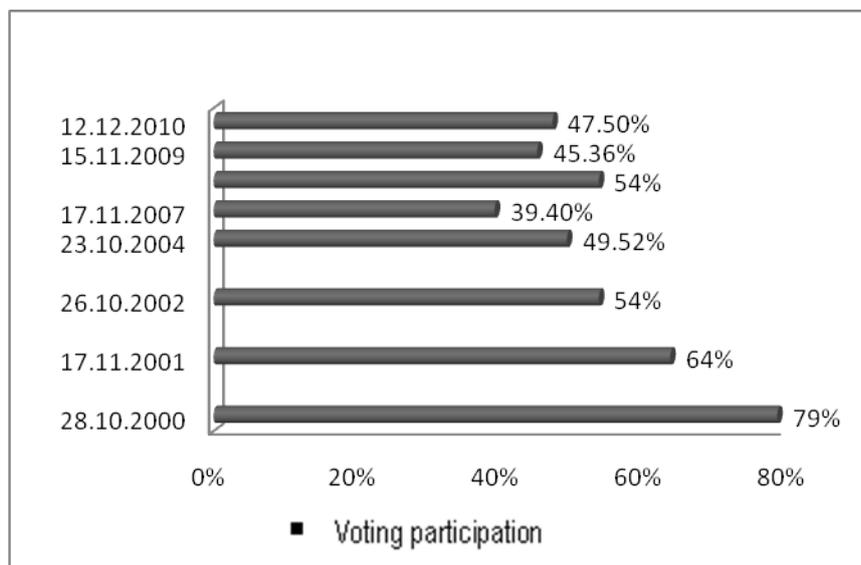
An overview of electoral features of Kosovo throughout this time is presented in the following table:

¹⁷ KDI: Kosova Democratic Institute. Reform of the electoral system in Kosovo (Reforma në sistemin zgjedhorë të Kosovës), Prishtina 2010 page 5.

Date	Type of election	System	Reserved seats	Electoral threshold	Voter turnout
28.10.2000	Local	Proposed open lists	0 minority officials were appointed later	No	79%
17.11.2001	Parliament	Proposed 1 electoral district; closed lists	10 for Serbs, 10 for other minorities	No	64%
26.10.2002	Local	Closed lists proposed	0	No	54%
23.10.2004	Parliament	Closed lists	0	No	49.52%
17.11.2007	2 Local and Parliamentary	Open lists	Yes	Yes	39.4% 54%
15.11.2009	Locale	Open lists	Yes	Yes	45.36%
12.12.2010	Parliamentary	Open lists	Yes	Yes	47.5%

Source: The Forum: Reforming the electoral system in Kosovo (Reformimi i sistemit zgjedhor në Kosovë), Prishtina 2003, page 7, and Central Election Commission.

Based on the turnout rate of eligible voters in elections held in Kosovo, one can see that the percentages have permanently declined. For example, the difference in percentages of turnout, from the first election at a rate of 79% to the later ones from 47.5% to 31.5% which means, that the gap is increasing. Graphically, the following is an overview:



Source: Data overview from the Central Election Commission of Kosovo.

Therefore, a series of questions arises: Is there a deficiency in the electoral system? Are constituents disappointed with the political elite? Has the profiling of political entities been lacking? Is there a lack of political culture?

Undoubtedly, the proportional electoral system applied in Kosovo is much criticized, and the main arguments were related to the fact that it does not guarantee a very democratic political representation. Whether the political style and structure of a society is influenced by the electoral system structure is shown in a summary of main differences. In this system, the parliament becomes a political reflection of various currents of electors. Each minority and each political orientation is represented and may express its views in parliament. For this reason, the proportional electoral system is often suited with a parliament of multiple caucuses, which in turn produce unstable coalition governments, with known weaknesses of leadership and crisis. These political phenomena were registered in Kosovo as well.

One of the most fundamental matters upon constitutional reform in a country is obviously electoral reforms. They must be undertaken at a permanent and comprehensive manner, in a lengthy process. Electoral reforms are furthermore complex, especially in countries in consolidation and development of their representative democracy and rule of law.

Kosovo needs an open and extensive public debate, to discuss about elections, electoral system, and the possible ways of voting its citizens aim to realize.¹⁸

This can be done, and it must be done, since the level of political culture, after a decade of electoral organization, has positively progressed. This way, an original electoral system would be built, to stabilize the election organization, and help consolidate representative democracy and rule of law.

Political culture or subjective attitudes against political entities are visible in relations with entry and exit points of a political system. All three elements of cognitive, appreciative and emotive attitudes have been placed on a matrix of two sides of the political system, entry and exit. From placing political culture on a link with itself and the political system, Almond and Verba derive a triple classification of political culture: 1. Parochial political culture, in which citizens have no interest in politics; 2. Subject culture, where citizens take small parts in political representation and political scene of the country; 3. Participant culture, where citizens actively participate and influence country's policies, and mainly

¹⁸ Sadik Haxhiu: <http://www.telegrafi.com/lajme/zgjedhjet-dhe-reformat-zgjedhore-ne-republiken-e-kosoves-26-3897.html>.

do that through elections.¹⁹ Based on such a conclusion, and especially the third type of political culture, the participant culture, it seems that the level of political culture of the Kosovar constituency is satisfactory. This must be underscored, especially against a not very functional electoral system applied in Kosovo.

Conclusion

Studies related to political processes, such as political representation, are very suitable to obtain concrete conclusions, and provide alternative roads for increasing political change. The findings above show that the main role of political representation is orientation and activation of the masses into political processes, and their influence, direct and indirect, onto the political life, within a political system. Above all, this depends on the organizational nature of an electoral system, which may be representative or proportional. In the case of Kosovo, this phenomenon has been rather evident, and the whole political system function has been determined by the nature of the electoral system. This has gained in sensitivity, due to the political position of Kosovo's society under international administration, where it may be stated that in Kosovo, the international community has experimented with several voting systems to suit the position.

At this time, for specific conditions and circumstances, Kosovars have almost never decided their own political destiny. Even when they did, such will was not recognized internationally. This creates the impression that ultimately, Kosovars have never been governed properly and democratically. Though, immediately after 1999, when Kosovo was put under interim international administration, for the first time, an electoral system, with democratic elements, was established, despite its numerous flaws.

In these elections, it is clear that there were no electoral thresholds in a majority of such processes, there were almost always reserved seats, and they were also held with closed lists. These practices reflect a not so democratic nature, also due to the specific status of Kosovo throughout this time. For this reason, the proportional electoral system is often responded to by a parliament divided into many caucuses, which in turn produce unstable coalition governments, with known weaknesses in leadership and crisis. These political phenomena did really occur in Kosovo.

Based on voter turnout rates in elections held in Kosovo, one may see that the percentages have permanently declined. A further change or further

¹⁹ Almond & Verba: *The Civic Culture Revised*. Sage Publications 1989. Quoted in: Hysamedin Feraj: *Political Science (An Introduction) (Shkenca Politike (një hyrje))*, first edition, Tirana 2004, f. 192.

improvement of the electoral system would also impact the democratic legitimacy and general accountability.

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