



Office for Democratic Institutions and Human Rights

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PARLIAMENTARY ELECTION OF THE RUSSIAN FEDERATION 19 DECEMBER 1999

ODIHR NEEDS ASSESSMENT MISSION 18 – 22 OCTOBER 1999

Introduction

Following an invitation from the Chairman of the Central Election Commission of the Russian Federation to ODIHR to observe the 19 December elections to the Lower House (The State Duma), a needs assessment mission (NAM) was conducted from 18 – 22 October 1999. Participants of the mission were Anders Karlsen, Vadim Zhdanovich, ODIHR Election Advisers, Eugenio Polizzi, legal expert, Ole Lindeman Counselor at the Norwegian Embassy in Moscow representing the Chairman-in-Office and Wolfgang Sporrer and Timothy Spence, representing the Commission of the European Union.

In Moscow, the NAM met with representatives from the Central Election Commission, the Presidential Administration, the Ministry of Foreign Affairs and the State Duma. Meetings were also held with the following political parties: Fatherland – All Russia, Yabloko, The Liberal Democratic Party, Our House is Russia, the Communist Party and the Union of Rightist Forces.

In addition, the Mission was invited to meet a number of embassies in Moscow, including the OSCE Troika, the EU embassies and the US Embassy. At the US Embassy meeting, representatives of the International Foundation for Election Systems (IFES), the National Democratic Institute (NDI), and the International Republican Institute (IRI) were present. A reception hosted by the Norwegian Ambassador gave the NAM an opportunity to meet various domestic NGO and media representatives.

The program of the mission was prepared by the Norwegian Embassy in Moscow, which also provided invaluable support throughout the mission.

The ODIHR also wish to acknowledge the support of the Ministry of Foreign Affairs and the Central Election Commission.

Summary of conclusions

- **The Electoral Legislation of the Russian Federation provides a reasonable framework for participation in the elections and for their administration and conduct.**
- **Several interlocutors expressed concern that these elections could be more difficult than previous parliamentary elections. In particular, there is concern that executive powers on both central and regional level will seek to interfere in the electoral process to support favoured candidates.**
- **Other concerns include financing, participation of criminal structures in the electoral process and corruption.**
- **The main concern expressed by political parties relates to the role of mass media, in particular television.**
- **Elections will not be held in one of the Subjects of the Russian Federation, the Chechen Republic.**
- **A substantial election observation mission should be deployed.**

Background

The forthcoming Duma elections are the third to be conducted in the Russian Federation since 1991 and all interlocutors, local as well as international, emphasized the importance of these elections and welcomed the participation of international observers. The democratization process in Russia is in an important phase where the significance of the legislature is growing and there is considerable interest in the balance of power between the executive and legislative branches. Also, it appears that the role of political parties is increasing and that the party system is under consolidation, although still centered around powerful individuals, more than political platforms.

The parliamentary elections are also seen as an important political test prior to the presidential election expected to take place in June 2000.

The election system/legal framework

The Parliament of the Russian Federation (the Federal Assembly), is divided into two chambers, the upper Federation Council and the lower State Duma. The two houses meet separately, but may hold joint closed meetings in some specific cases stipulated by the Constitution.

The Federation Council, created to represent Russia's regions, has 178 deputies, two from each of Russia's 89 Federation Subjects. The Council has the power to confirm border changes within the federation, approve the introduction of martial law or a state of emergency by the President, approve the appointment of Constitutional and Supreme Court judges and approve or dismiss the General Prosecutor.

The State Duma consists of 450 seats and is elected through two types of mandates: a party-list vote, whereby 225 seats are divided among those parties that clear a 5 percent threshold. The other 225 seats are distributed through single-member constituencies on a first-past-the-post basis. On voting day, each voter will receive two ballots, one for the federal list (party list), and the other for single mandate electoral districts.

The country is divided into 225 constituencies, 2,700 territorial commissions, and 93,000 polling stations.

Deputies serve four-year terms and are not allowed to hold other types of employment.

The Electoral Legislation of the Russian Federation provides a reasonable framework for participation in the elections and for their administration and conduct. The elections are based on the same principles as previous ones, however, the law governing the Duma elections has been changed since the last elections (the Federal Law on Election of Deputies to the State Duma was adopted in June 1999). Most interlocutors, including opposition parties, found that the changes have improved the law.

The Administration of the Elections

Most interlocutors expressed confidence in the election administration, in particular the Central Election Commission. There was some concern that district level commissions will come under pressure from local executives resulting in difficulties with the conduct of the elections in certain regions. However, legal provisions for parties to send their representatives to the election commissions, and to observe the entire election process has improved the transparency of the elections.

The deadline for political parties, blocs and coalitions to be registered to participate in the elections is 24 October, thus the process was ongoing during the needs assessment mission. A new provision in the election law calls on all candidates to declare their income in the year prior to the election. Assets such as real estate and vehicles are also to be declared.

The implementation of this provision by election authorities was an issue in the media and several parties raised concern that the process was politicised. In particular, the CEC was criticised for treating candidates differently when applying the law. As a result of this new provision, the party list of Vladimir Zhirinovski, the Liberal Democratic Party,

was refused registration as two of the top three candidates on the list were found to have handed in incomplete declarations. (Mr. Zhirinovski will attempt to register on a different list consisting of two existing movements.)

Where in some cases, the striking of candidates from lists seemed obvious, other rulings appeared more arbitrary. Any legislation is open to interpretation, and the whole registration procedure should be assessed thoroughly by the observation mission in order to verify that rules were applied consistently and without double standards.

Thirty-one electoral blocs and associations presented lists of candidates for registration to the Central Election Commission before the deadline on Sunday, 24 October (compared to 43 parties and coalitions in 1995). The Commission has 10 days to review applications. At the time of writing, five blocs had been registered: Fatherland – All Russia, The Communist Party, Yabloko, Russia is Our Home and the Union of Rightist Forces.

Under the election law, candidates and parties can only start their campaign when they have been formally registered. Although the law defines the meaning of campaigning, there is room for interpretation, and again, the election administration could be accused of a biased implementation of the law.

Some parties raised concern with regard to a newly formed political party, “Unity”. The party is seen very much as an attempt on the part of the Presidential Administration to gain influence in the new Duma, or at least to minimise the influence of competing parties, in particular the “Fatherland - All Russia” party which has a high rating and is in opposition to President Yeltsin’s administration.

The NAM was informed by the CEC that elections will not be conducted in election constituency 31 corresponding to the Chechen Republic. While this may be understandable, it is of concern to the NAM that measures should be taken to allow voters who are temporarily displaced because of the conflict in the region to vote.

The Media

All interlocutors expressed concern about the role of mass media in the upcoming elections. The election law provides for access to the media for all parties contesting the elections. However, there is concern that especially the very influential TV channels will be biased and follow the political line of the financial groups controlling them.

At the same time, it appears that the media situation could be more diversified and pluralistic than during previous elections as competing groups are in control of competing media.

The NAM was pleased to learn that the Commission of the European Union has agreed to support a separate media monitoring to be performed by the European Institute for the Media. As on previous occasion, the ODIHR will liase closely with the Institute.

Logistics

Given the importance of the forthcoming elections, the NAM recommends that an observation mission should be deployed with the ability to cover as many regions as possible. Such an undertaking will require 40 long-term and 400 short-term observers.

Subject to changes, the NAM has identified the following regions for observation: Moscow, Sct. Petersburg, Vladivostok, Krasnoyarsk, Sverdlovsk, Saratov, Kazan, Krasnodar and Kursk.