

# Caucasus ELECTIONSWATCH

A weekly review of elections related processes in the Caucasus Region

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Commentary

## ODIHR Election Reports: Too soon, too late, or both?

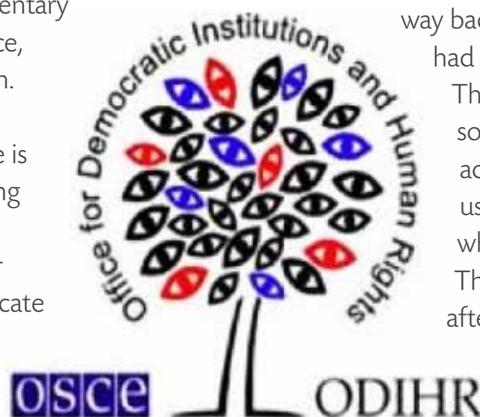
**The Elections Observation Missions of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (ODIHR) have become a regular feature of the electoral process on the European continent, and a model for others world-wide. The Missions, consisting of a core team and a handful of long term observers deploy a month ahead of the poll and are joined for election-day by several hundred short term observers and delegations from the Parliamentary Assemblies of the continent's leading institutions. Whilst not perfect, the ODIHR model remains the best.**

One feature that has often caused concern is the way that these missions report their findings. It has now been a long standing habit (it would be wrong to call it anything else), for the Election Observation Missions to issue two interim reports prior to election-day. They are often very technical in nature. On election day the Mission then joins up with the parliamentary delegations from the Council of Europe, the European Parliament, sometimes the NATO PA and until recently with the OSCE's own Parliamentary Assembly, for the day-after Press Conference, usually held at 3.00 or 4.00 in the afternoon. This has traditionally been the most high profile part of the process. The atmosphere is usually highly charged, the journalists coming from overseas to cover the election would still be around, and everybody is waiting for the key phrase or phrases which would indicate if the election has been deemed free and/or fair, although in recent years

the wording has become increasingly more ambiguous. The Parliamentarians then leave as quickly as they had arrived, and the ODIHR mission lingers on in-country for a while to observe the post-election environment. Rarely, as was the case in Armenia after the 2008 Presidential election and again this month, it issues a third interim report. The Mission then departs and two months after the election issues a final report.

Many feel that these habits are due for review. ODIHR, in an effort one suspects to insulate itself from the pressures of its political masters - the OSCE member states represented by the Permanent Council in Vienna, increasingly depicts its work and its reports as "technical", checking performance against compliance. They may very well be, but there is no denying that the consequences of the reports are political and the way that ODIHR is communicating its findings is, in that sense, not very efficient.

For a long time there has been concern that the day-after Press Conference is simply too close to the end of the polling. In some countries where there are complicated electoral systems the counting of votes has not even finished. In big countries most observation teams are still on their way back to the capital. In any case nobody has had a good night sleep or the time to reflect. The "habit" of doing the Press Conference so quickly, one suspects, developed to accommodate the parliamentarians who usually want to leave as soon as possible whilst still wanting to be in the limelight. There is nothing technical about the day after Press Conference. It is a very political event, where nobody cares to read the



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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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small print and is only interested in the buzz words, which the parliamentarians usually are happy to provide. It often distorts the work that the ODIHR Mission had done so meticulously. In Georgia in 2003 the day after Press Conference was used as a trigger for the Rose Revolution. In Azerbaijan in 2005 it was used to legitimise the status quo. Its value however is now greatly diminished. In Armenia in 2013 the Press Conference was not only rudely interrupted by protestors, who ended up stealing all the limelight, but its conclusions were greeted with widespread derision by many Armenian political forces who simply dismissed it as irrelevant. The decision of the OSCE Parliamentary Assembly not to participate in the joint press conference in Armenia – they held one on their own – should give ODIHR the perfect excuse to rethink the whole process of how to report its preliminary findings.

ODIHR's other habit, that of publishing its final report two months after an election, is very outdated. In times of instant communications and fast moving events two months is an eternity. By the time the reports come out things have usually moved along considerably. ODIHR's defence is that these reports are meant to offer guidance for the future and not address the problems of the moment. But is this really what these reports are being used for.

Which brings us to the third problem. Very often ODIHR election reports are being used as benchmarks against which to judge a country's democratic performance. EU institutions and member states regularly refer to them in addressing shortcomings or progress of states that they are engaged in relationships with. Here the reports stop being technical tools - simply aimed at helping the country being observed to improve its electoral laws and practises. They become instead very sharp instruments that can help determine a nation's future wielded by politicians who often prefer to hide behind ODIHR's reports rather than calling a spade, a spade.

ODIHR, and its political masters in Vienna have a choice. Either the election monitoring process becomes a purely technical exercise: more high-brow and less high profile, or ODIHR habits must change to reflect the political nature of election observation. ■

This commentary was prepared by the CEW Editorial Team.

## From the 3rd interim report of the ODIHR Election Mission to Armenia

On 25 February, the CEC announced the final election results with Mr. Sargsyan as the elected president.<sup>9</sup> The results protocol was signed by all seven CEC members.

An OSCE/ODIHR EOM analysis of final results as published by the CEC shows a close correlation between the voter turnout and the number of votes for the incumbent, with PECs with above-average turnout also having a higher share of votes for Mr. Sargsyan. Out of the 1,988 polling stations, 1,746 have 300 or more registered voters.<sup>10</sup> In 144 of those, voter turnout exceeded 80 per cent, which seems implausibly high; the incumbent received above 80 per cent of the votes cast in 115 of these stations. In 198 out of the 303 stations where turnout was between 70 and 80 per cent, the incumbent received more than 70 per cent of the votes. Among 249 stations where turnout was below 50 per cent, Mr. Sargsyan received more than 50 per cent in 40, and Mr. Hovannisyan received more than 50 per cent in 155. The tendency of higher results for the incumbent observed at the majority of stations with high turnout raises concerns regarding the confidence over the integrity of the electoral process.

# Sorry, you did not read the small print.

**The ODIHR Election Observation Mission monitoring the Armenian Presidential Elections took pundits by surprise by issuing a third interim report before they packed their bags and left Yerevan on 4 March. ODIHR Missions do not always issue third reports, although as was the case with the previous Presidential election in Armenia in 2008, they sometimes do.**

Armenian political analysts detected a change of tone in the 3rd ODIHR interim report – a somewhat more critical appraisal of the 18 February Presidential Election than the more upbeat assessment emerging from the Press Conference of the international observation missions on 19th February, which triggered a flood of congratulatory messages to the incumbent Armenian President from world leaders.

The 3rd monitoring report for example states that, “An OSCE/ODIHR EOM analysis of official results shows a correlation between very high turnout and the number of votes for the incumbent. This raises concerns regarding the confidence over the integrity of the electoral process”, which is diplomatic parlance for saying that they suspect that there was ballot stuffing on an industrial scale.

The report also politely reminds readers that the interim statement made on 19 February “noted that the final assessment of the election would depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation and announcement of final results and the handling of possible post-election day complaints or appeals.” This small print was unfortunately missed amid all the excitement of the Press Conference and the events around it.



**For the fourth time in 17 years, a defeated Armenian presidential candidate has openly denounced the outcome of the ballot in a presidential election as rigged and declared himself the legitimately elected president. Raffi Hovhannessian last week took his campaign to overturn the result of the 18 February Presidential election to the regions of Armenia where he was given an enthusiastic welcome. (picture courtesy of Radio Free Europe/Radio Liberty).**

**In summary the third interim report states:**

“

- The Central Election Commission (CEC) on 19 February announced preliminary election results, indicating that incumbent President Serzh Sargsyan was re-elected in the first round. The second-placed candidate, Raffi Hovannisyian, disputed the results and claimed that he won the election.

- Since 20 February, Mr. Hovannisyian has staged a series of protest rallies in Yerevan and several regions, which were joined by some opposition parties and politicians. The gatherings were peaceful and the authorities did not interfere, but the police stated that they are illegal and could lead to administrative liability.
- There were requests for recounts and for invalidation of results of 132 Precinct Election Commissions (PECs), almost all filed by Mr. Hovannisyian. Three recount requests initiated by election commissions were upheld and revealed minor discrepancies from the original counts. All other requests were rejected on the grounds that complainants were not entitled to file them.
- On 25 February, the CEC unanimously adopted the final results protocol and declared Mr. Sargsyan the winner, with 58.6 per cent of votes cast. Mr. Hovannisyian received 36.7 per cent.
- An OSCE/ODIHR EOM analysis of official results shows a correlation between very high turnout and the number of votes for the incumbent. This raises concerns regarding the confidence over the integrity of the electoral process.
- A limited number of complaints were filed with the election administration on election day, and over 80 after the election. Almost all were rejected. The police and the Prosecutor General investigated over 300 possible offences and initiated criminal proceedings in some 10 of them.
- Some broadcast media during the post-election period showed a selective approach in their coverage of political events, with a noticeable tendency to limit views critical of the conduct of the election. A number of online media offered diverse views. ■

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The full text of the 3rd Interim Report of the ODIHR EOM is available at <http://www.osce.org/odihhr/elections/99931>.

Source: CEW Staff with [www.odihhr.pl](http://www.odihhr.pl)

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# Intellectual Dilemma or Political Hoax?

by GEORGE KHUTSISHVILI

**Georgia? What kind of place is that?"**

**"Well, this is a post-Soviet country where a pro-Russian billionaire won the elections over a pro-Western reformer president..."**

That is a tag line that has already appeared in many foreign publications on Georgia, including Russian, but mostly US and EU based. It threatens to turn into a fairy tale and an easily digestible media pill for the international layman.

But it is actually wrong, as it turns out. For someone who commits him-/herself to a longer reading, it becomes clear that the new leader's so-called 'pro-Russian policies' are in fact just the first steps to climb out of a frozen gap between the two neighbouring states, and that the 'pro-Western reforms' of the outgoing leader did not necessarily lead the country to a more democratic state of things.

Thus, the situation in Georgia is not so easily labelled the way the busy international mass media would normally prefer. But not all readers commit themselves to a longer reading. And tags, once they have clung, are very difficult to remove. Especially if they are constantly and purposefully fuelled, like mantras that gain meaning by frequent repetition.

Still, the question arises of why some tags are so difficult to disprove or even modify? Usually, the reason lies in the deceptive self-evidence of some underlying 'universal' assumptions. For example, that an oligarch cannot by definition be a democratic leader. The opposition United National Movement's actions dwell on some 'state of nature' postulates about power, sovereignty and international relations. The first tacit assumption is that the Cold War is not over yet. The second and riskier one is that a small country can turn into a big actor by adding fuel to the struggle between the Poles. The third is that Russia is incommunicable and non-negotiable by definition, so you may comfortably forget about diplomacy, and only cry for protection.

Who could doubt such a convincing chain of thought? A corollary is drawn from the postulates above that it can only be a bluff to say that relations with Russia can be normalized while staying a strategic ally with the West. And The Daily Beast would easily believe it.



It has been clear that leaders having an incompatibly different psychological make-up would not possibly cohabitate. The new government of Georgia has declared in many ways it was not going to enter in a PR race with a more skilful opponent – to the extent of not making disclaimers or clarifications on wrongly interpreted facts – and would rather leave the judgment to an observer of tomorrow who will witness and register who was right and who was wrong.

As it happens, in the same time frame, mantras turn into labels, and labels may finally turn into Wikipedia entries, if they are not timely attended to.

**George Khutsishvili** is Director of the International Centre on Conflict and Negotiation in Tbilisi, Georgia. This op-ed was first published on 3 March on Democracy and Freedom Watch ([www.dfwatch.net](http://www.dfwatch.net)).

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