

**Some thoughts on the OSCE-ODIHR Preliminary Observation Report
of the 19 February 2008 Presidential election.**

By drafting a law, emerging democracies cannot right away follow the path that has taken so long for Western nations to take. The way forward takes time and old democracies can help by telling emerging ones about their own mistakes, the way they dealt with them and those for which they have not found a solution: their six-month caretaker governments, their coalition governments that collapse after nine months, their minority governments. That they can tell them about but we now have other concerns. People in the streets shouting that the election results were flawed – “Deeply flawed” as was once heard at an observation press conference - National boundaries hardly exist and what succeeds in one country will be taken over by other election losers in other countries. The observation exercises as they are now run must stop right away as they are not helpful to democracies.

Political parties are the pillars of a democracy and the observation reports that are published are a caricature of what should be done. The whole technique of electoral assistance and observation should be thought over and reorganized.

What about “civil society”, associations such as the Soros-funded “Open Society Institute”? They are not civil society, they are political societies, well funded and are treacherously an artificial inroad into national sovereignty. Recent events show that they are the consequence of unprepared international do-gooders that either experiment or apply solutions they themselves do not understand. An elected politician at any level is accountable to the people. He has power but when he loses the respect of the people he loses power. Those are one of the checks and balances of democracy.

As far as political “civil society” goes let us hope that what Shakespeare said in his days to those that had treacherously murdered Caesar “But they are all honourable men!” does not apply to them.

Now let us have a closer look at the report. At the very beginning the OSCE states “The lack of public confidence in the electoral process...” How can they determine this when there was a (about) 69% turnout? Under the title “Preliminary findings” the OSCE again states “During the pre-election period a lack of confidence in the electoral process was noticeable ...” “Most could not be substantiated and in some instances appeared overstated...”

They reiterate the same type of accusations page 9 of the report: “unsubstantiated allegations of possible vote buying, lack of secrecy and impersonation of voters persisted throughout the campaign and affected public confidence.” How far will observation go with this type of statements?

Was it useful to mention in a report events that “most could not be substantiated”? Observation reports will be analysed carefully by those that lost the election and every word should be placed in a context responsibly as they may cause irreparable damage.

The report also states that the election code provides a good basis to conduct democratic elections “if implemented in good faith.” We are surprised at this statement. Were observers trained with the idea behind that Armenians had a “good basis”? The counting procedures are by far too complicated. We give the details later. The appeals gives rise a conflict of competence. Who was in charge of this observation mission? Last but not least: is the OSCE implying that the Armenian authorities did not implement the code with good faith?

“The conduct of the count did not contribute to reducing an existing suspicion amongst election stakeholders.” “16% assessed the count as ‘bad’ or ‘very bad’” How many “bad” and how many “very bad”?¹ 18% reported “‘significant procedural errors’ indicating that some major problems remain”. We should be surprised by the small number of negative opinions (15% of PECs still faced difficulties in completing the result of protocols²) because the counting procedures provided by the Armenian electoral law are one of the most complex and difficult to implement. It is nevertheless an improvement over the 1996-1998 law but is still used as a bad example for our students. After aligning figures they work out three figures of “inaccuracies” (article 62) which entail additions, subtractions and lead to the final figure of inaccuracies in the polling station. All this, of course, is useless and to make things worse,

¹ Page 10, ODIHR Election Observation Report.

² Page 10, ODIHR Election Observation Report.

these inaccuracies are worked out when all commission members are tired. This of course should be eliminated from the law (the count also figured on page 3 of the ODIHR report)

“On election day, the conduct of opening and voting was assessed in positive terms in a large majority of polling stations visited.” We note that the report states that 97% of observers considered the opening of polling stations (PS) as positive and 95% that the voting was positive. Can one get better results than that?

Although tension and unrest were noted in some 6% of PS visited which on occasion “resulted in violent incidents”: “In some 3% of PS visited interference in the election process was noted mostly by candidate proxies.” “Tension and unrest” can be the result of two events. The first is overcrowding and we see that it was the case in 15% of PS. The second is political but here we find only 3% with interference in the election process. So that without precise correlation we can guess that 6% of the “tension and unrest” was the result of the 15% of overcrowding.³

One last thing about overcrowding: we learn that domestic observers were present in 85% of polling stations visited. In other words, they were all over the country. The CEC had accredited 6 international organizations, over 12,000 observers from 39 Armenian NGOs including “It’s your choice” which intended to deploy 4,000 observers and Free Society Institute: 1,600 observers. Is this how you can develop a strong broad-based party system?

On the other hand, and that is a positive point, the election law entitles each candidate to appoint proxies and confers on them a wide variety of rights. “Some candidates ...registered high number of proxies.”

“The CEC and most TECs appeared well organized and well prepared to conduct the election.” “Comprehensive efforts were made at training PEC members before the election and 164 training sessions were held.” “The CEC administered the election process in an overall transparent manner ...”

³ Page 9, ODIHR Election Observation Report.

Voter registration: “Efforts continued to improve the accuracy and quality of the voter lists.” The lists were on public display on the CEC’s website and at polling stations with a hotline for voters to check. The observer mission has no comments on this and does not mention problems that could have arisen in polling stations for non registration. Of course, no country in the world has 100% correct voter registers so that it could be a good point for Armenia.

Regarding election campaign the report states that “Overall, candidates were able to convey their campaign messages without interference and freedom of movement and assembly were mostly respected”. Nevertheless, on **6** occasions citizens were unduly impeded to attend campaign event (!!!) This last statement should have never been included in an observation report.

“Posters were frequently placed in ‘non-designated’ locations and ... were systematically removed by unknown persons.” To rip and tear down opposing candidate’s posters is common in many democracies. It is part of the game. The report gives a very false image of democracy.

“Favourable treatment of a candidate by local self-government officials led to a blurring of the separation between state and political party functions.” Do our observer friends ignore that incumbency always has its advantages: a candidate is setting the first stone of a school, is opening a new road... We attended in Yerevan a conference on a report of media coverage of the election by the European Foundation for Democracy which gave rather different results than those given by the OSCE-ODIHR mission.

Let us end with a good American saying regarding campaign tactics: “mudslinging” and the later the better so the opposite candidate doesn’t have the time to fight back.