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BRIEFING REPORT

FOR INTERNATIONAL DELEGATES TO THE

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ELECTIONS IN BULGARIA

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This report on political developments and the pre-election campaign environment in Bulgaria was prepared by the National Democratic Institute for International Affairs. It is based on NDI's active presence in the country since April 1990, including the findings of its two pre-election fact-finding missions that visited Bulgaria August 4-9 and September 8-13, 1991. The report was written by NDI Program Officer Lisa C. McLean and edited by NDI Senior Consultant Larry Garber.

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I. INTRODUCTION

On October 13, 1991, Bulgarians will elect a new National Assembly, mayors and city council members. The October 13 elections will be the first held under the new constitution adopted in July 1991 and the second multi-party elections following the ousting of Communist Party leader Todor Zhivkov in a November 1989 palace coup. Bulgaria was the first of the former Warsaw Pact countries to adopt a new constitution, and it will now be the first to hold a second round of national elections.

The first multi-party elections in more than 45 years were held in June 1990 and resulted in the establishment of a 400-member Grand National Assembly (GNA), which was responsible for drafting a new constitution and enacting necessary political and economic reforms. The Bulgarian Socialist Party (BSP, the renamed Communist Party) emerged from the 1990 elections as the largest party, although the Union of Democratic Forces (UDF, a coalition of 16 opposition political parties) also obtained significant representation in the GNA.

Following the elections, street demonstrations, led by opposition trade unions and student activists, caused the separate resignations of the BSP president and prime minister. The resignations resulted in political crises that took several weeks to resolve. Ultimately, Zhelu Zhelev, leader of the opposition UDF, and Dimitar Popov, a political independent, were elected president and prime minister respectively.

Despite the progress that has been made during the past 22 months in establishing a pluralist society, many Bulgarians remain skeptical regarding the significance of the changes. In part, the mistrust is due to the severe economic crisis that Bulgaria has encountered. The country's production and distribution systems have collapsed during the past year, leading to food and petroleum rationing followed by price hikes. The spiralling deterioration of the economy, coupled with a seemingly ineffective, bickering parliament, increased popular disillusionment with the GNA, government ministries and democracy in general. This disillusionment threatens to manifest itself in the next elections with low voter turnouts.

According to several public opinion polls, the multi-party government, which took office in January, has begun to restore public confidence. The government includes representatives of three major political parties, as well as three political independents.

Despite a general consensus that the election law has made significant improvements to the administrative structure used last year, there is an underlying fear among many opposition leaders of "communist" manipulation of voters in the upcoming campaign. In addition, opposition efforts to explain their apparent electoral loss last year has resulted in "finger-pointing" and discovery of communist linkages within their ranks that ultimately have splintered the opposition into four different groups. The idea of united opposition with similar aims (e.g., ousting the former communist leaders and breaking their economic power) has been sacrificed to nasty debates within their ranks that could ultimately favor the Bulgarian Socialist Party (BSP).

II. NDI ACTIVITIES SINCE THE ELECTIONS

Since the June elections, NDI has sought to promote the institutionalization of democratic change in Bulgaria through a series of seminars and consultations. These programs have been sponsored in cooperation with the Bulgarian Association for Fair Elections, which was renamed the Bulgarian Association for Fair Elections and Civil Rights (BAFECR) in July 1990. NDI also has continued to monitor the political situation in Bulgaria and to advise on electoral reform issues.

A. Seminars and Training Workshops

NDI and BAFECR organized a seminar on parliamentary procedures for GNA members in July 1990, two weeks after the GNA first met. Subsequently, NDI sent two parliamentary experts from the United States to advise the GNA on the adoption of parliamentary rules. One of the parliamentary experts returned to Bulgaria in May 1991 to evaluate the operation of the GNA. He concluded that, despite the sometimes acrimonious debates, the GNA had accomplished a great deal in a relatively short time period in terms of substantive legislative initiatives.

NDI and BAFECR also organized seminars in September 1990 on issues pertaining to local government and human rights. In April 1991, a participant in the local government seminar returned to Bulgaria to advise the Mayor of Sofia on implementing local government reform.

A key component of NDI's efforts in Bulgaria during the past year has been directed at strengthening the institutional and substantive capabilities of BAFECR. Thus, in addition to providing an operating grant to BAFECR, NDI has organized training workshops for BAFECR volunteers in Sofia and 12 cities around the country. These workshops have focussed on human rights, local government, election reform, promoting good government, monitoring corruption and civic education.

Appendix I contains a full description of the programs and a list of international participants.

B. August Pre-Election Mission

Between August 4-9, 1991, an NDI-sponsored pre-election mission visited Bulgaria. Participating in the mission were: *Gerard Danaher*, an Irish lawyer, who was a member of the first 1990 pre-election mission and the 1990 international observer delegation; *Richard Eaton*, chief of staff to U.S. Senator Moynihan; *Larry Garber*, NDI Senior Consultant for Election Processes; *Dimitrios Katsoudas*, political adviser to Greek Prime Minister Mitsotakis; *Lisa C. McLean*, NDI Program Officer; and *David Phiri*, Chairman of the Zambia Independent Monitoring Team (ZIMT) and former Governor of the Bank of Zambia. The mission met with a wide range of government officials (including the Prime Minister and the Foreign Minister),

party leaders, journalists and others, and also with local government officials, party leaders and BAFECR volunteers in Bourgas, Varna, Michurin and Kavarna.

The mission highlighted the continued international interest in Bulgaria's democratic evolution and emphasized the need to assure that the upcoming elections are conducted in a free and fair manner (and are *perceived* to have been so conducted). The election law debate within the National Assembly, which began immediately prior to the mission's arrival, and the internal politics of the Union of Democratic Forces provided the framework within which the mission operated.

At the conclusion of its visit, the mission released a statement, which noted the progress Bulgaria has made during the past year. The statement also discussed several concerns regarding preparations for the upcoming elections. The statement was featured in all the Bulgarian media (see Appendix II for the mission's statement).

C. September Pre-Election Mission

From September 8-13, 1991, NDI sponsored a second pre-election mission to Bulgaria. Participating in this mission were: *Katharine I. Butler*, a lawyer and law professor from South Carolina; *Arben Imami*, MP and Deputy Chair of the Democratic Party caucus in the newly elected Albanian People's Assembly; *Lisa C. McLean*, NDI Program Officer; *Thomas O. Melia*, NDI Program Director; and *Bernard Owen*, General Secretary of the Paris-based Center for the Comparative Study of Elections.

Based on the findings of the first pre-election mission, the second mission was assigned the following tasks: 1) to evaluate progress in implementing the administrative provisions of the law; 2) to assess the role of the media and the military in the election campaign; 3) to review the extent to which *all* political groups are permitted (or not) to effectively participate in the elections; and, 4) to identify issues to be considered by international observers at the time of the elections.

The delegation's visit came during the week when parties and candidates were scrambling to register themselves prior to the official opening of the campaign on September 14. The mission met with a wide range of government officials (including the Deputy Prime Minister and Chief of the Army's General Staff), party leaders, the Central Election Commission, journalists and others, and also with local government officials, Regional and Municipal Election Commission officials, party leaders and BAFECR volunteers in Pazardjik and Pernik.

The mission's statement described the electoral administrative structure as adequate for the conduct of free and fair elections. The mission, however, expressed deep concern that last minute efforts to prevent the primarily Turkish Movements for Rights and Freedom from registering as a party would exacerbate ethnic tensions unnecessarily. In addition, the mission highlighted the responsibility of government and political parties in educating the voters about pre-election and election day procedures (see Appendix III for the mission's statement).

III. POLITICAL DEVELOPMENTS IN BULGARIA: JUNE 1990 - JUNE 1991

A. The June 1990 Elections

On June 10, 1990, Bulgarians went to the polls to elect a 400-member Grand National Assembly (GNA) in the country's first contested multi-party elections since 1931. Run-off elections were held on June 17. The Assembly was given an 18-month mandate to draft a new constitution, while also serving as the national legislature.

The Bulgarian election system combined proportional representation with a majority system in which 200 members were elected by party slates and 200 members were elected in single-member constituencies. The results gave the BSP 211 seats, the UDF 144 seats, the Movement for Rights and Freedom (MRF, drawing most of its support from the Turkish ethnic enclaves) 23 seats and the Bulgarian Agrarian National Union (BZNS, an increasingly independent party that worked with the communist party from 1948-1989) 16 seats.

The conduct of the June 10 elections was considered by international observers to have been, for the most part, free and fair. As such, the elections represented a significant step toward the establishment of a functioning democracy in Bulgaria. However, since the elections, Bulgaria has struggled to implement reforms in the midst of economic and political crises that have tested the democratic system.

B. The Summer

Immediately following the elections, students took to the streets protesting the outcome of the elections and calling for the resignation of BSP President Mladenov, the leader of the internal coup in November 1989 that ousted long-time dictator Todor Zhivkov. Protests centered on Mladenov's videotaped remarks suggesting a willingness to use tanks to disperse peaceful demonstrators in December 1989. After a commission verified the authenticity of the videotape, Mladenov resigned on July 6, four days before the GNA met for the first time in Bulgaria's historic capital, Veliko Turnovo.

The resignation of Mladenov put an end to the student strikes. In their place, "Cities of Truth" were established in all major cities. Those organizing "Cities of Truth" sought to rid Bulgaria of the symbols of the old communist order and to guarantee the process of democratization. Among the symbols that the protests focussed on were the mausoleum containing the body of Georgi Dimitrov, a leading communist figure in the 1930s and 1940s, and the red star atop BSP headquarters.

The GNA convened on July 10 with the BSP controlling a majority of the Assembly, but lacking the two-thirds majority needed for passage of major pieces of legislation. This fact proved a significant stumbling block for the BSP-dominated government.

The election of a new president was the first order of business for the GNA. Six ballots failed to produce the requisite two-thirds majority needed to elect a new president. Finally, after a week of behind the scenes negotiations and the growing demands of the "Cities of Truth," the BSP withdrew its candidate and the major parties settled on UDF leader, Zhelu Zhelev, as the consensus candidate.

On August 1, the Assembly elected Zhelev president by a vote of 270 to 100. Zhelev nominated Antas Samerzhiev, a member of the BSP and Interior Minister since November 1989, as vice-president; Samerzhiev was elected with only seven dissenting votes. Soon thereafter, residents of the "Cities of Truth" ended their protests.

With Zhelev's election, many hoped a new government would be formed quickly and the process of dismantling the communist system would begin. However, this proved to be more difficult than anticipated, with the BSP seeking a broad coalition and the UDF refusing to join.

On August 26, in the first major breakdown in law and order since the November coup, protestors stormed, burned and looted the BSP headquarters in downtown Sofia. The ostensible cause was the BSP's failure to remove the red star from atop the building. The parties exchanged charges of responsibility for weeks afterwards in the GNA concerning the incident, the late arrival of the fire brigade and its half-hearted attempts to stop the blaze.

Thus, as of mid-September, three months after the elections, a new government had not been formed nor had any new legislation been adopted. The mandate of local governments had expired, and the caretaker government, with the approval of the major parties, appointed interim executive councils on which the three major parties would be represented. This was expected to be a provisional measure until local elections could be organized in autumn.

C. The Autumn

The summer of protests gave way to public displeasure about the economic situation, which was exacerbated by a summer of drought and the disruption of petroleum imports from Bulgaria's two major suppliers, Iraq and the Soviet Union. While the GNA debated whether to try Zhivkov in a public forum or before a civilian court, and whether to broadcast Assembly sessions on television, the public waited for incumbent BSP Prime Minister Andrei Lukanov to announce his plan for Bulgaria's economic transformation and to appoint a new Council of Ministers. Lukanov's announcement was delayed by his repeated attempts to secure UDF participation in a new government, which the UDF steadfastly refused to do.

On September 19, Lukanov presented his new government and announced that he would present his long-awaited economic plan within two weeks. Lukanov viewed the plan as a far-reaching break with past orthodox practices, although, when announced, the plan was derided by much of the opposition. According to a report from the Bulgarian monthly, *The Insider*: "The opposition, as well as part of the Socialist majority, believe that the program outlines

merely the tendencies for reform, without committing itself to specific deadlines and branch-by-branch schedules" (December 1990).

On September 30, the growing disillusionment with the BSP government manifested itself in a by-election held to fill Vice President Samerzhiev's seat. The UDF won the election with 58 percent of the vote, while the BSP gained only 39 percent in a constituency it had won three months earlier.

With the approaching winter, Lukanov announced plans to ration gasoline, other fuel supplies and food. Lukanov relied on the BSP majority in the GNA to push through these and a number of other draconian measures. But each step produced bitter debates and protests within and outside parliament. Finally, in November, crippling strikes and student demonstrations convinced the BSP that they could not govern effectively despite their parliamentary majority. Lukanov and his government resigned on November 29.

D. The Winter

Once again, the resignation brought the government to a standstill and a new round of negotiations among political leaders began. On December 6, the political parties reached an agreement, which was ratified by the GNA's election of Dimitar Popov, an independent and judge who served as Secretary of the Central Election Commission at the time of the June 1990 elections, as prime minister. With Lukanov gone, the UDF agreed to participate in government, assuming leadership of three economic ministries. The other 10 ministries went to members of the BSP (6), the BZNS (1) and independents (3). The names and affiliations of the ministers are included in Appendix IV. The Assembly also elected three Deputy Prime Ministers, one from each of the major parties with the exception of the Movement for Rights and Freedom.

The new government's mandate was to implement the Accord on a Peaceful Transition to a Democratic Society, an agreement reached among the political parties in early January. The agreement acknowledged BSP responsibility for the current situation in Bulgaria and placed a moratorium on labor strikes through July. The agreement called for the adoption of several important pieces of legislation before the GNA was dissolved and new national elections were scheduled. The agreement set an ambitious agenda for the passage of the constitution and laws governing the reprivatization of land, local and national elections, the establishment of new administrative divisions of the country, and the creation of local government structures.

The schedule established by the agreement called for local elections to be held in late February, with national elections in May 1991. However, it quickly became apparent that the timetable was unrealistic.

Although 15 parties signed the political agreement, half of them signed with reservations.¹ Podkrepa, a labor confederation that had recently left the UDF, welcomed the agreement but refused to sign it. Furthermore, the Social Democratic Party and the Agrarian Party-Nikola Petkov refused to join the government; and, when Ivan Pushkarov, a Social Democratic MP, accepted a ministerial portfolio, he was temporarily thrown out of his party.

Despite the apparent commitment to set aside political differences to effect necessary reforms, mistrust and recriminations between and within the two major parties persisted, at times producing legislative stalemates and ultimately delaying the full implementation of the political agreement and the scheduling of elections. For example, in late January, the work of the GNA's Foreign Affairs Committee was disrupted when all three opposition parties walked out after the BSP majority pushed through the nomination of former Prime Minister Lukanov as committee chairman.

Another example of the continuing instability occurred in March when the GNA dissolved itself (and then "undissolved" itself) following a bitter debate on the findings of the Mandate Committee, established to investigate election complaints. The Committee completed an extensive review of the 1990 election results in mid-January. However, the case of Stoyan Ganev, a UDF MP who was elected co-chair of the party's parliamentary leadership committee in December, proved too controversial for the Mandate Committee to resolve.

The BSP claimed that Ganev's opponent had been denied a first round victory because of an improper administrative decision by the District Election Commission. Although the Mandate Committee found the BSP claim to be justified, the BSP candidate had since renounced interest in the seat, conceding defeat in the second round. The BSP parliamentary group demanded annulment of the results in an apparent maneuver to use the administrative discrepancy to embarrass Ganev. UDF legislators cried foul and walked out of the GNA.

Notwithstanding these polemics, the GNA enacted several key economic bills, including the 1991 budget, the lifting of price controls and the passage of a land bill returning collectivized land to the original owners. In addition, the new government entered into negotiations with the IMF, the G-24, the World Bank and individual countries to secure needed foreign exchange credits. Nonetheless, for most Bulgarians, it was a winter of discontent with shortages of gasoline and food reminiscent of both the communist era and the worst years of World War II.

¹ These included: the Green Party, the Radical Democratic Party, the Democratic Party, the Social Democratic Party {non-Marxist}, Ecoglasnost, the United Democratic Center, the Federation of Clubs for Glasnost and Democracy and the Confederation of Independent Trade Unions.

E. The Spring

Progress on a new constitution stalled until mid-April when legislators combined features of 10 drafts into a single proposal, which was then introduced for debate on the floor of the GNA. Although the consolidated draft failed to resolve disagreements within and between the major parties on a number of fundamental issues concerning the form of government and other matters, the expectation was that the approval process would move quickly. While some of the smaller UDF parties sought an immediate dissolution of the GNA and the scheduling of new national elections, a majority of the GNA members, supported by President Zhelev, believed that the GNA had an obligation to fulfill its mandate and enact a new constitution -- or at least make a concerted effort to do so.

In April, the Social Democrats, the Agrarian Party-Nikola Petkov, the Green Party and Ecoglasnost announced the formation of a UDF Center group within the UDF. This new group sought postponement of elections until the fall. Some of these same parties advocated an election system in which the voter cast a ballot for a party or coalition and also indicated a party preference. Such a ballot would be the basis for reorganizing the composition of the UDF Coordinating Committee to give added decision-making power to the strongest parties.

The formation of a UDF Center led to the formation of a UDF Right, made up of some of the UDF's smaller parties, including the Radical Democratic Party, the Democratic Party and the United Democratic Center. Compared to the Social Democrats and the Agrarian Party-Nikola Petkov, members of these parties occupy a relatively small percentage of the UDF seats in parliament. The leaders of these parties are primarily members of Bulgaria's intelligentsia, who, having been persecuted under former communist dictator Todor Zhivkov, are fiercely anti-communist.

As the spring wore on, fractures within the UDF deepened. After four months of a coalition government, some public opinion polls indicated a loss of support for the UDF. Consequently, several parties within the UDF organized demonstrations in support of national elections in the summer before UDF support evaporated completely.

The UDF Right argued that the GNA, with its large BSP majority, did not represent the will of the people. The UDF Right, unlike its Center counterparts, saw no value in negotiating and compromising with the tainted BSP MPs to enact necessary legislation. The UDF Right, therefore, maintained that the GNA should be dissolved immediately and new elections should be held, before any more legislation was passed.

With the UDF divided over the timing of elections, tension mounted between the UDF parliamentary leadership -- made up of Milan Drenchev (BZNS-NP) and Petar Dertliev (BSDP) - - and the UDF Coordinating Council. On May 15, 39 UDF MPs (mostly from the UDF Right) walked out of parliament in an effort to force dissolution of the parliament. Significantly, they did not resign their mandates, although they declined compensation as MPs. In the following

month, as progress on the constitution continued, the MRF faction of 23 MPs joined the striking UDF MPs, increasing the number of MPs on strike, at times, to as many as 90.

The striking UDF MPs organized themselves into the "Blue Movement," advocating that all anti-communist forces (including MRF and BZNS) unite under a single, blue ballot in the next elections to defeat the BSP. Seeing elections as imminent, they began organizing and gathering support in the countryside.

On May 28, the GNA enacted a measure calling for a July 6 referendum on the monarchy; passage of the constitution by July 17, after which the GNA would dissolve; and national and local elections to be held simultaneously in mid- or late September. This move, particularly the scheduling of a referendum, caught everyone, including political insiders, unaware.²

By introducing this measure, Social Democratic leader Dertliev (and the UDF MPs still in the GNA) successfully managed to restore the political initiative to the GNA, rather than to an extra-parliamentary group of striking MPs. In the week following the GNA decision, the main topic of discussion among Bulgarians was the proposed referendum. What would the voting procedure be? Would Simeon Borisov (the son of the last Bulgarian monarch now living in Spain) be allowed to campaign in Bulgaria?

While some political leaders believed that the public deserved an opportunity to validate or reject the 1946 referendum, many felt that the proposed referendum was ill-timed for several reasons. First, a referendum 11 days prior to the scheduled passage of a new constitution was viewed as potentially confusing. Second, many argued that, given the acute economic problems in Bulgaria, a referendum on an issue that did not stand a chance of passing was a waste of money. Third, and perhaps most important, there seemed to be an unspoken understanding that the referendum question was likely to cause further divisions within the UDF -- an unfortunate and unnecessary consequence so close to elections.

On Monday, June 3, Zhivko Stalev, Chairman of the Central Election Commission and a respected law professor, resigned on the grounds that a referendum would be illegal (he subsequently revoked his resignation). Stalev and other legal experts argued that the GNA had no authority to actually schedule a referendum, which was the responsibility of the president.

² In 1946, the communist-dominated government organized what is believed to have been a fraudulent referendum that abolished the monarchy in Bulgaria. Since Zhivkov's ouster in November, there has been some discussion about the need to legitimize the 1946 decision in a free and fair referendum. Based on recent public opinion surveys, the majority of the population support maintaining Bulgaria as a republic. There are, however, strong elements that support restoration of the monarchy. The most visible is Dr. Trenchev, the populist leader of Podkrepa, who believes that a monarch could play a useful consensus-building role in the way that King Juan Carlos has in Spain.

On June 5, Dertliev, the original proponent of the referendum, introduced a measure to repudiate plans for a referendum. The measure passed by the same number of votes cast in favor of the referendum the week before.

F. The End of the 18-Month Transition: Passage of the Constitution

On July 11, the GNA approved the third reading of the constitution, and preparations were made for a formal signing the following day. On that same day, "the 39" UDF MPs who had walked out of the GNA began a hunger strike to protest passage of the constitution by a body that was not representative of the population. The hunger strikers demanded a popular referendum on the constitution, which would require a two-thirds majority to be enacted. In addition, the hunger strikers demanded that President Zhelev set a firm date for national elections. Finally, they protested a provision requiring all MPs, ministers and the President to swear allegiance to the new constitution or lose their mandates.

The success of the protests depended largely on popular support, which did not materialize. Rather than dividing the Assembly, the protests caused an irreparable split in the UDF, with uncertain consequences for the next elections.

To the dismay of some and the relief of others, 309 MPs signed the constitution on Friday, July 12. In addition to the "Group of 39," representatives of the MRF declined to sign the constitution because they objected to specific provisions concerning the rights and privileges of minority groups. After the signing, the GNA transformed itself into a National Assembly charged with enacting the necessary election laws, a new territorial division, a local government authorities law and a privatization bill.

On Tuesday, July 16, President Zhelev announced Sunday, September 29, as the date for national and local elections. In addition, on July 19, the National Assembly, decided overwhelmingly (by a vote of 274 to 14) not to hold a popular referendum on the constitution. During that same week, the MRF rejoined the National Assembly.

Notwithstanding the overwhelming approval of the constitution, many GNA members have indicated that the constitution does not adequately protect the property rights of citizens or effectively guarantee other human rights. These GNA members believe that changes can, and will, be made by the next National Assembly.

In terms of government structure, the constitution provides for a 240-member National Assembly, a new judicial structure, an independent Constitutional Court and the direct election of a president no more than three months after parliamentary elections. The constitution prohibits the formation of parties based on ethnic grounds. Although the constitution places no specific restrictions on Turkish language use in the schools, it recognizes Bulgarian as the official language of the country.

Once the constitution was approved, the National Assembly turned its attention to adopting the necessary election laws. On August 20, after four weeks of debate and political maneuvering, a new election law for national and municipal assemblies and mayors was approved. On that same day, the law was amended to specify how seats would be distributed on the basis of vote totals.

The president returned the election law to the Assembly asking it to reconsider provisions in the law that appeared to challenge the constitution by prohibiting Bulgarians living abroad from voting. However, further debate and another vote did not succeed in overturning the provision. Given the delay in adopting the election law, President Zhelev was forced to postpone the planned election date to October 13 in order to give the Central Election Commission, appointed on August 25, enough time to prepare.

IV. THE POLITICAL FORCES

During the past year, new political organizations have emerged in Bulgaria while others have bolstered their position in Bulgarian society. With the exception of the ever-contentious minorities issue, Bulgaria's human rights record during this period is quite good. Still, Bulgaria faces the problems inherent in initiating a transition from more than four decades of one-party rule to an era of political pluralism. This has implications for all sectors of society, including political parties, the media and the military, which are discussed in this section of the report.

A. Political Parties

With the registration of political parties and candidates on September 13, the political groupings -- divisions and coalitions -- became defined. In the two weeks prior to the registration deadline, the political forces negotiated within parties for a place on the regional lists and between parties for the formation of winning coalitions. As Bulgarians prepare for elections, the structure, strength and unity of each of the political parties will be important factors in the outcome of the elections. This subsection reviews recent developments on this subject.

1. Union of Democratic Forces - Movement

The Union of Democratic Forces (referred to here as the UDF Movement to distinguish it from the other UDF groups) represents the remnants of the UDF that ran in the June 1990 elections, which, at that time, was a union of 16 parties and movements. Since last year's elections, there existed an inherent tension between the UDF parliamentary leadership and the UDF Coordinating Council. The parliamentary leadership was dominated by the Bulgarian Social Democratic Party and Agrarian Party-Nikola Petkov, while the UDF Coordinating Council gave an equal voice to each of the parties within the coalition.

In parliament, the perceived accommodationist nature of some UDF leaders toward the BSP was scorned by leaders of the smaller parties to the political right. Tensions mounted with

the signing of the Accord on a Peaceful Transition to a Democratic Society in January and came out in the open with the May walkout of 39 MPs.

Political parties represented within the UDF Movement include: the Radical Democratic Party led by Elka Konstantinova; the Democratic Party led by Stefan Savov; the United Democratic Center led by Stoyan Ganey; and several smaller Christian Democratic Parties. In addition, factions of the Bulgarian Social Democratic Party, the Green Party, Ecoglasnost, the Federation of Independent Student Societies', the Federation of Clubs for Democracy and Glasnost and others participate in the UDF. The chairman of the UDF Coordinating Council is Philip Dimitrov, a former leader of the Green Party. The vice-chair is Hristo Ivanov.

The party maintains that it represents the ideas of the 1990 UDF and that the splinter UDF groups abandoned the party and its principles. Similar to the UDF of last year, the coalition is a fragile organization fraught with in-fighting whose unity is maintained by the skillfulness of Dimitrov and Ivanov. However, the strength of the UDF Movement is that it will run on the blue ballot of last year's UDF. In addition, it will benefit from the inheritance of the UDF organization and infrastructure in the countryside. In August, before the UDF division into 4 separate lists was defined, polls gave the Movement approximately 19 percent of the vote.

2. Union of Democratic Forces - Liberal

This party is a coalition between the main leadership of the Federation of Clubs for Democracy and Glasnost and the Green Party. The leadership contains some of the most visible opposition leaders, including the Mayor of Sofia, Alexander Karakachanov, and former UDF campaign manager, Petko Simeonov. At the behest of President Zhelev, Simeonov sought to build a grand Center coalition to contest the October elections. However, personality disputes prevented the formation of such a coalition, leaving four groups scrambling for control of the political center.

By his own admission, Simeonov's political group will probably suffer the most in the next elections from the failure to build a grand coalition. By September 13, the Liberals had been able to register only 190 candidates for the national elections -- and an uncertain number for the local elections. The Liberals' strength is in the northeastern regions of Sumen and Silistra, in the central regions of Pazardjik and Plovdiv, in Sofia and in the northwestern region of Mihailovgrad.

The Liberals will campaign on a platform of European liberalism, and their objective will be to pass the four percent national threshold. While they are not represented on the Regional, Municipal and Sectional Election Commissions, they report no real fear of manipulation.

3. Union of Democratic Forces - Center

The UDF Center is a coalition between the Bulgarian Social Democratic Party and Ecoglasnost. The coalition is led by the powerful personality of Petar Dertliev, chairman of the

UDF parliamentary group. Given the events of the last several months, the Center severely attacks extremism from the right and emphasizes a commitment to social peace, order, rational decision-making and moderate reforms.

While the UDF Movement considers the UDF Center leaders to be on the payroll of the Bulgarian Socialist Party, Dertliev appears to be assuming a moderate position in order to wean support away from the BSP. In many ways, the messages from the BSP and the UDF Center are very similar. In fact, the Bulgarian Social Democratic Party symbol is an *open* rose -- as opposed to the BSP's *closed* rose. The subtleties are aimed at attracting the conservative voter, who votes for the BSP because it means stability, rather than because of any ideological affiliation.

4. Bulgarian Agrarian National Union - Nikola Petkov (BZNS-NP)

After November 10, 1989, two Agrarian political parties emerged: the Bulgarian Agrarian National Union (BZNS) and the Bulgarian Agrarian National Union - Nikola Petkov (BZNS-NP). Both parties claimed to be the representatives of the original Agrarian Party. Founded in 1899, the Agrarian Party won elections in 1920 and ruled under the leadership of Alexander Stamboliiski until 1923.

In 1945, the Agrarian Party split in a dispute over cooperation with the communist Fatherland Front. After a relatively good showing in the 1946 elections, Nikola Petkov, the leader of the dissident faction, and the rest of the BZNS-NP leadership were put on trial and executed or sent to labor camps. Thereafter, the BZNS-NP was outlawed, and the surviving leadership went into exile. BZNS, meanwhile, cooperated with the communists during their decades-long reign.

In the pre-1990 election period, the BZNS-NP re-emerged and competed under the umbrella of the UDF. With party leader Milan Drenchev promising to deliver the rural vote, BZNS-NP candidates were prominently featured on the UDF lists. As a result, BZNS-NP captured 17 of the 144 UDF seats in the Grand National Assembly, making it the largest group within the UDF.

For the 1991 elections, Milan Drenchev decided to withdraw from the UDF coalition at the last minute due to disappointment over his party's positions on the candidate lists. During the initial candidate list negotiations, the UDF leadership placed BZNS-NP candidates eighth or ninth on the list, virtually excluding them from any chance of winning seats. As a result, BZNS-NP decided to present a separate list of candidates -- to the dismay of many within the UDF Movement. The Petkovists' departure meant that, in some cases, the UDF Movement lost its organizational structures in the smaller towns and villages, and would be unable to present local government candidates.

5. Bulgarian Agrarian National Union - United (BZNS-E)

Last year, the official Agrarians ran on a separate orange ballot, winning 16 seats in the Grand National Assembly -- all from the multi-member candidate lists. Despite efforts to re-unite with the Petkovists in the months prior to the 1990 elections, BZNS-NP insisted that it could not re-unite with communist collaborators.

Since the June elections, the 16 BZNS MPs cooperated with the UDF parliamentary caucus and became a part of the opposition to the BSP in the Grand National Assembly, reinforcing their contention that they are no longer in league with the communists. In late May, the parliamentary factions of BZNS and BZNS-NP were "officially" united as a parliamentary bloc -- although BZNS-NP leader, Milan Drenchev, denied the unification and maintained that seven BZNS-NP MPs had left the UDF caucus.

In July, Tsanko Barev, a Petkovist leader living in exile, returned to Bulgaria to preside over the formal unification of the two agrarian parties. Despite a number of party conferences and leadership meetings, however, a group of the Petkovists, led by Milan Drenchev, refused to unite at this time (they may consider re-unification after the elections). After flirting with the idea of entering into a grand center coalition, the new Agrarian Party-United (BZNS-E) decided to run its own list of candidates on a white ballot with either orange or green stripes.

A week prior to the deadline for registering parties, BZNS-E announced its intention to enter into a political coalition with the Constitutional Forum. This small group is led Dr. Nikolai Genchev and includes many of the most prominent, formerly independent, intellectuals in Bulgaria. The coalition seems designed to attract voters to lists headed by well-known intellectuals and to broaden the party's appeal beyond its traditional agricultural supporters.

6. The Bulgarian Socialist Party (BSP)

The behavior of the BSP since the June 1990 elections has been hard to characterize. According to some, the BSP has principally sought to use its legislative majority to protect its position in Bulgarian society and particularly the perquisites of BSP members. Others, while not denying that the BSP has often acted out of self-interest, believe that divisions within the UDF have permitted the BSP to play the role of responsible legislators and innocent bystanders.

Divisions emerged within the BSP throughout the year. In late January, a group of 17 BSP MPs announced the formation of a European Social Democratic Platform within the BSP, distancing themselves from the hard-line leaders of the party who exercise effective control. However, in early August, the BSP held a national conference and, despite the existence of several new factions within the party, unity was maintained.

Perhaps the most divisive event affecting the BSP occurred in August 1991, with the coup in the Soviet Union. While President Zhelev was the first international leader to condemn the coup, the hard-line leaders in the BSP failed to comment on events in the Soviet Union. When

they did -- after the coup had failed, the leadership refused to use the term "coup" to describe events in the Soviet Union. Meanwhile, the "radical" (younger) BSP leaders issued a declaration condemning both the coup and the hard-liners for taking so long to react.

The actions of the BSP underscored the divisions within its ranks. The attitude of the hard-liners has probably damaged the party's image and gives the opposition some ammunition. But the BSP continues to be united, and its campaign managers maintain that the coup (not the BSP's response) hurt the party. BSP campaign managers, however, believe the party can recoup its losses in the next month by demonstrating to the voters the difference between the reformed BSP and the Communist Party of the Soviet Union. The campaign is also expected to contrast the extremist tactics of the opposition (burning of BSP headquarters, hunger strikes, demonstrations, etc.) against the "rational behavior" of the BSP in the last year. This strategy would be designed to attract the conservative voter and the voter who fears retaliation from the opposition.

The BSP is expected to receive from 20-30 percent of the vote in the next elections, depending on the exact size of its core group of supporters and the divisions and campaigns of the opposition. In fact, polls indicate that, as a result of the separation of the UDF into four lists, the BSP may again gain a plurality in the National Assembly.

7. The Movement of Rights and Freedom

In the Political Parties Act that governed the June 1990 elections, there was a prohibition against the formation of parties on ethnic or religious grounds. Despite the ban, the Movement for Rights and Freedom (MRF) was allowed to organize, campaign and win seats in the Grand National Assembly. In permitting the MRF's participation, the 1990 CEC relied on the MRF's contention that the Movement was open to all Bulgarians, even though most of its members were of Turkish origin and the Movement had been established to protect the rights of this minority group.

With adoption of the new constitution, which explicitly proscribes parties based on ethnic origin, the question again arose about whether the MRF would be allowed to contest the upcoming elections. In anticipation of a battle, a small group of 55 ethnic Bulgarians organized the **Party** for Rights and Freedom and elected the Movement's chairman, Ahmed Dogan, as its chair on August 7, 1991. The lower courts quickly ruled that the Party could not register and the matter was referred to the Supreme Court. On September 12 (one day before the deadline for party registration), the Court denied the Party's registration.

At the same time, the Movement for Rights and Freedom, whose supporters differ from the Party, maintained that it need not re-register since it was placed on the Political Party Register last year. Based on this interpretation, the MRF submitted candidate lists in early September. The Central Election Commission confirmed this interpretation in Decision 41 on September 11, which registered the Movement with a white ballot and a pink strip.

However, there are considerable forces in Bulgaria working to prevent the Movement's ability to compete in the elections, and the CEC's decision did not close the case. On Thursday, September 12, BSP MPs tried another maneuver to overturn the CEC decision, and, when that failed, the MPs appealed to the Supreme Court. Despite all of these efforts, the Movement's registration remains valid.

The complications have, however, led to complaints from the MRF that Municipal and Regional Election Commissions refused to register its candidates. Furthermore, the MRF has complained that its representatives have not been included on the election commissions. Generally, the MRF is glad to be able to present candidates, but believes that the press and broadcast media have conspired to confuse voters and MRF supporters/candidates into believing that the party/movement has not been allowed to register.

B. The Media

In the period prior to the June 1990 elections, there were essentially two daily national newspapers: *Duma*, the paper of the reformed communist party, and *Democracia*, the paper of the opposition. In the past year, however, newspapers have proliferated. Many of the parties within the UDF have their own newspaper. For example, *Svoboden Narod* is the Social Democrats' paper, and *Vek 21* is the Radical Democrats' paper. In addition to these party newspapers, there are a number of independent newspapers catering to a specific audience: *Debat* reports on the activities of the parliament, while *24 Chassa* caters to the growing business sector. The parties also publish local newspapers in cities outside of Sofia. Only *Duma* and *Democracia*, however, have a significant nationwide circulation -- with a circulation of 200,000 and 160,000, respectively.

The price of newspapers are relatively costly as a result of the expenses involved in producing and distributing them. Thus, Bulgarians rely on the government-controlled television and radio for news and commentary. State TV and Radio function under the direction of separate boards of directors, which are appointed by the National Assembly. And, until a media law is passed, the Assembly -- through the Parliamentary Committee on Radio and TV -- exercises oversight over the broadcast media. Established in October 1990, this Parliamentary Committee has approximately 35 MPs, representing proportionally the parties in the parliament.

Employees of State TV and Radio complain that there has been little turnover, and that the *nomenklatura* continue to wield a significant amount of power. However, the BSP maintains that the key personalities in Radio and TV are clearly supporters of the opposition -- a fact which they think more than "levels the playing field" for the next elections. In July, BSP (and UDF) MPs who remained in parliament were incensed by the broadcast media's -- especially the Radio's -- almost exclusive sympathetic coverage of the hunger striking MPs.

From the National Assembly's perspective, the media's coverage gave legitimacy to this extra-parliamentary force, giving little voice to the activities in the parliament, including passage of the constitution. The Parliamentary Committee reacted by issuing a decision calling for an

investigation of the Radio and TV coverage of the events in early July to determine if the reporting could be considered biased. While no action has been taken to implement this decision, the media characterized the decision as tantamount to censorship. Essentially, the public debate in July underscored the tensions between the National Assembly and the extra-parliamentary force. In addition, it highlighted the need for a media law to permit the creation and operation of independent radio and television stations and to create a non-partisan governing board for State TV and Radio.

Based on the election law, the Parliamentary Committee drafted and the National Assembly passed a decision on August 21 regarding allocation of broadcast time during the campaign. The decision favors the parliamentary parties represented in parliament and gives State Radio and TV responsibility for ensuring balanced campaign coverage (see discussion on Election Campaign below).

C. The Military

Since January 1991, the government has taken steps to depoliticize the military. More than 100 generals have been retired in the last year, and military officers have been prohibited from engaging in political activities or being members of political parties. The former national seal of the People's Republic of Bulgaria that adorned all military uniforms has been replaced by a neutral seal from the pre-1945 period.

With respect to the upcoming elections, the 107,000 military conscripts are not allowed to possess or read partisan newspapers/journals on the base. However, they are free to pursue their own activities during leave.

The above regulations are targeted at keeping politics off the base. During last year's elections, the parties came to the bases to deliver their messages, and the commanders escorted the conscripts to the polling stations. This year, the conscripts will exercise their right to vote at a polling station near the base on their own initiative.

By September 13, the commanders had provided the interim executive councils with a registry of the conscripts on their respective bases, which will be entered in the appropriate voter registry of a polling station near the base. A special leave schedule will ensure that all conscripts will be free at some point during election day to go to the polls. Commanders have been instructed to inform the conscripts about the election law and procedures.

Additionally, during the year, the military issued civilian passports (identification cards) to all officers. These passports are identical to the ones carried by ordinary citizens, and they list the officer's place of residence as his place of assignment. As a result, military officers have been entered on the voter registry in their district and must use their civilian passports to vote in both municipal and national elections. This innovation, as well as the recent depoliticization efforts, should eliminate fears about double-voting by military officers or intimidation of the conscripts.

V. ELECTION SYSTEM

While the June 1990 elections were viewed by most Bulgarians and international observers as relatively free and fair, a number of specific problems were identified during the process. Some of the problems were attributed to the short time period available for electoral preparations and the inexperience of the election administrators and the general population with multi-party elections. Also identified as a problem was intimidation of the population by the ruling party, particularly in the rural areas of the country.

At the same time, there are those who argue that the election process was manipulated to ensure a BSP majority. A first argument focussed on discrepancies in the size of the single-member constituencies, which allowed the BSP to obtain greater representation in the GNA than it would have obtained had a strict proportional representation system been used. A second, and more serious, allegation involved the existence of some 500,000 "phantom voters," who it was argued tipped the results in favor of the BSP. Conclusive evidence in support of this allegation, however, has not been presented.

Given these circumstances, a consensus developed that changes in the election law were required prior to new elections. To highlight this need, the Bulgarian Association for Fair Elections and Civil Rights (BAFECR) distributed to all GNA members a translated version of the recommendations included in the NDI/NRIIA international delegation report on the June 1990 elections. In addition, after soliciting suggestions on this matter from the general public, BAFECR publicized in July 1991 a 13-point program for election reform. However, until the constitution was adopted in mid-July, GNA members did not focus on the question of a new election law.

A. The Electoral Law Debate

The election law presented to the National Assembly in late July reflected many of the suggestions that had been made by BAFECR and other groups. Among the positive changes in the draft law were the following: precise timetables for the preparation of the voter registries; more detailed provisions regarding the handling of election-related complaints; a prohibition on the distribution of ballots prior to the elections; an explicit requirement that the results from individual polling sites be made public; and strong recognition of the constructive role played by domestic and international observer groups. Still, as described below, several provisions of the proposed law proved controversial, usually reflecting different perceptions of party and coalition strengths and weaknesses.

Initially, the BSP wanted to maintain the mixed system used for the 1990 elections, while the UDF was divided between those who sought to use only a proportional system and those who preferred an exclusively majority system (single-member constituencies). A political compromise resulted in an agreement that the 1991 elections would be conducted exclusively on a proportional representation basis, with a four percent threshold at the national level.

Debate continued even after the law's passage over the precise formula that would be used for allocating seats in the National Assembly, with the BSP proposing a formula that would benefit large parties and the UDF countering with a formula that would benefit smaller parties. Ultimately, the formula accepted was the system used in the 1990 elections: allocation of seats based on regional lists using the D'hondt system at the national level. This will ensure that the allocation of seats in the new National Assembly reflects, in a fairly reliable manner, the vote totals on a national basis.

Another contentious issue was the order of local and national elections. The BSP argued that local elections should take precedence since the agreement to appoint interim executive councils was based on an assumption that they would serve until the end of 1990. The UDF, however, feared that holding local elections first would allow the BSP to consolidate its support in certain municipalities and therefore insisted on holding national elections first. The compromise was to hold the elections simultaneously, although this caused concern on both administrative and substantive grounds. Some fear that election administrators simply will not have time to prepare for simultaneous national and local elections. Also, there was some apprehension that holding the two elections on the same day would confuse the population and downplay the significance of local elections.

The question of voting by Bulgarians living abroad also proved controversial, ultimately resulting in President Zhelev returning the law passed on August 20 to the National Assembly for reconsideration. The law included a provision proposed by the BSP that required Bulgarians living abroad to return home in order to be able to cast ballots in the upcoming elections. In his action, Zhelev cited Article 26 of the Constitution, which mandates that all Bulgarians, regardless of where they reside, be afforded the same rights and privileges.

After further debate, the BSP-dominated Assembly voted once again to limit the voting rights of Bulgarians living abroad. Thus, Bulgarians living temporarily or permanently abroad must return home prior to the elections and "personally express their wish to participate" (Article 11). The law did not specify a deadline for expressing this desire, but a subsequent CEC decision set midnight October 12 as the deadline, after which the name would be stricken from the election list.

Due to the delay caused by the election law debate, President Zhelev re-scheduled elections for October 13. Following consultations with the political parties, Zhelev appointed a 24-member Central Election Commission, consisting of 10 members suggested by the BSP, 10 by the UDF, two by BZNS, one by the MRF and one by parties not represented in the Assembly. Mladen Danailov, a jurist, was designated as Chair (see Appendix V for a list of names and affiliations).

B. The 1991 Election Law

This section highlights key provisions of the Bulgarian election law adopted by the National Assembly in late August. It also discusses implementation of certain ambiguous or

controversial provisions. It is based on a review of the new election law, comparison with the old law, as well as discussions with members of the Election Commissions, political party leaders, government officials and BAFECR activists.

As noted above, the new law addresses many of the problem areas that emerged during the June 1990 elections. At the same time, however, the new law remains ambiguous in several places. In other areas, the merits or faults of the election law will depend on the specific procedures adopted by the CEC and subsidiary bodies. As the CEC works through the law issuing decisions, individual clauses will be clarified.

1. The Election System

Article 86 of the election law provides for the allocation of 240 National Assembly seats based on regional lists using the D'hondt method of proportional representation at the national level with a four percent threshold. Any independent candidate will be elected, under Article 86A, if s/he obtains more than the regional quota, which is determined by dividing the total number of ballots in a region by the number of seats allotted to this region. This provision means that an independent candidate could obtain a seat if s/he receives as little as eight percent of the vote in the largest region, which has 13 seats. However, there are also disadvantages to contesting the elections as an independent, including, most specifically, the fact that votes received by an independent candidate that are in excess of the necessary regional quota will be wasted.

In adopting the system, which is identical to the system used in the June 1990 elections to allocate the 200 "proportional" seats, the National Assembly rejected various alternative proposals presented by political parties and civic groups. Several of the proposals, in the interest of government stability, sought to benefit larger parties. Other proposals, by permitting voters to choose among parties within coalitions, would have promoted pre-electoral coalitions.

According to Article 21, there are 31 "regions" in Bulgaria -- 28 corresponding to the pre-1986 concept of province, in addition to two additional regions in Sofia and one additional region in Plovdiv (see Appendix V for map of regions). Once the number of seats are allocated among parties nationwide, party strength in a region will determine precisely how many individuals on a given party's regional list will be elected to parliament.

At the level of local government, Bulgarians will elect: 1) members of the municipal council; 2) municipal mayors; and, 3) settlement mayors. Due to a new territorial division structure enacted recently, there are now 280 "municipalities" in Bulgaria. Each of these municipalities will directly elect a mayor. In addition, the voter will cast a ballot for a party list, which will determine the composition of the municipal assemblies whose size is determined by population based on the guidelines in Article 24 of the election law. A third ballot will be cast to directly elect the mayor of a settlement (or a group of small settlements).

In order for each of these elections to be valid in the first round, half of the voters on the registry must turnout. In addition, in the case of the direct elections for municipal and settlement mayors, a candidate must receive at least 50 percent of the votes cast to win in the first round. Second-round voting is scheduled to be held within a week (see Articles 90 and 91).

2. Participation in the Elections as a Candidate/Party

Parties, coalitions and independent candidates that registered by September 13, 1991 are entitled to participate in the elections. Individual candidates can be included on no more than two regional lists. Additionally, candidates are allowed to run for both the National Assembly and mayoralty positions; but, if elected to both, they must assume the local government position.

Prior to the September 13 deadline, one politically charged issue emerged regarding party participation. As discussed above, efforts to prevent the registration of the MRF's candidate list failed. An appeal to the BSP-dominated Supreme Court, filed by several BSP MPs, resulted in a decision to uphold the CEC's decision, which permitted the MRF to participate in the election. In the end, confusion regarding the Party's or the Movement's registration effectively prevented some Regional, Municipal or Sectional Election Commissions from registering MRF candidates, either because of prejudice or real confusion. However, the Central Election Commission has reversed the decisions of the lower Election Commissions upon appeal.

A second point of controversy relates to the fact that the election law clearly benefits the political parties in parliament. With the splintering of the opposition UDF, this matter assumed additional significance. Thus, it was unclear how certain provisions regarding colors of the ballots (Article 34, Section 3), funding for the campaign (Article 61) and media access (Article 57) would be interpreted by the CEC. With the exception of ballot colors, the CEC has decided to treat the different groups that have emerged from the 1990 elections as parliamentary parties, enjoying the privilege of access to the media and an advancement of funds.

On the issue of ballot color, the CEC awarded the blue ballot (a symbol of the 1990 opposition forces) to the UDF "Movement," leaving the other groups their choice of a combination of colored stripes to adorn a white ballot. The CEC decision was quite difficult because two of the groups felt they had valid claims to the blue ballot.³ The splinter groups, fearing the CEC decision in favor of the "Movement," sought to maintain an advantage by amending the election law to allow for blue ballots with stripes. In a rare occurrence, the UDF Right and the BSP voted together to prevent adoption of this amendment.

³ On the one hand, the UDF Movement claims to be the core of the original opposition. According to the Movement, the other groups have defected and therefore do not deserve the blue ballot. On the other hand, the UDF Liberals say it is their leaders that signed the original documents creating the UDF. They argue that the blue should go with its founders (the latter view may be motivated by the bleak electoral prospects of the UDF Liberals).

Little attention, at this point, is focussed on the local elections. However, ambiguities in the law, lack of preparations and administrative difficulties and inconsistencies may require postponement of parts (or all) of the municipal election. For example, the election law provides for direct mayoral elections in the settlement -- without specifying what is meant by settlement (i.e., does "settlement" correspond to the new territorial divisions, or does it refer to each and every town and village). With the recent changes to the country's administrative divisions, many election commissioners and government officials are concerned that candidate registration lists reflect a misunderstanding of what was meant by "settlement mayor."

3. Voter Participation in the Elections

In an effort to avoid the accusations of fraud from the 1990 elections, the election law details more comprehensive instructions for updating the voter registries. Specifically, Article 12, Section 5 requires that the voter registries be prepared according to address (rather than alphabetically as was done last year), which should facilitate efforts by the political parties and civic education organizations to note inaccuracies in the lists.

Article 13 requires that the lists be posted at least 30 days prior to elections. Many interim executive councils were ready with voter registries in May or June, preliminary versions of which were posted in August. The changes in the election law, as well as the multi-partisan character of the interim executive councils that prepared the lists, appears to have engendered confidence in the accuracy of the lists for these elections. None of the parties appear to have organized grassroots efforts to check the registries. When queried about this, some parties complained that their efforts have been thwarted by an excessively high price (close to US\$1,000) being charged for a copy of the registry in a region.

4. The Election Campaign

Officially, the election campaign began on September 14 and will end 24 hours before election day. Articles 55 and 57, which cover campaigning among the military and the allocation of media time, both refer to subsequent legislation or CEC regulations.

For the electronic media, the GNA enacted a decision regarding the use of the mass media that advantages the parliamentary parties and coalitions, although extra-parliamentary parties and coalitions that submit lists for 11 of the 31 regions will be granted limited access to the media. Basically, the GNA decision, passed on August 21, lays down the broadest framework for allocating media time.

Beyond five-minute election platform speeches to be aired on the first and last day of the campaign, it is the responsibility of Radio and TV to organize debates and to broadcast a balanced perspective on the platforms of the parties. Radio and TV have responsibility for making specific decisions about implementation in practice, defining "objective and balanced," and regulating "attacks on political opponents." Ultimately, the CEC is the final arbiter of equal access to the media.

Three other provisions of the election law dealing with the campaign are worth noting. First, Article 58 outlines specific "right of reply" provisions applicable to the print media.

Second, Article 54, Section 2 states the election campaign should be carried out in the official language, which, according to the constitution (Article 3), is Bulgarian. This provision seems designed to further limit active participation by the Turkish minority in the election campaign. It is unclear to what extent this proscription is to be enforced.

Third, Article 54, Section 4 proscribes trade unions from becoming involved in partisan campaigns. Again, the wording is quite vague, and it is not clear how such a measure will be enforced. Both the opposition Podkrepa trade union and the increasingly vocal (formerly official) Independent Federation of Trade Unions (KNSB) are clearly affiliated with a political party -- UDF Movement and UDF Center, respectively.

Prior to the passage of the election law, Podkrepa declared its intention to observe the elections and conduct a parallel vote count. However, the general sense is that the CEC could prevent Podkrepa from such activities. KNSB recently sent to President Zhelev (personally and through the newspapers) a letter urging him to postpone the elections to give everyone enough time to prepare and thereby to allay suspicions. Clearly, the unions want to be involved, but it will be the responsibility of the CEC to interpret and enforce the law.

5. Balloting and Counting Procedures

Given the complexities of holding local and national elections simultaneously, the balloting and counting procedures may present problems on the administrative side. Essentially, the voter will cast four ballots -- one in one envelope which s/he will deposit in one ballot box, and then three in another envelope which s/he will deposit in a separate ballot box. The counting also will take place in two phases.

While the law and the tally sheets (protocols) are rather explicit, the system will undoubtedly cause confusion with election officials and voters. Civic education on the part of non-governmental organizations, parties and the government may alleviate some of the confusion. However, even with a well-trained administrative staff and voting public, the sheer complexity of the process will surely delay the release of election results.

C. The Election Commissions

The Central Election Commission began work on August 25. Twenty-four members were designated by the President after consulting with political forces: 10, including the Chairman and one Vice Chair, were BSP suggestions; 10, including a Vice Chair, were UDF suggestions -- more than half of whom were designated by the UDF "Movement"; two were BZNS suggestions; and the MRF and an extra-parliamentary party nominated one each. Within the first week, five of the members resigned; they have since been replaced.

As envisioned in the law, the national and municipal elections are entirely separate elections, which require separate polling sites, separate voter lists and separate election commissions. Therefore, the Central Election Commission has under its jurisdiction:

- a) 31 Regional Election Commissions (RECs), responsible for the administration of the parliamentary elections; and,
- b) 280 Municipal Election Commissions (MECs), responsible for administration of the local government elections.

Each of the RECs and MECs were appointed by the CEC upon the recommendation of the interim executive councils after consultation with the political forces. They began work on September 9 (and, in some cases, September 6). In turn, the MECs designated Sectional Election Commissions (SECs) in a similar manner and according to the law.

While the appointment process has, by and large, proceeded smoothly, there have been some complaints. Most importantly, the Movement for Rights and Freedom complains that it is not represented on several MECs, RECs and SECs because it was left out of the discussion of the "political forces."⁴ Other complaints were made by the election administrators themselves about the difficulty of finding jurists to fill the positions. These hurdles caused delay in convening the commissions in some cases.

According to Article 33, Section 2, decisions of the election commissions require a quorum of half the members and a two-thirds majority of attending members to be binding. Section 3 of the same article specifically opens the meetings of the election commissions to the advocates of the candidates, who have the right to express opinions. Other than this provision (which is reiterated in Article 39, Section 2), commission meetings would appear to be closed to the public.

In one of its first decisions, the Central Election Commission declared that its decisions should be published in the State Gazette. Furthermore, the CEC appointed a spokesperson and prohibited all election commissioners from expressing to the press an opinion that had not already been expressed in commission meetings. At this point, the election commissions at all levels appear to be cooperating in a friendly and efficient manner.

The major challenge for all election commissions is the short time period for preparation of simultaneous national and local elections. However, the creation of two intermediate election commissions -- one responsible for parliamentary elections and the other for local elections -- appears to have effectively compartmentalized the duties and simplified matters to the extent possible.

⁴ It has cited Sumen, Razgrad, Plovdiv, Pazardjik, Bourgas, Smolen, Sofia and Blagoevgrad as examples.

D. Election Monitoring

In preparing for the October elections, the issue of election monitors has assumed significance. Segments of the population, mostly affiliated with the UDF Movement and Podkrepa, continue to believe that last year's elections were manipulated, and that BAFECR and international observers were duped.

In particular, those responsible for the UDF monitoring efforts last year have been accused of conspiring to prevent the "truth" regarding the 1990 election results to emerge. The critics note that the UDF failed to collect tally sheets from all polling sites and to publish copies of the tally sheets that were collected.

These allegations provide the context for the attention being given to monitoring the 1991 elections. The UDF Movement, which no longer includes those responsible for last year's effort (who are now members of the UDF Liberals), has developed a parallel vote tabulation plan, which will mimic what BAFECR did last year (and plans for the 1991 elections). In addition, Podkrepa also has expressed a desire to monitor the elections by having observers present at all polling sites during the balloting process and implementing its own parallel vote tabulation, using volunteers who will be sent from Sofia on election day to their assigned polling stations.

Meanwhile, BAFECR, which established its credibility last year through its election day efforts and, specifically, its parallel vote tabulation, will again be active in monitoring the elections. During the past year, BAFECR has expanded its mandate to include: a legal assistance program; monitoring government corruption; advising on election reform and privatization issues; publishing Bulgarian translations of human rights instruments; and organizing seminars for parliamentarians. For the 1991 elections, BAFECR has implemented a plan of action that includes a civic education component, training of pollwatchers and the conduct of a parallel vote tabulation.

Bulgaria also will welcome a large number of international observers for the October elections. In doing so, Bulgaria will fulfill its obligations under the Copenhagen Declaration adopted in June 1990 by the countries that are members of the Conference on Security and Cooperation in Europe (CSCE). Article 8 of the Declaration requires that all CSCE member countries facilitate the presence of domestic and international observers. In September, the newly formed CSCE Office on Free Elections, which is based in Warsaw, organized a two-day training seminar for Bulgarian elections officials, the first such program sponsored by the Office.

NDI and its Republican counterpart, the National Republican Institute for International Affairs (NRIIA), will once again sponsor a 60-member international delegation. Other observer delegations are expected from CSCE member countries and private organizations.

The continued debate within Bulgaria surrounding the June 1990 elections and the role played by international observers highlights the need for observers of the October 1991 elections to conduct themselves in a professional manner, monitoring all aspects of the electoral process

and avoiding premature judgements regarding the fairness of the election process. The observers also will have to assess the reliability of the information provided by the different Bulgarian monitoring groups.

VI. CONCLUSION

With national and local elections scheduled for October 13, Bulgaria stands ready to take the next step in its transition toward institutionalizing a democratic form of government. Tremendous progress already has been made. The last 15 months have seen the election of an opposition leader as president; the formation of a multi-party government; the functioning of a multi-party legislature; the adoption of a new constitution that provides for a democratic form of government and protection of human rights; and the enactment of several pieces of economic reform legislation, which have begun the process of undoing 45 years of communist mismanagement. In several respects, these developments place Bulgaria at the forefront of the transition process among the former Eastern Bloc countries.

Still, skepticism and self-doubt reigns among large segments of the population. The malaise is only partly attributable to the profound economic crisis that Bulgarians have confronted during the past year. Equally significant is the perhaps belated realization that there are no easy solutions. For some, emigration is the preferred solution, while others simply grow more apathetic.

The existing mistrust threatens to undermine the goals of the formerly united opposition. Rather than a contest between communism and anti-communism, the fracturing of the opposition permits the formation of coherent, ideological political parties and suggests a more sophisticated campaign on all parts. Despite these signs of increasing maturity, it is unclear how some parties will define victory -- and how they will react should they "lose" once again. These questions highlight the continued need for an effective civic education program, which stresses the role of the citizen in a democratic society, and an aggressive monitoring of the October 1991 elections, by both domestic and international organizations, to promote confidence.

APPENDIX I: NDI ACTIVITY IN BULGARIA SINCE THE JUNE 1990 ELECTIONS

A. Seminar on Parliamentary Procedures

In July, three weeks after the newly elected Grand National Assembly convened, NDI sponsored a parliamentary training seminar for approximately 45 Bulgarian legislators and advisors. The seminar addressed issues relating to democratic procedures and organizational structures in the GNA. The experts participating in the seminar included: *Floyd Fithian*, a former member of the U.S. Congress and chief of staff to U.S. Senator Paul Simon; *Francois Frison-Roche*, a parliamentary expert from France; *Connie Hedegaard*, a member of the Danish Parliament for the Conservative People's Party; *Martha Keys*, a former member of the U.S. Congress; *Jozsef Szajer*, a member of the Hungarian Parliament and a founding member of the Federation of Young Democrats (FIDESZ); and *Antonio Vitorino*, a former member of the Portuguese Parliament and presently a judge on the Constitutional Court of Portugal.

During the course of the seminar, the strengths and weaknesses of the French, Danish, Portuguese, Hungarian and U.S. systems were described. From a broader perspective, the seminar enhanced the reputation of BAFECR as a leader in promoting the institutionalization of democracy in Bulgaria. The seminars were featured on Bulgarian television, along with interviews of the international participants. BAFECR also published and distributed a 100-page transcript of the seminar to all members of the GNA.

B. Seminars on Local Government, Human Rights and Civic Education

In response to further requests from BAFECR and GNA members, NDI organized, on September 15 and 16, a series of seminars on local government, human rights and civic education in Sofia. During the following week, NDI and BAFECR sponsored smaller seminars in six cities for BAFECR activists.

1. *Local Government Seminar*: A vital step in Bulgaria's democratic transition is the creation of genuinely representative local governments. The NDI-sponsored seminar was designed to expose GNA members to different models of local government as practiced in democratic countries. As one participant explained, "There is a need to distinguish between local administration, which you have had for 45 years, and local government, which you will have an opportunity to choose in the future."

The international participants in the seminar included: *Glenn Cowan*, a former mayor, city commissioner and Public Safety Director in New Jersey and a civic education expert; *Baroness Patricia Hollis*, a member of the House of Lords, a city councillor for 25 years, professor of local government at the University of East Anglia and the Labor Party's expert on local government; *Dr. Ryszard Piotrowski*, law professor in Warsaw and an advisor to the Polish Parliament on local government reform; *Katja Pitsounis*, former town councillor in Greece; and *Joseph Sweat*, Executive Director of the Tennessee Municipal League. The audience of more than 75 Bulgarians included the Speaker of the Grand National Assembly, numerous members

of the GNA who serve on the committee that is charged with drafting a local government law, and BAFECR activists. During the week following the seminar, the Council of Ministers produced draft legislation for local government elections.

2. *Human Rights Seminar*: On September 15, NDI and BAFECR sponsored a seminar on human rights for more than 200 participants, including members of parliament, members of the two largest bar associations in Bulgaria and human rights activists. The panelists included: *Roberta Cohen*, former Deputy Assistant Secretary for Humanitarian Affairs and Human Rights at the U.S. Department of State during the Carter Administration; *Larry Garber*, NDI Senior Consultant; *Menno Kamminga*, a professor of international law in the Netherlands and former legal advisor to Amnesty International; *Patrick Merloe*, an attorney and chair of the International Committee on Human Rights of the San Francisco Bar Association; and *Theodore Zang*, representative in Bulgaria for Helsinki Watch and professor at Sofia University. The discussions defined the role of different international and domestic human rights organizations, and addressed the obligations imposed by different human rights conventions and protocols to which Bulgaria is a signatory.

Following the seminar, the team of experts met with President Zhelev. The team urged the President to take a leading role in encouraging the translation, publication and distribution of relevant human rights documents so that Bulgarian citizens could be aware of their rights and pursue government compliance with them. BAFECR subsequently translated and published a number of these human rights instruments.

3. *Organizing Seminars for BAFECR Activists*: Using the international participants as trainers, NDI organized seminars for BAFECR activists in Sofia, Vratsa, Plovdiv, Varna, Bourgas, Kurdjali and Pleven. The seminars, which were attended by as many as 200 activists, provided BAFECR activists an opportunity to discuss the role of the organization in local elections and human rights monitoring. The seminars outside Sofia were successful in directing the attention of BAFECR activists to the continuing role of BAFECR in institutionalizing the democratic process in Bulgaria.

The presence of experts from Western Europe and the United States, and the publicity they received, reassured the seminar audiences of the West's continuing interest in and support for Bulgaria's democratic progress. And, once again, BAFECR's close association with an international organization such as NDI and its wide network of international contacts enhanced BAFECR's credibility throughout Bulgaria as a nonpartisan organization promoting democratic change.

C. Follow-up Consultations on Parliamentary Procedures, Election Administration and Local Government

In November, NDI dispatched *Congressman Ronnie G. Flipppo* (D-AL) and *Robert Dove*, Parliamentarian Emeritus of the U.S. Senate, to Bulgaria for two weeks to consult with MPs and

their advisors on the development of parliamentary procedures. Soon thereafter, the GNA enacted a set of parliamentary rules.

In early January, NDI Senior Consultant *Larry Garber* returned to Bulgaria to consult with presidential advisors and GNA members concerning the recommendations of NDI's international observer delegation to the June 1990 elections. Garber urged the government to convene a Central Election Commission to address the administrative issues of the election process so that irregularities and last-minute decisions, which had undermined confidence in the last elections, would not occur again.

In April, *Joe Sweat* returned to Sofia to advise the Mayor of Sofia, Alexander Karakachanov. During his week-long visit, Sweat discussed with the Mayor and members of his administration various issues related to local government management. Sweat also recommended that NDI implement a local government training program in Bulgaria (Sweat's report is included in these briefing materials).

D. Assessment of the Grand National Assembly

In late May, *Robert Dove* returned to Sofia to assess the functioning of the GNA and the effectiveness of its rules. Contrary to Bulgarian popular opinion, Mr. Dove found that the GNA had enacted a broad range of legislation targeted at transforming the Bulgarian political and economic structure (Dove's report, as well as that of Thomas Susman, who was in Bulgaria on a parallel mission, are included in these briefing materials).

E. Organizing Seminars for BAFECR Activists

From May 24 until May 31, NDI sponsored a civic education program in cooperation with the Bulgarian Association for Fair Elections and Civil Rights (BAFECR). The program involved: 1) a weekend seminar in Sofia, which was attended by BAFECR activists from 68 cities; 2) visits to six cities to meet with BAFECR leaders, municipal leaders and BAFECR activists; and 3) a three-hour evening town meeting for 250 BAFECR activists in Sofia. In addition, the international participants met with government officials and political party leaders to discuss preparations for the upcoming elections, including matters relating to election reform.

International participants included: *Nureya Abarca* from Chile, a professor of psychology at the Catholic University in Santiago and a member of *Participa*, a civic education organization in Chile; *Margaret Blackshere*, assistant to the President of the American Federation of Teachers in Illinois, responsible for lobbying legislators and voter education programs; *Jan Bubenik* from Czechoslovakia, a leader of the student movement at the time of the "Velvet Revolution" and a former representative in the Czechoslovakian Federal Assembly; *David Cohen*, former president of Common Cause and currently co-director of the Advocacy Institute; *Deborah Seiler*, former consultant to the California State Legislature on election administration, campaign reform, reapportionment, ballot measures and constitutional amendments; and *Ingse*

Stabel, Norway's Equal Status Ombud and attorney with extensive experience in local government, election administration and constitutional law.

The week-long program successfully focussed BAFECR leaders and activists on plans for the upcoming election season. In addition to training and fielding election observers for the next elections, BAFECR plans to take a leading role in stimulating discussion among political leaders on key issues of election administration and electoral systems.

The meeting with BAFECR activists throughout the country highlighted the extreme mistrust toward the central authorities that exists among large segments of the population. There were frequent questions about the fairness of the 1990 elections and the role of BAFECR and international observers in validating the elections. Many activists believed that "fear" would, once again, play a large role in the upcoming elections.

APPENDIX II: FIRST PRE-ELECTION MISSION STATEMENT

NDI PRE-ELECTION FACT-FINDING MISSION TO BULGARIA

August 5-9, 1991

The following statement is offered by a fact-finding mission to Bulgaria sponsored by the National Democratic Institute for International Affairs (NDI) in anticipation of the upcoming elections. This is the first of two such missions. NDI also plans to co-sponsor a 60-member international delegation at the time of the elections.

The participants were:

- **GERARD DANAHER:** Legal Adviser to the Fianna Fail (Republican) Party in Ireland, Chairman of the Employment Appeals Tribunal in Ireland and participant in the April 1990 NDI pre-election mission and the international observer delegation to the June 10, 1990 Bulgarian elections;
- **RICHARD EATON:** Chief of Staff to Senator Daniel Patrick Moynihan (D-NY) and former New York state judge;
- **LARRY GARBER:** NDI Senior Consultant for Election Processes and principal author of the NDI/NRIIA international observer delegation's report on the June 10, 1990 elections (the "Green Report");
- **DIMITRIOS K. KATSOUDAS:** Director of the Center for Political Research and Information in Greece and Adviser on Political Communication to the Greek Prime Minister Constantine Mitsotakis;
- **LISA MCLEAN:** NDI Program Officer responsible for coordinating NDI's Eastern and Central European programs and participant in the international observer delegation to the June 10, 1990 elections; and
- **DAVID PHIRI:** Businessman, former Zambian Ambassador to Sweden, former Governor of the Bank of Zambia and currently chairman of the Zambian Independent Monitoring Team (ZIMT).

The mission was assigned the following tasks: 1) to assess the quality of the draft electoral laws; 2) to identify administrative impediments to free and fair elections; 3) to evaluate political conditions in Bulgaria at the outset of the election campaign; and 4) to determine which issues require further investigation by subsequent missions. In pursuance of these tasks, the mission met with government officials (including the Prime Minister), political party leaders and members, journalists and representatives of nongovernment organizations in Sofia, Varna, Bourgas, Kavarna and Michurin. The delegation's itinerary, in large measure, was facilitated by the Bulgarian Association for Fair Elections and Civil Rights (BAFECR), with which NDI has worked since April 1990.

This statement highlights several points regarding the Bulgarian election process that is scheduled to commence in the immediate future. The findings of the mission will be incorporated into a more complete report that NDI will publish prior to the elections.

1. The mission notes the considerable progress that Bulgaria has made during the past year in developing a pluralist political system in which fundamental rights are respected. In particular, Bulgaria deserves credit for being the first of the former Warsaw Pact countries to adopt a new constitution, which, whatever its flaws, marks a significant break from the constitution of the previous regime. The upcoming elections should mark a further institutionalization of the democratic process in a country that for 45 years was controlled by a communist dictatorship.

2. At the same time, the mission detected a widespread lack of confidence among sectors of the population and considerable skepticism regarding the conduct of the 1990 elections. Whatever the truth of the allegations presented regarding fraud in the 1990 elections, there is a real need to ensure not only that the upcoming elections are conducted peacefully, fairly, honestly and openly, but that they are seen to have been so conducted. A failure in this regard will only result in further political and economic stagnation.

3. Given the above, the mission is concerned that the election law has yet to be adopted, even though there are fewer than 55 days left before September 29, which President Zhelu Zhelev has announced as the election date. The delay in adopting the law is particularly worrying because the plan is to hold national and municipal elections simultaneously, which in some regions of the country will mean there will be as many as five elections occurring on the same day.

Even if a new election law is adopted by the National Assembly in the next few days, the still-to-be designated election officials will have to work at an extraordinary pace to prepare for the elections. In this context, the political parties may wish to consider whether it might not be more practical to schedule the national and municipal elections for different days.

4. The mission has reviewed the draft election law now pending before the National Assembly and notes several changes that have been proposed to address problem areas identified during and following the 1990 elections. Among the provisions which the mission welcomes are the following:

- the emphasis on preparing accurate voter registries. These registries were seriously flawed last year and resulted in increased suspicions regarding possible "phantom" voters. The mission welcomes the role given to political parties in reviewing the list;
- the decision to prohibit the distribution of ballots prior to the elections, which should help eliminate a potential source of intimidation;
- the provisions regarding media access, which provide all contesting parties with free and equal access to television and radio;
- the providing of protocols to all parties and all observers, which should permit the verification of the results; and
- the recognition given to domestic and international observers, which should enhance confidence in the process and encourage participation in the elections.

5. The debate underway in the National Assembly highlights the deep divisions that exist in Bulgaria regarding aspects of the proposed election law. For example, several Bulgarians stated that the provision proscribing the casting of ballots by Bulgarians living abroad was inconsistent with the newly adopted constitution.

While the practice in democratic countries differs with respect to this issue, the mission fears that, given the circumstances in Bulgaria, constitutional challenges to this or other sections of the election law will only delay the preparations and potentially cause administrative chaos. Thus, every effort should be made to adopt a law that reflects a consensus of the political parties and that can withstand constitutional challenges.

6. The mission is also concerned that efforts to prevent the Movement for Rights and Freedom and other ethnic organizations from registering as political parties will violate the principle of freedom of association and prejudice the ability of minorities to participate fully in the electoral process. This matter should be monitored by civil rights groups in Bulgaria and by the international community.

7. The mission was informed by several journalists that recent actions by the legislature are perceived as bids to censor the mass media. Clearly, such efforts have no place in a democratic society. With respect to the print media, the delegation was told that the state still plays a large role in the distribution of newspapers and in controlling the supply of newsprint. Moreover, the tax laws apparently disadvantage independent newspapers, as

compared to party newspapers, a situation that potentially could eliminate independent newspapers from the market.

8. Given the suspicions that exist, all efforts must be made to assure that the elections are in fact free and fair and are **perceived** to be free and fair. In this context, the Central Election Commission, as soon as it is appointed, should commit: 1) to announcing publicly each of its decisions; 2) to establishing effective procedures for reviewing election related complaints; and 3) to publishing certified election results, section by section, within a specified time period immediately following the elections.

The mission also encourages the use of all means possible to ensure an effective monitoring of the elections. The political parties bear a principal responsibility in this regard; they must recruit and train a sufficient number of volunteers to be present at polling sites throughout the country.

BAFECE, which established its bona fides during the 1990 election and has remained active since the elections, should implement its plan of action. This plan includes developing a civic education program that will explain the election procedures to the population, monitoring the pre-election campaign, having volunteers present at polling sites on election day, and performing a credible parallel vote tabulation. In accordance with the draft election law, the mission believes that any organization -- trade union or other -- which wishes to conduct an election monitoring operation should not only be permitted but should be encouraged to do so. A refusal to allow an organization to conduct an election monitoring operation will fuel suspicion as regards to the bona fides of the electoral process not only in the minds of the members of that organization, but also among other sectors of the Bulgarian people and the international community. Finally, international observers, who once again have been welcomed by government officials and political party leaders, should undertake to monitor the elections responsibly.

9. Bulgaria stands at the dawn of a new era. The fair conduct of the upcoming elections are critical of the institutionalization of the democratic process in Bulgaria, for the establishment for a new, free and effective economic order and for the acceptance of Bulgaria by the community of democratic nations.

APPENDIX III: SECOND PRE-ELECTION MISSION STATEMENT

NDI PRE-ELECTION FACT-FINDING MISSION TO BULGARIA

September 8-13, 1991

This statement is offered by an international team of election experts organized by the National Democratic Institute for International Affairs (NDI). This is the second such mission NDI has organized as part of its comprehensive program of monitoring Bulgaria's national and local elections scheduled for October 13, 1991. At the time of the elections, NDI plans to co-sponsor a 60-member international observer delegation.

The participants in this mission were:

- **KATHARINE I. BUTLER (U.S.):** Professor of Law at the University of South Carolina, and former attorney in the Civil Rights Division of the U.S. Department of Justice;
- **ARBEN IMAMI, MP (Albania):** Deputy Chairman of the Parliamentary Group of the Democratic Party of Albania since the first multi-party elections in March/April 1991;
- **LISA C. MCLEAN (U.S.):** NDI Program Officer and participant in NDI's August 1991 pre-election mission;
- **THOMAS O. MELIA (U.S.):** NDI Program Director; and,
- **BERNARD OWEN (France):** General Secretary of the Center for the Comparative Study of Elections at Paris University.

Building on the work of the previous mission, present in Bulgaria from August 5 to 9, 1991, the present mission was assigned the following tasks: 1) to review administrative preparations for the elections and to identify potential administrative impediments to the conduct of free and fair elections; 2) to evaluate political conditions in Bulgaria; 3) to examine the roles of the media and the military in the elections; and 4) to identify issues that should be considered by the international observer delegations that will visit Bulgaria at the time of the elections in October.

The mission met with government officials (including the Deputy Prime Minister and the Chief of the General Staff of the armed forces), election officials at the national, regional and

municipal levels, political party leaders, journalists and representatives of nongovernmental organizations in Sofia and in two municipalities, Pernik and Pazardjik. The Bulgarian Association for Fair Elections and Civil Rights (BAFECR) facilitated many of the meetings and provided additional briefings to the delegation.

Since the passage of the election law on August 20, government officials, political party leaders, candidates and voters have begun the important task of preparing for free and fair elections within a very short time. The effect of the proportional representation system in Bulgaria seems to be to facilitate the proliferation of parties and the breakup of coalitions, consistent with the experience of other nations where electoral systems historically have exerted a decisive influence on the attitudes of party leaders and on the way voters perceive the contest.

The election process formally began with the appointment of the Central Election Commission on August 25. During the week of the delegation's visit, Municipal and Regional Election Commissions began work; the political parties negotiated coalition agreements and prepared candidate lists, which by law are to be submitted by today; and, interim executive councils throughout the country prepared to release final, corrected versions of the voter registries.

Based on the delegation's meetings and on NDI's continuing analysis of Bulgaria's election process since March 1990, the delegation is persuaded that the government and the National Assembly have created a general framework adequate for the conduct of fair and meaningful elections. An election law, incorporating many of the suggestions of domestic and international observers of the June 1990 elections, was passed by the National Assembly. Throughout the country, preliminary voter registries were posted in the last month, which listed voters by address to facilitate the process of reviewing and correcting the registries. The National Assembly has enacted a decision governing media access during the campaign. And the Minister of Defense has issued preliminary instructions governing the voting of conscripts, which are at the moment being reviewed by the Central Election Commission before being issued to military commanders. Election papers, including an improved tally sheet, have already been sent to the printer, as have the effectively opaque envelopes necessary in the Bulgarian system.

Now it is time for citizens and political parties to assume their share of the responsibility to ensure that a fair and meaningful election takes place. Some progress in this direction has already been undertaken by nongovernmental organizations -- most notably BAFECR which presented proposals for improving the election law and which has already organized local efforts to scrutinize the voter registries. Political parties must also assume responsibility for educating their supporters about the election law provisions and monitoring activities in the pre-election period. We are concerned about the apparent lack of initiative exhibited by the political parties to undertake this responsibility.

1. There is an amendment pending today in the National Assembly that seems directed at excluding the Movement for Rights and Freedoms from competing in the October elections.

Passage of the amendment would be dismaying and would surely aggravate ethnic tensions in Bulgaria. The delegation has held extensive discussions on this subject this week with leaders of all the principal political forces and has watched events during the week with great attention and concern. We were heartened when the Central Election Commission found a responsible way to reconcile the conflicting views by ruling -- in its decision on Wednesday, September 11 - that all groups that were on the political party register at the time of the June 1990 elections were considered eligible to submit lists for the October 1991 elections. We hope this will be allowed to stand.

Though the legal arguments are complex, the heart of the issue is clear: whether the majority population in Bulgaria, through its elected representatives in the National Assembly, desires to find a way to include in the country's evolving political process the significant and distinct ethnic community represented in the Turkish and Muslim communities.

When the Central Election Commission on Wednesday found a reasonable way to do this, some in the Assembly immediately launched extraordinary action to overturn this decision. This is unfortunate. If successful, this initiative would deprive all voters of the right to choose the candidate of their choice by disqualifying the third largest group in the present Assembly on the final day for registering candidates for elections. Bulgaria's increasingly bright reputation in the international community would be diminished by such an action, which will seem to be motivated by narrow partisan considerations and an archaic communal chauvinism that should have no place in Europe in the 1990s, and is inconsistent with the Helsinki Accords.

2. The delegation has studied the National Assembly's Decision of August 21, 1991, which establishes a framework for equitable allocation of broadcast time for party statements and multi-party forums during the campaign period. In addition, the delegation has discussed it with party representatives, broadcast officials and parliamentarians. Pursuant to this law, the Central Election Commission has established a task force to monitor the law's implementation.

We applaud the efforts of those who have sought to create a responsible media regime for the imminent campaign. We hope that the lofty objectives envisioned in the National Assembly's Decision can be achieved without the need to prosecute under the provisions of the law.

There are a number of provisions that will require interpretation from the CEC -- such as that in Paragraph 9 that states: "Attacks on political opponents are inadmissible." In the absence of clear standards as to what this means, or even the assignment of a responsible authority to further clarify the subject, such a provision is unenforceable.

We are aware of the special situation that results in this country where, after 45 years in which no free press was permitted, there is a burgeoning market of printed matter in circulation. Much of it is animated or organized for explicitly political purposes, though the diversity of the printed press seems to ensure that most every voice has a chance to be heard. Yet the state continues to maintain its monopoly control of the broadcast media at a time when

it is not clear what policies govern them. We look forward to the day when Bulgarians are able to establish television and radio broadcasting independent of political pressures and increasingly professional in its work. In the meantime, political figures must learn to live with the investigative and critical press that is vital for a democratic culture.

3. Given the highly energized political debate underway now among an increasingly diverse array of political forces, it seems to us important for the Council of Ministers or the Central Election Commission to undertake a program of public education about the election process. We say this not because we underestimate the quite evident intelligence of the Bulgarian voter, but because of the new complexities that have been introduced in the recent legislation (and in regulations that are yet to be issued by the CEC). All of the political parties have described to us this week their concern about the complexity of voting for four separate kinds of office. A public education campaign, using television, radio and the print media, should explain to the voter:

- the offices being contested;
- how to cast correctly the ballots on election day, in two separate voting procedures; and
- the secrecy of the ballot.

All of the parties presenting slates should be asked to approve the content and style of the presentations before broadcast to promote a consensus that the elections are indeed being conducted according to rules that are agreed upon and whose results all are prepared to accept.

4. We are aware that a program to depoliticize the military has been underway for 18 months, and we have been informed about the significant overhaul that has been made in recent months in the leadership of the Bulgarian armed forces. We met this week with General Petrov, Chief of the General Staff, and his colleagues. From this and other meetings, we have learned that several significant and positive steps have been taken to enable the 107,000 Bulgarians serving in the armed forces to cast a ballot according to their choice:

- the preparation of voter registries in advance of the September 13 deadline and plans to submit final registries to the District Election Commissions by October 5;
- the issuance of civilian passports to sergeants, officers, and generals that include addresses, signifying an improved integration of officers into the civilian voter registries in the communities in which they reside and diminishing significantly the fear of multiple voting;

- the release of conscripts from the usual training camp isolation (scheduled to take place during October) in order that they may participate in the election process; and,
- the establishment of a task force on the CEC to coordinate and oversee voting arrangements with the military.

We urge the parties to satisfy themselves that cadets and enlisted personnel are provided an opportunity to hear campaign messages and to make informed choices on election day.

We have heard some disquiet about the fact that political party papers and other materials are not allowed to circulate on military bases. However, given the circumstances of what has previously been a highly politicized military, we cannot argue with a policy whose goal is to remove partisan agitation from the barracks at this time rather than to increase it. The prohibition may contribute in a healthy way to the development of a professional military subject to civilian control on a nonpartisan basis.

5. Although it now appears that these elections will be well organized, the fact that so many major administrative and policy matters are being addressed simultaneously and in haste recalls one of the recommendations made by NDI and others following the June 1990 elections. We recommend that a permanent election administration office be established to review voter registries and to research possible refinements, alternatives and cost-saving measures in the field of elections.

APPENDIX IV: COUNCIL OF MINISTERS APPOINTED JANUARY 1991

Dimitar Ludjev (UDF) Alexander Tomov (BSP) Victor Vulkov (BZNS)	Deputy Prime Ministers
Ivan Kostov (UDF)	Finance
Ivan Pushkarov (UDF)	Industry, Commerce & Services
Atanas Paparizov (BSP)	Foreign Economic Relations
Vesselin Pavolov (BSP)	Transportation & Communications
Pencho Penev (BSP)	Justice
Gen. Yordan Mutafov (BSP)	Defense
Victor Vulkov (BZNS)	Foreign Affairs
Dimitar Vodenicharov (UDF)	Environment
Emiliya Maslarova (Ind)	Employment & Social Welfare
Ivan Chernozemski (BSP)	Health
Dimo Dimov (Ind)	Culture
Matey Mateev (BSP)	Education
Georgui Fovev (Ind)	Science & Higher Education

APPENDIX V: MEMBERS OF THE CENTRAL ELECTION COMMISSION (as of September 13)

CHAIRMAN: Mladen Danailov (BSP)

VICE-CHAIRS: Ganeta Minkova (UDF)
Lena Djelepova (BSP)

SECRETARY: Rumen Yankov (UDF)

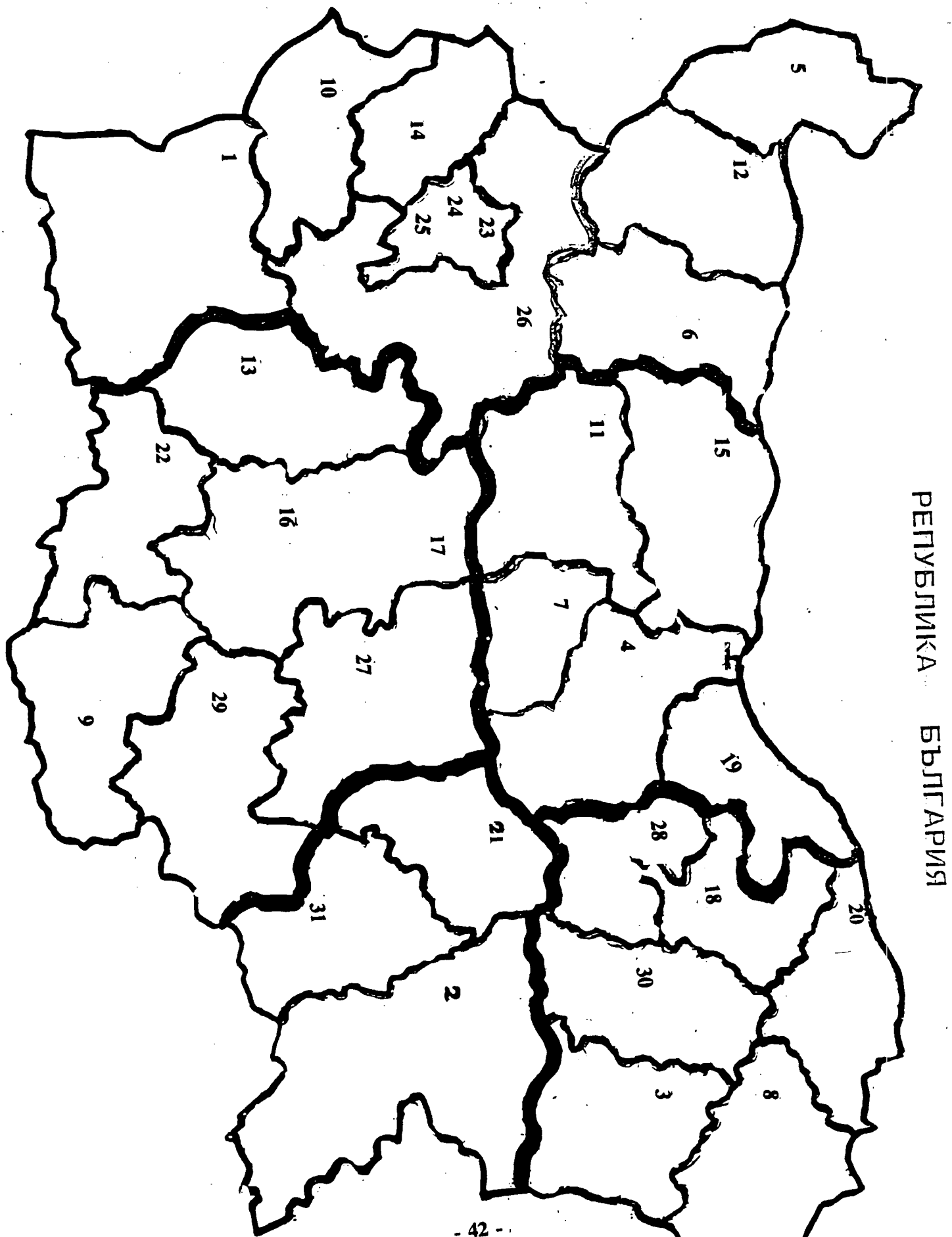
BSP: Baycho Panev
Venelin Chalukov
Kouna Damyanova
Nikola Tsonkov
Mladen Chervenjakov
Ralitsa Negentsova
Stefan Stoichev
Chanko Apostolov

UDF: Alexei Podlesni
Dimitur Topliiski
Lalka Kyuvlieva
Nikolai Vulchanov
Petyo Petkov
Borislav Punev
Stefan Grozdev
Todor Tsonev

MRF: Dimitur Seletliev

BZNS-E: Georgi Dimitrov
Dimitur Alexov

Other: Rumen Nenkov



<u>Number</u>	<u>City</u>	<u>Region</u>	<u># of Seats</u>
1	Blagoevgrad	1	10
2	Burgas	2	12
3	Varna	3	13
4	Veliko Turnovo	4	9
5	Viden	5	4
6	Vratsa	6	8
7	Gabrovo	7	4
8	Tulbuhin	8	7
9	Kurdjali	9	8
10	Kyustendii	10	5
11	Lovech	11	5
12	Mihailovgrad	12	6
13	Pazardjik	13	9
14	Pernik	14	5
15	Pleven	15	9
16	Plovdiv City	16	10
17	Plovdiv Region	17	11
18	Razgrad	18	5
19	Rousse	19	8
20	Silistra	20	5
21	Sliven	21	6
22	Smolen	22	4
23	Sofia South	23	12
24	Sofia Center/East	24	11
25	Sofia North	25	10
26	Sofia Region	26	8
27	Stara Zagora	27	11
28	Targovishte	28	4
29	Haskovo	29	9
30	Shumen	30	7
31	Yambol	31	5