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Report on the mission to Belarus for the local elections (2-6 April 1999)

INTRODUCTORY REMARKS

As decided by the CLRAE Bureau on 2 February, a delegation of the Congress consisting of the experts Ms Brigitte BACHELARD, Principal Assistant to the Paris Local Authority, and Mr Peter TSCHANZ, General Secretary of the City of Berne Administrative Directorate, accompanied by a member of the Secretariat, took part in conjunction with the OSCE Advisory and Monitoring Group (AMG) in the election assessment process for the Local Councils of Deputies elections on 4 April.

The decision to send Congress experts to Belarus followed on the preliminary discussions held by the Bureau on ways in which the CLRAE might contribute to the development of local and regional democracy in this country. In response to the invitation received by the CLRAE from Ambassador WIEK heading the AMG in Minsk, the Bureau of the Congress took the decision to participate in the action aimed at making a political assessment of the elections.

The report drawn up by the experts, Ms BACHELARD and Mr TSCHANZ, succinctly analyses the state of local and regional democracy in Belarus and submits comments and proposals regarding the conduct and organisation of the actual elections.

Meetings with representatives of the OSCE, embassies of Council of Europe countries in Minsk, the Foreign Ministry of Belarus, the Minsk local authorities and the Lev SAPEGA Foundation for the Support of Democratic Reforms, arranged by the CLRAE delegation to coincide with the assessment of the local elections (see the programme of the visit in Appendix I) made it possible to study the situation and structure of local and regional government in Belarus and to compare its principles with those set forth in the European Charter of Local Self-Government.

A press release issued by the OSCE on 5 April provides further details concerning the election results (see Appendix 2).

GENERAL CONTEXT

1. Political context

The political context in which the local elections of 4 April 1999 took place is most singular. Since the constitutional revision which President LUKASHENKO imposed by referendum in 1996, a split has appeared at national level between the ruling party, which invokes this new Constitution, and the opposition which only recognises the pre-1994 Constitution.

Opposition boycott of the elections

At a polling station in the Mogilev region, the chairman of the electoral commission stated that the presidential elections (meaning those scheduled for 2001) were the real issue. This aptly illustrates the present political divide because, according to the representatives of the opposition, the next presidential elections are to take place on 16 May 1999 in accordance with the 1999 Constitution, and will be organised on their initiative.

This example shows that a major debate is in progress in Belarus and has mobilised opposition forces. The debate over the presidential elections is the source of plentiful tensions between the present government and the opposition. More and more arrests of opposition members are occurring in connection with this issue.

Furthermore, the allocation of powers has the effect of turning many of these local elected councils into rubber-stamp assemblies, with the executive bodies appointed by the President, also collectively termed "the President's vertical administrative structure", commanding the bulk of powers and resources.

The local councils can only give advisory opinions in most matters; they may also make proposals but these must be approved by the executive. They have neither a budget nor an administration under their own control. What is more, the regional and local executive committees, subordinated to the vertical power structure, serve a dual function as the State's decentralised administration and a local government system.

A very substantial majority of the opposition decided to boycott the local and regional elections. Fear of a defeat also presumably has something to do with this decision. Furthermore, the financial and media resources for a proper campaign at local level are lacking because the electoral law is very restrictive on that score.

There is no real dialogue between the opposition and the present government. One outcome of the boycott has been a high frequency of single candidacies; in the oblast (region) of Mogilev, for instance, 60% of the constituencies had only one candidate and only 5% of candidates belonged to the opposition.

No campaign and little citizen interest

The absence of an election campaign due to the provisions of the electoral law, coupled with the single candidatures for most constituencies, was hardly apt to motivate voters. Moreover, the limited powers of the elected councils did not encourage turnout, although participation was higher among older people voting more out of respect for tradition than interest in the result.

2. Shortcomings of the electoral law

Although these have already been examined in numerous reports of the OSCE and the Council of Europe, a few aspects directly affecting the electoral context should be reiterated.

Lack of an election campaign

This chiefly arises from the ban on parties using private funds to pay campaign expenses (Article 12 of the electoral law) and the procedure for nominating the candidates (80%) from the labour collectives, which amounts to perpetuating a political tradition of the former soviet system. Each candidate was entitled to only 2.5 minutes of speaking time on the radio.

Nomination of candidates

This is not altogether free and involves many restrictions and disqualifications for persons who have incurred administrative sanctions (Article 13).

Obligation to obtain a 50% participation in the first round to validate the elections

This obligation (Article 57 of the law) was backed by the declarations of government members to the effect that any local executives failing to reach this target would be held responsible and compelled to stage fresh elections at their own expense.

This turnout target brought undue pressure to bear on local officials, who availed themselves of every possible expedient to induce the citizens to vote (buses to fetch rural voters, proliferation of home voting for all who requested this facility, even by telephone, insidious pressure on grant-holding students and their sense of civic duty, etc).

All these practices, if anything favourable to general citizen participation, can nonetheless cause irregularities that are difficult to control.

3. Economic recession

The country is going through a severe economic recession attended by high inflation and sporadic yet frequent food shortages. A Belarusian has an average monthly income of 15 USD, often doubled by parallel activities. In these circumstances, the population is more preoccupied with the problems of financial survival than with local politics.

In the present organisation of the system, the "vertical Presidential structure" principally commands resources and wields power over day-to-day living conditions (improvement of transport, cultural and social services, etc).

ELECTION ASSESSMENT

1. Foreword

Our scrutiny took in only some twenty polling stations in the regions of Mogilev and Grodno and can yield nothing more than general inferences. However, certain irregularities noted by us were recurrent in most polling stations, often harking back to an old electoral culture unmindful of the rules meant to uphold the fundamental principles of a democratic election. These observations were corroborated during the meetings with the other experts taking part in the election assessment.

A virtually total absence of domestic observers representing the candidates or parties is noted. Conversely, we observed a strong presence in each polling station of representatives of the executive bodies, apparently responsible for ensuring that the polling procedure functioned properly and secured the requisite number of votes.

2. Comments on the organisation of the poll

Early voting

Generally speaking, the polling rate was comparatively low: 2-4% according to the head of the central electoral commission of the town of Mogilev. A very large number of students had voted during the five days up to the official polling date.

Electoral commission chairmen seemed to take pride in these early votes, explaining that many students lived a long way from their home regions where they returned at the weekend, and that they had been encouraged to vote.

Publicity

Polling stations are designated by a flag and a small official poster outside. No electoral posters or publicity for candidates are visible from the street but may (usually) be displayed inside the building, and often the voters only become aware of the candidates' programmes on entering.

Electoral rolls

Lists of constituents are posted up inside the polling stations. In principle, to be entitled to vote people must be registered on the list in the stations where they vote, and yet in many of those we visited it was possible to register at the last minute by producing a passport.

The representatives of the electoral commissions said this enabled even residents who had lately moved in and were not yet on the list to vote.

A special list is drawn up for persons voting at home; if they decide at the last minute to come to the polling station, they are struck off this special list and added to the main list. These manipulations of lists lack rigour and do not facilitate controls.

Attainment of the turnout percentage is very plainly the driving logic for this considerable flexibility of registration.

The presentation of the lists differs from one polling station to another, some being hand-written.

Identity checking

This is highly variable, no papers being requested in some cases; checks seemed far more frequent when we were present.

Signing procedure

In some polling stations voters had to sign their names twice. Verification of the lists revealed that some voters signed for several persons (possibly family members). In the case of home voting, it was reported to us that the messenger might sometimes sign in the voter's stead if the latter was disabled or illiterate.

Instructions on voting procedure

These were usually non-existent, being issued verbally by the polling station staff. In one, we saw a model which presented a ballot paper made out in favour of the single candidate, and this constituted the instructions.

According to one electoral commission chairman, the communist observer in his polling station claimed it was prohibited to issue voting instructions which, our informant said, accounted for the large number of spoiled ballot papers.

Voting booths

These were properly installed in all stations but were very often used by more than one person at a time, even up to four or five.

Ballot boxes

Many of the ballot boxes were concealed by the booths and out of sight of the polling station officials, but nobody was interested in them anyway. This neglect of the ballot box is quite symptomatic, denoting the attitude that the act of voting ends with the signing of the list and that the results are unimportant. Some ballot boxes were unsealed. In general they consisted of wood nailed together to form a cube, one side sealed, and otherwise unprotected. The slot for inserting ballot papers was constantly open over the five days.

Counting of ballot papers

We selected a polling station which had several candidates standing for election.

In general, much confusion reigned and precluded all supervision of operations. The counting room was very small, which prevented most local observers from being present during operations.

The opening of the ballot boxes, difficult because of their large size, was done on the floor. The ballot papers, carelessly thrown into a pile, could have been mislaid and were trodden underfoot by some polling station attendants.

The count was conducted in a disorderly manner; the tellers worked huddled together, some in a circle on the floor, others over the television set or at the table so that any control as to the regularity of operations was impossible. There was no systematic check that all papers bore a validating signature on the reverse side. There was no formal control as to whether the number of ballot papers and the number of signatures on the list of voters tallied.

General remarks on the organisational spirit

We sensed heavy pressure on the electoral commission members due to the 50% participation threshold. Most local observers we met in the polling stations belonged to the "vertical Presidential administration" or were aides of company directors standing for election. Want of democratic experience is very clearly perceptible in the electoral commission members, for whom the poll is just a matter of turnout.

Very often a cultural event was staged or a small food market operated in the same building as the polling station, making it a centre of attraction for residents.

Our presence was well-received at all polling stations, but we sensed a certain apprehension and a desire to show that the poll was democratic and well-organised.

Comments

Our immediate impression was consistently one of satisfactory organisation, but irregularities were nearly always detected on closer scrutiny.

ANALYSIS AND PROPOSALS

The basic proposals for improvement relate to the electoral law and the apportionment of powers between the local tier and the State.

1. Legal framework

In a democracy, it is inadmissible that the executive of the local bodies should be appointed and not directly elected by the population or at the very least indirectly by a democratically elected council.

- . The local administration should have a budget of its own and recruit the staff needed for its operation.
- . State oversight of local authorities should be confined to a verification of legality defined by the Constitution.
- . The list of local government powers should be clearly defined at each tier and in relation to those of the State.
- . Regarding the electoral law, the mandatory 50% first-round turnout to validate the election should be repealed. We found this figure coercive and detrimental to the conduct of the elections.
- . This requirement can also provoke a boycott unfavourable to the democratic process.
- . Grounds for disqualification of candidates should be restricted to the same cases as are laid down by most Western democracies.
- . It would also be expedient to authorise, within specified limits, freer funding of election campaigns to give the opposition more of a voice during the campaign.

2. Material organisation of elections

The few suggestions which we have chosen to put forward are not exhaustive or optimal, but do take account of the country's financial and technical situation and have been singled out for their feasibility. If the proposed measures were implemented, transparency in the organisation of elections would already be greatly furthered.

- . Official publicity for candidates should be displayed outside the building at least two weeks before polling day so that the citizens can familiarise themselves with the programmes of the different candidates.
- . Candidates should be able to organise as many political meetings as they wish.
- . Last-minute registration on the list of voters should not be allowed, and voting at home restricted to special cases or abolished. This would be more readily accepted if the stipulation of a 50% first-round polling rate lapsed.
- . Inspection of an identity document should be standard practice.
- . It should be forbidden for several voters to enter a booth together, in order to respect individual freedom in the final choice.
- . The ballot box should be conspicuously positioned and under the constant surveillance of a polling station official witnessing each voting operation.

. Ballot boxes should be securely sealed and perhaps made of transparent materials.

. Organisation of counting should be more stringent and specified in the electoral law. As a minimum requirement, counting should be done on one or more tables in plain sight.

. Polling station opening hours should be shorter than the present 7 am to 10 pm. This results in serious fatigue for the staff who are no longer really operational at the time of counting.

. Ballot papers should be more simply designed: for example, ticking of the chosen candidate's name would be wiser than striking out the names of the rejected candidates.

. Proportional representation would be a truer reflection of the political reality.

Appendix 1

Programme of the local elections assessment mission in Belarus

(2-6 April 1999)