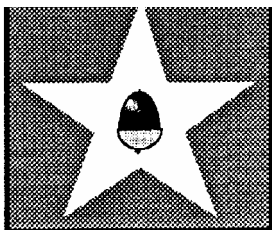


**Conflict Studies Research Centre**

GMR Franzinetti & R Curis

The Assembly of Kosovo:  
One Year On

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# **The Assembly Of Kosovo: One Year On**

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## **Contents**

<b>The Municipal Elections 26 October 2002</b>	<b>2</b>
<b>Legislating In An Unsettled Constitutional Environment</b>	<b>3</b>
<b>Dual Key: The Constitutional Framework &amp; The Kosovo Assembly</b>	<b>5</b>
<b>The Assembly In Action</b>	<b>7</b>
<b>Conclusions</b>	<b>8</b>

## **The Municipal Elections 26 October 2002**

On 26 October 2002 the OSCE and United Nations Mission in Kosovo (UNMIK) held the third Kosovo-wide elections in only a 24 month period. These were municipal elections intended to set the stage for a planned 'decentralisation' of Kosovo. Despite what should be a novelty, participating in 'free and fair' elections, the turnout for the population of Kosovo was only 58% while the internally displaced persons (IDPs) in Serbia proper turned out 14%. Analysts and local pundits pondered the reasons for such a low turnout, especially as the international community and UNMIK were beginning to undertake steps toward significant transference of powers and competencies to the local authorities. The evidence for the poor participation points to voter befuddlement. "Why should we vote if the real power rests with internationals?" a voter asked. Another expressed a similar sentiment with perhaps stronger nuance: "The municipal authorities do not have the right to allocate land for their cemeteries. Why should another election change anything?"

Despite the lower turnout, the results of the local elections mirrored the results of the prior elections in UNMIK-run Kosovo, the Democratic League of Kosovo (LDK) winning the majority of municipalities - 18 of 30, but losing a foothold in those regions where the war (1998-1999) was hottest. The Democratic Party of Kosovo (PDK) captured 7 of 30, not only picking up municipalities in former war zones but also making significant inroads in traditionally LDK strongholds, especially by attracting younger voters in these municipalities. The Alliance for the Future of Kosovo (AAK) won one municipality and 4 municipalities will be governed by Serb majorities. One reason why there has not been significant voter movement from one party to another is that all voters are afraid of change and a vote for the LDK remains a vote for the familiar and the known. Whilst most voters complain of the lack of alternatives they are also unsure whether the political parties have any de facto power to utilize.

The implications of the results of this third election (46% of total votes cast) for the largest and most senior party led by Dr Ibrahim Rugova's LDK are very clear: LDK's broad electoral base is eroding, and not so slowly but surely. In 2000 LDK received 59.2% of the vote, but in 2001 53.8%. This decline means that the LDK has lost 9 of the 20 municipal majorities it controlled outright going into the race. This should mean that slowly Kosovo is beginning to undergo a democratic transformation which will result in more dynamic competition between political parties. What will filter down to the voter is better and more responsible politics.

The municipal elections of 26 October were intended to either reward or punish those parties after serving two years in local power. This was not the case. Elected and unelected local officials have been hamstrung by various contradictory regulations promulgated to allow for effective local governance. With the recent emergence of the Kosovo Trust Agency and its seemingly overarching mandate and authority in municipal affairs, those in the business of municipal governance are in for a rough ride.

Likewise the Assembly of Kosovo has been experiencing a difficult first year. The political parties of Kosovo are practising democracy but they seem unable to get out of first gear. 2003 promises to be 'the' year of transition of competencies. However the first year's efforts of the assembly leave a lot of questions unanswered. Does the body have the will and ability to pass legislation? Does the international community have the will to promulgate legislation? Will the assembly finally take

up its role of achieving substantial autonomy and govern the people of Kosovo? Only time will tell, but the following analysis of the assembly's first year reveals the obstacles to achieving full electoral democracy in Kosovo.

## Legislating In An Unsettled Constitutional Environment

The inauguration of the Assembly of Kosovo<sup>1</sup> on 10 December 2001 was hailed by UN Secretary General Kofi Annan as a milestone on the road to democracy. Leaving aside the requirements of ceremonies, for once the official pronouncements were close to reality. The November elections *did* mark a turning point, despite all the reservations that have been expressed on the limitations of the powers of the Assembly.

A sense of perspective should be introduced in any assessment of Kosovo under UNMIK administration. Barely six months after the end of the 1999 war, the policy of following a "waiting game" on the future status of the province was being written off as doomed to failure.<sup>2</sup> In fact, the policy of caution paid off in the end, with the long-awaited changes in October 2000 in Belgrade (and, ultimately, with the extradition of Slobodan Milosevic to the Hague International Tribunal). It is not difficult to imagine what commentators would be saying now if UNMIK *had* taken any decision on the future of Kosovo. Even the decision to hold the first municipal elections (with extremely limited powers) had been criticised in 1999 for its possible destabilising effects.<sup>3</sup>

The alternatives for Kosovo's future can be grouped under three main headings: (i) outright independence; (ii) partition; (iii) re-incorporation into the Federation of Serbia and Montenegro if not actually into the Republic of Serbia. For a variety of reasons, none of these scenarios is acceptable (or realistic) for the internal and external actors in the Kosovo context. Variations on these scenarios have been proposed.

The concept of an "affiliated statehood" (something less than "full" statehood) has also been put forward by Daniel Nelson.<sup>4</sup> This is an interesting approach. However, actual practice in international relations continues to follow a strictly territorial view of statehood. See, for example, the firm rejection by SRS (Special Representative of the Secretary-General) Michael Steiner and the UN Security Council of the Assembly of Kosovo's resolution criticising the border agreement between Yugoslavia and FYROM. Territoriality does seem to matter.

The idea of a "conditional independence" has also been put forward.<sup>5</sup> The latter is undoubtedly an interesting idea, possibly even a good one. But it clashes immediately with the fact that independence cannot be made "conditional". If it is, it not perceived as "real" independence. At worst it is a sham, at best a fudge. And if one is going to go for a fudge, then why not stick to "substantial autonomy", to use the expression of the UN Security Council Resolution (SCR) 1244 (1999)?<sup>6</sup> The vagueness of the expression is not some bureaucratic slip; its usefulness lies precisely in its imprecision.

UNMIK is not the only UN administrative structure in the territory of the former Socialist Federal Republic of Yugoslavia (SFRY). There are, or there have been UN administrations in Croatia (Eastern Slavonia) and in Bosnia-Herzegovina. But both cases were quite different from the situation in Kosovo. In Eastern Slavonia, as Chesterman has pointed out, "the UNTAES operation ... was based on a treaty that

represented an unequivocal political resolution - peaceful reintegration into Croatia - to be achieved in a limited time".<sup>7</sup> On the other hand, he adds, "both Kosovo and Bosnia suffer from being governed by peace agreements that were aimed at stopping fighting rather than consolidating peace".<sup>8</sup>

In fact Kosovo had always represented an anomaly in the context of the SFRY, even before the wars of Yugoslav dissolution. On the eve of the dissolution, republics such as Slovenia, Croatia and Bosnia-Herzegovina had an international status that was debated but to some extent already established. Kosovo was still struggling to obtain international recognition of its special status in 1991.

During the 1990s, indeed, some Albanian Kosovar commentators referred to the possibility of linkage between the Kosovo issue and the Serb issue in Bosnia-Herzegovina: "Whatever Serbia demands for the Serbs across the Drina, should be offered to the Albanians in Serbia".<sup>9</sup> This well illustrates the significant differences between the Kosovo issue and the other issues of the wars of Yugoslav dissolution.

The implications of the status of Kosovo as a Socialist Autonomous Province within the Republic of Serbia (that is to say, the practical if not formal equivalence with the status of the full republics of the SFRY) were never recognised internationally, and they are unlikely to be recognised in the foreseeable future. In short, the international position of Bosnia-Herzegovina has always been a much more straightforward matter.

It can be useful to adopt a wider perspective, and to make a comparison with the case of Cyprus. In 1974 there was a clear violation of the 1964 agreement on Cyprus, which led to a Turkish invasion and to the occupation of the northern part of the island.<sup>10</sup> The situation since then has remained basically unchanged.

The Cyprus problem is a good example of the way in which, in the absence of a compromise settlement, a political stalemate can fossilise for an indefinite period. Any premature attempt to adopt a long-term solution is destined to make the stalemate insurmountable in the foreseeable future. (The prospect of an accession of Greek Cyprus into the European Union has not produced so far any breakthrough in the Cyprus problem.) On the other hand, external guarantees can be revoked at much shorter notice: Great Britain was a guarantor for the 1964 agreement, but that did not prove to be of much help to Turkish and Greek Cypriots in 1974.

The lesson to be drawn for Kosovo is that uncertainty on the final status of the province can be prolonged indefinitely. This is, indeed, the rationale behind the UNMIK Constitutional Framework. So the legislators of the Assembly of Kosovo will have to continue to legislate in an unsettled environment. The only realistic alternative to this scenario is a short-term exit strategy for the governments supporting KFOR and UNMIK. The human costs of such an option would be extremely high for all inhabitants of the region.

## **Dual Key: The Constitutional Framework & The Kosovo Assembly**

The overall constitutional framework of the administration of Kosovo is defined primarily by UN SCR 1244, by the Constitutional Framework for Provisional Self-Government in Kosovo, plus the relevant UNMIK regulations and amendments.

UN SCR 1244 was a document that reflected an urgent need to reach a cease-fire and to reach a compromise between NATO and the Russian Federation (and the People's Republic of China). The crucial component of the resolution was the fact that Kosovo was considered an integral part of the Federal Republic of Yugoslavia (FRY). UN SCR 1244 refers specifically to the principle of "a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region".<sup>11</sup>

The separation of Kosovo from the FRY had never been part of NATO's objectives, so the statement amounted to a clarification, rather than a concession by NATO. There was never any formal ambiguity on this point. The "final settlement for Kosovo" in the Rambouillet Agreement was not to be determined by a referendum (as had been requested by members of the Albanian Kosovar delegation) but "on the basis of the will of the people, opinions of relevant authorities, each party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act".<sup>12</sup> As Tim Judah has pointed out, "the Helsinki Final Act guarantees the territorial integrity of states and so, even if the 'will of the people' did mean a referendum on independence, it did not mean that any 'international meeting' was bound to respect that over respect for international borders".<sup>13</sup> UN SCR 1244 was even more circumspect on these issues.

In the first regulation issued by UNMIK "all legislative and executive authority" was vested in UNMIK itself and assigned to the SRSG.<sup>14</sup> So, once again, there was no ambiguity.

At the end of 1999 a Joint Interim Administrative Structure was set up to start a process of sharing responsibility for administrative services with "all communities of Kosovo".<sup>15</sup> Municipal elections were announced in July 2000, and took place on 28 October 2000.<sup>16</sup> The powers of these Municipal Assemblies were quite limited, and UNMIK administrators supervised local administrators.<sup>17</sup> The Constitutional Framework of May 2001 therefore represented a further step in an evolutionary process.<sup>18</sup> The latest step has been the new election for the Municipal Assemblies, held in October 2002.<sup>19</sup>

The Constitutional Framework defined all the rights and responsibilities of the Assembly of Kosovo (including those of the President of the Assembly, the President of Kosovo, the Government, the Ministries, the Prime Minister). The structure of the Assembly is comparable to that of regional governments throughout the European Union. The need to cater for the adequate representation of the different (ethnic) Communities makes the structure slightly cumbersome, but no more than is the case with some of the regional assemblies in the EU (eg, South Tyrol).

Out of 120 seats of the Assembly, 100 were assigned in proportion to the number of votes received. The remaining 20 seats were reserved for the non-Albanian Kosovo Communities.<sup>20</sup> Representation for the Serb Community and for the other non-

Albanian Kosovo Communities was also guaranteed in the different institutions of the Assembly (Presidency of the Assembly, the various Committees, the Government, and the Ministries). Again, this by and large follows standard procedure in consociational democratic systems.<sup>21</sup>

The supremacy of the authority of the SRSG in relation to the Provisional Institutions of Self-Government (which include the Assembly) is reaffirmed in chapter 12 of the Constitutional Framework, in accordance with the terms of SCR 1244. So, at the end of the day, the Assembly is put in a situation of what is called in military jargon “dual key control”.<sup>22</sup> This “dual key control” raises a variety of issues. First of all, in terms of the overall evolution of the Provisional Institutions of Self-Government in Kosovo, it represents an important step forward in the direction of greater autonomy. However curtailed their powers may be, ministries now have greater independence than the previous administrative departments.<sup>23</sup>

Secondly, there is the issue of the prerogatives of the SRSG in Kosovo, which are a direct consequence of SCR 1244. The permanence of this SCR is itself the consequence of the stalemate over the future of Kosovo, which is likely to last for some time. This stalemate is the ultimate cause of the prerogatives of the SRSG over the Assembly. There is no short cut out of this problem.

Thirdly, there is an issue of democracy in the electoral system that the Constitutional Framework has set up for the Assembly and for other Provisional Institutions of Self-Government. Put simply, the charge is that this electoral system amounts to a travesty of democracy because the allocation of seats has been predetermined to guarantee the representation of the different ethnic groups (Kosovo Albanians, Serbs and others).<sup>24</sup>

Undoubtedly, any electoral system which strives to ensure adequate representation for ethnic minorities is by definition a distortion of the democratic process, just as any affirmative action in education is a distortion (in fact a negation) of meritocratic principles. That is the precisely the point of these mechanisms: to intervene to compensate for past or present injustices, or simply imbalances. They are distortions of electoral (or educational) processes that, if unchecked, would reproduce the dominance of a given social group. The only corrective to these mechanisms is to strive to make them as short-lived as possible. To give an example, the peace process in Northern Ireland (from the suspension of the Northern Ireland parliament in 1972 until the Good Friday agreement in 1998 and beyond) has always been based on the distortion of the democratic process, in particular on a denial of majority rule.<sup>25</sup> By and large, any peace process in an ethnically divided society is based to a certain degree on a distortion of democratic rights.

The mere definition of collective (community) rights is by no means straightforward. Any settlement involving ethnic groups also involves a degree of compulsion in forcing individuals to choose an ethnic affiliation. If a significant number of individuals abstained from declaring an ethnic affiliation, any quota agreement between ethnic groups would collapse.<sup>26</sup> So the question which needs to be addressed is not whether there is any distortion in the electoral system for the Assembly elections (because there is) but, rather, how can members of the Assembly address the problem of legislating in an unsettled constitutional framework with very limited powers and with the additional constraints imposed by the need for compromise between ethnic communities.



## The Assembly Of Kosovo: One Year On

One last general remark needs to be made. Elections matter always, everywhere. Even unfree elections matter. This is precisely why authoritarian and totalitarian regimes worry about them, and often prefer to abolish them.<sup>27</sup> Free elections matter even more. Elections are one of the freest expressions of collective behaviour. However limited the power of a given assembly may be, the way people vote for them matters. It matters in the long term; it matters in the short term. The actual experience of Western Europe in the period of post-war reconstruction should be kept in mind by the members of Assembly.<sup>28</sup> Democratic elections are the result of an incremental process, not of a sudden breakthrough.<sup>29</sup>

### **The Assembly In Action**

For the reasons that have been discussed, the Assembly of Kosovo was set up in a framework that defined extremely limited powers. One could even argue that it has a basically consultative function. But the fact of having to act under very tight institutional constraints does not make its actions any less relevant.

On 28 February 2002 an agreement signed by the three leaders of the Kosovo Albanian parties, Dr Ibrahim Rugova (LDK), Mr Hashim Thaci (PDK) and Mr Ramush Haradinaj (AAK) laid out the terms and names of those that would construct the Provisional Institutions of Self Government of Kosovo. This Agreement paved the way for the 4 March 2002 election by the Assembly of Kosovo of a President and Prime Minister; the agreement also stipulated the political makeup of the 9 ministries of self government.

The first issue to bring the Assembly under the limelight was its resolution on 23 May 2002, challenging the border agreement between the FRY and the FYROM. Predictably, the resolution was vetoed by the SRSG and declared a violation of the Constitutional Framework. The UN Security Council also issued a strong condemnation.<sup>30</sup> The assembly of Kosovo did not benefit greatly from this dispute.

The second issue in which the Assembly acted (this time successfully) was the change of the pension legislation, which came into effect on 26 July 2002, with the promulgation by the SRSG of the pensions law which had been approved by the Assembly on July 4.<sup>31</sup> Pensions are obviously one of the less politically divisive issues, at least in the present climate in Kosovo.

A third issue has brought the Assembly once again in direct conflict with the SRSG. This issue is the Higher Education Law, as approved by the Assembly on 25 July 2002. In its present form, the law does not license all eligible institutions of higher learning in Kosovo. In practice, it leaves out the university in Mitrovica.

The SRSG set up a Panel under Section 9.1.41 of the Constitutional Framework, as part of the Procedure for Adopting Laws, in response to the objections put forward by Coalition Povratak, in accordance with the rules set under Section 9.1.39: "Within 48 hours from the approval of a law by the Assembly ... any member of the Assembly, supported by five additional members, may submit a motion to the Presidency claiming that the law or certain of its provisions violate vital interests of the Community to which he belongs. The motion shall set out a reasoned explanation of the claimed violation. A motion may be made on the grounds that the law or provisions discriminate against a Community, adversely affect the rights of the Community or its members under Chapters 3 or 4, or otherwise seriously

interfere with the ability of the Community to preserve, protect or express its ethnic, cultural, religious or linguistic identity.”

The panel was composed of Gojko Savic (representing the opposition to the law), Rexhep Osmani (Minister for Education, Science and Technology, for the supporters of the law), and James C O'Brien (former US Special Presidential Envoy for the Balkans). It recommended that “Kosovo should have a single, unified system of higher education, and political discussions to bring the University of Mitrovica into that system should start without delay”.<sup>32</sup> O'Brien also added, as a chair, a recommendation that the law on higher education be amended: “the university of Mitrovica would be licensed as long as it was working to come within the single, unified system of higher education in Kosovo”.<sup>33</sup>

Once again, the intervention by the SRSG is clearly warranted by the Constitutional Framework. The problem has of course a political aspect, which cannot be solved as easily and as quickly as the legal one. That said, the dispute is actually revealing of how much progress has taken place since the inauguration of the Assembly. The dispute demonstrates how much recognition the structures created by the Constitutional Framework has been given by the parties of the Serb Community and by the new government of Serbia and Montenegro and the Republic of Serbia.

The overall balance sheet of the activities of the Assembly is therefore modest, but not negligible. The limitations of the Assembly's powers cannot be altered in the short term. That said, the assembly needs to make a more effective use of the powers which it already has.

Despite the active engagement of the OSCE, several non-governmental organisations, as well as large multinational private consultancies, the Kosovo assembly has been slow to produce positive outcomes. In the 12 months since Kosovo's government has been active, the assembly has been able to pass eight laws, two of which have been promulgated by the SRSG.

## **Conclusions**

The unsettled constitutional environment will remain the basic feature of the administration and the politics of Kosovo for the foreseeable future. For the reasons that have been briefly outlined, the Assembly will not be in a position to change this situation. What the Assembly *can* do instead is to make sure that Kosovo does not drift into a Cyprus-like limbo. The best way of avoiding such a trap is for the Assembly to make the maximum use of the institutional legitimacy it has within the Constitutional Framework.

The “dual key” control over the administrative bodies of Kosovo needs to be relaxed by UNMIK, so as to give a reasonable incentive to all parties and all Communities to participate in the political and legislative process. On the other hand, all parties and Communities need to understand that *any* form of ethnic compromise does involve a significant distortion of the democratic process. This aspect can be reduced over time, but it is unavoidable. Full electoral democracy will not come quickly or easily to Kosovo. But that does not mean that it is not coming.

**ENDNOTES**

<sup>1</sup> This paper will follow current international practice in using the expression “Kosovo” to refer to both Kosovo and Kosova.

<sup>2</sup> One of the most eloquent (and perhaps influential) supporters of this view was Susan Woodward. In a paper presented in December 1999 she argued that “the waiting game over Kosovo without serious compensatory actions in the region increases uncertainty, risk taking, and defensive positioning...The current policy, to let the political process under international protectorate determine the final status of Kosovo, will not work in isolation”, (Susan Woodward, “Kosovo and the Region: Consequences of the Waiting Game”, paper presented at the IAI conference in Rome, 12-14 December 1999, subsequently published in *The International Spectator*, Vol 35, No 1, January-March 2000).

<sup>3</sup> See Woodward, *ibid.*

<sup>4</sup> DN Nelson, “Kosovo Futures, Western Dilemmas”, *The International Spectator*, Vol 37, No 2, April-June 2002, pp11-18, esp p15.

<sup>5</sup> Independent International Commission on Kosovo, *The Follow-up: Why conditional independence?* (September 2001).

<sup>6</sup> Apparently “Kouchner ... claimed to read the text of the resolution 1244 (1999) twice every morning and still have no idea what ‘substantial autonomy’ meant” (Simon Chesterman, *Kosovo in Limbo: State-Building and “Substantial Autonomy”*, International Peace Academy, August 2001, p4). “Autonomy” is simply the translation of *samouprava*, which is semantically and historically related to *samoupravijanje* (“self-government” or self-management”). So it is perfectly logical that “substantive autonomy” and “substantial self-government” should have been considered interchangeable.

<sup>7</sup> Chesterman, *Kosovo in Limbo*, p5.

<sup>8</sup> Chesterman, *ibid.*, p10.

<sup>9</sup> See S Maliqi, “Dayton: Crucial Turning Point for Kosova Too (16 November 1995)”, in Maliqi, *Kosova: Separate Worlds. Reflections and Analyses, 1989-1998* (Prishtina-Peja: MM-Dukagjini, 1998), p138. For a proper understanding of Maliqi’s position on this linkage, one should refer to the article in its entirety, pp136-41. The idea of linkage had also been put forward after the end of the London Conference of August 1992 by David Owen’s team for the Special Group on Kosovo, Geneva Conference on the Former Yugoslavia. See T Judah, *Kosovo. War and Revenge* (New Haven: Yale University Press, 2000), pp93-94.

<sup>10</sup> For a balanced introduction to the history of the Cyprus problem, see Peter Loizos, *Cyprus* (London: Minority Rights Group, 1976); and Loizos, *The Heart Grown Bitter: a chronicle of Cypriot war refugees* (Cambridge: Cambridge University Press, 1981).

<sup>11</sup> UN SCR 1244, Annex 1, Statement by the Chairman on the conclusion of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999.

<sup>12</sup> Interim Agreement for Peace and Self-Government in Kosovo, 23 February 1999, Ch 8, Article I, Par 3, in M Weller (ed), *The Crisis in Kosovo 1989-1999. From the Dissolution of Yugoslavia to Rambouillet and the Outbreak of Hostilities* (Cambridge: Documents and Analysis Publishing, 1999), p469.

<sup>13</sup> Judah, *Kosovo*, p214. See also the Draft for Chapter 8, Article I (3), 22 February 1999, 05.25 hrs, and proposed draft side-letter, together with the editor’s comment, reproduced in Weller, *The Crisis in Kosovo*, p452.

<sup>14</sup> “All legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General” (UNMIK/REG/1999/1, 25 July 1999).

<sup>15</sup> UNMIK/REG/2000/1, 14 January 2000.

<sup>16</sup> UNMIK/REG/2000/39, 8 July 2000.

<sup>17</sup> See UNMIK/REG/2000/45, 11 August 2000, “On Self-Government of Municipalities”.

<sup>18</sup> UNMIK/REG/2001/9, 15 May 2001.

<sup>19</sup> UNMIK/REG/2002/11, 10 June 2002, “On The Municipal Elections In Kosovo”. Under the new regulations, local administrators will have greater autonomy, and their term of office will be of four years.

<sup>20</sup> 10 for parties belonging to the Serb Community, 10 for parties belonging to the other Communities, of which 4 to the Roma, Ashkali and Egyptian Communities, 3 to the Bosniak Community, 2 to the Turkish Community and one to the Gorani Community.

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- <sup>21</sup> For the concept of consociational systems see A Lijphart, "Cosociational Democracy", *World Politics*, Vol 21, No 2, pp207-225.
- <sup>22</sup> Strictly speaking, the expression "dual key control" is supposed to refer to an equal degree of control. This is obviously not the case in the Kosovo Constitutional Framework.
- <sup>23</sup> See, eg, "On The Establishment of The Administrative Department Of Education and Science" (UNMIK/REG/2000/11, 3 March 2000): "Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be *jointly* responsible for ..."
- <sup>24</sup> For an illustration expression of viewpoint, see D Chandler, *Faking Democracy and Progress in Kosovo* (BHHRG Report on the Provincial Elections, 17 November 2001). Chandler is a representative example of what may be termed the "critical transitology" school of academics and journalists.
- <sup>25</sup> In this particular case one may presume that the distortion of the democratic process was to the liking of the "critical transitologists", since they generally refrain from making reference to the case of Northern Ireland. For a balanced introduction to the Northern Ireland problem, see P Bew, P Gibbon & H Patterson, *Northern Ireland. Political Forces and Social Classes* (London: Serif, 2001 [1979]).
- <sup>26</sup> For a wider theoretical discussion of these topics, see W Kymlicka & M Opalski (eds), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (New York: Oxford University Press, 2002).
- <sup>27</sup> On the electoral preferences of totalitarian systems, see JJ Linz, "Non-Competitive Elections in Europe", in G Hermet, R Rose & A Rouquié (eds), *Elections without choice* (London: Macmillan, 1978), esp p55.
- <sup>28</sup> For an introduction to the topic, see DW Ellwood, *Rebuilding Europe. Western Europe, America and Postwar Reconstruction* (London: Longman, 1992).
- <sup>29</sup> See E Posada - Carbó (eds), *Elections before democracy. The History of Elections in Europe and Latin America* (London: Macmillan-ILAS, 1996).
- <sup>30</sup> UN/Press Release/SC/7413, 24 May 2002 (*Security Council Deplores Kosovo Assembly's Resolution Concerning Province's Territorial Integrity', in Presidential Statement*).
- <sup>31</sup> UNMIK/REG/2002/15, 26 July 2002.
- <sup>32</sup> JC O'Brien, "Higher Education Law: Working towards a unified system", *Kosovo Focus*, August 2002.
- <sup>33</sup> O'Brien, *ibid*.

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