
ELECTION 2012

A VIEW FROM WITHIN

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PREFACE

The Civilitas Foundation, has, since its establishment, published an annual report on the state of Armenia's political and economic development, as well as a look at regional events and developments during the previous year. Thus, in 2008, Civilitas published **ARMENIA IN 2008 – CRISIS AND OPPORTUNITY**, followed by **ARMENIA IN 2009 — PROMISE AND REALITY**, **ARMENIA IN 2010 — A YEAR OF UNCERTAINTY** and **ARMENIA IN 2011 — WITHOUT ILLUSIONS**.

ARMENIA IN 2012 will be published in December 2012 and whatever its subtitle, the parliamentary elections of May 2012 will figure largely, as will the environment in the run-up to the 2013 presidential election.

Just as reports on Armenia and the Caucasus are produced by international agencies and organizations to provide a guideline by which to understand Armenia and its current political and economic situation, there are also many reports on Armenia's elections produced by the various international monitoring and observation groups.

This mid-year report by Civilitas is called **ELECTIONS 2012 — A VIEW FROM WITHIN**. It is the product of discussions and consultations by those who have watched this election and those who came before as observers, journalists, analysts and citizens. Like the annual reports themselves, the purpose is to provide context and information to explain events and trends, intentions and actions.

Most of all, the attempt is to provide a long-view and some perspective on policies, for those in government, those wishing to enter government, or for civil society actors or others in the public sector.

By presenting information on the changing electoral environment, the changing electoral processes and the observations and conclusions of local and international monitors, this report may help serve to better understand what did and didn't happen and what can be expected in the all-important 2013 presidential election to come.

Finally, this report does not pretend to assess the integrity of the process nor the legitimacy of the outcome. The details of the day are available elsewhere. This report attempts to present a general view of the context and the processes — a view from within.

THE REGIONAL CONTEXT

The May 6, 2012 Armenian parliamentary election was the first of five national elections — plus one in Nagorno Karabakh — to be held in the South Caucasus over a period of less than 18 months. Parliamentary elections are due in Georgia in October 2012, and a presidential ballot in January 2013; presidential elections will take place in Armenia in February 2013 and in Azerbaijan in October 2013. Karabakh held a presidential election in July.

The presidents and/or ruling parties of all three South Caucasus states appear determined to remain in power indefinitely. But there are significant variations in the extent to which they have amended their respective constitutions and electoral codes to enable them to do so. The most recent (2008) amendments to **Azerbaijan's** electoral code failed to take into account key recommendations by the international community. The following year the constitution was amended in a referendum to abolish the restriction on any person serving more than two consecutive presidential terms; Azerbaijan's ruling New Azerbaijan Party has already confirmed that incumbent Ilham Aliyev will seek a third term in the fall of 2013.

Azerbaijan, with a population almost three times the size of Armenia's (9.16 million) and almost twice as many registered voters (4.8 million), has just 125 parliamentarians, all elected in single-mandate constituencies.

In **Georgia**, Mikheil Saakashvili has engineered changes to the constitution that augment the powers of the prime minister and reduce the president to a figurehead. Concomitant changes to the electoral code virtually guarantee that Saakashvili's United National Movement will preserve its overall majority in the October 2012 parliamentary election. That party would therefore be in a position to nominate Saakashvili for the post of premier. It is ironic that of the three Caucasus presidents, it is Saakashvili who would be following Putin's example, given their mutually acrimonious relationship.

The Georgian parliament comprises 150 deputies, of whom 77 are elected from party lists and 73 in single mandate constituencies. The new electoral code adopted in December 2011 fails, however, to rectify shortcomings repeatedly criticized by international election monitors, or to incorporate proposals by opposition parties aimed at ensuring a fairer distribution of mandates that might reduce the ruling party's large parliamentary majority. It also preserves the enormous discrepancies between the size of individual single-mandate constituencies, where the number of voters varies from a few hundred to 10,000–14,000. The European Union and the United States have both expressed regret that Georgia's new law does not address "perceptions of inequality within the electoral system."

In 2005, **Armenia** passed constitutional changes, based on which it moved from a presidential to a semi-presidential system by enhancing the role of the parliamentary majority.

The ruling Republican Party's fear was that the 2012 parliamentary election might be the testing ground for this change if the ruling party did not maintain absolute control.

On paper, Armenia has arguably the most representative electoral system of the

three South Caucasus states in terms of the ratio of deputies to population; the ratio of parliamentarians elected from party lists vs those elected in single-mandate constituencies, the variation in size of individual constituencies, and the appeals process.

The preliminary report by the International Election Observation Mission on the May 6 election described the electoral code as “providing a sound legal framework for conducting democratic elections,” but expressed regret that “important aspects,” including dealing with complaints, were not consistently complied with.

In Armenia, the ruling party has consistently had a lower percentage of parliament mandates than its counterparts in either Georgia (currently 98 of a total of 150) or Azerbaijan, where a large number of nominally independent candidates are in fact aligned with, and unequivocally support, the ruling New Azerbaijan Party. In fact, neither of Azerbaijan’s two most respected opposition parties won a single seat in the 2010 election.

The Presidential election held on July 19 in **Nagorno Karabakh** resulted in the re-election of the current president. Nearly unprecedented in the South Caucasus, the opponent received nearly one third of the votes. Since 1991, Karabakh has held four presidential, five parliamentary elections, as well as two referenda.

The final reports by the International Election Observation Missions (of the Organization for Security and Cooperation in Europe’s Office of Democratic Institutions and Human Rights — OSCE / ODIHR) on successive parliamentary elections in the three countries since 1999 consistently ranked Armenia ahead of its neighbors in terms of the percentage of polling stations

visited where the voting was assessed as “good” or “very good.”

Thus, expectations by the international community and the Armenian public were high for Armenia’s May 6 Parliamentary Election. At the same time, the ruling party had a great deal at stake — to maintain the status quo of full control of all three branches of power.

THE DOMESTIC CONTEXT

In 2005, Armenia passed constitutional amendments, based on which it moved from a presidential to a semi-presidential system by enhancing the role of the parliamentary majority. According to the amendments, the parliament can now designate the prime minister and the cabinet, who together have broad powers in the economic and social sphere. This change did not receive much attention fundamentally because no real change was expected since one party remained in control of all branches of power. Therefore, the impact of these significant modifications was never demonstrated.

For the ruling party then, the 2012 election threatened to take away their political monopoly. Over the previous five years, the president had enjoyed control over the prime minister and the ministries, as well as the judicial branch, given his party's strong standing in Parliament and a coalition with two other parties — the Prosperous Armenia Party and the Rule of Law Party — to cement that hold.

The ruling Republican Party's fear was that the 2012 parliamentary election might be the testing ground for the constitutional changes and their impact on the nature and form of Armenian government.

Indeed, such a change was perceived possible also because of new amendments to the electoral code, the electoral environment, the political players themselves, the positions adopted by the political parties and the mood and engagement level of civil society.

ELECTION ABOUT ELECTIONS

The May 6 parliamentary contest therefore turned into an “election about elections.” In a political environment that was markedly different from that of 2007 — the last time parliamentary elections were held — the emphasis placed by all political parties, both in government and in opposition, was on the need to ensure that the process was, and was acknowledged by the international community to be, free, fair, transparent and democratic. Each side wanted to win and to claim legitimacy. This emerged as the primary election campaign issue and eclipsed the serious political, economic, social and foreign policy problems the country faces.

On the other hand, the focus on the election can also be explained by the urgency of the problems themselves. The more active and aware political players — voters, candidates, political party bigwigs — all understood that a transparent electoral process was the way to achieve more legitimate representation in a Parliament that would have to become a truly independent and functioning legislature if it were to seriously tackle acute social and economic challenges. According to the National Statistical Service, unemployment is up from 16.4% in 2008 to 18.4% in 2011; these are official numbers, unofficial is significantly higher. Inflation is up from 4.4% in 2007 to 7.7% in 2011, poverty is up from 27.6% in 2008 to 35.8% in 2010, external public debt is up from \$1.8 billion in 2008 to \$3.6 billion in 2011.

This attempt to actually create a functioning legislature, with internal checks and balances, was made in a political environment with new

alignments. The Republican Party no longer seemed the inevitable, monolithic political power. In the weeks and months prior to the election, the Prosperous Armenia Party sounded more and more like an independent political force, rather than a loyal coalition partner with popularity in the regions, which is what it had been for much of the last five years.

Despite widespread initial incredulity among voters and observers, the Prosperous Armenia Party called itself an alternative and said it was serious about its intentions to secure first place. The Party, identified largely with its founder, Gagik Tsarukyan, even brought in new faces, among them former foreign minister Vartan Oskanian, whose task it appeared was to give the party greater political credentials.

The Armenian National Congress (ANC) presented itself as a serious contender ready to come in from the street and become a force for change in the National Assembly.

The Armenian Revolutionary Federation – Dashnaktsutyun and the Heritage Party both had expectations as well. Heritage was perceived as the reliable alternative voice and the Dashnaktsutyun remained the only political party with an ideology, a program, a platform and not identified with solely one political figure.

The unprecedented configuration of serious forces raised hopes that even a slightly more fair election could produce a much more balanced National Assembly with natural checks and balances built in, with real coalitions, without the ruling party enjoying absolute control over all branches of government as had been the case since independence.

These were the five main players, and the focus by all, was the electoral process. So much so that in early April, the Prosperous Armenia Party, the extra-parliamentary Armenian National Congress,

and the Armenian Revolutionary Federation – Dashnaktsutyun set up a Joint Oversight Body with the stated intention of minimizing electoral fraud and publicizing those violations wherever they occurred. This was the first such attempt at a unified approach to elections. Not only was the mere formation of a joint body a new phenomenon, but so was the cooperation. Because of a clear conflation of interests — fair elections where each believed it would receive a respectable proportion of seats — the ANC and the Dashnaktsutyun joined in a historic-first collaboration. The cooperation between the ANC and the Prosperous Armenia Party, too, was unexpected and precedent-setting. After all, it was the leadership of the ANC who, in 1994, declared the Dashnaktsutyun an illegal presence in Armenia, and jailed several of its leaders. As for the Prosperous Armenia Party which was formed during Robert Kocharian's presidency and with, at the very least, his blessing, the ANC – Prosperous cooperation meant setting aside, even if temporarily, the Ter-Petrosian and Kocharian acrimony.

Of course, there were also fears. Was the purpose of the Prosperous Armenia Party to pretend to be an 'alternative' simply to woo votes away from the ANC, which continued to call itself the true opposition? The fact that the Prosperous Armenia Party merely distanced itself from the coalition without formally publicly rejecting it fuelled such speculation.

This joint body — and in fact the entire situation with new configurations and increased expectations — was disparaged by those who insisted that given the auxiliary role played by the parliament in Armenian politics, that ballot would be not so important in and of itself. Others believed that a win by the Republican Party was inevitable and it would continue to dominate the legislature.

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Armenia has a mixed majoritarian/proportional electoral system under which 41 of the 131 National Assembly deputies are elected in single-mandate constituencies and the remaining 90 on the basis of party lists. In line with amendments to the Electoral Code approved in May 2011, individual political parties must garner a minimum five percent of the vote to qualify for parliamentary representation under the proportional system, while electoral blocs must achieve seven percent.

The election campaign was positive in several key respects. All eight parties and one bloc that sought to register succeeded in doing so. There were no restrictions on campaigning by opposition parties. And the media, which are largely owned by, aligned with or dependent on one or another of the parties, provided extensive coverage that did not violate the law.

The eight parties were the Republican Party, Prosperous Armenia, Rule of Law, the Armenian Revolutionary Federation – Dashnaksutyun, and Heritage, all of which were represented in the parliament which served from 2007 to 2012. The ballot also included the Communist Party of Armenia, the Democratic Party of Armenia and the obscure United Armenians Party whose leader, Ruben Avagyan, ran unsuccessfully for president in 2003. The bloc was Levon

Ter-Petrosian's ANC which included in its membership 10 small parties. (The previous low was 13, in 1995. In 2007, the figure was 22 parties and one bloc.)

The Republican Party entered the election with the widely-held assumption that as the ruling party it would retain its domination of the legislature. The Republicans had 63 of the total 131 seats in the outgoing parliament. In fact, the May 2012 ballot was also seen as a way of clarifying which political figure(s) stood the best chance of winning the presidential ballot in February 2013, in which President Serzh Sargsyan will seek a second term. The president remained closely identified with his party, frequently wearing the party pin on his lapel.

For the Republican Party, international acknowledgement that the vote was free and fair was crucial to dispel any lingering suspicions about the fairness of the 2008 presidential ballot and thus undercut the persistent charges by Ter-Petrosian and his ANC that the current leadership lacks legitimacy. It was also seen as important on the eve of the anticipated free trade talks with the European Union. Both the US and the EU affirmed their interest in ensuring the Armenian authorities delivered on their promise that the election would indeed be free, fair and transparent.

President Sargsyan himself took the lead in assuring the population of his determination to demolish what he termed the “mistaken perception” that successive elections in Armenia are routinely rigged.

The Armenian authorities' acute sensitivity to criticism of the Republican Party's election campaign was reflected in new Central Election Commission Chairman Tigran Mukuchian's rejection as inaccurate and misleading of some criticisms made by

the OSCE election monitoring mission in its second interim report.

The Republicans' proportional list numbered 253 names, almost three times the number of seats available to political parties. President Sargsyan topped the list — an extraordinary step for politics in mature democracies and the first time an incumbent president has ever done so in Armenia. (Serzh Sargsyan had headed the Republican proportional list in the 2007 elections in his capacity as prime minister.) Then followed the current parliament speaker and the prime minister. The other top names included the current and former mayors of Yerevan, the current parliament speaker, the Republican Party deputy chairmen, the head of the Yerkrpah Veterans Union, a pop singer, a former oppositionist and failed presidential candidate and more than a dozen government ministers and provincial governors.

Statements late last year by senior Republican Party members, including the president, implied that the party had acknowledged that inclusion of and dependence on big businessmen had become a liability, and their presence in the new parliament would be scaled back.

Thus, less than 10 percent of the Republican Party slate were from the business community. Nevertheless, another 30-plus candidates, either party members or otherwise close to the ruling party, ran in the single-mandate constituencies. The President actively campaigned for his party's candidates.

The Prosperous Armenia Party was founded in 2004 by former arm-wrestling champion-turned-businessman Gagik Tsarukyan, who swiftly acquired special status as a result of his charitable activities.

Prosperous Armenia had polled second in the 2007 parliamentary election with 25 seats, compared with 63 for the Republicans, and accepted the latter's offer to join the new coalition government. But beginning in 2010, it sought to create a new image as a real and potentially influential political player by intermittent interview comments distancing itself from the ruling Republican Party, by occasionally venturing out in legislative matters and by giving extensive media coverage to Tsarukyan's meetings with visiting foreign dignitaries.

Beginning in late 2010, prominent members of Prosperous Armenia began hinting that the party might choose to run separately in the May 2012 parliamentary election. Tsarukyan nonetheless signed the February 2011 memorandum in which all three coalition members pledged not to seek to expand their representation in the new parliament at each other's expense, and to back Sargsyan's presidential candidacy in 2013.

But Prosperous Armenia subsequently declined to formally reaffirm its commitment to the February memorandum, prompting increasingly heavy-handed pressure from the Republican Party, including tax inspections of certain major Prosperous members, and other tactics.

On February 13, the leaders of the three coalition parties finally stated publicly they would participate independently in the May election, by fielding separate lists of candidates for the 90 seats allocated under the proportional system. At the same time, they agreed on the need for "tolerance" and "honest competition."

Yet, Prosperous never formally announced that it was no longer part of the coalition. This ambivalent stance was used by those who were suspicious of the party leader's ability to distance himself from those in power.

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There were 163 names on the Prosperous Armenia list. First was Tsarukyan, followed by Vartan Oskanian, the former foreign minister who in February had resigned from the board of the Civilitas Foundation, which he had founded in 2008, and joined Prosperous. This was seen as further underscoring the party's separation from the ruling coalition, since Oskanian's public statements on various issues — from foreign policy to economic policy — were perceived as oppositional to the government's positions.

The list also included almost all Prosperous deputies to the parliament elected in 2007, its four government ministers, local government officials, some well-known sportsmen, and the leaders of several parties aligned with Prosperous Armenia, including United Labor Party leader Gurgen Arsenian (in fourth place). All told, including the party chairman, Prosperous Armenia's list of candidates included 40 businessmen.

This was the **Armenian National Congress's** first run for parliamentary seats. In the 2007 parliamentary election, prior to first president Levon Ter-Petrossian's return to national politics, the main opposition challenge to the ruling Republican Party came from the People's Party of Armenia, headed by Stepan Demirchyan, son of the Soviet-era Communist Party boss turned Parliament Speaker in 1999, and assassinated in the same year. The Armenian National Movement, the forerunner of the ANC, registered separately to participate in the 2007 election under the proportional system but withdrew weeks before the vote, declaring its regret that the various opposition forces failed to close ranks in light of the anticipated falsification of the outcome.

The Armenian National Movement is in effect the core of the ANC, which coalesced in the summer of 2008 as a political alliance of some 20 parties that had backed Ter-

Petrossian's candidacy in the February presidential election. Ten of them were represented on the Congress's list, two headed by two former prime ministers. There were other veteran political figures on the list, many from the Ter-Petrossian administrations and some who had made a name for themselves during the four years of street politics in which the ANC had engaged since the 2008 presidential election.

The Armenian Revolutionary Federation

– **Dashnaktsutyun** list numbered 85 names, starting with leading party members who were in the outgoing parliament and including businessmen with and without party affiliation. Absent from the list were several prominent deputies from the previous parliament. The allocation of top slots in the list went to non-party members over prominent and recognizable party loyalists and ideologists.

The Heritage Party proportional list was headed by the party's founder and leader, Raffi Hovannisian, who served under Ter-Petrossian as foreign minister immediately after independence. He was closely followed by the leaders of the newly-formed Free Democrats, many of whom had earlier in the year left the Armenian National Congress. Former foreign minister Alexander Arzumanyan, who had headed Ter-Petrossian's presidential campaign in 2008, was thus number four on the Heritage List.

The 73 names on the list included some other members of the Free Democrats, but the majority were Heritage Party members. Yet those whose work, audacity and visibility had turned this party into the previous Parliament's recognized opposition were surprisingly low. It was unclear whether this was simply the result of internal political deals or a calculated risk since many of them also ran in the single-mandate constituencies.

The Rule of Law Party's list of candidates numbered 178 names headed by its leader Arthur Baghdasaryan. It included deputies elected in 2007, government ministers, mid-level government officials, businessmen, and local government officials.

The other three parties that fielded party lists were the **Communist Party of Armenia** (75 candidates), the **Democratic Party of Armenia** (45 candidates), and **United Armenians Party** (29 candidates.)

THE ISSUES

The absence of any ideological struggle was one of the hallmarks of the election campaign. It is fair to say that the party programs and platforms for the 2012 parliamentary election were of secondary importance for the parties and of little interest to the voters.

There was little discussion of how to resolve the Nagorno Karabagh conflict, or of Armenian-Turkish relations. Instead, candidates focused primarily on reducing poverty and emigration, and the need this time around to ensure the voting was not marred yet again by violations.

None of the parties in the campaign ran as incumbents or on their track record. All presented themselves as agents of change.

This was even true of the ruling **Republican Party**, whose choice of election slogan — “Let’s believe in order to [bring] change” — met with mixed responses. Although President Sargsyan did enumerate accomplishments and successes of the past five years, he spoke more of the need for improvement. For a ruling party to campaign on change meant an acknowledgment of the great popular distrust and dissatisfaction. Rivals responded that for real change then, there would need to be a change at the top.

With the ability to benefit from the availability of resources, both administrative and financial, Republican Party rallies were notable for the overwhelming participation of government employees, with special reliance on the education sector. The media, local observers and international observers remarked on the conspicuous presence of students and teachers at their rallies.

The highly visible role played during the election campaign by President Serzh Sargsyan on behalf of the Republican Party, of which he is chairman, was unprecedented. Sargsyan’s involvement created the twin impressions that the party’s top leaders decided collectively to take a back seat and let Sargsyan campaign virtually single-handedly on the party’s behalf, and that Sargsyan was treating the election campaign as the first round of the presidential ballot due in February 2013 in which he intends to seek reelection.

In contrast, the president seemed to go out of his way to campaign for some of those same businessmen who were left off the party list, in accordance with the pledge to not field businessmen for parliament.

The low-point of the Republican Party campaign was the mass rally in Republic Square on May 4 at which hundreds of balloons, apparently filled with combustible gas, emblazoned with the Republican campaign slogan exploded in a sheet of flame. More than 150 people, many of them students or members of the party’s youth organization, were hospitalized with severe burns; some required plastic surgery. The incident did not deter President Sargsyan from delivering his planned campaign address immediately on the heels of the accident, without reference to the event and without any statement of regret or sympathy for the victims and their families.

The timing was particularly bad for the Republicans as it came on the last day of

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the campaign. The public response to the incident itself and how the Republican Party handled it was unequivocally negative. Republican Party leaders, including the president, made very public efforts to provide medical and other assistance to the victims.

Prosperous Armenia waged its campaign on two levels. The first was personified by Tsarukyan, whose immense wealth combined with charitable activity had turned him into a celebrity. One of the reasons why attendance at Prosperous Armenia's rallies was so high was that people wanted to see Tsarukyan in person.

Former foreign minister Vartan Oskanian, who ranked second on the Prosperous Party list of candidates, epitomized the second approach, which was considerably harsher on the government. While Tsarukyan spoke in basic terms about creating a dignified future and helping the country to flourish, Oskanian criticized the president's foreign policy and, most of all, the government's economic policy. None of the Prosperous candidates criticized the Armenian National Congress or the Dashnaktsutyun.

The Republicans did not engage in the ideological debate; their retorts were not political in nature but personal.

The official Prosperous Armenia Party slogan was "Believe, trust, and demand." The unofficial slogan was "Our word is action."

The words "believe," "trust" and "demand" also figured in the campaign slogan of the **Rule of Law** Party, the third member of what had been the ruling coalition: "Believe and demand, trust and demand, support and demand." The Rule of Law campaign was no different from its previous campaigns when it had not been in power. Although it did not criticize the government or the Republican

Party specifically, Rule of Law candidates did reflect the population's dissatisfaction at the situation in Armenia.

The opposition **Armenian National Congress** campaign slogan was "Not a single vote for the criminal regime." The campaign seemed to be the natural continuation of the four-year-long series of public rallies and meetings that the public associated with the ANC. The public rallies continued to feature economic and political criticism by Ter-Petrosian, by former prime minister Hrand Bagratyan and by ANC Coordinator Levon Zurabyan.

Attendance at ANC campaign meetings, especially outside Yerevan, was sparse, however. To sustain public hope and trust, ANC activist Nikol Pashinyan prescribed the public's role in a revolution lasting 30 seconds: "You enter the polling station, take the ballot, vote for the ANC, drop it into the ballot box and you are done with your part of the revolution."

The opposition **Heritage Party** chose the slogan "Here We Come," in tandem with "Together we will move mountains." Throughout the campaign, Heritage founder and chairman Raffi Hovannisian remained the face of the party, with his individual western style, one-on-one campaigning.

Heritage criticized the situation in Armenia, in harsh, scornful terms, without direct harsh criticism of the ruling Republican Party. Instead they engaged in aggressive criticism of Prosperous Armenia and the Armenian National Congress. Turnout at the Heritage party's pre-election meetings was not remarkable.

The **Armenian Revolutionary Federation** chose the slogan "Freedom, Justice and Alliance" – which in Armenian is a catchy "Freedom, Justice, Dashnaktsutyun."

The party had drafted an impressive alternative economic strategy and stressed throughout the campaign that the economic policies of the current ruling party have consistently failed to yield the intended results. Senior party members never passed up an opportunity to criticize the Republican Party or the Prime Minister.

The **Communist Party of Armenia** chose the slogan “Return power and wealth to the people.” The **Democratic Party** proclaimed “I am us, we’ll win together,” and the **United Armenians Party** said “Third power, new power, new faces.”

None of those three parties staged campaign rallies, and together they received 1.5 percent of the vote.

FINANCES

The upper limit on election campaign spending stipulated in the Electoral Code is AMD 100 million (around US\$ 242,000) for parties and blocs and AMD 10 million for candidates running in single-mandate constituencies. But only one majoritarian candidate — Samvel Farmanyan of the Republicans — spent the maximum AMD 10 million permitted, and he barely beat his ANC rival. A second Republican candidate came close to that figure, as did a Prosperous Party candidate who ran uncontested.

According to official data, the Republican Party and Prosperous Armenia Party spent AMD 99 million and AMD 90 million respectively. Heritage spent AMD 86 million, Rule of Law AMD 81 million and the Dashnaksutyun 41 million. The Armenian National Congress spent a modest AMD 22 million, the Communist Party a little over 2 million, the United Armenians party more than 1 million, and Democratic Party only AMD 672,000.

VIOLATIONS

In addition to the way each party ran its campaign, there were other factors which influenced the actual vote outcome. They were: the right to free assembly, access to finances and resources, the role of the media, of polling, and the various forms of violations of the electoral law.

Arguably the most effective and widespread form of violation was the manipulation of voter lists. The most common manipulation is the inclusion of outdated and inaccurate names — those who are deceased or who never existed— in order to enable votes to be cast in their names.

The amendments to the Electoral Code passed in 2005 transferred responsibility for compiling and maintaining voter lists from local municipal councils to the Police Department of Passports and Visas.

At the end of April, the Central Electoral Commission had put the number of registered voters at 2,482,000 people, compared with 2,340,744 in 2003. But on the eve of the elections, the National Statistical Service of Armenia published the preliminary findings of the 2011 nationwide census. They showed that for the first time in 50 years, Armenia’s population has fallen to under 3 million. The number of people registered was 3,285,000, they said, but the actual population only 2,871,000. Many, including the Council of Europe observers, considered it illogical therefore that the total number of registered voters in Armenia had increased over a period during which tens of thousands of people had actually left. Indeed, a comparison of demographic and voter statistics points to unusual growth. For example, two marzes — Syunik and Aragatsodn — registered no or negligible population growth, but 15 percent increase in the number of voters. Armavir and Ararat registered 11 percent increase in

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voters. Similar indicators throughout Armenia contributed to the overall lack of confidence in the electoral process, according to the Council of Europe and many in the Armenian media and in social media.

The Dashnaktsutyun, the Armenian National Congress and the Heritage party asked the Police Department in April to provide them with a full list of citizens who are living abroad permanently, but whose names still appear on the voter lists. The police said they do not have such data at their disposal, but indicated that the names of more than 2,000 deceased persons had already been removed from the lists, together with those of some 700 more persons not eligible to vote for various reasons.

Nevertheless, the refusal to provide complete lists of those who had left was seen as a lack of political will on the part of the authorities to ensure free and fair elections. The authorities stressed that this information is not available because it is not possible to remove from the lists the names of those who are temporarily out of the country.

The Joint Oversight Body (consisting of the three parties: the Prosperous Armenia, the Dashnaktsutyun and the Armenian National Congress) conducted its own study of voter lists and identified thousands more cases of non-existent voters, seemingly intentionally manipulated names or addresses, or voters registered as living at non-existent addresses. Subsequently, those three constituent parties of the Joint Oversight Body appealed to the Constitutional Court to reverse the ruling that prohibits the post-election publication of the names of those who actually voted. The three parties reasoned that by having access to the names of those who voted (not how they voted, but the simple fact that they did vote), anyone would be able to see whether inaccuracies in the list had been exploited or not.

The ruling Republican Party dismissed the move as a campaign ploy. The Constitutional Court rejected the request, calling it an invasion of privacy.

Other apparent violations also gave cause for concern. The government acknowledged printing a large number of passports in 2011 and 2012, explaining that they were needed to replace expired ones. But citizens wishing to renew their passports had, for months, been told there is a scarcity of available new passports. Since additional passports can mean additional voters, either legitimate or contrived, this too raised doubts about the integrity of the electoral process.

Much attention was also paid during the election campaign to the distribution of cash or other goods. In late April, President Sargsyan ordered Prosecutor General Aghvan Hovsepyan to take unspecified additional measures to preclude what he termed “this negative phenomenon that ... casts a shadow on the legitimacy of any election.”

Armenia’s electoral code does not include a precise definition of what constitutes a bribe. But it does forbid parties and majoritarian candidates from distributing or promising goods or services: Over the past 10–15 years, however, this practice has become deeply entrenched. The very poor expect such bribes, whether in cash or kind, and have no scruples about accepting them, but they do not consider them as implying a moral commitment to vote for the party that hands them out. According to Ter-Petrossian, the going rate was 5,000 AMD (\$12.)

Those expectations have become so widespread that any party that abjured the practice after engaging in it for years believed it would risk a drastic loss of votes. The Republican Party, Prosperous Armenia and Rule of Law were repeatedly accused of distributing cash bribes. In fact, on election

day, one member of the Prosperous Armenia Party was actually detained on that accusation. The fact of the single detention brought on a counter-intuitive reaction. Social media blasted the case, not for detaining someone, but for detaining only one person, and that from an opposing party, not the ruling party, or from more than one party, despite very specifically documented video reports.

Perhaps more problematic was the question of hand-outs, whether in the form of goods or positions. The Prosperous Armenia Party was accused of passing out potatoes, or worse, promising tractors. The Republican Party was accused of giving or withholding government positions — especially in the education sector — in exchange for votes. The Rule of Law party passed out flour and jam.

There were no major complaints about parties' right to assembly. There were numerous charges of abuse of administrative resources were many both during the campaign and afterwards, by local and international observers.

OPINION POLLS

For the first time in Armenian electoral politics, opinion polls played a role, if for no other reason than simply by their quantity and the effort made to legitimize their impact. This, despite a deep-seated public distrust of polls given the history of manipulations.

Altogether there were seven surveys within four weeks, each with 1000+ respondents from around the country.

Despite the absence of trust in the way polls are implemented, despite a ready dismissal of their results, nevertheless, these polls were broadly covered by the press and their content made known to a large portion of the population.

In the run-up to the elections, the Brussels-based European Friends of Armenia (EuFoA) commissioned two polls — one in March, and the other during the April campaign period. In the first poll, Prosperous Armenia (40.9 percent) marginally outranked the ruling Republican Party (37 percent) in terms of popularity. But when the same 1600 face-to-face interviewees were asked for whom they would vote in the presidential ballot, more respondents named incumbent President Sargsyan than Gagik Tsarukyan. The unanticipated popularity of Prosperous Armenia may have contributed to President Sargsyan's decision to take over the conduct of the Republican Party's election campaign in the hope that it would benefit from his personal popularity.

The two front-runners were followed by the Armenian Revolutionary Federation – Dashnaktsutyun (five percent); the Armenian National Congress (4.8 percent); the Rule of Law party (4.5 percent); and the Heritage party (3.9 percent). The names of the other three parties that took part in the May 6 election — the Communist Party of Armenia, the United Armenians and the Democratic Party of Armenia — were not included, probably because at that juncture it was not clear whether they would indeed participate.

The second EuFoA poll, in mid-April, in the midst of the election campaign, again was nation-wide with 1600 face-to-face interviews. It demonstrated a clear increase in support for the Republican Party — 40.6 percent compared with 32.6 percent for Prosperous Armenia. There was some change of opinion regarding the other participants as well: 6.5 percent for the Heritage party, 5.4 percent for Rule of Law, still five percent for the Dashnaktsutyun, a surprising 4.3 percent for the ANC, 3.6 percent for the Communists, 1.9 percent for the Democratic Party and 0.1 percent for the United Armenians. In both polls, it appeared that the ANC would not

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garner the required minimum seven percent of the proportional vote to enter the parliament.

Several other sociological organizations from Armenia and abroad also conducted public opinion polls.

Shant TV commissioned a poll by the Russian Public Opinion Research Center that was conducted between April 4 –10. It showed 39 percent of the 1,600 respondents would vote for the Republicans, 36 percent for Prosperous Armenia, seven percent for Rule of Law, six percent for Heritage, and five percent for the Dashnaktsutyun. The other four parties, including the ANC, would not enter parliament. The ANC would get a mere four percent, the Communists surprisingly not far behind at three percent, the United Armenians with one percent, and the Democratic Party with zero percent.

Two polls were commissioned by Armenia TV and another two by ArmNews television. The owners of both stations are closely related to President Sargsyan. Both sets of polls claimed the international Gallup name as partners. In all cases the implementor was the Armenian Sociological Association. In the case of the ArmNews polls, the Gallup Organization partnered from its Lithuania office. In the case of the Armenia TV polls, the partner was a non-Gallup affiliated entity called Gallup International. The same Gallup International conducted the exit polls on election day.

In these last four polls, the Republican Party came out ahead with varying degrees of popularity, starting with a lower rate and increasing as the campaign progressed. Among those asked by ArmNews about the direction the country was taking (in both surveys), over 75 percent of those who agreed with the direction in which Armenia is moving were Republican Party supporters. In the first survey, those who disagreed most (87 percent) with the country's direction were those who

supported the Armenian National Congress; in the second survey 91 percent of those who disagreed with the country's direction identified with the Heritage Party.

The difference between the two ArmNews surveys (taken one week apart) was notable. The Prosperous Armenia Party dropped two points between the first and the second. The Republican Party gained five. However, the Republican Party loyalists were more optimistic about the country's direction in the first survey than the second.

Within one week the supporters of Heritage were most in opposition, increasing their numbers from 3 to 4 percent. At the same time the supporters of the Armenian National Congress changed their views drastically both on country direction and democracy: the number of those agreeing with the country direction rose from 9 to 27 percent and the share of those satisfied with the way democracy is developing surged from 17 to 26 percent, according to the ArmNews survey.

The Armenia TV survey focused solely on voting intentions of the population, keeping the analysis to a superficial level. The expected power distribution in the parliament according to this survey did not differ significantly from the second round of the ArmNews survey, where the Republican Party overtook Prosperous Armenia. Along with the questions on voting intentions, the respondents were asked about their perceptions of the most important quality for the leader of a party. Among the top three qualities mentioned (30 percent of the respondents) was “knows better than all the others, what is best for the country”, as opposed to only 5 percent considering it important for the leader to be honest.

The exit polls conducted by the same organization – the Gallup International – on election day in 131 unnamed polling stations across the country produced results

which were nearly identical to the final outcome, despite a non-response rate of nearly 50 percent. That poll was labeled either suspicious or surprising or expected, depending on one's political take.

MEDIA COVERAGE

The issues related to the media's election coverage can be separated into two: The first is coverage mandated by law for the 28 day campaign period and election day. That is the aspect of media coverage and responsibility on which most observers, domestic and foreign, focused.

However, the other aspect, the more consequential, fundamental issue of the general media environment was largely ignored by local and international observers. Yet it is that day-to-day real media environment that impacts politicians' images and colors the way in which political parties, issues and players are perceived. It is against that background that political thinking is developed, choices are made and engagement decisions are taken.

Election coverage by the print and broadcast media was not compared with or placed in the overall context of political coverage during the remaining 4 years and 11 months. The pervasive bias in most broadcast media when covering individuals or parties outside the ruling circles informs individual choices. This was registered by media monitors, including the Yerevan Press Club, but was not taken into consideration by observers assessing the election process or outcome. Yet, this controlled environment clearly contributes to what the OSCE / ODIHR election monitoring mission described as "the general lack of confidence among political parties and the general public in the integrity of the election process."

Indeed, the diametric difference between the reigning media environment and the

28 campaign days contributed to the overwhelming positive assessment of the media's campaign coverage. The difference was so great that prominent media personalities proudly told guests "You are off our black list" when asking for interviews. Thus, media coverage of the 28-day election campaign by all media outlets was acknowledged by both domestic and foreign observers to be generally balanced and fair, especially when compared with previous parliamentary, and especially presidential elections. Broadcasters provided almost equal conditions for all participating parties, in line with the relevant provisions of the Electoral Code.

The Yerevan Press Club, which has monitored media coverage of all national elections since 1996, assessed broadcast coverage of the election campaign as balanced and accurate and reflecting "indisputable progress" compared with previous national elections, but noted a lack of professionalism on the part of some broadcasters. It cited failures to differentiate clearly between events that were part of the election campaign and events at which senior state and government officials, in the first instance the president and prime minister, were present in their official capacity. This ambiguity, which benefits incumbents everywhere, made it more difficult for citizens to make an informed and wise choice, the monitors said.

All competing parties were legally entitled to 2-3 minutes of free airtime daily on Armenian Public Television between 8 April, the official start of the election campaign, and 4 May. This was in addition to a further 4 minutes which was available for purchase at rates ranging from 10,000 AMD per minute (GalaTV in Gyumri) to 120,000 AMD per minute (Shant TV.)

Political debates have not yet become significant in Armenian election campaigns.

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Incumbents or members of the ruling party do not find it necessary or expedient to participate. The absence of policy debate means individual debates are more likely to become shouting matches, as evidenced by the one pre-election TV debate organized by ArmNews TV between Republican candidate Samvel Farmanyan and Armenian National Congress representative Vladimir Karapetyan. The two men were both running for election in Yerevan's Second District. Nikol Pashinyan of the ANC repeatedly invited his rival in Yerevan's Seventh District, Samvel Aleksanyan, a Republican, or even his friend, Republican Ruben Hayrapetyan, a candidate in another Yerevan district, to engage in a debate, but they both refused, publicly and mockingly. Still, Pashinyan's votes, under unequal circumstances, were respectable.

The Civilitas Foundation tried to fill that gap by convening four pre-election and two post-election debates, to which all nine political forces that registered to contest the party-list seats were invited. But those debates, which were broadcast live on CivilNet.am, did not have the hoped-for impact, for two reasons. First, the ruling Republican Party and its junior partner the Rule of Law party explained that they saw no reason to participate. Second, with few exceptions, the broadcast media ignored the debates. Nevertheless, the fact that the seven other forces did attend and did compete with each other on various issues was a positive indication.

Half-way into the campaign month, one television station, Yerkir Media, repeated the same multi-party format. Although they too did not succeed in ensuring participation from all parties, the two sets of events demonstrated that parties will take advantage of the institution of debates when there is in fact a need to compete for votes. The less powerful parties felt that need and took advantage of the debate format.

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Multiple but isolated instances of violations were documented by the OSCE's election monitoring mission, including pressure on public sector employees before and during Election day. There were few instances of physical violence, no blatant threats, and almost no cases of open voting or obvious ballot stuffing, they said.

On the other hand, there is enough circumstantial and anecdotal evidence available, as well as video documentation by various news outlets, to suggest a deliberate attempt to ensure a Republican victory. The pattern of coercion, threats, procedural violations and malpractice during this election campaign was generally more sophisticated, and thus more difficult to detect, document or prove, than those in previous elections.

Thousands of glaring discrepancies in voter lists remained in effect on Election Day.

A significant additional problem was the apparent widespread violation of the revised Electoral Code that mandated use of a special purple ink to stamp the passport of a citizen who's voted. The procedure was intended to prevent repeat voting and to demonstrate that indeed the vote was clean. Yet, early on May 6, it quickly became clear that at many polling stations the ink faded within minutes, rather than remaining visible for the 12 hour period.

Doubts grew when a televised experiment suggested that the problem was not, as CEC Chairman Mukuchian claimed, solely the result of failing to shake the bottle before use.

According to the many organizations monitoring the process, it was impossible to quantify to what extent the use of that sub-standard ink made possible multiple voting. But in the context of extraordinarily large numbers of early voters, the disappearing ink became consequential.

However, the disconnect between promise and reality reinforced the perception among opposition parties and voters alike that the ballot was less than free and fair despite President Sargsyan's repeated pledges that the election would be "the best-ever".

Across the country, domestic observers did note and record instances of apparent multiple

voting. They also noted organized means of influencing the voting process. In fact, one of the new additions to this year's election observation process was the role of the citizen observer. There were a variety of efforts to actually observe and publicly share the results of the observation, in real-time.

These included iDitord.org, a program based on the Kenyan and Russian Ushahidi platforms. On election day, iDitord registered 616 violations, according to unofficial, citizen observers. An additional 525 violations were registered prior to that. It stands to reason that if iDitord had not been down for several hours on election day, the number of election day violations reported would have been greater.

MyNews.am also served as a platform for reporting violations, as did all of Facebook. Various NGOs, including Europe in Law, observed and documented violations. One NGO, Civil Society Institute, ran a "legal ambulance" program, responding to violation concerns with a reporter and an attorney. News organizations, too, documented violations.

The connection between observers and legal procedures remained weak, however. Of the violations formally reported by local election commissions or official observers, none were formally recognized by the courts.

THE OFFICIAL RESULTS

Over the two decades since Armenia regained its independence following the collapse of the USSR, the government, the opposition, and the public alike have consistently treated presidential elections as far more significant than parliamentary elections. In contrast to presidential elections, there have never been major protests and upheavals in the wake of parliamentary elections, even when opposition parties and a large section of the electorate were dissatisfied with the results. In 1996, 2003 and especially in 2008, the widely-

held conviction that the outcome of the presidential election had been rigged triggered violent protests. By contrast, tensions generated by similar suspicions regarding the outcome of successive parliamentary ballots have never spiraled out of control.

2012 was no exception. Yet, in 2012, the contradiction between expectations and reactions was remarkable. Although a majority probably did not anticipate a massive upending of the power structures in place, a significant number of party loyalists and the public did expect a different configuration in the outcome. Even if no one was convinced that the ruling party would lose, at the same time, no one could explain how such pervasive popular dissatisfaction could manifest itself in an overwhelmingly absolute positive assessment of those in office.

On May 7, the disconnect between the high levels of frustration expressed on social media and the complete absence of any sort of public retort was notable. No political parties, regardless of the degree of campaign-period acrimony, made a call for street protests. Indeed, parties generally did not publicly assess the process until later in the week.

About 62 percent of potential voters participated in the ballot, with highest participation from the poorest marzes.

Of the nine political forces (eight parties and one bloc) that registered for the May 2012 election under the **proportional system**, only six won representation in the new parliament.

According to the official results, the ruling Republican Party of Armenia received 44 percent (664,640 votes) of the party list, which translated into 40 parliament mandates.

The Republicans had participated independently in a parliamentary election for the first time in 2003, winning 23.66

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percent of the party list vote (280,363 votes). Four years later, in 2007, they received 458,258 votes, and in 2012 664,640 votes. Such increase in the number of votes cast for the ruling Republican party came at a time of deteriorating socio-economic conditions. It also came in marzes with the lowest level of optimism for the future. In Ararat Marz, where according to a CRRC survey, 38 percent of the population claimed not to be optimistic about the future, they received 51 percent of the vote. In Lori Marz, with the highest unemployment rate in Armenia, and one of the highest rates of poverty, 50 percent of the population voted for the Republicans in 2012.

In Syunik, where the population is more optimistic (76 percent) and the level of poverty is a comparatively low 26.8, the Republicans have always been most popular. Here, they received the most votes of all marzes — 59 percent. This is up 10 points from 2007 when they received 49 percent in the same marz.

The Republicans also won 29 of the 41 majoritarian districts, giving the party a total of 69 of the 131 seats in the new parliament — just three votes more than the simple majority they need to form a new government without needing a coalition.

As in 2007, the Prosperous Armenia Party ranked second after the Republicans in the party-list vote. In 2012, too, it ranked second but the 454,673 votes it received in 2012 was more than double its 2007 total of 204,483.

Prosperous Armenia has consistently ranked highest in Kotayk, the base of Tsarukyan's operations. This year, they received 46 percent of the vote in Kotayk. That was no surprise. It was also no surprise that they received a high 33 percent of the vote in Shirak in comparison with the Republican Party's 35 percent. Shirak has positioned itself as the most oppositional to the ruling

Republican Party in both the 2007 and the 2008 elections. Shirak Marz is, according to the Armenian Statistical Service, the poorest of Armenia's regions, with 48.3 percent poverty. Kotayk is second with 46.8 percent living below the poverty line.

Prosperous Armenia's share of seats in the new parliament increased to 37 (28 proportional plus nine single-mandate) compared with 25 in 2007 (18 proportional plus seven single-mandate). One of the single-mandate seats came not as a victory to Prosperous so much as a loss for the Republicans. Three of the four Shirak area majoritarian seats were taken by Prosperous. One of the new young Republicans the party had put forward — Arman Sahakyan, who enjoyed personal popularity and had invested a great deal in the region, especially in the local football team — lost to a Prosperous candidate specifically because of his Republican affiliation. The victor had beaten the previous Republican candidate as well.

The ANC placed third in the proportional vote with 7.08 percent (106,903 votes), marginally over the seven percent minimum required for blocs to win representation in the new parliament. Their numbers were highest in Yerevan (at 11 percent), almost double the number of their votes as recorded in the regions. ANC candidates did not win a single one of the 33 majoritarian districts they contested.

The opposition Heritage party, participating in parliamentary elections for the second time, received more votes (86,996) in 2012 than in 2007 (81,048 votes), but its percentage share fell very slightly from 5.8 percent in 2007 to 5.76 percent in 2012. Heritage, too, fared best in Yerevan, where they received nine percent of the vote. This, compared to the 13 percent they received in 2007. On the other hand, Heritage did far better in Gyumri, with 8.2 percent of the vote, versus the 2.7 percent they received in 2007.

Neither in 2007 nor in 2012 did a single Heritage candidate win in a single-mandate constituency. But in 2012, Heritage had expected more, confident that its five-year track record as vocal opposition, would be rewarded, and had fielded five of its most popular candidates in single-mandate constituencies. None won.

The Dashnaktsutyun bore the greatest loss in 2012 and barely garnered the minimum five percent to qualify for parliamentary representation. The party won just 85,550 votes, less than half the 177,907 it received in 2007. In all marzes, their share of the vote dropped by half. Vayots Dzor saw their best showing with seven percent of the vote. In Yerevan, their vote share dropped from 8.7 percent in 2007 to 5.9 in 2012. Consequently, it will have just five parliament deputies in the new legislature compared with 16 in the outgoing one.

Those results suggest that quitting the coalition in 2009 did not yield political dividends, and that despite the “Vote is Power” initiative the Dashnaktsutyun launched at the start of the year, many voters still do not regard it as a viable alternative or opposition party.

The Rule of Law party, too, barely surmounted the five percent barrier, garnering 5.51 percent of the proportional vote and six seats in Parliament. The modest 83,123 votes it received are fewer than its 95,324 votes of 2007, and only half their membership which their leaders say number 150,000–170,000. The party’s populist 2007 campaign did not square with its subsequent role as an extension of the Republican Party establishment, and a quiet member of the coalition, thus resulting in a loss of credibility and support.

As a result, on May 22, Rule of Law’s leaders met to review the election results and decided to revamp all local and regional chapters,

and instead gather and institute a new membership. In other words, their response to the significant decline in popularity was not to choose new leadership, but to keep the old leadership and choose new members.

From one parliamentary election to the next, it has become progressively more difficult to win in a **single-mandate constituency**, especially for non-partisan or opposition candidates. The number of non-aligned parliamentarians elected in single-mandate constituencies fell from 37 of 56 in 2003 to nine of 41 in 2007. The only independent member of the 2012 Parliament was elected from Vanadsor. Edmon Marukyan, an attorney, beat out a long-time Republican member of Parliament.

In 2012, the Republican Party and Prosperous Armenia swept all but three of the single-mandate constituencies. One of those three was a non-partisan candidate backed by the Republican Party, one of only two women elected in single-mandate constituencies, and one of 11 women altogether in the new Parliament. The second was a Rule of Law candidate running in a constituency where the Republican Party did not field a candidate.

The third was non-partisan businessman Arayik Grigoryan, who ran on behalf of the ARF-Dashnaktsutyun against a Rule of Law candidate, in a district with no Republican or Prosperous Armenia competition. He did receive Serzh Sargsyan’s support however, and subsequently said he would not join any parliament faction but would cooperate with the Republican Party parliament faction.

It must be said that rivalries between opposition parties detracted from their chances of winning more single-mandate constituencies in this election. The opposition parties not only failed to conclude agreements between themselves, but the competition between them for the “protest”

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vote played into the hands of the ruling Republicans and Prosperous Armenia. The largest number of candidates — six — was in District 12, the poorest district of Yerevan.

If the ANC, Dashnaktsutyun and Heritage parties had agreed to back a single opposition candidate, the opposition would have stood a good chance of winning in at least half a dozen constituencies. By contrast, the Republicans and Prosperous Armenia competed against each other in only eight of the 41 constituencies, with the Republicans winning five and Prosperous, three.

In a bid to increase the opposition's chances of winning at least some single-mandate constituencies, Heritage chairman Raffi Hovannisian had proposed in March that the ANC, Dashnaktsutyun and Heritage together should field just one candidate in approximately one third of those single-mandate districts, rather than split the opposition vote among several candidates. It clearly did not happen.

INTERNATIONAL REACTIONS

It is fair to say that the government looks to the conclusions of the international observers, in particular the International Election Observation Mission, headed by the OSCE's Office of Democratic Institutions and Human Rights, as well as the report of the Council of Europe delegation of observers.

International reactions to the May 6 election — as to all of Armenia's elections — can be divided into two categories. First there are the assessments of the various international observation missions — the OSCE's Office for Democratic Institutions and Human Rights, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe. They deploy teams of short-term and long-term observers to monitor the election

campaign, the actual voting and the vote count.

Second, there are the verdicts by Armenia's main foreign policy partners — the US, the European Union, and Russia. Their statements naturally reflect their foreign policy priorities and objectives, even as they do take into account the assessments of the international monitoring missions.

The international election monitors focused exclusively on the specific legal, technical and implementation aspects of the election and the extent to which the conduct of the election met Armenia's commitments as a member of the OSCE and Council of Europe.

They did not assess the environment as conditioned by the domestic political situation. The OSCE / ODIHR preliminary report noted as “an issue of great concern” the “general lack of confidence among political parties and the general public in the integrity of the election process,” but it did not place those misgivings in the context of the polarization of Armenian society following the violent clashes in Yerevan in March 2008 between security forces and Ter-Petrosian supporters protesting the apparent rigging of the outcome of the presidential ballot in Serzh Sargsyan's favor. Nor did they place those misgivings in the context of the less-than-satisfactory experience of the Yerevan city or other local elections that have taken place in the period between the last nationwide election and this one.

The reports this year — both in their preliminary and final forms — lacked assessments or judgments, or comparisons with previous polls. However, they were very specific about the nature of improvements and also very specific in their citation of the variety and impact of violations.

The positive observations included the inclusive candidate registration process, a generally calm and peaceful election day, the smoothness of counting procedures including opening and voting and counting. The final OSCE / ODIHR report on the May 6 ballot, released on June 26, said the elections “were held under an improved legal framework,” “were characterized by a competitive, vibrant and largely peaceful campaign,” and “were administered in an overall professional and transparent manner prior to election day.”

However, the reports were also very precise about the character of violations. The disappearing ink in passports was a “fiasco” according to the Council of Europe. The deficiencies in the complaints and appeals process were causes for concern, according to the OSCE / ODIHR report. At the same time, it noted “violations of campaign provisions by electoral contestants, including the use of administrative resources and attempts to limit voters’ freedom of choice, [which] created an unequal playing field and ran counter to OSCE commitments.”

As cause for concern, the report singled out the use by the ruling Republican Party of administrative resources; the violation by the Prosperous Armenia party of the ban on providing goods or services to voters; the questionable accuracy of voter lists; grossly derogatory statements by individual Armenian National Congress candidates; and deficiencies in the complaints and appeals process.

Finally, and possibly most significant, the percentage of polling stations where voting was assessed negatively was 10 percent, according to the Council of Europe, and nine percent according to the OSCE / ODIHR final report. Based on ODIHR’s 20 years of statistics, 10 percent means an election day of “high concern,” said the Council of Europe report.

In addition, one-fifth of “observed vote counts” or 20 percent were assessed negatively. In contrast, in 2007, the conduct of voting was evaluated as very good or good in 94 per cent of polling stations visited, and the vote count as “bad” or “very bad” in nearly 7 percent.

The reactions of the main foreign partners were generally positive. For both the US and the EU, the primary concern is that the ballot should be free and fair and thus contribute to greater democratization. At the same time, they prioritize domestic political stability as a prerequisite for continuity in all of Armenia’s regional and global efforts, in particular, its commitment to improved relations with Turkey, and to a peaceful resolution of the Karabakh conflict.

The joint statement released on May 8 by foreign policy chief Catherine Ashton and Enlargement Commissioner Stefan Füle reflected both those concerns. It also repeated the shortcomings registered by the OSCE observer mission.

“We welcome the efforts by the Armenian authorities to hold these parliamentary elections in a way which represents progress towards more transparent and more competitive elections,” the statement read. “However, the elections also demonstrated the need to address a number of issues in order to fully meet internationally recognized democratic standards... We encourage the Armenian authorities to address the shortcomings that were identified by the OSCE / ODIHR as a matter of priority, ahead of the upcoming presidential elections scheduled for next year.”

At the same time, the May 8 EU statement urged opposition parties to “refrain from unlawful acts” in the wake of the

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election. “Constructive dialogue between the authorities and the opposition is very important for the consolidation of stability in the country,” it said.

The EU’s subsequent decision to postpone until after the presidential election a donors’ conference initially planned for this year was intended to underscore the need for the Armenian authorities to implement the OSCE’s recommendations for improving the electoral process.

Visiting Yerevan in early June, US Secretary of State Hillary Clinton similarly said she “was very pleased at the reports from international monitors about Armenia’s parliamentary elections last month being generally competitive and inclusive, where candidates were able to campaign for the most part without interference.”

But Clinton too urged the Armenian authorities to “work with the OSCE” to rectify “electoral problems” before the 2013 presidential ballot.

Russia — faced with rising political discontent at home, the ongoing low-level insurgency in the North Caucasus, and the international tensions generated by events in Syria and the nuclear standoff with Iran — shares the Western desire for continued domestic political stability in Armenia as the sole South Caucasus state with which its relations are unproblematic. But insofar as no Armenian political party has been (or even can be) overtly anti-Russian, an election victory by either party would have been acceptable for Russia. Nothing would have jeopardized the geo-political course that Russian Prime Minister Dmitry Medvedev recently termed the “special, allied relations between our countries.” That, coupled with not-especially warm relations between President Putin and President Sargsyan, explains why Russia saw

no need for overt expressions of support for President Sargsyan’s Republican Party in the run-up to the ballot.

LOCAL OBSERVERS’ ASSESSMENTS

Predictably, local observers did in fact make assessments about the May 6 vote. There were 27,000 domestic observers from 54 non-governmental organizations, according to the Central Electoral Commission. Their views did not always correspond with those of international observers.

The largest and most experienced such domestic organization is the NGO “It’s Your Choice.” It deployed some 4,000 observers at 1975 polling stations.

“It’s Your Choice” stated that “overall, some progress was registered on election day compared with previous elections.” It said voters at most polling stations had the opportunity to “express their will freely, without artificial challenges,” and that in the overwhelming majority of polling stations the election process was “fair, free and transparent.” It further noted “unprecedented positive progress” during the election campaign compared to previous elections.

At the same time, “It’s Your Choice” also noted many violations including the disappearing ink, the supervised voting by soldiers, individuals voting for and signing on other people’s behalf.

“It’s Your Choice” proposed regulating by law “the legality of candidates or parties providing buses to transport voters to polling stations on election day.”

Other local organizations were more critical. They all noted the same violations: fading ink, overcrowding, open voting, coached voting, some “observers” and “proxies” without appropriate documentation and identification,

inaccuracies in voter lists including the names of persons who were deceased, or who have been absent from Armenia for a long time, or the inclusion of names of those from nearby villages or buildings.

The Armenian Helsinki Committee together with 10 other non-governmental organizations (NGOs), including the Helsinki Citizens' Assembly Vanadzor Office, the Open Society Foundation-Armenia, Transparency International Anti-Corruption Center, and the Cooperation for Democracy Center released a joint statement on the elections. The statement identified as positive the provision by the mass media of equal conditions for all parties during the election campaign, regulation of the distribution of printed campaign materials, and the procedures regulating voting processes in polling stations. Nevertheless, it stated with regret that serious actions were not implemented to "provide fair elections where the will of voters can be freely expressed."

The 10 Armenian NGOs noted that "bribes, the abuse of administrative resources, political pressure exerted on government employees and private organizations, and the use of many other illegal mechanisms had a huge impact on the election process and election results." The statement acknowledged a reduced number of "traditional" violations such as ballot stuffing and violence, but noted a new and improved mechanism which many called "people stuffing" — that is, utilizing double voting and other means to produce the desired ballots.

Thus these NGOs repeated that "a first and essential pre-condition for ... democratic elections in Armenia" is the publishing of the names of those voters who did in fact vote.

PARTICIPATING PARTIES' VERDICTS

The Joint Oversight Body (consisting of the Armenian National Congress, the Prosperous

Armenia Party and the Dashnaktsutyun) formed during the election campaign for the express purpose of overseeing the voting itself issued a statement concluding that the parliament formed as a result of the elections "does not reflect the true picture of popular support for the [various] political forces." They based this on what they termed the "extremely dubious" voter lists and the official voter turnout figures.

The Republican leadership said repeatedly that the election was unprecedentedly free and fair, as is appropriate in the 21st century. To substantiate that claim, they adduced the preliminary evaluations of the election monitors, both international and domestic, who concluded that this election differed significantly from earlier ballots in terms of the improved level of organization and the fact that voting on May 6 proceeded in a calm and orderly fashion.

Prosperous Armenia's assessment was noncommittal. Party leader Gagik Tsarukyan issued a statement two days after the election thanking the 450,000 voters who cast their ballots for Prosperous Armenia. Whether intentionally, or otherwise, he did not confirm the percentage of the vote total. Nor did he mention fraud, or imply that the officially promulgated results did not accurately reflect the actual number of votes cast for individual parties. But Vartan Oskanian did. He repeated several times that the vote did not reflect the people's choice.

On May 11, two days before the Central Electoral Commission released the final election results, representatives of the three parties that made up the Inter-Party Center for Public Oversight of the Elections (Prosperous Armenia, Dashnaktsutyun and Armenian National Congress) issued a statement saying the election was marred by widespread violations. They accused the Central Electoral Commission of "violating

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legal provisions” by failing to ensure “the proper application of the most important instrument to preclude multiple voting, stamping [voters’] passports.”

Speaking on May 8 at a post-election rally on Freedom Square, ANC leader Levon Ter-Petrosian, who declined his parliament mandate, said his earlier assertion that each successive election in Armenia is worse than the previous one has been proven true. In order to counter the vigilance of election monitors, Ter-Petrosian continued, every time “the criminal regime ingeniously invents new and unexpected mechanisms for fraud.”

The Democratic Motherland (DM) party, one of the 20 or so aligned within the ANC, released a separate statement saying that what took place during the months preceding May 6 and on election day “has nothing in common with a genuine election.” The statement said the elections “were held in an atmosphere of fear and intimidation, [and] the authorities used the full arsenal of election fraud technologies.”

The ARF-Dashnaktsutyun statement noted that the elections did not reflect the people’s will or the real correlation between the political parties. “It became obvious that widespread violations were planned and took place outside polling stations on May 6 and on the preceding days,” it said.

At the same time, they conceded that a huge majority of Armenians “did not make a free and conscious choice,” but accepted bribes or yielded to pressure from the authorities and voted for the ruling party because of poverty and the adverse social conditions in which they live.

Dashnaktsutyun Bureau representative Hrant Markarian pointed to “terrible, unprecedented” vote-buying on a massive scale, but said the party would not seek

to prove that in court as there was little substantiating evidence, and many Dashnaktsutyun supporters were among those who accepted bribes. He said in an interview that the rigging of the election has created “an explosive situation in the country.”

Heritage party leader Raffi Hovannisian announced that the parliamentary elections “delivered a nationwide abyss deeper and more ominous than ever before.... The incumbent regime has imposed in unprecedented manner a cult of complicity upon large segments of the Armenian public, and despite its own democratic rhetoric has comported itself and the elections in defiance of civil liberties, constitutional rights, and an unfettered expression of the national will.”

The Free Democrats, who ran within the Heritage list, and who were established last year by long-standing Ter-Petrosian supporters who quit the ANC, issued a statement saying “The will of the people was subjected to a torrent of bribes.” Like the Dashnaktsutyun, the Free Democrats reached the conclusion that “the electoral violation mechanisms have been polished and are not applied in the polling stations, but outside and prior to election day, using all administrative and financial potential.”

Rule of Law did not issue a statement, but the party leaders’ interviews gave the impression that they were not happy with the modest five percent of the vote the party received.

The Communist Party of Armenia said that it does not recognize the results of the May 6 parliamentary elections. “The Communist Party received not 16,000 votes (as announced) but several times more,” the party’s statement said. It said the government and some political parties have turned to tried and tested methods for achieving the required results “through empty promises

[and] election bribes, and people who are on the verge of poverty have taken advantage of it to solve their food problem for at least a day.” Some voters, according to the Communist Party, voted under pressure or threat of dismissal from work.

The Democratic Party of Armenia statement said the numerous promises that the elections would be without fraud, bribes, free and in accordance with democratic norms, and the recourse to bribes and administrative resources by certain parties transformed the nature of the political-ideological struggle. The party found it illogical that “a person standing on the verge of poverty votes again for his persecutor in return for just enough cash to live on for one day.”

The United Armenians Party issued a statement much later, deploring the fact that a good portion of the Armenian public is “not yet ready for fair and democratic elections, and is capable of selling its independence, fundamental rights and dignity.” The statement went on to say that “the oligarchs who violate the state and the people bought from the people themselves the right to further violate them.”

AFTERMATH AND REPERCUSSIONS

The Constitutional Court received a formal appeal from the Armenian National Congress to annul the results of the proportional list vote on the grounds of widespread fraud, including vote-buying and multiple voting. The appeal filed on May 18, was rejected by the Court on May 31.

Four complaints to the Constitutional Court by ANC candidates defeated in single-mandate constituencies were also rejected.

The alignment of forces within the new parliament became clear only on May 24, when Prosperous Armenia chairman Tsarukyan formally announced that he did not consider it expedient to enter a new coalition with the Republicans. At the same time, Tsarukyan stressed that his party intends to play “a strictly constitutional, balanced role” in political and public life.

Prosperous Armenia’s decision leaves the Republican Party of Armenia and its partner Rule of Law with a total of 75 parliament mandates between them. In the first major vote taken by the new parliament, on newly re-appointed Prime Minister Tigran Sargsyan’s new government program, 47 deputies voted against, compared with 75 in favor.

For Armenia, this was an unprecedented expression of political differences and although the program passed, this vote breakdown indicated how difficult it might become for Republicans to muster a quorum

and a majority each time there is important legislation on the agenda.

Most laws, including the annual budget are passed by a simple majority, providing that at least half the 131 deputies (or 66) are present and voting to constitute a quorum. The non-coalition parties (all but the Republicans the Rule of Law) have 53 votes all together and can, if they choose, present a serious challenge and alternative.

The effectiveness of the opposition presence within parliament will hinge on two further factors. First, whether the authorities will embark on a war of attrition against Prosperous Armenia with the aim of coercing the party to abandon its “constructive alternative” stance, a war in which the criminal investigation on suspicion of money-laundering involving Vartan Oskanian was possibly the opening salvo. The decision by the National Security Service to embark on the case was made the day after Tsarukyan made the unexpected announcement that Prosperous Armenia would not be joining the coalition.

The second matter which will affect the opposition’s effectiveness is whether the ANC can leverage its street support to augment their mere seven seats in Parliament, thus exerting pressure on the ruling party’s social and economic agenda, especially in the run-up to the presidential election in February.

In this pre-election environment, the challenge for the ruling party, will be to start delivering on their campaign promises, primarily those that will immediately benefit the most vulnerable and impoverished. But financing those programs will prove difficult in light of the significant shortfall in tax revenues announced in late June. That could jeopardize the government’s stated aims to increase expenditures by four percent and at the same time cut the budget deficit to a level equivalent to 3.1 percent of GDP.

FROM THE HISTORY OF ELECTIONS

The Council and the Parliament of the First Republic

The first parliamentary elections in the history of Armenia were held in July, 1919. These were the only nationwide statewide elections in the two and a half year life of the Republic of Armenia.

Of the 80 members of Parliament, 72 were from the Armenian Revolutionary Federation – Dashnaktsutyun. The main opposition power in the parliamentary elections, the Armenian Populist Party (Ramkavar), which had formed

a coalition government with the Dashnaktsutyun, boycotted the election, declaring that there were widespread violations and fraud. Three of the 80 members of parliament were women.

Prior to the 1919 elections, which were held exclusively on a proportional electoral system, based on party lists, there was the Council, where the main political parties of the time were represented proportionally — the

Dashnaktsutyun, Social Democrat Hunchakian Party, the Socialist Revolutionaries and the Armenian Populist Party.

The first republic had 3 Presidents of Parliament: Avetik Sahakian, Avetis Aharonian and Hovhannes Kachaznuni.

The first republic did not have a Constitution and was governed by the more than 1000 laws and other legal instruments adopted by Parliament.

Soviet Armenia's Legislature

Armenia's first constitution was adopted in 1924, when the republic was already a part of the Soviet Union. Later, Soviet Armenia adopted a Constitution two more times — in 1937 and 1978. The supreme body of state power in Soviet Armenia, according to the Constitution, was the parliament, which was called the Supreme Council and whose

members were elected for five-year terms.

It was the Supreme Council which elected the executive — the Council of Ministers — and its president, the Prime Minister.

Soviet Armenia's legislature held 12 convocations. Before 1938, a Parliament, as such, did not exist. Instead, the Assembly of Councils was

empowered with legislative powers.

Soviet Armenia's Parliament leaders were the titular heads of the Republic. Beginning in 1938, they were Matsak Papyan (1938–1954), Shmavon Arushanyan (1954–1963), Nagush Harutyunyan (1963–1975), Boris Sarkisov (1975–1985), Hrant Voskanyan (1985–1990) and Levon Ter-Petrossian (1990–1991).

The Last Supreme Council: 1990–1995

1990 was the last time Soviet Armenia's Parliament convened. Armenia was on the path to independence, but still legally a part of a Soviet Union living its twilight years. Those elections were the only free and fair elections in the seven decades of Soviet Armenian history; there, two political powers were in competition: the Communist Party which was daily becoming weaker, and the Armenian National Movement, which was daily gaining power.

The 1990 elections, exclusively based on majoritarian (party) slates were held on May 20 and June 3, and a 260-member Parliament was

formed. The Communist Party of Armenia and the Armenian National Movement received an almost equal number of seats. Armenian National Movement leader Levon Ter-Petrossian was elected President of the Supreme Council. The First Secretary of the Communist Party Vladimir Movsisyan was his main opponent. Only after the fourth vote did Ter-Petrossian win over Movsisyan and become the President of Parliament and the de facto leader of the country. Several days later, Vazgen Manukyan, one of the ideologues and central figures of the Armenian National Movement (who would later form his

own party, the National Democratic Union) became Prime Minister.

Later still, several other party groups and factions formed within Parliament, among them the Diaspora-based parties Dashnaktsutyun and Ramkavar–Azatakan parties which had re-established in Armenia.

The 1990–1995 parliament adopted several important laws and decisions. Among its key decisions, on August 23, 1990, was the declaration “Regarding Armenian Independence” consisting of 12 points which formed the foundations of the future Constitution. In 1991, Armenia, along with five other republics

— Georgia, Moldova, Latvia, Lithuania, and Estonia — did not participate in Mikhail Gorbachev's referendum for the preservation of the USSR. On March 1, Armenia's Supreme Council decided not to hold the referendum and decided instead to hold a referendum on independence. This took place on September 21, 1991. Two days later, the Supreme Council of Armenia declared

Armenia an independent state.

On October 16, 1992, Levon Ter-Petrossian was elected president of the republic in the first presidential election. Babken Araktsyan took his seat as the President of Parliament.

In that Parliament, or Supreme Council, there were also 10 deputies from Karabakh. Although the Supreme Council did not hold elections in

Karabakh, members of Parliament from different regions of Armenia voted for ten deputies from Karabakh. Notable among the ten deputies were men who became Armenia's second and third presidents: Robert Kocharyan and Serzh Sargsyan. Both of them, along with First President Levon Ter-Petrossian, belonged to the ruling Armenian National Movement.

The First Parliament: 1995–1999

Elections for the first parliamentary convocation of the new Republic of Armenia took place in the Summer of 1995, along with a constitutional referendum. The oppositional Armenian Revolutionary Federation – Dashnaktsutyun did not participate in those elections because nearly half a year earlier, President Ter-Petrossian decreed that the ARF be banned and its media outlets closed. Ter Petrossian had accused the ARF of planning terrorism and other serious crimes. The ARF denied these accusations claiming that the party was being subjected to political persecution.

The Central Electoral Commission instead registered the Armenian Federation Party, which participated in the elections in an alliance with the Kamk (or Will) Union and together received two percent of the vote. This party had

no connection with the Dashnaktsutyun itself. Another political organization on the ballot, Arakelutyun (or Mission) fielded 16 candidates, all from Gyumri.

For the first time it was in 1995 that parliamentarians were elected not just from party slates but also from single-mandate constituencies. The breakdown was 150 members from slates and 40 from single-mandate constituencies. The Republic Union, which consisted of the Armenian National Movement and the Republican Party of Armenia took 20 seats. The second highest vote getter was the newly created Shamiram Party, with 8 seats. Shamiram, a party of women, some in powerful positions, others the wives of those in powerful positions, was created with support from Interior Minister Vano Siradeghyan, a leading member of the Armenian National Movement. This

election was Shamiram's first and best showing. In the parliamentary elections that followed, in 1999, Shamiram received the least votes among 21 competing forces.

In 1995, the Communist Party won six seats, the National Democratic Union and the National Self-Determination Union each won three seats. The ruling Armenian National Movement and the independent candidates who enjoyed their backing took most of the single-mandate seats. Babken Araktsyan was re-elected as President of Parliament. In February 1998, when President Levon Ter Petrossian resigned, most of his team also left politics. Araktsyan and his two deputies were among the Armenian National Movement leaders who resigned. Khosrov Harutyunyan was elected as the new President of Parliament.

The Parliament of 1999–2003

It's possible to say that after independence, the first election that the public perceived to be free and fair was the parliamentary election of May 1999. The number of Parliamentary seats had decreased from 190 to 131 per the 1995 Constitution. The seats were divided between 75 majoritarian

and 56 single-mandate mandates.

The Unity Alliance, formed by Defense Minister Vazgen Sargsyan and former Communist Party chief Karen Demirchyan, and consisting of the Republican Party of Armenia and the Armenian Populist Party, came in first with 42 percent of the vote.

The atmosphere surrounding the election was both peaceful and enthusiastic. A significant portion of the population was animated and linked its own future hopes with Sargsyan and Demirchyan. The Unity Alliance slogan was "Let's build and protect." Demirchyan was the builder

and Sargsyan the protector. Despite numerous shortcomings in the electoral process, including inaccurate voter lists, voters were not cynical about the results, believed them to be reflective of the mood of the public. The Unity Alliance's 42 percent translated to 29 seats. The other parties which passed

the five percent minimum threshold included the Communist Party (12 percent) which took eight seats, the Right and Unity Alliance took six seats, the Dashnaktsutyun won five seats, and the Rule of Law Party and National Democratic Union each took four seats. Karen Demirchyan was elected

President of Parliament, and Vazgen Sargsyan became Prime Minister. The public's hope in these two charismatic leaders was destroyed with the October 27 attack on Armenia's Parliament when, within minutes, these two, together with five other government figures, were gunned down.

The Parliament of 2003–2007

Parliamentary elections were held in May 2003, just three months after President Robert Kocharian's re-election. For the first time, two nationwide elections were held in the space of a few months. In addition, a referendum on constitutional amendments was held simultaneously with the parliamentary contest. That packet of amendments did not pass.

The Republican Party of Armenia won the most seats with 23.7 percent. The second was the Justice Alliance with 13.7 percent. The Justice Alliance comprised oppositional leaders, including the political groupings formed by Karen

Demirchyan's son Stepan Demirchyan and Vazgen Sargsyan's brother Aram Sargsyan. The Rule of Law party gained 12.6 percent, the Dashnaktsutyun received 11 percent, the National Unity Party got 8.9 percent and the United Labor Party 5.7 percent of the vote. The Justice Alliance called the parliamentary elections fraudulent.

The OSCE / ODIHR mission which observed the election declared it to be not in accordance with international standards.

The European Union, which had criticized the presidential elections, said about the May 25 parliamentary elections

that they fell short of international standards in a number of key areas and it took place with widespread fraud.

Rule of Law founder Arthur Baghdasaryan entered into a coalition with the Republican Party and the Dashnaktsutyun, and was elected President of Parliament. His deputies were Tigran Torosyan of the Republican Party and Vahan Hovhannisyan of the Dashnaktsutyun. In May 2006, Baghdasaryan resigned his position because of disagreements with President Kocharyan. The Rule of Law party left the coalition and the United Labor Party joined the coalition.

The Parliament of 2007–2012

Armenia's fourth parliamentary convocation consisted of 131 members, 90 of whom were elected from party slates and 41 from single-mandate constituencies. This change in the balance between the two election methods came about as a result of modifications to the Electoral Code. According to those same changes, members of parliament were now elected not for four, but five-year terms.

The changes in the Electoral Code allowed dual citizens to vote, if they were in country, and had a registered place of residence. Armenian citizens

living outside Armenia however were precluded from voting.

One alliance and 22 parties were listed on the May 2007 election ballot. Six parties passed the necessary five percent vote threshold and entered Parliament. Only one of them, the Heritage Party, was considered opposition. The Republican Party gained over 33 percent of the vote. Together with some party supporters, they also won 23 of 41 single-constituency mandates, and held a near-absolute majority with 64 seats.

The Prosperous Armenia Party, established in 2004, ran for the first

time and received 15 percent of the proportional votes. Together with their seven single-constituency mandates, they entered Parliament with a total of 25 seats.

The Dashnaktsutyun came in third with 13 percent of the proportional seats, and received 16 seats. Heritage received seven mandates and Rule of Law eight mandates in the fourth convocation of Parliament.

The coalition government comprising all parties, except Heritage, had been formed in 2003 and lasted until April 2009.