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**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE  
FOR INTERNATIONAL AFFAIRS (NDI)  
INTERNATIONAL ELECTION OBSERVATION DELEGATION TO  
ARMENIA'S MAY 30, 1999, PARLIAMENTARY ELECTIONS**

*Yerevan, Armenia, June 1, 1999*

The following statement on Armenia's parliamentary elections of May 30, 1999, is offered by the international election observation delegation organized by the National Democratic Institute for International Affairs (NDI). As of today, final election results have not been announced, and election complaints that have been filed, or that may be lodged, remain to be resolved. This Statement therefore is preliminary in nature. NDI is continuing to monitor post-election developments, and a final report on the election process will be issued in a few weeks.

**I. SUMMARY OF FINDINGS AND OBSERVATIONS**

*The May 30, 1999, national parliamentary elections failed to break from Armenia's troubled electoral history. Some improvements occurred in the May 30<sup>th</sup> elections; however, a number of developments give cause for serious concern, particularly about the political process surrounding the elections. Despite the positive developments in the election process, once again Armenia failed to meet the international standards and commitments that it has accepted as the basis for organizing genuinely democratic elections, particularly those concerning protecting the right and opportunity to vote and those concerning transparent electoral competition.*

*Armenia's 1995 parliamentary elections were marred by fraud and irregularities. Presidential elections in September 1996 were similarly flawed and were followed by violence. Political polarization increased, leading to boycotts of the 1996 local government elections and of the National Assembly. The 1998 extraordinary presidential election, organized after the resignation of President Ter-Petrosian, was marked by intimidation, ballot-box stuffing and other fraud. That election failed to meet international standards, as noted in the OSCE Final Report on the election. The May 30<sup>th</sup> elections continued the pattern; although, the types of manipulation changed, and they increased in periods farther away from election day.*

*The pre-election process was marked by political deals, such as trading seats on precinct election commissions and other activities aimed at securing election victory—irrespective of the will of the voters. Many of the changes to the legal structure for the elections were manipulated to prevent open political contests. The apparently reduced voter turnout compared to past elections indicates decreasing public confidence in the election process and may reflect a lack of interest in the elections,*

*which many prospective voters perceived to have been pre-arranged to a significant degree.*

*There were large-scale problems with the voter lists in the election. Many problems with the lists were identified in the pre-election period but were not resolved by the corrections process. The poor quality and late release of the lists both increased the potential for illegal voting and disenfranchised a large number of voters. Election-day incidences of intimidation of varying forms both inside and outside polling stations, reports by the OSCE and others of illegal refugee voting, allegations by political parties and candidates of so-called "carousel voting," examples of military voting that placed undue pressure on conscripts, apparent instances of ballot box stuffing and other examples of fraud or irregularities require further investigation to determine the extent that they affected election results. In addition, preliminary observations of the work of Regional Election Commissions, especially in Yerevan, Kotiak and Armavir, indicate that there may be emerging serious problems with the consolidation of results.*

*It is important to note that: the May 30 elections were conducted under a new election law that improved some elements of the prior law, in accordance with several recommendations of international organizations; the law allowed, and the CEC accredited, domestic nonpartisan election monitors; the courts addressed several electoral complaints in the pre-election period, indicating an increasing degree of independence; the campaign environment, while unusually languid for a parliamentary election, allowed parties and candidates to act without major incidents of violence; and media access and coverage of political contestants was much improved over past Armenian elections. Although election administration was uneven on election day, thousands of Precinct Election Commission members, party and candidate agents (proxies) and domestic election observers worked cooperatively for long hours to provide proper voting and counting procedures. It is unfortunate that such developments were undercut by electoral manipulations.*

## **II. THE DELEGATION AND ITS WORK**

NDI's election delegation visited Armenia from May 26 through June 1 and was welcomed by the Armenian government, political parties and candidates, and civic organizations. The delegation included 18 observers from the United States, Hungary, Ireland, Slovenia, the Netherlands, Georgia, Belgium and Romania. Delegates included political party leaders, elected officials (and those who formerly held elected office), election experts, legal scholars, regional specialists and civic leaders. The delegation was led by: Matyas Eorsi, Member of Parliament of Hungary and Deputy Leader of the LDR Group in the Parliamentary Assembly of the Council of Europe; Ambassador Nelson Ledsky, NDI Senior Associate and Director of NDI Programs in Eurasia; and Patrick Merloe, NDI Senior Associate and Director of NDI Programs on Election and Political Processes. The members of the delegation have participated in numerous election assessments and international election observer delegations around the world; many members participated in NDI's international election monitoring effort of the 1998 presidential elections in Azerbaijan.

The purposes of the delegation were to: demonstrate the international community's interest in and support for the democratization of Armenia's election process; learn from the people of Armenia about the nature of the evolving election and political processes and its implications for the future democratic development of Armenia; and provide an impartial and accurate report of its findings to the

international community. The Institute also hopes to gain insights from the delegation's activities to assist NDI's future work in Armenia. The delegation conducted its assessment on the basis of accepted international standards for election observation and in accordance with Armenian law. NDI did not seek to supervise the elections or to certify them. The Institute also did not seek to interfere with the election process, nor does it at this point intend to render a conclusive assessment of the process. Ultimately, it will be the people of Armenia who determine the meaning and validity of the election and the processes that surround it.

NDI opened its office in Yerevan in 1995 and, since that time, has worked primarily with a wide range of political parties and indigenous civic groups engaged in election monitoring and democracy-building activities. NDI election training has focused on assistance to nonpartisan, nongovernmental election monitoring efforts. NDI has also worked with the major political parties to train political party proxies in Yerevan and the outlying regions to monitor the election process. Through its office in Armenia and its political and civic contacts, the Institute has observed pre-election developments closely. NDI has also maintained close coordination and cooperation throughout the election period with other international monitoring organizations, such as the OSCE/ODIHR and the Council of Europe.

NDI has conducted more than 40 international election observer delegations around the world. It has established a reputation for independence, impartiality, and professionalism in conducting electoral assessments. This delegation's mandate included examination of three parts of Armenia's election and related political processes: (1) the pre-election period, including the legal framework for the elections, the election campaign and related developments, (2) the election-day voting and counting processes, and (3) the tabulation of results to date, immediate post-election complaints and related political developments.

The immediate post-election period often is at least as sensitive and as important to the legitimacy and the outcome of elections as either the pre-election period or election day processes. The delegation therefore stresses the need for continued monitoring of Armenia's post-election political developments and encourages others in the international community to take up this important work.

The delegation met with: President Robert Kocharian; the Minister and Deputy Minister of Defense and the Minister of Interior; the Central Election Commission; leaders of Armenia's major political parties and blocs; the Speaker of the National Assembly, leaders of Armenian domestic election monitoring efforts and international election monitoring organizations and others from the international community who are concerned with the elections.

On May 28 and 29, the delegation deployed 9 teams across the country to six regions, including Kotaik, Ararat, Shirak, Lori, Syunik, and Yerevan. NDI also sponsored a small group of civic leaders from Kyrgyzstan who observed polls and the activities of Armenian domestic election monitors in Vayots Dzor. Teams met with local election monitors, representatives of political parties, and local government and electoral officials in these regions. The teams then observed the voting process in more than 100 polling stations, watched the vote count in selected precincts and monitored activities in selected Regional Electoral Commissions (RECs) before reconvening in Yerevan to prepare this statement.

### **III. THE PRE-ELECTION ENVIRONMENT**

It is necessary to examine the political environment and context in which any election takes place. NDI analyzed the pre-election period, including the legal framework, administrative preparations and the political environment leading to the elections.

**Legal Framework.** The legal framework for the elections is governed largely by a new election law. The law provides for 131 seats in the parliament. Seventy-five seats are determined by majoritarian elections in single-mandate districts. Fifty-six seats are determined by proportional representation with the country serving as a single constituency and a five percent threshold of the votes before a party qualifies for any seats from its national party list.

A number of changes to the law correspond to some of the recommendations offered by international organizations, especially those offered by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). Noteworthy among the legal changes were explicit provisions for domestic nonpartisan organizations to monitor the election process and for copies of election-day protocols to be given to party and candidate agents (proxies), as well to domestic election monitors and international observers. In addition, the courts acted upon a number of electoral complaints brought by the political contestants and others in the pre-election period. It is unfortunate that the legal reforms were subverted by electoral manipulations, such as accrediting threatening persons (so-called "neighborhood guys") as accredited observers so that they could enter the polling places with "proper" credentials. This and other examples used legal changes characterized as reforms to carry out electoral manipulations – often by undercutting the spirit of the law through the manner in which it was implemented.

Almost all election officials and governmental, political and civic leaders with whom the delegation met noted the need for further election law reform. Among the criticisms raised by Armenian and international sources were: provisions concerning the composition of election commissions at all levels failed to ensure the political pluralism needed to balance partisan interests; the power of parties to recall without cause their election commission members undermined the independence of the commissions; the creation of a new Central Election Commission (CEC) just 33 days before the elections failed to provide adequate time and the continuity needed to prepare adequately for the elections; a failure to guarantee access for proxies and observers to the transport of ballots and other sensitive materials among the levels of election administration; inadequate provisions for electoral complaints and appeals; and lack of transparency in procedures relating to ballot qualification and campaign financing.

**Election Administration.** Prior to the 1995 parliamentary elections, several parties and hundreds of individual candidates were denied registration, often for arbitrary reasons. In contrast, the 1999 ballot qualification process was relatively open and unrestricted. All 21 parties and blocs that submitted the required signatures for registration of party lists were registered. This, however, allegedly resulted in the registration of parties that were used by pre-existing parties to extend their influence over election commissions. Only a handful of majoritarian candidates were denied registration, and many of those who appealed the denial to the courts were allowed to stand for office.

Article 32 of the Armenian Election Code specifies that the election commissions are "independent from the state and local self-governing bodies." Article 39 says that the "activities of the

electoral commission are conducted based on the principle of partnership.” The formation of electoral commissions, however, did not meet these requirements. The process for forming the commissions began with appointment of members of the Central Election Committee (CEC). Under the election code, three members of the 13-member CEC were appointed by the government; five members by parties with parliamentary groups in the National Assembly, and five members by extra-parliamentary parties that collected the largest number of signatures for ballot qualification. There are claims and media reports that signatures collected by newly-created parties, which gained seats on the CEC, were copied from pre-existing governmental registries. Since regional and precinct electoral committees reflect the composition of the CEC, it is imperative that the CEC be truly representative of the political spectrum of Armenia. The unverified signature collection process undercut the perception of fairness.

**Political Deals.** The 11 Regional Electoral Committees (RECs) mirror the composition of the CEC. The RECs, in turn, nominated the members of the 1,604 precinct electoral committees (PECs). Observers, members of the press and the parties themselves, described a highly partisan process of appointing PEC members, electing electoral committee chairmen, and “trading” of committee seats among parties and factions. The process by which parties dealt among themselves to gain maximum numerical advantage on committees in certain strategic districts created opportunities to manipulate the process and subvert the will of the electorate. The control of election commissions at each level by one partisan group raises concerns about the conduct of the voting and counting processes governed by such commissions. The fact that members of the commissions can be replaced by parties up to just three days before the election violates the spirit of independent electoral bodies.

**Voter Lists.** The creation of voter lists was a deeply flawed process. Under the law, voter lists were to be compiled by “Community Leaders” (somewhat analogous to a mayor or sub-mayor) and posted at precincts 40 days before election day. Citizens then had 35 days to review the lists and, if errors were found, request in writing to the Community Leader that corrections be made. The Community Leader then was to post the final copy of the list four days prior to the election. Final lists were not posted in time in numerous precincts, and corrections submitted often were not made.

Many voters were unaware of the necessity to check the lists. A significant number of the lists had substantially out-of-date information, requiring numerous changes by Community Leaders. There were numerous allegations that many Community Leaders, some of whom became candidates in this election and took leaves or resigned from their posts, resisted making changes requested by their political opponents. In some cases, amendments to the voter list required the creation of new precincts, which created confusion on election day.

**Campaigning.** There were no reported major incidents of violence against party activists of candidates during the election campaigning. Parties reported that they enjoyed unrestricted rights to organize rallies and demonstrations. Media monitors for the OSCE from The European Institute for the Media reported that campaign coverage was balanced. There were credible reports of illegal barter arrangements between certain media outlets and some candidates. Also, a complaint was lodged by an independent candidate against one of his opponents, a former Community Leader, when that person’s former subordinates allegedly cut electricity to the district for the hour when the independent candidate broadcast a paid campaign message on a private television station.

**Domestic Nonpartisan Election Monitors.** The provision in the new election law concerning domestic election monitors came as a result of a sustained effort by Armenian nongovernmental organizations for such legal status. This effort was led by *It's Your Choice* and was supported by a number of international organizations, including NDI. Domestic monitors contributed greatly to the conduct of the pre-election campaign, by attending meetings of electoral committees, monitoring the media, vetting voter lists and the registration process for candidates in single-mandate districts, investigating allegations of violations and publicizing their findings.

#### **IV. ELECTION DAY PROCESSES**

On election day, the delegation saw thousands of election commission members, proxies and observers working cooperatively for long hours to organize a transparent election process. Numerous polling stations were well organized, and in a significant number of precincts the count was conducted properly. The delegation also witnessed violations and fraudulent practices and failures in election administration that caused serious concern.

**Voter Lists.** In the vast majority of the precincts visited by the delegation, problems with voter lists identified in the pre-election period were not remedied during the correction process. Extra names on the lists opened possibilities for illegal voting. The most visible problem was the large number of voters whose names were not on the lists and who were therefore turned away from the polls without casting ballots. While such persons could have gone to the court to obtain a certificate to vote, most seemed discouraged or uninterested in doing so. Many said that they would return home because there were long lines at the courts or that they were apprehensive about having contact with the courts. In many cases, PEC members did not explain that going to the courts was an option. NDI teams noted that in some precincts as many as 150 people were turned away because their names were not on the list. Of deep concern were the number of such people who reported that they had lived in the same place for years and had been on the voter list in past elections. Some of them alleged political discrimination as the reason for their names being excluded. In addition, in several instances, proxies from differing parties claimed to have submitted corrections in a timely manner, but the final voter list returned unchanged by the Community Leader.

**Intimidation.** While many polling stations visited by the delegation had no signs of intimidation, groups of men, apparently from the surrounding neighborhood, hung around the entrance to most polling stations, in violation of the law. Many times these men were seen acting in intimidating ways. What appeared to be unidentified "security forces" often were among such groups. In one instance verified by an NDI team, a candidate's supporter was attacked by supporters of another candidate and pistol-whipped to an extent that required hospitalization.

In a number of polling stations, persons from the groups outside the precinct went in and out of the polls at will. Inside some polling stations, commission members, proxies and domestic observers seemed to be following the directives of one person and seemed reluctant to identify problems that NDI teams noted. In addition, at several polling stations, NDI teams found television cameras pointed at the ballot box, which apparently filmed each voter casting ballots. This could have intimidated voters.

**Military Voting.** NDI teams saw instances where military voting seemed to comply with the

letter and spirit of the law. In more instances, however, the spirit of unsupervised voting by conscripts was violated as the men remained under the watch of officers outside the polling station, and in the most severe cases the military men marched to the precinct. It did not seem that the soldiers had a real option not to vote. In numerous cases, it seemed that the soldiers could have felt undue influence. The delegation noted that there was a popular perception that military voting is often not done freely, which fuels an impression that the value of the vote is thereby diminished.

**Illegal Voting.** NDI teams observed at first hand ballot box stuffing in two precincts and other examples of multiple voting. In one instance, a team witnessed the chairman of a PEC giving what appeared to be telephone numbers to a woman who was not on the PEC; she then returned promptly to the precinct with two other women who were escorted in to vote. Outside the precinct the three women were joined by a PEC member, and they were overheard discussing encouraging others to vote because "we paid 5,000."

NDI teams also witnessed examples of voting patterns that strongly suggested ballot box stuffing. In one precinct, toward the end of the voting time, 633 people allegedly voted in the 90 minutes during which the team visited another polling station. This would have required that each voter take not more than 8.5 seconds to vote.

## V. FINDINGS AND RECOMMENDATIONS

When the public's confidence in election and political processes is damaged by a history of troubled elections, the government and parties associated with it have a special responsibility not only to ensure that the process is administratively correct and minimum international standards are met, but that the process is free from even the *perception* of partisanship and corrupt practices. In such situations extraordinary steps are necessary to begin to win back the public's trust. Moreover, rebuilding public confidence requires political solutions as well as legal remedies, especially where independence of the judiciary and due process are not well established.

While the May 30<sup>th</sup> elections were a missed opportunity in these respects, the delegation noted a strong desire among many sectors of Armenians to build the democratic process and move the country squarely into the community of democratic nations. It is in this context and in the spirit of international cooperation that the delegation offers the following recommendations.

**1) Open Political Dialogue.** Both those parties that won seats in parliament in the May 30<sup>th</sup> elections and extra-parliamentary parties should engage immediately in a dialogue about ways of enhancing participation in the political process. Ways should be established for extra-parliamentary parties and interested citizens to engage in policy formulation, have access to governmental services and otherwise take part in the political life of the country. The issue of precluding backroom deals to determine which political party or candidate is to win public office, thus circumventing the will of the electorate, must be addressed in order to win public confidence. Electoral coalitions are a part of normal parliamentary politics, but, in countries with a history of one-party rule and public suspicion of potentially authoritarian tendencies, transparency must be established and extra steps taken to ensure healthy political competition and to demonstrate respect for the will of the electorate.

**2) Electoral Law Reform.** A dialogue on electoral law reform that includes political parties in and out of parliament and of citizens interested in genuinely democratic elections is needed in order to gain public confidence. Assistance of international organizations could aid this process, especially if comments and recommendations are provided to a wide spectrum of people to enhance public discussion and broad political consensus.

**3) Creation of Accurate Voter Lists.** Accurate voter lists and an effective corrections procedure must be created in order to organize credible elections in Armenia. The responsibility for creating and correcting the voter lists should be transferred to the CEC from the "Community Leaders," who have conflicts of interest between ensuring the rights of voters and partisan political loyalties. All political parties and nonpartisan election monitoring organizations should be allowed to test the lists to verify their accuracy. Political parties and candidates should be able to receive, free or at a reasonable fee, copies of the list.

**4) Reform of Military Voting.** Military voting procedures must be further reformed and uniformly implemented to remove the force of military discipline from soldiers as they enter a polling station. This issue should be part of electoral law reform, and the military command should be provided with information about military voting in a variety of democratic countries and involved in the discussion.

**5) Removal of Intimidating Influences at Polling Stations.** Electoral law, regulations and actual practice must be reformed to remove intimidating persons from the area around polling stations. The distance from polling stations where the gathering in groups is prohibited on election day should be increased substantially; violators should face strict penalties, and police should be required to enforce this provision or face disciplinary penalties. Similar provisions should be established concerning prohibiting unauthorized persons from entering or remaining in the polling stations, including penalties for precinct chairmen who do not enforce the provisions. Accreditation for observing in a polling station should be restricted to persons representing accredited nonpartisan organizations. So-called "independent observers" for parties and candidate should not be allowed, because party and candidate proxies can guard adequately the interests of political contestants.

**6) Investigation and Legal Actions Against Electoral Offences.** Electoral complaints, allegations of fraud and other electoral violations must be investigated in order to safeguard the electoral process and to build public confidence in the integrity of the vote. Appropriate administrative actions should be pursued concerning election complaints and effective remedies provided, including re-voting where warranted. Cases of fraud and other election-related crimes should be prosecuted in accordance with the law and international standards for due process of law.

**7) Measures for the CEC to Check Precincts.** Measures should be adopted for the CEC to prevent and detect collusion in the operation of precincts. Trading seats on precinct election commissions and pressuring other members to resign in order to consolidate control of a precinct is most likely motivated by a desire to manipulate the election process, and these practices should be prohibited. A number of practices are recognized internationally to address this problem, including selecting precinct commission members at random from a pre-determined large pool and strictly limiting replacement of such persons.



The delegation hopes that these recommendations will be useful to the many dedicated people working in Armenia to strengthen the prospects for successful democratization. NDI will offer additional recommendations in its forthcoming final report on the 1999 electoral process.

## **VI. CONCLUSION**

The delegation would like to express its sincere appreciation to President Kocharian, government and electoral officials, candidates, party representatives, members of the media, other political and civic leaders and representatives of the international community with whom it met. Had these individuals not taken time at this important moment to meet, provide information and share their views, the delegation could not have completed its work.

Armenia is again at an important juncture. The failure of the 1999 election process to break with past electoral practices could provide an opportunity for those working to strengthen the prospects for democracy in Armenia. Significant segments of the Armenian population reported to the delegation that they perceive an ongoing tradition of political and electoral manipulation. Armenian political leaders – both those who now are in government and parliamentary leadership, as well as those who for now are outside those offices of power – must take steps to reach out and establish a dialogue aimed at advancing effective political and electoral reform. NDI will continue to offer assistance to all of those Armenian governmental, political and civic leaders who are striving to improve Armenia's democratic future.