

Appendix IV

NDI Pre-Election Survey Report

September 8-13, 1991

This statement is offered by an international team of election experts organized by the National Democratic Institute for International Affairs (NDI). This is the second such mission NDI has organized as part of its comprehensive program of monitoring Bulgaria's national and local elections scheduled for October 13, 1991. At the time of the elections, NDI plans to co-sponsor an international observer delegation.

The participants in this mission were:

- KATHARINE I. BUTLER: Professor of Law at the University of South Carolina and former attorney in the Civil Rights Division of the U.S. Department of Justice;
- ARBEN IMAMI, MP: Deputy Chairman of the Parliamentary Group of the Democratic Party of Albania since the first multiparty elections in March/April 1991;
- LISA C. MCLEAN: NDI Program Officer and participant in NDI's August 1991 pre-election mission;
- THOMAS O. MELIA: NDI Program Director; and,
- BERNARD OWEN: General Secretary of the Center for the Comparative Study of Elections at Paris University.

Building on the work of the previous mission present in Bulgaria from August 5 to 9, 1991, the current mission was assigned the following tasks: 1) review administrative preparations for the elections and to identify potential administrative impediments to the conduct of free and fair elections; 2) evaluate political conditions in Bulgaria; 3) examine the roles of the media and the military in the elections; and, 4) identify issues that should be considered by the international observer delegations that will visit Bulgaria at the time of the elections in October.

The mission met with government officials, election officials at the national, regional and municipal levels, political party leaders, journalists and representatives of nongovernmental organizations in Sofia and in two municipalities, Pernik and Pazardjik. The Bulgarian

Association for Fair Elections and Civil Rights (BAFECR) facilitated many of the meetings and provided additional briefings to the delegation.

Since the passage of the election law on August 20, government officials, political party leaders, candidates and voters have begun the important task of preparing for free and fair elections within a very short time. The effect of the proportional representation system in Bulgaria seems to be to facilitate the proliferation of parties and the breakup of coalitions, consistent with the experience of other nations where electoral systems historically have exerted a decisive influence on the attitudes of party leaders and on the way voters perceive the contest.

The election process formally began with the appointment of the Central Election Commission (CEC) on August 25. During the week of the delegation's visit, municipal and regional election commissions began work; the political parties negotiated coalition agreements and prepared candidate lists, which by law, are to be submitted by today; and, interim executive councils throughout the country prepared to release final, corrected versions of the voter registries.

Based on the delegation's meetings and on NDI's continuing analysis of Bulgaria's election process since March 1990, the delegation is persuaded that the government and the National Assembly have created a general framework adequate for the conduct of fair and meaningful elections. An election law, incorporating many of the suggestions of domestic and international observers of the June 1990 elections, was passed by the National Assembly. Throughout the country, preliminary voter registries were posted in the last month, which listed voters by address to facilitate the process of reviewing and correcting the registries. The National Assembly has enacted a decision governing media access during the campaign. And, the minister of defense has issued preliminary instructions governing the voting of conscripts, which are at the moment being reviewed by the Central Election Commission before being issued to military commanders. Election papers, including an improved tally sheet, have already been sent to the printer, as have the effectively opaque envelopes necessary in the Bulgarian system.

Now it is time for citizens and political parties to assume their share of the responsibility to ensure that fair and meaningful elections take place. Some progress in this direction has already been

undertaken by nongovernmental organizations — most notably BAFECR which presented proposals for improving the election law and which has already organized local efforts to scrutinize the voter registries. Political parties must also assume responsibility for educating their supporters about the election law provisions and monitoring activities in the pre-election period. We are concerned about the apparent lack of initiative exhibited by the political parties to undertake this responsibility.

1) There is an amendment pending today in the National Assembly that seems directed at excluding the Movement for Rights and Freedom from competing in the October elections. Passage of the amendment would be dismaying and would surely aggravate ethnic tensions in Bulgaria. The delegation has held extensive discussions on this subject this week with leaders of all the principal political forces and has watched events during the week with great attention and concern. We were heartened when the Central Election Commission found a responsible way to reconcile the conflicting views by ruling — in its decision on Wednesday, September 11 — that all groups that were on the political party register at the time of the June 1990 elections were considered eligible to submit lists for the October 1991 elections. We hope this will be allowed to stand.

Though the legal arguments are complex, the heart of the issue is clear: whether the majority population in Bulgaria, through its elected representatives in the National Assembly, desires to find a way to include in the country's evolving political process the significant and distinct ethnic community represented in the Turkish and Muslim communities.

When the Central Election Commission on Wednesday found a reasonable way to do this, some in the Assembly immediately launched extraordinary action to overturn this decision. This is unfortunate. If successful, this initiative would deprive all voters of the right to choose the candidate of their choice by disqualifying the third largest group in the present Assembly on the final day for registering candidates for elections. Bulgaria's increasingly bright reputation in the international community would be diminished by such an action, which will seem to be motivated by narrow partisan considerations and an archaic communal chauvinism that should have no place in Europe in the 1990s, and is inconsistent with the Helsinki Accords.

2) The delegation has studied the National Assembly's Decision of August 21, 1991, which establishes a framework for equitable allocation of broadcast time for party statements and multiparty forums during the campaign period. In addition, the delegation has discussed it with party representatives, broadcast officials and parliamentarians. Pursuant to this law, the Central Election Commission has established a task force to monitor the law's implementation.

We applaud the efforts of those who have sought to create a responsible media regime for the imminent campaign. We hope that the lofty objectives envisioned in the National Assembly's Decision can be achieved without the need to prosecute under the provisions of the law.

There are a number of provisions that will require interpretation by the CEC — such as that in Paragraph 9 that states: "Attacks on political opponents are inadmissible." In the absence of clear standards as to what this means, or even the assignment of a responsible authority to further clarify the subject, such a provision is unenforceable.

We are aware of the special situation in this country where, after 45 years in which no free press was permitted, there is a burgeoning market of printed matter in circulation. Much of it is animated or organized for explicitly political purposes, though the diversity of the printed press seems to ensure that most every voice has a chance to be heard. Yet the state continues to maintain its monopoly control of the broadcast media at a time when it is not clear what policies govern them. We look forward to the day when Bulgarians are able to establish television and radio broadcasting independent of political pressures and increasingly professional in its work. In the meantime, political figures must learn to live with the investigative and critical press that is vital for a democratic culture.

3) Given the highly energized political debate underway now among an increasingly diverse array of political forces, it seems to us important for the Council of Ministers or the Central Election Commission to undertake a program of public education about the election process. We say this not because we underestimate the quite evident intelligence of the Bulgarian voter, but because of the new complexities that have been introduced in the recent legislation (and in regulations that are yet to be issued by the CEC). All of the

political parties have described to us this week their concern about the complexity of voting for four separate offices. A public education campaign, using television, radio and the print media, should explain to the voter: the offices being contested; how to cast correctly the ballots on election day, in two separate voting procedures; and the secrecy of the ballot.

All of the parties presenting slates should be asked to approve the content and style of the presentations before broadcast to promote a consensus that the elections are indeed being conducted according to rules that are agreed upon and whose results all are prepared to accept.

4) We are aware that a program to depoliticize the military has been underway for 18 months, and we have been informed about the significant overhaul that has been made in recent months in the leadership of the Bulgarian armed forces. We met this week with General Petrov, chief of the general staff, and his colleagues. From this and other meetings, we have learned that several significant and positive steps have been taken to enable the 107,000 Bulgarians serving in the armed forces to cast a ballot according to their choice:

- the preparation of voter registries in advance of the September 13 deadline and plans to submit final registries to the regional election commissions by October 5;
- the issuance of civilian passports to sergeants, officers, and generals that include addresses, signifying an improved integration of officers into the civilian voter registries in the communities in which they reside and diminishing significantly the fear of multiple voting;
- the release of conscripts from the usual training camp isolation (scheduled to take place during October) in order that they may participate in the election process; and,
- the establishment of a CEC task force to coordinate and oversee voting arrangements within the military.

We urge the parties to satisfy themselves that cadets and enlisted personnel are provided an opportunity to hear campaign messages and to make informed choices on election day.

We have heard some disquiet about the fact that political party papers and other materials are not allowed to circulate on military bases. However, given the circumstances of what has previously

been a highly politicized military, we cannot argue with a policy whose goal is to remove partisan agitation from the barracks at this time rather than to increase it. The prohibition may contribute in a healthy way to the development of a professional military subject to civilian control on a nonpartisan basis.

5) Although it now appears that these elections will be well organized, the fact that so many major administrative and policy matters are being addressed simultaneously and in haste underscores one of the recommendations made by NDI and others following the June 1990 elections. We recommend that a permanent election administration office be established to review voter registries and to research possible refinements, alternatives and cost-saving measures in the field of elections.

September 13, 1991