

FPC Briefing: Armenia's 2012 Parliamentary Election

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Introduction

Citizens of Armenia went to the polling stations on May 6, 2012 to elect a new parliament. On the following day, the Republican Party of Armenia (RPA) was declared a winner of the election with 44 percent of total vote allocated via the proportional system. Factoring in the seats received through the majoritarian system, the party received 69—an outright majority—of the total 131 seats in the National Assembly (NA), Armenia's parliament. Its partner in the outgoing governing coalition, Prosperous Armenia Party (PAP), came in second with 30 percent of the vote and a total of 37 seats in the parliament. The remaining 25 seats were distributed among four parties/blocs (23), which barely cleared the passing thresholds, and independent candidates (2).¹

[Recent promises](#) from the very top of Armenia's leadership to hold free and fair elections gave way to a deeply flawed process leading to the outcome. While disagreements persist to date about the degree of freedom of choice and fairness present on Election Day, the experience left much of society puzzled. After all, the track record of the party that was declared an absolute winner includes: the worst macroeconomic record and social conditions since 1994;² a failure to address the widening polarization of domestic politics; and the inability to put forth adequate solutions for the country's long-lasting external challenges.

While observers noted improvements in election conduct, there is a strong body of evidence to suggest that the election fraud was not gone but instead transformed into less obvious and observable forms, while remaining largely *outcome-neutral*. This phenomenon is becoming common in the region as well as other countries with authoritarian leaderships. [A report issued by Policy Forum Armenia \(hereafter, the Report\)](#) provides an overview of political-economic and legislative developments in the period preceding the 2012 election and summarizes the reactions of key stakeholders—the opposition parties, foreign observers, and local civil society groups—to the election outcome. More importantly, the Report conducts a range of statistical tests to provide evidence of election fraud and to point out the main beneficiary of these corrupt practices. The remainder of this note contains a summary of the Report's findings.

¹ In addition to RPA and PAP, the list of parties/blocs participating in the election included the Armenian National Congress (ANC), Armenian Revolutionary Federation-Dashnaksutyun (ARF-D), Communist Party of Armenia (CPA), Democratic Party of Armenia (DPA), Heritage Party, Rule of Law Party (ROL), and United Armenians Party (UAP). The list of parties making the final cut included ANC, ARF-D, Heritage, PAP, ROL, and RPA. It is interesting to note that ROL, UAP, and CPA received fewer votes than the number of their declared party members. There were a total of 71 political parties registered in Armenia as of 2012, compared to 75 at the time of the 2007 parliamentary election.

² PFA's report on ["Armenia: Averting an Economic Catastrophe"](#) provides a detailed overview of Armenia's economic performance under the current administration.

Conditions prior to the Election

After the political crisis of 2008—which followed the presidential election and claimed the lives of 10 citizens—the governing coalition parties (RPA, PAP, ROL, and ARF-D)³ proposed a new Electoral Code as a way to improve electoral processes in Armenia and increase trust towards elections, which had all but disappeared at that point. However, soon it became clear that the primary reason for amending the Code was a desire to divert attention of stakeholders away from the root cause of the problem, the lack of political will to enforce existing legislation and conduct competitive elections. The enacted amendments were essentially marginal (touching upon areas of campaign procedures, campaign financing, and complaint processing) and failed to address the most critical issues of voter list compilation, the formation of balanced electoral commissions, and the misuse of administrative resources.

After an unsuccessful attempt to push for the adoption of certain provisions through the Assembly, the parliamentary opposition—ARF-D and Heritage—concentrated mainly on the issues of the voter list and proportional system.

Publication of voter lists after the election: As part of the February 2007 amendments to the Electoral Code, lawmakers banned voting at Armenian embassies abroad, potentially leaving hundreds of thousands of individuals with Armenian citizenship residing abroad unable to cast a vote.⁴ The existence of these “missing voters” effectively reduced the number of those eligible to vote and, if accounted for—as shown in Chapter III of the Report—would suggest implausibly high turnout rates.⁵ To eliminate the misuse of the missing individuals’ names, the opposition parties demanded the elimination of a provision from the Electoral Code, which bans the publication of signed voter lists. This demand was refused on the grounds that it would violate the principle of voter privacy, which is secured in the Constitution as well as in Armenia’s commitments under international law.

Passage of a 100 percent proportional electoral system: The adoption of a fully proportional electoral system has been on the agenda since the adoption of Constitution in 1995. Since then, it has been generally thought that the adoption of a fully proportional system would simply be a matter of time. However, in the newly adopted Electoral Code, the share of proportional seats has not changed. With the support of PAP, this proposition was brought to the parliamentary floor for discussion. The RPA was against the proposal and together with ROL blocked the passage of the bill into the National Assembly.⁶ There was reluctance on RPA’s part to discuss even consensual proposals of 120 vs. 11, or 110 vs. 21, of proportional vs. majoritarian candidates, respectively, instead of the current 90 vs. 41 ratios. As shown in the Report, if the proposal had been adopted, it would have had tangible implications for the distribution of the final vote, since 29 out of 41 MPs

³ ARF-D remained in the governing coalition until April 27, 2009.

⁴ However, the Code provides an opportunity for embassy personnel and their families located abroad to vote electronically.

⁵ In 2008, presidential candidate Arman Melikyan appealed this amendment in the Constitutional Court prior to the 2008 election, arguing that officially reported voter numbers would suggest turnouts in the 90 percent range, if measured against people who were physically in Armenia and therefore able to cast their votes. See “Arman Melikyan is Ready to Dispute with Three Political Powers,” *A1+*, February 5, 2008.

⁶ Interestingly, the adoption of a 100 percent proportional system for parliamentary elections was part of ROL party’s election platform.

elected via the majoritarian system—many with dubious reputations and oligarchs—were members of RPA.

Response of the Opposition, Observers, and Civil Society

In the [final report](#) issued on June 26, 2012, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) emphasized that the election registered some positive advances, characterizing it as "a competitive, vibrant and largely peaceful campaign, which was, however, marked by a low level of confidence in the integrity of the process." The report mentioned the use of administrative resources, attempts to limit voters' freedom of choice, undue interference in the process of elections during Election Day, and organizational problems as shortcomings.

On May 7, 2012, the OSCE/ODIHR, OSCE PA, PACE, and the European Parliament issued a [joint statement](#), which characterized the election campaign as "vibrant, competitive, and largely peaceful." Nevertheless, the statement also mentioned that "an unequal playing field due to violations of campaign provisions and cases of pressure on voters, as well as deficiencies in the complaints and appeals process were causes for concern." The following shortcomings were mentioned:

- The absence of an effective complaints mechanism;
- Violations of the Electoral Code;
- Deficiencies in voter lists;
- Pressure on governmental employees;
- Voter intimidation in a number of polling stations;
- Non-functioning ink, which had been intended to work against multiple voting;
- A relatively high number of negative assessments by observers.

Overall, the statement noted that:

“Organizational problems, undue interference in the process and cases of serious violations were observed in a significant number of polling stations, resulting in a negative assessment of voting in 120 observations (9.4 per cent), which is considerable.”

While nearly all western observers expressed concerns over the voting lists—the largest source of potential fraud in the Armenian context, as shown below—all stopped short of calling upon the authorities to publish the list of actual voters. More importantly, despite the overwhelming body of evidence, no foreign observer referred to the possible intent on the part of the authorities to commit fraud, instead preferring to implicitly categorize the conduct as malpractice without the intention to commit fraud.

Reaction from the civil society monitors was less forgiving. A group of eleven local NGOs, specializing in the areas of human rights and democracy, on May 12, 2012 issued a [strongly worded statement](#), which specifically said:⁷

⁷ The group included: Armenian Helsinki Committee, Protection of Rights without Borders, Transparency International Anti-Corruption Center, Journalists' Club "Asparez", Helsinki Citizens' Assembly (Vanadzor Office), Open Society Foundations–Armenia, Menk Plus, Arena

(continued)

“As civil society representatives engaged in the promotion of human rights and democracy, we are profoundly concerned over perpetual sophistication and “improvement” of election fraud mechanisms, as well as the impunity of those implementing the fraud. We believe that both local and international organizations should draw appropriate conclusions from yet another failure of Armenia to honor her international commitments of implementing democratic reforms.”

The statement mentioned that widespread vote buying, abuse of administrative resources, and political imposition and harassment of employees by the public sector and private employers, as well as the use of numerous other illegal “techniques,” have affected the voting process and the election result on a widespread level. It also called for the publication of the list of voters that participated in the election to regain public trust and to reconstruct the real outcome of the election.⁸

Outcome of statistical analysis

Using statistical methodologies capable of detecting a variety of fraudulent election activities, the Policy Forum Armenia report offers the following main findings:

- Voter lists in recent national elections have not been adjusted for Armenia’s massive emigration.
- The official turnout (i.e., number of individuals recorded as voted) in recent elections exceeded any reasonable projections by at least 370,000, or 30 percent of total.⁹
- While the artificially enhanced turnout in 2012 appears to have increased broadly in line with recent national elections (less than in 2007 but more than in 2008), the main mechanism for delivering this outcome changed from ballot stuffing to multiple and fictitious voting.
- Consistent with foreign observer (and other eyewitness) accounts, fraud outside of polling stations (e.g. bribing and intimidation) had increased to compensate for the reduction in unlawful activities inside the polling stations (e.g. ballot stuffing).
- There is a statistically significant evidence of fraudulent vote counting in electoral districts outside of Yerevan.
- The Republican Party of Armenia is the only beneficiary of the turnout-enhancing fraud observed during the May 2012 election.
- Presence of foreign observers appears to result in a statistically significant reduction of fraud in polling stations visited by observers during the 2003 and 2008 elections.

of Education, Committee to Protect Freedom of Expression, Collaboration for Democracy Center, and Journalists for the Future. However, not all of these NGOs were registered as local observers.

⁸ [“Election Monitors Make Statement about May 6 Vote”](#), Asbarez, May 12, 2012.

⁹ Doubts about the integrity of the population counting process have been expressed by number of observers in recent years. Armenia’s former Prime Minister Hrant Bagratyan [questioned](#) the headline population number on the basis of the labor force statistics. Ethnographer and the former head of the Armenian Department of National Minorities and Religious Affairs, Hranush Kharatyan, [expressed similar doubts](#) about the census outcome.

Conclusions and recommendations

The analysis conducted in the Report shows the presence of the following types of election fraud, which taken together could have materially altered the outcome of the 2012 election:

- Massively inflated voter lists and, as a result, participation rates, or turnout;
- Changing forms of fraud, with falsifications outside of polling stations becoming increasingly common, including bribing, intimidation, and fictitious voting; and
- A significant amount of vote-counting falsifications, being especially pronounced in areas outside of Yerevan.

Much of what has been examined in the report acknowledges the growing sophistication of fraud mechanisms, making it ever more difficult for international observers to notice and record, and is consistent with intensifying migration and widening social disparities.

While much of the blame for falsifications discussed above naturally rests with the ruling regime, the opposition parties too have their share of responsibility. Paralyzed by the regime's formidable PR machine and unable to innovate, they have not been able to prevent the country's downward slide along a *kakistocratic* path by offering a credible way forward.¹⁰ From election to election, they have *de facto* legitimized a deeply flawed and highly predictable process without presenting credible fallback options. As a result, elections have become largely irrelevant and should perhaps be reevaluated by the disenfranchised majority as a means of participating in the governance of the country.

These developments have rendered the citizenry disillusioned in elections and have prompted them to either completely withdraw or else to seek unconventional ways to address the looming political crisis.¹¹ A [recent announcement](#) by a large group of prominent independent intellectuals and civil society activists led by Sardarapat movement to establish a "pre-parliament"—a stepping stone toward alternative elections to be held in the near future—may well be the "way out" that many in Armenian society have been longing for.

However, society itself has some serious soul-searching to do. Why do people take election bribes and allow themselves to be bullied into voting for one party? If they do take bribes, what prevents them from voting the way they want to vote? To what extent can the vote provided in exchange for a bribe be considered free? With election fraud being increasingly carried out outside of the polling stations and taking forms that are inherently voluntary, such as vote buying, can one only blame the election authorities for conducting fraudulent elections? How does one break the self-enforcing cycle between the culture of electoral bribes and poor governance? One thing is clear: people's patience with the regime's handling of the country's affairs is running thin and this may well be the temporary calm before a storm.

¹⁰ *Kakistocracy* [Ancient Greek *κακιστος* (*kakistos*, "worst")], government under the control of a nation's worst or least-qualified citizens.

¹¹ In the category of *generalized and institutional trust*, EBRD's "[Life in Transition](#)" report states in reference to Armenia: "The level of trust among respondents, at only eight per cent, is the lowest in the transition region and has dropped from about 20 per cent since 2006. The already low level has especially fallen among the younger and the middle-aged groups and among the lower-income sections of the population."