



**Organization for Security and Co-operation in Europe
Office for Democratic Institutions and Human Rights**

**INTERNATIONAL OBSERVER MISSION
Election of President of the Russian Federation
16th June 1996 and 3rd July 1996**

REPORT ON THE ELECTION

Michael Meadowcroft - Co-ordinator

1. INTRODUCTION

This Report should be read in conjunction with the Final Statements on the first and second rounds of voting, issued on 18th June and 5th July respectively, and which are appended herewith for completeness, (appendices 1 and 2). The European Institute for the Media's *Preliminary Report: Media and the Russian presidential elections*, published on 4th July 1996, is of considerable importance in its analysis of the media coverage of the elections. This report is also appended, (appendix 3). The deployment plan and the breakdown of observers by nationality is also enclosed (appendix 4).

In addition, in order that OSCE has a full set of the basic materials produced by this Mission, there are also four other items with the Report: the Briefing Book, the Briefing Book supplement for the Second Round; a second supplement for the Second Round; and a special supplement for observers deployed in the Moscow region. Most of the key documents, such as the electoral law, required for a study of this election are contained in these documents.

2. BACKGROUND

The Office for Democratic Institutions and Human Rights (ODIHR) established an advance presence in Moscow from mid-February 1996. A needs assessment mission was in Moscow from 19th to 24th March, comprising Michael Meadowcroft (Co-ordinator), Helene Lloyd (Elections Assistant, ODIHR), and Nicolas Neve (Executive Assistant). A co-ordination meeting was held at International IDEA in Stockholm on 12th April 1996, at which representatives were present from ODIHR, the European Union, the European Parliament, OSCE-PA, and the Council of Europe. Michael Meadowcroft arrived in Moscow on 15th April to open up the permanent office in a location close to the Central Electoral Commission, to the European Delegation Commission, and to a number of relevant NGOs.

Centrally we had a small core staff:

Michael Meadowcroft, Co-ordinator (UK)
Rainer Hermann, Regional Co-ordinator (D) [seconded to OSCE/ODIHR by EUEU]
Michael Shannon, Deployment Officer (IRL) [seconded to OSCE/ODIHR by EUEU]
Nicolas Neve, Executive Assistant (B)
Robert Lauer, Moscow Deployment Assistant (L) [second round only]
Natasha Shepleva and Olga Baldina, 2 Interpreter/Assistants (RUS)
Victor Zavarin and Arkady Malishev, 2 Drivers (RUS)

An early opportunity to invite key contacts from the Central Electoral Commission and from other key organisations to the Mission's offices was taken. An early Press Conference, to explain the purposes of the Observer Mission, was held with Ambassador Glover. There was substantial TV and press coverage of the Mission. In particular, on polling day, NTV ran a five minute piece in its very popular *Itogi* evening programme on the OSCE mission, filmed in the office, and "on the road" with two staff as observers, plus an interview with the Co-ordinator.

The European Union Electoral Unit was located relatively nearby in the EC Delegation building and good relations were maintained with them, not least thanks to the efficiency and conviviality of the Acting Head of Delegation, Gilbert Dubois. The European Union organised a weekly "Contact Group" meeting, at which the embassy staff designated as the chief contact for the election, from all EU countries and certain OSCE participating States, met and exchanged information on relevant issues relating to the election. This was an excellent reference group for the Mission. The final meeting of the Contact Group was on Wednesday 10th July and representatives reviewed the election and the observer mission's work.

The OSCE/ODIHR sought to have twelve Long-Term Observers (LTO's) in teams of two in six strategic locations, pairing a Russian specialist with an election specialist. The OSCE/ODIHR had to rely on participating States sponsoring LTO's and was not in a position, therefore, to force the issue. Eventually we secured eleven (including Helene Lloyd, the Election Assistant from Warsaw) and had to leave Kristina Erhola alone in St Petersburg. They were deployed in pairs in Irkutsk, Kazan, Khabarovsk, Novosibirsk and Stavropol. These locations were chosen on the basis of demography and taking account of comment made at discussions with candidates' campaign officials. The LTOs were the backbone of the Mission. With one exception, they established excellent relationships with their local electoral commissions, made good contacts with the candidates' representatives, linked up with the local media, and generally provided sound and shrewd reports to Moscow, enabling the Mission's main office to withstand much of the Moscow "hothouse" atmosphere and its rumour factory.

3. THE DEPLOYMENT, OBSERVATION AND REPORTING PROCESS

From the beginning the Mission stressed the need to meet Russian comments on the observer mission for the December 1995 Duma elections: that the observers were too concentrated in the Moscow and St Petersburg regions and left early, before the vote tabulations had taken place. As the Final Statement recognised, there was still an imbalance towards the two cities, but embassies certainly made the effort to spread their observers across the country and the concentration was probably less than it would otherwise have been. A copy of the deployment plan, and the known numbers from

each country, is appended (appendix 4). It needs to be borne in mind that the lower figure of deployments for the second round of voting is due to some extent to the decision of the CEC not to reopen accreditation, which prevented the Mission from pressing for new observers. Very roughly there were as many again "independent" observers as the number deployed by us. These were often from NGOs or from CIS countries who for one reason or another did not feel the need to come under the OSCE umbrella.

The Briefing Book was produced in two editions: a first version for the LTOs and a second for the STOs. "Rolling " briefings were also held, so that, rather than having groups of observers waiting around Moscow for the one big meeting, they were given an immediate two hour briefing, usually at their embassy, and despatched to their deployment station as soon as possible, where they received a further regional briefing from our LTOs. This system appeared to work well.

The main briefings benefited greatly from the active participation of the head of the CEC's International Relations Department, Andrei Daviddov. Both briefings ran to time, and were very practical, involving the observers in questions and discussion. There was excellent practical co-ordination between the Mission and the EUEU, starting from the pre-election planning session in Stockholm. The EUEU's handbook supplemented the Mission's Briefing Book and there was agreement on a common reporting form. This form was used by every ODIHR deployed observer at the second round.

The deployment plan aimed to point observers away from Moscow and St Petersburg and to maximise the numbers in and around the six regional centres set up by the Mission. Where observers, or their sponsoring State insisted that they be deployed in Moscow, for instance, the Mission endeavoured to deploy them outside the city centre, in neighbourhoods or small peripheral towns at which there was more likely to be a need to observe. At the first round, including diplomatic staff, there were 506 Short-Term Observers (STOs) deployed, from at least thirty-one countries. At the second round, again including diplomatic staff, there were 350 STOs deployed, from at least twenty-eight countries.

It was the Mission's view that the observation process for the record rather than primarily for publicity, and that the opinions of every observer should be taken into account when drafting the Final Statement. It was therefore planned from the beginning to have a structure of regional debriefings late morning on the day after the election, with their conclusions being transmitted to Moscow that afternoon. The regional reports were then collated, the main points extracted for the national debriefing, and a first preliminary draft of the statement prepared for discussion with EU and OSCE troika ambassadors the same evening.

For the first round there was no contact from OSCE-PA until a very few days before polling day but for the second round OSCE-PA did get in touch, asking for assistance with their members who were returning to Russia. This the Mission was very happy to give.

The national debriefings were held on the morning of the second day after the election and a consensus reached on the items for inclusion in the statement and on the Mission's conclusions on the election. The amendments were then made in the draft and this was faxed to Warsaw for comment.

The Final Statement, in English and in Russian, was then copied and taken to the press conference the same afternoon.

4. CONCLUSIONS OF THE OBSERVATION

The Final Statement on the two rounds of voting stressed the faults in the pre-election period. (See appendices 1 and 2). The European Institute for the Media's *Preliminary Report: Media and the Russian presidential elections* is also forthright in its analysis of the media coverage of the elections. (See appendix 3).

The statement stressed the positive aspects of the elections:

- that the early statements that there would be widespread falsification of voters turned out to be false;
- that in general the election was well managed and well run;
- the individual criticism of the voting process did not in total affect the result of the ballot;
- that the results accurately reflected the electors' wishes on the day;
- that the relatively high turn out of voters was commendable and that such a level of participation represents a further consolidation of the democratic process in Russia.

The statements, however, also stressed Observers' concerns regarding the pre-election period, stating in their conclusions on the second round of voting that:

- the imbalance of media coverage and of resources available to candidates, and the role of some parts of the Presidential administration during the campaign period, marred an otherwise effective and efficient electoral process.

As evidence, the statements drew attention to:

- (1) the media in general, and the television channels in particular, were both quantitatively and qualitatively biased in favour of President Yeltsin. The report, appendix 3 below, of the European Institute for the Media sets out clearly the scale of the imbalance. The Central Electoral Commission (CEC) lacked effective powers to ensure equality of treatment, and failed to utilise the powers it did have.
- (2) Money spent on President Yeltsin's campaign overspent the legal limits but much of the expenditure was incurred by candidate's support groups separate from the candidate's direct organisation and therefore outside of the legal provisions relating to accountability and control.
- (3) although Article 37 of the electoral law specifically states that an incumbent president may not make use of his office when running for a second term, President Yeltsin blurred the distinction, travelling widely to many regions in the period before the first polling day, often promising considerable sums of state funds for local projects.

(4) Article 38 (1) of the electoral law explicitly forbids public officials from taking a partisan role in the electoral process but there were a number of examples of officials of the Presidential Administration openly involved in the electoral process on behalf of President Yeltsin.

Attention was also drawn in the statements to some weaknesses in the electoral law, particularly articles allowing for absentee ballots to be cast without adequate safeguards. These provisions were used, for example, in what observers judged to be “excessive” steps taken to boost turnout. Apart from the specific examples quoted the electoral law was judged to be adequate for the control and administration of the election.

Despite the Mission’s critical comments on each round of voting, there was an excellent working relationship with the Central Electoral Commission (CEC), The Mission had the benefit of knowing a member of the CEC staff, Vadim Zhdanovich, in advance, as he had spent time as a secondee at the ODIHR office in Warsaw. The CEC responded promptly to specific enquiries and afforded access to more senior officials when needed. The staff of the CEC’s International Relations Department were exceptionally helpful, for instance sorting out many detailed problems with visas, etc.

5. ELECTION COMMISSION STRUCTURE

There were four levels of electoral commissions at this election:

- The Central Electoral Commission – fifteen members
- The 89 Subject Electoral Commissions
- The 2700 Territorial Electoral Commissions
- The 94000 Polling Station (“Local”) Electoral Commissions

In total more than one million men and women were involved as members of these electoral commissions. In many cases the same key officials had presided at the local level at the 1991, 1993 and 1995 elections and were therefore competent and often relaxed. There were some, however, who had been in charge of elections in the Soviet era who sometimes had a different perception of their role. There was some criticism of the method of appointment of local electoral commissions. The candidates were all permitted to appoint non-voting members to every commission.

The size and make-up of the country means that some commissions have to be established in situations that are inevitably less than perfect – on board ships, for instance. The Mission endeavoured to keep track of these, and followed up complaints and representations, but it was recognised that to protect the civil rights of individuals in remote areas, or in certain institutions , it would not be possible to have the same controls as in “normal” situations.

6. CANDIDATES

The electoral law required candidates to secure one million signatures in order to stand. There were other regulations as to the minimum percentages that had to come from a number of

subjects. It was widely accepted, including by the CEC, that the requirement for signatures was discredited. Eventually, after a number of references to the Supreme Court, eleven candidates were registered by the CEC. Six others were rejected.

7. VOTER REGISTRATION

In the Russian Federation voters are automatically registered and there is also the opportunity for voters to see the register to check its accuracy. LTOs made spot checks on the availability of the register and, in the main, the regulations were adhered to. Also STOs on polling day often checked the “additional” names and the basis on which they had been added. With the exception of the provisions set out below, the register was considered to be sufficiently accurate.

A provision which observers criticised was the “Green Certificates”. These were available on application to the local electoral commission to voters who would be away from their home area on polling day and who wished to vote elsewhere. The principle was that they were crossed off the “home” so that they could only vote at the polling station to which they presented their certificate. The concern was that they might not always be crossed off their original place of voting and could therefore vote twice. It also enable a *de facto* double registration and this, in fact, boosted the electoral register by in total some four million voters, to approximately 109 million. Between the two rounds of election the CEC extended further the provision for absentee to permit those who had “lost” their green certificate to vote at another polling station on presentation of a letter from the higher commission. Observers criticised the lack of voter security of this late decision.

8. THE CAMPAIGN

In the main the election campaign was conducted through the media. There some set piece candidates’ rallies and the Zyuganov campaign in particular attempted to carry out the semblance of an old-style public rally campaign but it appeared to have little impact. The candidates’ free time on television and radio was scrupulously dealt with.

There was some evidence of “opposition” candidates being denied public accommodation for meetings but intervention from a higher level commission usually resolved the situation.

9. POLLING DAY

The Final Statements list a number of individual criticisms of polling day procedure, none of which were considered, individually or collectively, sufficient to undermine the election result.

The most substantial criticism related to the lack of secret voting and to the associated problem of “family” voting – that is one person, usually the husband, voting for another, usually the wife, or family groups voting together in the open. The key guard against intimidation of the secret ballot is clearly not understood in Russian and it is considered sufficient to have the choice whether or not to vote in secret. Observers drew attention to many examples of both practices and urged the CEC to take the lead in instructing the local commissions to ensure secret and individual voting. In a number

of polling stations voters were actively encouraged to vote outside the booths by the provision of tables and pens in the open area.

The key need for candidates to have their own observer in each polling station was not met. The best guarantee of the legitimacy of the election was undoubtedly that the candidates would be able to check each other through the monitoring of the poll by their observers. In the first round observers estimated that 66% of polling stations had observers from two or more candidates present. By the second round the proportion of polling stations with observers from both candidates was only 55%. The Mission understood that, apart from the specific example of Tatarstan, where *prima facie* there was a significant amount of falsification of protocols in favour of President Yeltsin, the Zyuganov campaign team collected enough individual polling station results protocols to be able to check a reasonable sample of vote tabulations. This checking did not, apparently, reveal substantial fraud. The Tatarstan case is currently before the supreme Court.

10. THE VOTE COUNT

LTOs, and the Mission's central staff, were regularly informed in advance that most of the falsification of voters was likely to occur in the tabulation of the results. There was also considerable doubt expressed as to the security of the computer count. As it happened, although it often proved difficult to track the protocols from the polling station through to the subject commission, there was no substantial challenge to the vote tabulation, and no apparent challenge at all to the preliminary computer count. This latter was seen as a useful example of transparency, giving confidence in the election by the production of early figures. The official figures, and the final results, following approximately six days later when the actual forms had arrived at the CEC. The final vote was accepted by the defeated candidate.

So far is known, no formal observation was carried out in Chechnya and there is, therefore, no comment available on the voting figures relayed from there.

A number of polling stations in Moscow were equipped with vote scanners, through which the result of the vote in that ballot box thus equipped could be known instantly. This involved the voter inserting the ballot paper unfolded into the top of the machine and having it read by an Optical Character Reader and the date stored. The one drawback was that the ballot paper could also be read by anyone standing behind the voter. If this design fault can be rectified the scanner could be a valuable technological aid, particularly given that the actual ballot papers are retained and the vote checked manually.

11. RECOMMENDATIONS

The following recommendations were made by the Mission:

- (a) there should be a follow up meeting with members of the CEC present to consider changes in the electoral law, particularly in relation to the regulation of the media at election time, the accountability for campaign finance, and the rights of an incumbent President when a candidate for re-election;

- (b) appropriate organisations should be invited to look at ways and means of assisting the longer term developments of civil society in Russia as a means to entrenching and developing democratic structures;
- (c) a regional structure using Long-Term Observers should be adopted as a standard OSCE/ODIHR model;
- (d) the use technology should be examined with a view to its use in each mission, with appropriate support.

MM. 12th July 1996