

# Caucasus ELECTIONSWATCH

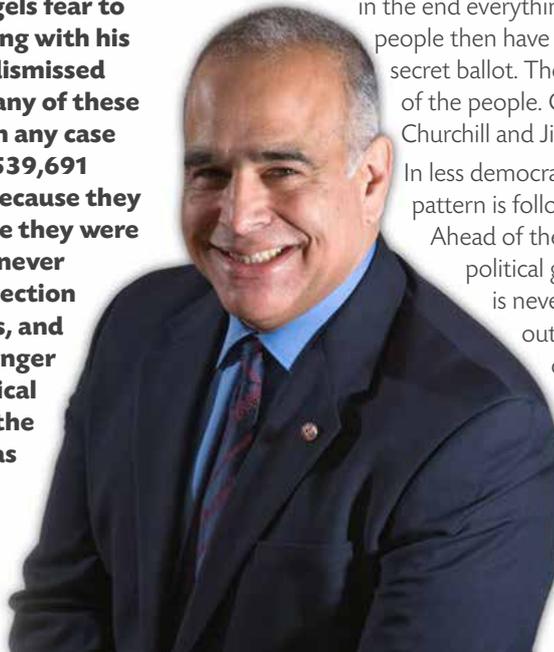
A weekly review of elections related processes in the Caucasus Region

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Commentary

## Raffi's Moment.

**Raffi Hovhannessian was the only mainstream Armenian opposition politician who at the end of last year decided to throw his hat into the election ring. He conducted a campaign that verged on the surreal – avoiding controversy, shaking hands, talking of serenity and unity. Some said that fools rush in where angels fear to tread; others accused him of legitimising with his candidature a flawed process; others dismissed him as irrelevant. He could have been any of these three things, or even all of them, but in any case it now does not matter. Whether the 539,691 Armenians who voted for him did so because they liked him or his programme, or because they were voting against the incumbent, we will never quite know. The issue now is not the election (if it ever was) but the political process, and Hovhannessian has emerged much stronger than any of the other opposition political leaders to play the leading role. After the election results were announced he was smart enough to understand that this was Raffi's moment and he grabbed it with both hands, leaving both the government and the other opposition leaders confused and disorientated.**



In mature democratic countries, and in others that are less experienced but which have embraced democratic practises without hesitation and reservation, elections are the culmination of the political process. The politicians organise and mobilise, they fight

it out in an election campaign, which can often be bitter, but in the end everything stops for a day of reflection and the people then have their say, and decide the issue through secret ballot. The politicians bow their heads to the will of the people. Great world statesmen such as Winston Churchill and Jimmy Carter have been thus defeated

In less democratic countries, on the face of it the same pattern is followed but in reality other things happen.

Ahead of the elections shady deals are done between political groups and politicians, of which the public is never made aware; key candidates are taken out of the race for this or that reason; the distinction between ruling party and government blurs even more than in the inter-election period.

After that, an election is held. Hundreds of observers descend on the country from all over the world, with long checklists. They tick boxes, fill forms and on that basis draw conclusions.

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### Election Monitoring: Is there a turf war between OSCE structures?

The decision of the OSCE Parliamentary Assembly Mission monitoring the Armenian Presidential Election last week to issue a separate statement at a separate Press conference from the rest of the joint international monitoring effort raised speculation about differences in the conclusions of the two groups. Asked about this during their Press Conference, the representatives of OSCE/ODIHR downplayed the issue and presented it as more of a technical decision rather than a political one. But was it? A few days later at the General Assembly of the OSCE PA in Vienna it

was announced that "a committee of parliamentarians headed by Francois-Xavier de Donnea (MP, Belgium) will have the mandate to negotiate on behalf of the Assembly with the OSCE ODIHR regarding improved co-operation in future election observation missions."

A statement on the OSCE PA website added: "The OSCE PA and the OSCE/ODIHR previously co-operated under a 1997 agreement that laid out the respective roles for the institutions and clarified that a parliamentarian appointed as special co-ordinator for the election observation mission would deliver the preliminary post-election statement on behalf

of the OSCE. In December, after repeated challenges to that agreement that undermined appointed special co-ordinators, President Riccardo Migliori with support of the OSCE PA Bureau, declared the agreement no longer operable."

There have been rumours for a number of years of problems between OSCE ODIHR and OSCE PA on election monitoring. For the sake of the credibility of the process this discussion now needs to be conducted with maximum transparency. ■

(see page 3 for Statements of the International Observation Missions on the Armenian Elections).

Caucasus Elections Watch is a specialised weekly publication focusing on elections related processes in the Caucasus, with news and analysis compiled by experts with long experience of the region.

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# Raffi's Moment..



The election becomes far removed from the reality of the political process, but nobody seems to care, or if they do they are too boxed in to do much about it.

The day after the election the political process starts anew. Losers cry foul, regardless of what actually happened on election day, because what they are complaining about is the political process in general. International observers look at their checklists and issue some vague statement that the process was "better" than before, or "still needs improvement", or something equally tepid. The opposition is back where they started, on the streets demanding its rights.

Something similar to this has been happening in Armenia over the last months, only now it seems people have had enough. Not for the first time in the South Caucasus – remember Georgia in November 2007 – politicians were lagging way behind the people. They did not lead, they followed. The failure of the main opposition parties in Armenia to give proper leadership to their supporters ahead of the Presidential election became even starker in the last days as people took to the streets to demand justice and fairness. The election is the trigger, the causes are much deeper.

Raffi Hovhannessian was the only mainstream politicians who at the end of last year decided to throw his hat into the election ring. He conducted a campaign that verged on the surreal – avoiding controversy, shaking hands, talking of serenity. Some said that fools rush in where angels fear to tread; others accused him of legitimising with his candidature a flawed

process; others dismissed him as irrelevant. He could have been any of these three things, or even all of them, but in any case it now does not matter. Whether the 539,691 Armenians who voted for him did so because they liked him or his programme, or because they were voting against the incumbent, we will never quite know. The issue is now not the election (if it ever was) but the political process and Hovhannessian has emerged much stronger than any of the other opposition political leaders to play the leading role. After the election results were announced he was smart enough to understand that this was Raffi's moment and he grabbed it with both hands, leaving both the government and the other opposition leaders confused and disorientated.

Where it will all end is difficult to say. In Georgia it took five years for the demands of the protestors on the streets of Tbilisi in November 2007 to translate themselves into a tangible transfer of power in October 2012, and even now Mikheil Saakashvili still sits in the presidential office in Tbilisi. Those expecting a swift transfer of power in Yerevan may be disappointed. But one thing is certain, the problems in the political system in Armenia have gone too deep now for the reality to be simply ignored. No doubt a few rabbits will be pulled out of the hat to try to maintain business as usual, but one suspects to no avail. The people are on the march, and the politicians better hurry to catch up. ■

This commentary was prepared by the editorial team of Caucasus Elections Watch.

## Armenian Elections

# Two statements by International Observers.

**Armenians waiting for a statement from the International Election Observation Mission that monitored the 18 February Presidential Election were surprised that instead of one statement they got two. The OSCE Parliamentary Assembly Mission broke ranks and made a separate press conference hours before the usual one organised through the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The two statements were not much different. A group of activists interrupted the second press conference protesting at the conclusions of the international observers.**

## **Statement of OSCE/ODIHR, European Parliament and PACE**

**In their joint preliminary conclusions the missions of OSCE/ODIHR, the European Parliament and PACE stated:**

“The 18 February presidential election was generally well-administered and was characterized by a respect for fundamental freedoms. Contestants were able to campaign freely. Media fulfilled their legal obligation to provide balanced coverage, and all contestants made use of their free airtime. At the same time, a lack of impartiality of the public administration, misuse of administrative resources, and cases of pressure on voters were of concern. While election day was calm and orderly, it was marked by undue interference in the process, mainly by proxies representing the incumbent, and some serious violations were observed.

The electoral legal framework is comprehensive and conducive overall to the conduct of democratic elections. On several occasions, the state authorities declared their intention to hold elections in line with international standards and Council of Europe and OSCE commitments. Following the 2012 parliamentary elections, a working group was established to explore ways for improving the electoral process. In line with good electoral practice, the OSCE/ODIHR recommended in October 2012 that fundamental aspects of the legal framework should not be amended so close to the presidential election.

Election commissions administered the election in a professional manner. The Central Election Commission (CEC) worked in an open and transparent manner. It accredited 6,034 citizen observers from 26 NGOs in an inclusive process. At the same time, the CEC provided unsound clarifications of some campaign-financing provisions. Various measures undertaken by the authorities contributed to the improved quality of the voter lists. While several candidates alleged that the voter lists were inflated and raised concerns about possible impersonation of out-of-country voters on election day, no evidence of this had been provided prior to election day to support their claims.

Candidate registration was inclusive. The CEC registered all eight nominees who submitted complete documentation and paid the required electoral deposit; one candidate eventually withdrew. The 10-year citizenship and residency requirements for candidates to stand appear disproportionate. The deprivation of voting rights of all prisoners, regardless of the severity of the crime committed, is at odds with the principle of universal suffrage and with the case law of European Court of Human Rights on this issue.

The election campaign was characterized by general respect for

fundamental freedoms and contestants were able to campaign without hindrance. Campaign activities were of limited scope. They took place against the backdrop of three main parties not nominating candidates and of a number of prominent personalities deciding not to stand; of the eight candidates, only the incumbent was nominated by a parliamentary party. During the campaign, one candidate was shot and injured in circumstances that are being investigated. Despite this incident, the campaign remained peaceful.

The campaign of the incumbent President was most active and visible. Misuse of administrative resources, including cases of pressure on voters, lack of impartiality on the part of the public administration, participation of public and civil servants in the campaign of the incumbent as well as several instances of campaign offices located in buildings occupied by state or local government bodies blurred the distinction between the state and the ruling party which is at odds with paragraphs 5.4 and 7.7 of the 1990 OSCE Copenhagen Document.

The media gave wide attention to political and election-related information, and media monitored by the OSCE/ODIHR EOM regularly covered all candidates. They gave more coverage to Serzh Sargsyan and Raffi Hovannisyan reflecting the greater extent of their campaign activities. Public television and radio complied with their legal obligation to provide free airtime and balanced coverage of the contestants and all candidates utilized their free airtime. However, the coverage of the campaign was mostly formal and did not provide analytical comment, and no debates were organized between candidates.

Election commissions and courts received a limited number of complaints. The Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake, essentially restricting the right of voters and observers to seek judicial remedy for breach of electoral rights. Court decisions on electoral rights may not be appealed, which limits effective legal redress.

The voting process was orderly, calm and well organized in the majority of polling stations visited. Undue interference in the process, mainly by proxies representing the incumbent, and some cases of serious violations, including intimidation of voters, were observed in a number of polling stations.

The ink for stamping voters' passports was deficient, as it proved to be easily removable from voters' passports. The majority of vote counts observed was assessed positively, although irregularities and procedural violations were at times noted. Tabulation was assessed positively in all but one of the 41 Territorial Election Commissions, however observers were prevented from adequately observing entry of results into the computer system in 12 cases. The CEC announced a preliminary voter turnout of 61.2 per cent. ■

The full statement is available at <http://www.osce.org/odihr/elections/99675>

## **The OSCE Parliamentary Assembly issued an earlier statement which stated:**

“Overall, the 18 February election in Armenia represents an improvement compared to previous presidential elections. The election was generally conducted in a peaceful manner and was well-administered under an improved legal framework.

Continued on page 4.

Freedoms of assembly and expression were generally respected, and media provided balanced coverage. However, the limited field of candidates meant that the election was not genuinely competitive. The candidates who did run were able to campaign in a free atmosphere and to present their views to voters, but the campaign overall failed to engage the public's interest.

The fact that several influential political forces chose not to field candidates in this election seems to have contributed to apathy and a lack of trust among voters. In addition, electoral campaigns were often not based on concrete political platforms, with several instead focusing on personalities and electoral conduct. Voters were therefore presented with a limited array of genuinely different political options.

On the other hand, observers noted increased citizen engagement in political debates on social media. This seems to be a new and growing phenomenon which stakeholders could make use of in the future. Some stakeholders questioned whether the required candidate registration deposit of AMD 8 million (ca. 15,000 EUR) was onerous, and the only woman among prospective candidates failed to meet this requirement.

There were persistent reports, particularly at local levels, of an unclear distinction between the campaign activities of the incumbent and state structures. These included misuse of administrative resources and pressure on public employees to participate in the election and campaign events. Until such practices are eliminated, there will not be a level playing field between electoral candidates, and Armenia will remain in breach of its commitments in the 1990 Copenhagen Document.

The authorities repeatedly declared their intention to conduct democratic elections in line with OSCE commitments. The Prosecutor General's Office actively encouraged citizens to report instances of vote-buying or other violations and guaranteed that such reports would not lead to negative repercussions for those reporting. Unfortunately, allegations of vote-buying persist, somewhat undermining voters' confidence.

The election administration generally functioned in a professional and transparent manner, meeting legal deadlines. Added transparency, including the prompt display of disaggregated results and the live streaming of Central Election Commission sessions, contributed to trust in the ability of authorities to technically administer the election.

Although the police have made significant efforts to improve the voter register, inaccuracies continue to be widely reported. Many stakeholders, including candidates and civil society representatives noted the potential for fraud and misuse of weaknesses. This has been a longstanding issue in Armenia, and will require dedicated political will to resolve.

This was the first presidential election held following the adoption of a new Electoral Code which generally provides a sound framework for the conduct of democratic elections. Nonetheless, the disenfranchisement of all prisoners, regardless of the severity of the crime committed, is in breach of Armenia's international commitments guaranteeing universal suffrage.



**Many Armenians are unhappy with the conclusions of both reports of the international monitors. Protesters on Yerevan's main square on 20 February 2013.**

Transparency in campaign financing is critical to fairness and public trust in government. The new Electoral Code has strengthened finance rules, and requires reporting on services, assets and products related to campaigning. However, the fact that campaign offices were excluded from reportable expenses and the opinion of the CEC that the establishment of dedicated campaign bank accounts is not mandatory challenged the underlying principle of transparency.

Candidate registration was inclusive, and candidates reported virtually no hindrance to their campaigning. This freedom is important progress for Armenia. The assassination attempt on one candidate raises serious concern, but was a unique case which did not reflect the overall campaign environment. Media coverage enabled voters to inform themselves regarding the campaign. Broadcast media generally provided balanced coverage of presidential candidates, reflecting the level of their campaigning. Public broadcasters provided free airtime to all candidates, in accordance with the law, and an array of private media outlets also enabled candidates to present their views and qualifications. However, the total lack of direct debates between candidates and a limited amount of critical journalism limited voters' ability to compare and contrast political platforms.

On election day, the voting process was well organized in most of the polling stations observed. However, instances of organizational problems were observed as was one case of ballot box stuffing. As in the May 2012 parliamentary elections, the inking of passports did not provide the intended safeguard against multiple voting, as the ink could easily be wiped off. The vote count was assessed positively in most cases, although there were observations of procedural problems and isolated cases of non-matching figures. Many observers noted low participation by domestic observers, and only few proxies representing the presidential candidates in polling stations. The CEC declared a preliminary voter turnout of 60,05 per cent." ■

Compiled by the CEW news team with [www.osce.org](http://www.osce.org) and [www.oscepa.org](http://www.oscepa.org).