



OSCE

OSCE ELECTION OBSERVATION MISSION REPUBLIC OF ARMENIA

PRELIMINARY STATEMENT Issued on 31 May 1999 in Yerevan

This is a preliminary statement of the Organization for Security and Co-operation in Europe (OSCE) Election Observation Mission for the 30 May 1999 parliamentary election in Armenia. The preliminary assessment is based on the findings of 23 core staff members and Long Term Observers from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and 168 Short Term Observers from 25 OSCE participating States, including 24 Parliamentarians from the OSCE Parliamentary Assembly. On election day the observers visited more than 700 polling stations, some of them more than once.

The OSCE Election Observation Mission was led by Ms Tone Tinggaard, Special Representative of the OSCE Chairman in Office and Chair of the OSCE Parliamentary Assembly Delegation, and Mr. Nikolai Vulchanov, Head of the ODIHR Election Observation Mission established in Yerevan on 19 April 1999.

The OSCE Election Observation Mission is pleased to note that the contacts with the authorities were maintained regularly, in an open and co-operative manner. The Mission would like to express its gratitude to the Ministry of Foreign Affairs of the Republic of Armenia and the Central Election Commission for their assistance during the course of the observation.

A detailed report on the election, including recommendations, will be issued by ODIHR within one month.

SUMMARY OF CONCLUSIONS

The 1999 Armenian Parliamentary elections demonstrated an improvement over prior elections. The elections were conducted in a generally peaceful and orderly manner which was free of intimidation.

The Armenian authorities are to be congratulated that freedom of association and assembly were respected and no cases of political repression were reported to the Mission. Previously banned

political parties were readmitted to the political arena, and the legal framework was not used to prohibit electoral participation as had happened in Armenia in the past.

The new electoral code also represents an improvement over prior electoral legislation and included a number of OSCE recommendations. However, a number of concerns, previously raised by the OSCE/ODIHR, were confirmed during the pre-election phase and on election day.

The pre-election media campaign, though quiet, was generally balanced and no major violations of the rules for campaigning were reported to the Mission. The platforms of most political parties competing in these elections were substantially similar, making it difficult for the electorate to have a choice.

The Election Observation Mission has serious concerns regarding the accuracy of voter lists, the formation of elections commissions, the presence of unauthorized persons in polling stations, and numerous technical and organizational shortcomings that prevented election commissions from meeting important deadlines and carrying out their work. For instance, voter lists again were not regularly up-dated, as required in the law, and once again proved to be highly inaccurate. This resulted in confusion and many voters being turned away from polling stations, particularly in Yerevan. The CEC also refused to take action on the refugee registration issue until very late, which compounded confusion and created an atmosphere of discontent.

Further, the late definition of military voting procedures and their poor implementation resulted in only a partial improvement over conditions in prior elections.

The counting procedures in polling stations were generally well conducted. However, in a number of polling stations the legal safeguards to ensure transparency of the process were not implemented. Many RECs were plagued by poor organization and technical shortcomings which were repeatedly emphasized by international organizations. One result of this was to delay the release of preliminary results and once again to endanger the confidence of the electorate in the overall results.

In general, the 1999 Armenian Parliamentary elections represent a relevant step towards compliance with OSCE Commitments. While improvements have been made to the electoral framework and environment in Armenia, further improvements still need to be made. The implementation of international recommendations and technical assistance indicates a political willingness to improve over previous electoral practices. We urge the new parliament and other authorities to address and investigate these shortcomings, so that all Armenian citizens may participate in future elections with full confidence.

THE PRE-ELECTION PHASE

Armenia held elections characterized by serious flaws in 1995, 1996 and 1998. The pre-election environment showed an improvement compared to previous elections. The election campaign of the political parties was relatively quiet.

The coverage of the political parties on State TV and other media was largely neutral. Majority system candidates were not entitled to free airtime, but had no restrictions on paid airtime, an opportunity that was used for campaign purposes.

The Political Parties

Freedom of association and freedom of assembly were respected and no cases of political repression were reported to the Mission. Political parties banned from participation in previous elections were

readmitted to the political arena. The registration procedures for the parties and the majority system candidates were tolerant but not transparent.

Parties, candidates and citizens were able to campaign openly, free of intimidation. Even those few parties and individuals who chose to boycott the elections were able to promote their point of view.

Whether the observed improvement of the political environment is a product of the general acceptance of genuine democratic procedures, whereby the competing parties offer the electorate informed alternative choices in a transparent political contest, must be assessed during the mandate of the new Parliament.

The Legal Framework

Despite certain shortcomings, the new Electoral Code, adopted in February and March 1999, improves over previously existing legislation. Some recommendations contained in the April 1998 OSCE/ODIHR Final Report on the extraordinary presidential elections of March 1998, including provisions allowing for the accreditation of domestic non-partisan observers, were taken into account. However, serious concerns remain regarding the formation of election commissions, the presence of unauthorised persons in polling stations, the accuracy of voter lists, the vote of military personnel, the transparency of the vote count, and the tabulation procedures. The OSCE/ODIHR concerns were confirmed.

The new Electoral Code established judicial control over election commissions decisions when challenged by interested parties. The Courts processed a number of appeals from political parties, candidates and citizens, and generally exercised adequate control over the election administration. A judicial reform is under way to enhance the independence of the Judiciary, although constitutional reforms are still needed to establish a genuine separation of powers in Armenia.

The Election Administration

The endorsement by the CEC of a training manual prepared by an ODIHR Technical Assistance Team, the adoption of a UNDP software for the computerised processing of results, and the partial implementation of an IFES training program were positive steps towards improving the election process in Armenia. Additionally, distinct badges were designed by the CEC to distinguish personnel authorised by the Electoral Code to be present in polling stations. Twelve domestic non-partisan observer NGOs were accredited by the CEC.

Technical and organizational shortcomings prevented the election commissions from meeting important deadlines and compromised the uniformity and transparency of the process.

The voter lists, especially in Yerevan, were not updated with regularity required by law and proved highly inaccurate. Some of the parties contesting the election reported numerous irregularities identified when their proxies examined the voter lists. The CEC failed to publish the number of registered voters in the timeframe provided by law, denying voters and political parties necessary information on this basic element in an election contest.

In spite of unambiguous legal provisions prohibiting refugees from participating in the elections, they were registered as voters in large numbers by local authorities. The CEC issued an instruction on this matter very late, thus causing understandable discontent among the refugees.

In general, the CEC adopted a number of positive measures, but in some cases it was reluctant to issue timely and adequate clarifications on the practical implementation of certain legal provisions in order to ensure uniform and transparent election procedures across the country.

The procedures for military personnel to participate in the vote were finalized at the end of May, in line with legal provisions. These procedures incorporated suggestions by the international community to safeguard the free will of voters enlisted in the army. The military commanders were instructed to transport the conscripts close to the respective polling station, but not closer than 50 meters, and let them be free for two hours.

The preparation of REC personnel was insufficient, mainly due to the late appointment of the commissions. While in accordance with the law, these late appointments resulted in a delay of the orderly preparations for the election. The Yerevan REC decision to cancel the training session offered by IFES for the PEC personnel further contributed to its shortcomings.

The provision of the law, according to which all RECs must have the same number of members, but may handle very different number of polling stations and constituencies, raises serious concerns. The capacity of the largest one, the Yerevan City REC, to supervise the preparation of voting procedures and to conduct an accurate tabulation of the results from polling stations, within legal deadlines, is questioned.

The late adoption of new regulations, some as late as Friday, 28 May, as well as the frequent amendments to recently approved decisions, hampered the predictability of the election environment and produced confusion among the electorate and the candidates.

The Media

According to the monitoring of the media conducted by the European Institute of the Media, the pre-election media campaign was generally balanced and no major violations were observed. However, in violation of the regulations for the funding of political party campaigns, alleged barter deals between certain media and candidates were reported to the Mission. The ARF, the “Unity” Alliance and the “Rule of Law” Party received overall the most coverage in the media during the monitored period. The level of professionalism in relation to election coverage was considerably higher than in previous elections.

The Election Campaign

The pre-election phase was characterized by an overall improvement of the political environment, when compared with previous elections. All political forces appeared to enjoy an adequate opportunity to represent their points of view. The election campaign of the political parties was relatively quiet. Campaign posters were seen on public buildings/precinct premises in violation with the Electoral Code.

The non-transparent procedures to collect signatures of voters supporting nominating parties, as well as the verification of these signatures by members of the CEC, raises serious concerns.

Election Day

The delivery of the ballot papers from the RECs to the precincts was difficult to verify.

At a vast majority of the polling stations, the general impression of the voting procedures was positive, except for problems related to the voter lists. However, the presence of unauthorised persons in the polling stations remains a concern.

In many cases the PECs performed under difficult conditions. Numerous party proxies and domestic non-partisan observers were actively monitoring the polls. The Mission received a few reports about proxies of independent candidates trying to influence voters entering polling stations.

The poor quality of the voter lists, especially in Yerevan, was a source of major difficulties on election day. Many voters were not able to cast their ballots because their names were not included in the voter lists. Some of them were able to redress the situation by appealing to Courts, but this procedure was an undue burden both for Courts and voters. The turnout figures released with delay by the CEC may well be underestimated due both to a significant number of citizens allegedly residing out of country and the names of refugees included in the voter lists.

The voting of soldiers did not fully comply with the regulations. In a number of cases, soldiers were closely supervised by their commanding officers except for a few minutes when they were left alone to vote. Although this practice indicated an improvement over the experience from previous elections, it did not fully comply with the spirit of the Electoral Code and instructions of the Ministry of Defense made available to the OSCE Election Observation Mission. This issue needs to be addressed further.

The Vote Count

According to reports received in a number of polling stations, the counting of the votes at the polling station level was generally accurate, but the letter of the law was not always followed. However, legal safeguards to ensure transparency of the process, including displaying copies of the protocols prepared after completion of the vote count and submitting copies of protocols to party and candidate proxies, were not uniformly implemented. There were several reports that domestic observers were seen to advise the PECs on procedures in the polling stations.

The Tabulation and Publication of Results

The deadline for the publication of preliminary results expired at 18.00 on 31 May. Unfortunately, the RECs did not meet this crucial deadline, leaving the electorate without official information about the outcome of the polls. This undermines the transparency of and confidence in the process. This appears to be due to technical shortcomings and lack of proper organisation on the part of the election administration, despite early and repeated warnings from international organisations engaged in technical assistance projects in Armenia. The OSCE Election Observation Mission will continue to carefully monitor the release of provisional results and its adherence to the data produced at the polling station level. The timely and detailed release of preliminary and final results, in line with the legal provisions, will be an important element of the willingness of the Armenian authorities to address this outstanding issue.

There will be a follow-up team from OSCE/ODIHR who will track the publication of the final results of these elections.

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