



THE CONGRESS OF LOCAL AND  
REGIONAL AUTHORITIES OF THE  
**COUNCIL OF EUROPE**

Situation of local  
democracy

**ARMENIA**



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# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 140 (2003)<sup>1</sup> on local democracy in Armenia

The Congress,

### 1. Recalling:

*a.* Article 2.1.b of the Statutory Resolution of the Congress (2000) 1, which states that “the CLRAE shall submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

*b.* Article 2.3 of the Statutory Resolution of the Congress (2000) 1, which states that “the Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”; and

*c.* Resolutions 31 (1996), 58 (1997) and 106 (2000) of the Congress, setting out guiding principles for drawing up such reports;

### 2. Bearing in mind:

*a.* Armenia’s commitments when joining the Council of Europe with regard to the development of local democracy;

*b.* the Explanatory Memorandum CPL (10) 8 Part II on local democracy in Armenia prepared by Mr Christopher Newbury (United Kingdom, Chamber of Local Authorities) with the assistance of Professor Chris Himsworth, member of the Group of Independent Experts on the European Charter of Local Self-Government, for which he should be thanked, following two official visits to Armenia (19-22 June 2003 and 2-5 October 2003);

*c.* the report on local democracy in Armenia adopted on 29 February 2000 by the Bureau of the Congress (rapporteurs: Mr Claude Casagrande, France, and Mr Gabor Kolumban, Romania) and the report on local elections in Armenia adopted by the Bureau of the Congress on 13 November 2002 (rapporteur: Mr Christopher Newbury, United Kingdom);

### 3. Thanking:

*a.* Mrs Natalia Vutova, Special Representative of the Secretary General in Armenia, the Information Office of the Council of Europe in Yerevan and the Association of Local Communities of Armenia for their valuable assistance in the preparation of the 2003 report;

*b.* the Office of the President of the Republic of Armenia, the Ministry of Territorial Administration, the National Assembly, the provincial governments of Tavush and Lori, the associations of local self-government, the international organisations represented in Armenia, and the members of the Armenian delegation to the CLRAE for their help in preparing the report and for their valuable comments during the CLRAE visits;

*4.* Wishes to make the following comments and recommendations for the attention of the Armenian authorities, the Committee of Ministers and the Parliamentary Assembly of the Council of Europe:

*5.* As regards the implementation of the European Charter of Local Self-Government (hereafter referred to as “the Charter”) and the overall development of local democracy in Armenia since 2000:

*a.* welcomes Armenia’s ratification of the Charter on 25 January 2002, entering into force on 1 May 2002, which demonstrated a commitment to further reforms in the sphere of local government;

*b.* recognises that in 2000 the Armenian legislature and Government made some progress, especially on the legal front, in reforming the system of devolved local government;

*c.* acknowledges the positive role played by the Association of Local Communities of Armenia in that process;

*d.* believes that following this progress, actual practice in local self-government needs to come into line with the provisions and spirit of the Charter, and existing legislation needs to be fully implemented;

*e.* notes that although some changes have been introduced into domestic legislation since February 2000, including the enactment in May 2002 of a new Law on Local Self-Government (as amended in December 2002), the process of developing strong local communities has recently slowed, and considers that many of the conclusions reached by the CLRAE in 2000 have a continuing resonance and validity;

*f.* recalls in this respect that in 2000 the CLRAE, while recognising the new character of local public institutions in Armenia, concluded that the functioning of local government was not without “defects and shortcomings” which were expected to be rectified (in particular, in such fields as the financial and human resources of local authorities, the supervision of communities by central government and the status of Yerevan);

*g.* welcomes, in this context, the results of the Round Table on the elaboration of amendments to the law of the Republic of Armenia on local self-government, organised by the Council of Europe in Yerevan, on 14 and 15 October 2003, during which a plan of action on reforms to be implemented in the field of local democracy was adopted;

*h.* finds in general that local self-government in Armenia remains weak and that large elements of the Charter have yet to be implemented;

*i.* notes that across Armenia as a whole, and especially in the rural communities, local government bodies have few substantial powers and that their autonomy is compromised by an unsatisfactory financial regime and by a lack of other resources, such as the absence of a strong local civil service;

*j.* recommends that:

*i.* the Armenian Parliament and Government continue their legislative work (on the municipal civil service, municipal property, the status of Yerevan and amendments to the current Law on Local Self-Government) with the assistance of the Council of Europe and in line with the following recommendations;

*ii.* the Armenian authorities consider a declaration that the following articles of the Charter will bind the country: Article 5, Article 6, Article 7.2 and Article 10.3;

6. As regards the constitutional and legal foundation of local self-government:

*a.* acknowledges that the recognition of the general principle of local self-government is clear, both in the Armenian Constitution and in legislation;

*b.* recalls that:

*i.* in 2000 the Congress, commenting on the Law on Local Self-Government of 1996, observed that, although the provisions contained “an impressive series of principles”, some of these could with advantage be embodied instead in the Constitution itself, affording them an additional safeguard; and believes that this recommendation remains relevant with regard to the current Law on Local Self-Government of 2002;

*ii.* there has, on the other hand, been criticism that the Constitution creates inflexibility and prevents desirable reform in a number of areas, notably the three-year periods of elective office, the status of Yerevan and the government’s power to remove chiefs of local communities;

*c.* considers that such specific aspects of local self-government should preferably be set out in the law;

*d.* recalls that in 2000 the Armenian authorities expressed a willingness to consider the above recommendations;

*e.* notes the failure of the referendum on constitutional amendments held in May 2003 and the willingness of the newly-elected parliament to initiate a new dialogue on constitutional amendments;

*f.* recommends that while preparing new constitutional amendments the Armenian authorities consider the recommendations contained in the CLRAE report of 2000 and in the present recommendation, in particular with regard to the three-year periods of elective office, the status of Yerevan and the government’s power to remove

chiefs of local communities, with a view to removing unnecessary inflexibility in these areas needing reform;

7. As regards the scope of local self-government:

*a.* takes note that the new law of 2002 allocates an impressive set of own and delegated powers to local authorities;

*b.* notes, however, that in reality very few functions have so far actually been discharged by local communities, especially in the rural areas, because of a substantial lack of capacity and resources, and regrets that this is so;

*c.* considers, in that respect, that Article 4 of the Charter is not, in practice, being fully honoured;

*d.* notes that in Yerevan the powers of the districts are fewer than elsewhere in the country;

*e.* regrets that there is no clear mechanism for delegating the powers to be discharged by the communities and that the difference between a mandatory own power and a power delegated to the communities by primary legislation is not entirely clear;

*f.* recommends that:

*i.* the Armenian authorities consider, in consultation with representatives of local communities, how the functions of the communities can most effectively be performed, especially in rural areas and in the districts of Yerevan;

*ii.* a mechanism for the delegation of powers be introduced;

8. As regards administrative structures and resources:

*a.* notes that there are still many obstacles to the attainment of a high-quality municipal service in Armenia, that the recruitment, evaluation and training of local government staff are not regulated by law, and that there is no national policy to address these issues;

*b.* considers that this is a particularly pressing concern in a large number of small communities;

*c.* takes note that a draft law on the municipal civil service is under preparation in Armenia;

*d.* encourages public discussion on this draft, and especially the participation of representatives of local authorities;

*e.* hopes that a new law on the municipal civil service will remedy the main outstanding problems;

*f.* questions the position of the deputy chief of the community, who retains broad powers but is a non-elected official;

*g.* recommends the Armenian authorities work with the Council of Europe on the preparation of a draft law on the municipal service and of a national training strategy;

*h.* suggests that the deputy chief of a community, who retains broad powers in the absence of the chief and is



a non-elected official, should instead be elected, either directly at the same time as the chief or from among the local councillors;

9. As regards administrative supervision over local authorities (and in particular, application of Article 72 of the Armenian Constitution):

*a.* notes the existence of a wide range of national and state bodies entitled to supervise local authorities;

*b.* considers that the power in Article 72 of the Constitution to dismiss a chief “if the mandatory powers of the chief of community are not performed within actual revenues of the community budget or if powers delegated by the state are not sufficiently performed, as well as if a number of decisions made by the chief of community contradicting the law and other legal acts are considered null and void by the decision of the court or the court recognised the fact of periodic breach of decisions of the Council by the chief of community” is too vaguely drawn;

*c.* finds that the very existence of a constitutional provision for such dismissals, especially one stated to be available simply “in cases prescribed by law”, is difficult to justify in terms of the Charter;

*d.* notes that there is widespread agreement that reform of the constitutional and legislative provisions in this respect are required;

*e.* recommends:

i. that either the power to dismiss chiefs should be removed altogether, or else this power should be transferred to the courts;

ii. in particular that only the courts should have the power to ascertain serious and continual violations of the Constitution and the law;

*f.* suggests that provisions on the dismissal or suspension of local elected officials should be set out in legislation, and not in the Constitution;

*g.* recommends that:

i. a specific law on administrative supervision (which must be carried out *a posteriori* and only aim at ensuring compliance with the law and constitutional principles) be drawn up with the assistance of the Council of Europe;

ii. in the mean time the current law be made more specific with regard to supervision, especially on the authority and the number of different national and state bodies which may make wide-ranging inspections;

10. As regards the conditions for exercising a local elected mandate:

*a.* considers that the three-year term of office of local councillors and chiefs is too short for exercising responsibilities at the local level;

*b.* recommends that:

i. the term of office be extended to four or five years;

ii. consideration be given to lifting the restriction which prevents chiefs from serving more than two successive terms;

11. As regards financial resources:

*a.* acknowledges that Armenia’s overall economic and financial position is weak, and that this to some degree explains the funding problems across the whole public sector and the especially acute under-funding of local government;

*b.* considers that:

i. the state tax agencies have little incentive to collect land and property taxes, while the communities’ lack of resources and limited access to information databases (and to the cadastre service, which is run nationally) have seriously undermined their capacity to dispose of their own appropriate financial resources;

ii. the financial regime arising from the law of 7 May 2002, although well designed in principle, in practice leaves local authorities badly under-funded, and that almost no significant income is derived from sources over which the local communities themselves have control;

*c.* regrets that:

i. since 1996 no funding has been provided by the state for delegated powers;

ii. no process of financial equalisation has been put in place between the districts of Yerevan;

*d.* notes that the local communities’ revenues are derived mainly from direct state subsidies and that this in itself makes the communities highly dependent upon the state;

*e.* welcomes the gradual transfer to the communities of the function of collecting local land and property taxes on individuals which is now in progress, and notes the significant increase in the level of tax-collection which has resulted from this transfer;

*f.* suggests:

i. in particular that the local communities be given the right to decide the rates of local taxation and to vary their own fiscal resources within the limit of the law;

ii. that different tax-sharing models be further considered;

*g.* recommends that:

i. a financial mechanism for funding delegated powers be introduced;

ii. the Armenian authorities make the equalisation mechanisms more transparent and that they be based on reliable economic and statistical data;

iii. the relevant ministries and state agencies (such as the Ministry of Finance and the State Committee of Cadastre and Tax Administration) should co-operate fully with the local communities in developing a sound and sustainable system of local finance;

iv. a process of financial equalisation between the Yerevan districts be introduced;

12. As regards municipal property:

a. welcomes the recognition in the law of the right of local communities to possess assets, while acknowledging that the management of municipal property is a new sphere of activity in Armenia;

b. notes that the process of registration arising from the Law on State Registration of Property Rights of 1999 has proved slow and complicated, with local communities needing to pay high registration fees which discourage them from applying to exercise the registration function;

c. recommends that such application fees be reduced, in order to encourage local communities to apply to register local property;

d. suggests that information available through the cadastre service be improved and that it be based on reliable economic and statistical data;

e. recommends the Armenian authorities generally to put into effect a transfer of property to the local level in accordance with the principles set out in CLRAE Recommendation 132 (2003) on municipal property;

13. As regards the status of Yerevan

a. while acknowledging that the position of a capital city needs special recognition, considers that the condition of local democracy in Yerevan needs reform;

b. considers that the functions discharged by the districts in Yerevan are too limited;

c. recommends:

i. that the Mayor of Yerevan should be democratically elected, instead of being appointed by the President of the Republic of Armenia, and that the structure of local self-government across Yerevan should be reformed, giving consideration to a two-tier structure, within a reasonable time-frame;

ii. with this in mind, that special attention be paid by the Armenian authorities to the status of Yerevan in the course of any future constitutional reform;

14. As regards the rural communities:

a. notes that the law gives all communities the same responsibilities, regardless of their size;

b. acknowledges that many rural communities are unable to discharge most of their functions, chiefly because of an acute lack of financial resources;

c. considers that special attention must be paid to the rural communities where, at present, local self-government is at its weakest;

d. suggests the following solutions in this respect (see also the next paragraph):

i. a strengthening of the existing provisions in the law of 7 May 2002 to enable and require the combination of smaller local authorities into unions of communities for the discharge of their principal functions;

ii. the creation of a two-tier system of local self-government in Armenia with democratically elected authorities capable of taking responsibility for major local functions;

15. As regards inter-community co-operation:

a. believes that local authorities must have the right to form inter-community unions and the right to belong to associations (both domestic and international, as required by Article 10 of the Charter) to protect and promote their common interests;

b. considers that a facility to form such unions will be an important means of strengthening the impact of small rural communities in Armenia, but notes that there are at present only a small number of them in the country and that their legislative basis is not developed at all;

c. without prejudice to existing small communities, considers that in many ways such inter-community co-operation will enable local authorities to discharge their main functions;

d. recommends the Armenian authorities to legislate on a sound basis for the setting up of long-term and sustainable inter-community unions across the country and to introduce incentives of different kinds which will encourage the smaller communities to see the benefits of them;

16. Urges the Armenian authorities to implement Congress recommendations made following the last local elections, namely those which concern accuracy of voter lists, the level of deposits payable by candidates, political balance on electoral commissions and equal access to media of candidates;

17. As regards assistance provided by the Council of Europe:

a. recommends the Committee of Ministers of the Council of Europe to enhance its legislative support and its assistance programmes (if necessary in co-operation with the European Union and other international organisations represented on the ground) in such fields as the training of local elected representatives and civil servants (especially in financial management, general management, budgeting, and strategic planning);

*b.* invites the Committee of Ministers to transmit this recommendation to the Armenian authorities and to the AGO Group of the Committee of Ministers within the framework of the country's commitments as a member state of the Council of Europe;

*c.* recommends the Parliamentary Assembly to take note of the above comments and recommendations in the

course of monitoring the implementation of commitments undertaken by Armenia.

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1. Debated and approved by the Chamber of Local Authorities on 25 November 2003 and adopted by the Standing Committee of the Congress on 26 November 2003 (see Document CPL (10) 8, draft recommendation, presented by Mr C. Newbury, rapporteur).

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Resolution 167 (2003)<sup>1</sup> on local democracy in Armenia

The Congress,

### 1. Recalling:

*a.* Article 2.1.b of the Statutory Resolution of the Congress (2000) 1, which states that “the CLRAE shall submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

*b.* Article 2.3 of the Statutory Resolution of the Congress (2000) 1, which states that “the Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”; and

*c.* Resolutions 31 (1996), 58 (1997) and 106 (2000) of the Congress setting out guiding principles for drawing up such reports;

### 2. Bearing in mind:

*a.* Armenia’s commitments when joining the Council of Europe with regard to the development of local democracy;

*b.* the explanatory memorandum CPL (10) 8 Part II on local democracy in Armenia prepared by Mr Christopher Newbury (United Kingdom, Chamber of Local Authorities), following two official visits to Armenia (19-22 June 2003 and 2-5 October 2003);

*c.* the report on local democracy in Armenia adopted on 29 February 2000 by the Bureau of the Congress (rapporteurs: Mr Claude Casagrande, France, and Mr Gabor Kolumban, Romania);

### 3. Thanking:

*a.* Mrs Natalia Vutova, Special Representative of the Secretary General in Armenia, the Information Office of the Council of Europe in Yerevan and the Association of Local Communities of Armenia for their valuable assistance in the preparation of the 2003 report;

*b.* the Office of the President of the Republic of Armenia, the Ministry of Territorial Administration, the National Assembly of the Republic of Armenia, various associations of local self-government and international organisations represented in Armenia, members of the Armenian delegation to the Congress and the provincial governments of Tavush and Lori, for their help in preparing the report and for their valuable comments during the Congress visits;

4. Instructs its Institutional Committee of the Chamber of Local Authorities to monitor the development of local self-government in Armenia over the coming years;

### 5. Asks:

*a.* the Institutional Committee to organise in 2004 in Armenia, in co-operation with the Association of Local Communities of Armenia, a conference on the development of local self-government in this country;

*b.* its Bureau, in co-operation with the Armenian delegation to the Congress, to look into the possibility of organising a conference on transborder co-operation between Armenian local communities and local authorities of neighbouring countries;

*c.* its Bureau, in co-operation with the European Association of Local Democracy Agencies, to look into the possibility of opening a Local Democracy Agency in Armenia.

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1. Debated and approved by the Chamber of Local Authorities on 25 November 2003 and adopted by the Standing Committee of the Congress on 26 November 2003 (see Document CPL (10) 8, draft resolution presented by Mr C. Newbury, rapporteur).

## Report on local democracy in Armenia - CPL (10) 8 Part II

**Rapporteur: Mr Christopher NEWBURY, United Kingdom**

### Introduction

1. This report has been prepared as part of the implementation by the Congress of Local and Regional Authorities in Europe of its programme for the monitoring of local and regional democracy in the member states of the Council of Europe<sup>1</sup>. For the purposes of the monitoring exercise in relation to the Republic of Armenia, the rapporteur appointed by the Institutional Committee of the Congress was Mr Christopher Newbury (United Kingdom) and he was assisted, as consultant by Professor Chris Himsworth of the University of Edinburgh and member of the Group of Independent Experts on the European Charter of Local Self-Government (United Kingdom) and by a member of the Congress Secretariat.

2. The Republic of Armenia achieved its independence from the Soviet Union on 21 September 1991; became a member of the United Nations on 2 March 1992; and a member of the Council of Europe on 25 January 2001. The country's Constitution was adopted by referendum on 5 July 1995 and Armenia signed the Charter of Local Self-Government on 11 May 2001. Ratification followed on 25 January 2002 and the Charter came into force in Armenia on 1 May 2002. At the time of ratification, Armenia declared, in terms of Art 12 of the Charter, that it would bound by the following Articles and paragraphs:

Article 2;  
Article 3, paragraphs 1 and 2;  
Article 4, paragraphs 1, 2, 3, 4, 5 and 6;  
Article 7, paragraphs 1 and 3;  
Article 8, paragraphs 1, 2 and 3;  
Article 9, paragraphs 1, 2, 3, 4, 5, 6, 7 and 8;  
Article 10, paragraphs 1 and 2;  
Article 11.

In addition, Armenia has ratified the following treaties and conventions: the European Charter for Regional or Minority Languages; the Framework Convention for the Protection of National Minorities; and the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

Geographically, Armenia is located in the southern Caucasus region; it is wholly land-locked; and is bounded by Georgia, Azerbaijan, Iran and Turkey. The country has an average altitude above sea level of 1800m and much of it is covered by mountainous terrain, rising to 4090m (Mount Aragats). The total area of Armenia is 29,743 square kilometres and its current total population is estimated at nearly 4m, of whom it is

further estimated that one third (a figure which is rising rapidly) live within the boundaries of the capital city, Yerevan.

Politically, the country is headed by President Robert Kocharyan, re-elected for a five-year term on 19 February and 5 March 2003. The Government of Prime Minister Mr A Markaryan is formed from a coalition with majority support in the National Assembly to which elections were most recently held on May 2002.

3. In terms of economic development, official figures suggest that Armenia has recently achieved a level of growth and stability not known in the earlier years of independence. Overall economic activity has been expanding, with advances in the industrial sector, in small and medium enterprise, in foreign trade and in tourism. On the other hand, the average monthly wage remains low (at 26,444 drams in 2002 i.e. about 40 euros) and unemployment high at 9.4%.

4. The monitoring team made two visits to Armenia, on 19-22 June 2003 and 2-5 October 2003. In the course of the visits the team was able to meet the Minister and other representatives of the Ministry of Territorial Administration and Development of Infrastructures, two successive Mayors of Yerevan and other city officials, the Mayor of the Kanaker-Zeytun district of Yerevan, the Mayors of Ijevan and Vanadzor, the Marzpeten (Governors) of Lori and Tavush, the community chief of Lernapat and several councillors, representatives of the office of the President and of the Parliament, representatives of the Association of Local Communities of Armenia, as well as representatives of many other local government organisations and NGOs, both local and international. Details of the programmes of the two visits are set out in the Appendix. Throughout the visits, the monitoring team were greatly assisted by Mr Emin Yeritsyan, Head of the Armenian delegation to the CLRAE, and Ms Natalya Lapauri, Secretary to the Armenian delegation to the CLRAE and Executive Director of the Association of Local Communities of Armenia. The CLRAE delegation also greatly benefited from the support of the Information Office of the Council of Europe in Yerevan. The team wishes to thank them and all others who helped with this monitoring exercise and who extended such a warm welcome to the team during its visits to Armenia.

5. In addition to the information gathered during the two visits to Armenia themselves, the monitoring team was greatly assisted by documentary material. The principal constitutional and legal texts are described in Part I below. Another important source was the Report on Local Democracy in Armenia prepared for and approved by the Bureau of the Congress in February 2000. That report was written by rapporteurs Mr Claude Casagrande and Mr Gabor Kolomban as part of the procedure on Armenia's application for membership of the Council of Europe. Although there have been some changes since February 2000, including the enactment of a new Law on Local Self-Government, that report's findings provided a most useful background to the 2003 monitoring exercise and many of the conclusions reached in the report have a continuing resonance and validity. The principal conclusion was that the chief requirements of the Charter of Local Self-Government were fulfilled by Armenian law. No legislative provisions conflicted outright with principles of the Charter. On the other hand, the actual functioning of local government was not without 'defects and shortcomings' that would have to be rectified. There was a need to strengthen the human resources of local government in various ways; the financial resources of authorities should be improved; the oversight of communities by central government through the marzpet (governor) needed attention; and so did the ambiguities in the status of Yerevan.

It was also expected in 2000 that Armenia in becoming a member of the Council of Europe would bring its legislation and practice of local democracy into line with the



European Charter of Local Self-government and would amend the then legislation so as to give local authorities greater responsibilities.

6. As well as the 2000 Report, the monitoring team had available other material including, in particular, the chapter on 'Local Government in Armenia' in I Munteanu and V Popa (eds) *Developing New Rules in the Old Environment: Local Governments in Eastern Europe, in the Caucasus and Central Asia* Vol 3 (1/8/03) by David Tumanyan, whom the monitoring team also met in Yerevan.

7. The remainder of this report is divided into three parts, followed by a Conclusion. The report's overall conclusion, from which more specific recommendations are developed, is that local self-government in Armenia, although formally quite well provided for in legislation, is in need of substantial further development if full compliance with both the letter and the spirit of the Charter is to be achieved. Armenia falls into that group of post-Soviet transitional countries in which the social and institutional obstacles to local democracy are very great<sup>2</sup>. The lack of a strong local democratic tradition<sup>3</sup> combined with economic and political constraints remain barriers to progress. It is impossible to imagine that local government can be severed from this context and reformed unilaterally. On the other hand, certain aspects of the current local government structure and practice can be identified for specific reform and, because they are all related, they need to be addressed as part of a joint programme. The problems of small (especially rural) underpowered, under funded; under resourced and over scrutinised communities need to be addressed. The funding and staffing of all authorities need to be improved. And local democracy in Yerevan demands early attention.

## **Part I Legal basis and recent developments of local self-government in Armenia**

8. Local administration in the Republic of Armenia takes two principal forms. On the one hand, the country is divided into ten Marzer (regions or provinces) plus the capital city of Yerevan for the purposes of the territorial deconcentration of central government. A marzpet or governor heads each region. Marzer vary widely in size. Yerevan itself has a population of 1.25m and the Lori region about 400,000. The Gegharkunik region (including Lake Sevan) is 5,348 square kilometres. On the other hand, the Vayots Dzor region has a population of only 70,000 and the Armavir region is only 1,242 square kilometres (Yerevan is 227 square kilometres). All formal powers are vested in the marzpet but there are also provisions for a consultative and advisory *marz* council (see below).

9. On the other hand, for the purposes of local self-government the regions are divided into communities (in Yerevan, twelve districts) and, including the capital's districts, there are 930 in the country as a whole. Communities are classified as either rural or urban but all communities outside Yerevan are attributed the same legal powers and characteristics. Despite their formal legal equalities, however, communities vary enormously in population terms. Gumry, a city second only to Yerevan, has a population of over 200,000 whilst one rural community has a population of only about 37. 36 communities have a population of less than 100; 60 communities of between 10 and 200; 176 between 201 and 500; 186 between 501 and 1000; 321 between 1001 and 3000; 119 between 3001 and 20,000; and only 32 of over 20,000. Communities consist of a directly elected council of community elders and a directly elected community chief. Within Yerevan, the districts have a modified (and reduced) set of formal powers (see below).

10. The legal basis of local self-government in Armenia derives from two principal sources. In the first place, Chapter 7 of the Constitution makes provision for "Territorial Administration and Local Self-Government". Article 104 provides for the regions and for the urban and rural communities. Article 105 requires that "communities shall have local self-government". It provides for three-yearly elections of the council (of five to fifteen members) <sup>4</sup> and the mayor/chief "to manage the property of the district and to solve problems of local significance". The mayor/chief is to organise his or her staff. Article 106 requires the council to approve the budget on the recommendation of the mayor and to "oversee the implementation of the budget, and determine local taxes and fees as prescribed by law". Article 108 provides that the City of Yerevan shall be considered a marz and that the President of the Republic, upon the recommendation of the Prime Minister, shall appoint and remove the mayor. Local self-government is to be instituted in Yerevan through neighbourhood districts. Article 109 provides that, in cases prescribed by law, the Government may remove the mayor/chief of a community on the recommendation of the marzpet. In such a case, special elections must be held within 30 days. An acting mayor/chief is to be appointed by the Prime Minister (urban communities) or Marzpet (rural communities). Election procedures for local self-governing bodies and their powers are to be "determined by the Constitution and the laws" (Art 110).

11. Within this constitutional framework, the most significant source of substantive law is the Law on Local Self-Government of 7 May 2002. This Law replaced the earlier Law on Local Self-Government of 22 July 1996 and has itself been subsequently amended by the Law on Making Amendments and Adjustments to the Law on Local Self-Government of 26 December 2002. The Law of 7 May 2002 states its own objectives as being to "define the concept of local self-government in the Republic of Armenia, general principles, bodies, its powers as well as legal, economic, financial bases of their activities and guarantees, regulate interrelations between the state and local self government bodies" (Art 1). The implementation of local self-government is to be governed by the Constitution, this law, other laws and legal acts (Art 2). The idea of local self-government is further spelled out in Art 3 where it is defined as "the power and capacity defined and guaranteed by the RA Constitution and this law for local self-government bodies acting at their own responsibility and independently as provided by the law, to manage the community's property and resolve the community's problems with an aim to improve welfare of the population. Local governance shall be exercised in the whole territory of the Republic of Armenia. Status of the Lake Sevan shall be defined by the law". The concept of the "community" is then further elaborated in Art 4, which states: "Community is a democratic basis of the state system. A community is a commonality of residents and administrative-territorial subdivision, within the defined boundaries of which local self-government is implemented by the residents of the community directly or through the elected bodies. A community is a legal entity, the specifics of which are established by this law. Community shall manage its property independently, has a budget as well as a seal bearing the coat-of-arms of the Republic of Armenia or community and its name."

12. These early provisions of the Law are quoted at some length because of their importance (discussed below) in seeking to embed the general principles of local self-government in the legal regime. These principles are further expanded in Art 9 of the Law which *inter alia* specifies a right to carry out autonomous activity; independence and self-responsibility; a correspondence between powers and financial resources; the protection of the rights, legitimate interests and the property of communities; assistance to financially weak communities; the right of communities to unite with others for the joint implementation of tasks; and the transparency of the activities of local self-government bodies. Thereafter, there are provisions defining community residents and referring to their participation in elections under the RA Election Code (Art 5); defining the territory of communities (as including "territories of one or several settlements, as well as outside of settlements, which may be owned by physical persons, legal entities,



community, the Republic of Armenia") (Art 6, as substituted by the Law of 26 December 2002); and further defining the local self-government bodies themselves. Article 7 provides for the community council (Avagani) and for the chief of community ("mayor" in urban communities). The council is the representative body whilst the chief is to "officially represent community and be the executive body of the community, who shall exercise powers provided for by the Constitution and this Law"<sup>5</sup>. A concluding provision (Art 10) in Chapter 1 of the Law is a general description of the powers of local self-government bodies. In particular, this draws the distinction between the "own powers" of communities and the powers delegated to them by the state and then the distinction between mandatory and voluntary powers. The specified "voluntary powers" are stated to be not exhaustive. A community may carry out any activity related to the interests of the community and not conflicting with the law. The definition of 'delegated powers' and of the relationship of those powers to 'mandatory powers' has a potentially centralising influence - "Delegated powers shall be exercised in the order established by the law or government. Powers delegated by state shall be fully and in compulsory manner financed by the state budget at the expense of the funds provided for financing the powers delegated by state. Mandatory powers and powers delegated by state shall be subject to priority performance by the community in the manner prescribed by the Law". The difference between a mandatory "own" power and a power "delegated" to a community by primary legislation, although reflecting a distinction drawn in the European Charter, is not entirely clear. One important identifying characteristic of a "delegated power", however, is that it is supposed to be separately funded by a specific grant (Art 10 and see below).

13. The Law on Local Self-Government contains a further nine chapters, concluding with Chapter 10 which includes transitional provisions - some potentially quite significant <sup>6</sup>. Chapter 2 contains provisions relating to the community councils. These are mainly organisational in character but Art 16 (as amended by the Law of 26 December 2002) makes important provision for the powers of the councils. Some 31 different powers (in the style "community council shall"<sup>7</sup>) are itemised, including the approval of the community development programme, approval of the annual budget, defining the size of local duties and fees, approving the numbers of personnel, payroll and salaries for staff. The powers of the council have to be read in the light of the powers of chiefs of community (Art 32, discussed below) who perform an initiating role. In addition, Councils have the power to "implement supervision over fulfilment of the powers of Chief of Community"; they "can protest in the court decisions of Chief of Community contradicting with the Law and other legal acts"; and they "establish the official salary of chief of community". In addition they have the power to "bring a motion to the regional governor, and, if in Yerevan, to the mayor in Yerevan, with regard to the removal of the chief of community" (see Constitution, Art 109 above). That power is procedurally supplemented by Art 17 of the Law (as amended). A proposal to remove the chief (which requires to be promoted by at least one-third of the membership) may be made "if the mandatory powers of Chief of Community are not performed within actual revenues of the community budget or if powers delegated by the State are not sufficiently performed, as well as if a number of decisions made by the Chief of Community contradicting with the Law and other legal acts are considered null and void by the decision of the court, or the court recognised the fact of periodic breach of decisions of the Council by Chief of Community". See also Arts 72-73, discussed below.

14. Chapter 2 of the Law also contains provisions specifying restrictions on occupation of certain other positions by councillors (Art 18); defining the rights and duties of councillors (Arts 19-20); and the early termination of the mandate of councillors (Art 21) and the termination of powers of the council as a whole (Art 22). Article 23 requires that council members "shall receive a pecuniary compensation at the rate of up to 30% of monthly expenses pre-defined for the members of the National Assembly of the Republic of Armenia, by his/her will and decision of the council", i.e. a permissive power to pay compensation.

15. Chapter 3 of the Law makes organisational provision for chiefs of community and their staff. There are, for instance, requirements as to minimum age (25) and education ("special secondary or higher education") as qualifications to be a chief. A chief may serve no more than two consecutive terms (Art 24). The remuneration of chiefs is specified by reference to a percentage (from 50% to 90%) of the salary of a member of the National Assembly, depending on population of the community (from less than 1000 to over 75,000) (Art 27). To assist the chief there must be a deputy chief (who retains broad powers in absence of the mayor and is a non elected officer and whose position needs further attention) and a secretary and there may be other staff (Arts 28-31). Separate legislation also requires the appointment of a treasurer/accountant.

16. Chapter 4 of the Law defines the powers of chiefs of communities. Article 32 (as amended) lists a number of general powers, some of which are designated as "mandatory powers" of the chief and others as "delegated by state". Article 33 then specifies a number of further mandatory powers "in the sphere of protection of the rights of citizens and economic entities", including some "delegated by state". Article 34 specifies some mandatory powers in the sphere of finance, again with some "delegated by state"; Art 35 in relation to protection of public order (delegated powers); art 36 in the sphere of defence (voluntary powers); Art 37 in the sphere of urban development and housing utilities (mandatory and voluntary); Art 38 in the sphere of land use (mandatory, delegated and voluntary); Art 39 on transportation (mandatory, delegated and voluntary); Art 40 on trade and services (mandatory powers); and several others (arts 41-45). An important gloss on this allocation of powers to mayors/chiefs is that the position in Yerevan is different. Although districts in Yerevan are, in many respects, directly comparable to communities elsewhere, the powers of their mayors (and also of their councils) are, in formal terms, much reduced <sup>8</sup>. Councils do not have the zoning powers of councils elsewhere and the mayors lack, among others, powers to name streets, control meetings and demonstrations, control construction and land use, manage utilities and transportation, and environmental protection. Such powers are exercisable instead by the Mayor of Yerevan.

17. Chapter 5 of the Law (as amended) deals with the property and economic activity of communities. It includes rules on the transfer (from the state) of property to communities (Art 47) and restrictions on the alienation of property (Art 51).

18. Chapter 6 deals with community budgets including elaborate budgetary procedures on the part of chiefs and councils. It is provided that the "state authorized body and office of the regional governor (marzpetaran) shall provide methodological and consultative assistance to drafting of community budget as well as supervise the budgetary process in the manner defined by law". This and other aspects of the budgetary process are further developed in the Law on Budgetary Systems. Article 57 (as amended) specifies the sources of community revenues. These are to include:

- 1. Tax revenues (land tax, property tax, part/deductions from income tax, part/deductions from profit tax, part/deductions from payment for environmental protection, fines and penalties for breaches of the land and property tax legislation. Rates of taxes which may be levied are specified in the annual State Budget Law.
- 2. State dues (for certain forms of registration), including certain local dues.
- 3. Non-tax revenues including income from property, from penalties for administrative violations and from subsidiaries in respect of delegated powers.
- 4. Revenue granted from capital transactions.
- 5. Official transfers including "subsidies from the state budget based on the principle of financial adjustment" (see also Art 58). Provision is made in the Financial Equalization Law of 24 November 1998.
- 6. Sources (eg loans, credits, alienation of national property) for the financing of budget deficits.

19. Chapter 7 deals with the important issue of relations between state and local self-government. Articles 70 and 71 provide for the general protection of communities from state interference. State intervention is permitted only if envisaged by the Constitution or this law. There is a provision that: "State by the force of laws adopted by it shall not increase the scope or powers of the community or decrease the revenues without relevant financial compensation". Bodies of local self-government may appeal to the court decisions and actions of the state bodies and official persons violating the rights of the community. Equally, decisions and actions of communities may be challenged by the government. Articles 72 and 73 (as amended) return to the question of the removal of community chiefs by the government. As amended in December 2002, it is provided: "Marzpets and Yerevan Mayor may submit a proposal on dismissal of Chief of Community to the Government if the mandatory powers of Chief of Community are not performed within actual revenues of the community budget or if powers delegated by the State are not sufficiently performed, as well as if a number of decisions made by the Chief of Community contradicting with the Law and other legal acts are considered null and void by the decision of the court, or the court recognised the fact of periodic breach of decisions by the Council by Chief of Community". There is a provision for the discussion of a draft decision to remove a chief in the community council whose own decision on the matter, together with the chief's opinion, must be sent to the marzpet prior to his submission of the matter to government. Separately, by amendment in December 2002 but reinforcing earlier provisions, the "marzpet may appeal through the court the decisions made by the Chief of Community that contradict the Law and other legal acts" (Art 72(4)). Article 77 is headed "State Supervision of Local Communities, Inter-Community Unions<sup>9</sup> and Inter-Community Union of Districts in Yerevan" and provides for such state supervision "through the National Assembly and Government". The Supervisory Chamber of the National Assembly is required, no more than once per year to "perform the supervision of targeted utilisation of financial resources" provided to the communities and the inter-community unions from the state budget. The Government through the "state authorised body" (formally defined as "the relevant Ministry in the area of the state administration" (Art 84(9)) but see also below) or the marzpet's office is to conduct financial inspections, again no more than once a year. The marzpet's office is also to perform "legal supervision" and decisions of community councils<sup>10</sup> may be appealed against in court by the marzpet. Similar arrangements apply in Yerevan. Any materials relating to criminal responsibility arising in the course of inspections are to be passed to the court or prosecutor's office.

20. Chapter 8 (as amended) deals, rather minimally, with "Inter-Community Unions" and Art 78 provides that local self-government bodies (communities) "may form inter-community unions for the purpose of providing solution to some problems faced by the communities and decrease of expenses". Such unions have separate legal personality and are formed by agreements/contracts between chiefs, with the approval of community councils.

21. Chapter 9 provides for councils of marzes/regions, including Yerevan. Article 81 requires that advisory bodies, councils of the marzes, are to be formed comprising the chiefs of communities and the marzpet who convenes and presides over council meetings. Council activities are further regulated by decrees of the President of the Republic. Article 82 (as amended) makes specific provision for the council of Yerevan, with the Mayor of Yerevan as its chief. It is stated that the Yerevan council should approve the budget for the city as well as "the order of granting permissions, for which the collection of local dues is defined by law". In addition, the Mayor, by majority vote of the council, is to perform certain other tasks including the naming of streets; regulation of "the activities of the institutions and organisations in the area of trade and catering/servicing in accordance with the legislation"; and approval of the grant of honorary citizenship of the city. "Regulation on activities of the council of Yerevan shall be approved by the mayor" and such procedural activities of the council are to be regulated "by this law" and decree of the President of the Republic.

22. Both the Constitutional provisions on local self-government and the Law of 7 May 2002 (and, to the extent that its provisions have been retained, the earlier Law of 22 July 1996) have been the objects of some critical scrutiny. The Congress Report of 1 March 2000, commenting on the earlier Law, observed that, although the early provisions contained "an impressive series of principles", some of these could with advantage be embodied instead in the Constitution itself. The Armenian authorities had expressed a willingness to consider this. In addition to the possibility of the incorporation into the Constitution of these provisions, there has, on the other hand, been criticism in the past that the Constitution creates an inflexibility preventing desirable reform in other areas, notably the three-year periods of elective office, the status of Yerevan and the Government's power to remove chiefs. Constitutional amendments require approval in a referendum and on 25 May 2003 substantial amendments were proposed for Chapter 7 on local self-government, and many other Chapters in a single package. The referendum did not, however, approve the amendments.

23. As to the Law on Local Self-Government itself, the view in the Congress report was that the intention that the legislation was to be guided by the Charter was plain, although the reality of the declared principles obviously depended, it was observed, on the actual conditions under which they are applied - something to which we return. In addition to the scrutiny by the Congress, the Law of 22 July 1996 had been subjected to detailed examination by experts of the Council of Europe (reporting to the Directorate on Local and Regional Democracy) and also at a Working Group attended by the experts, together with representatives of the Venice Commission and Mr Tigran Torosyan, Vice-Chairman of the Armenian National Assembly in Yerevan in July and October 2001. Reform of the 1996 Law was expected and a number of conclusions were reached and suggestions made, relating especially to the relative competences of chiefs and councils; sources of community revenue and budget procedures; relationships between communities and the state; the relationship between chiefs and their staffs; the union of communities; and the status of Yerevan. Texts for a new Law discussed at this stage were indeed incorporated into the draft Law introduced into the National Assembly early in 2002. That draft was, however, heavily amended in ways which omitted many of the reforms earlier proposed. So, for instance, questions of the relationship between chiefs and councils were not resolved; the status of local government staff was not assured; the local finance issues were not satisfactorily decided; nor the questions of administrative supervision, regional councils and the status of Yerevan. There has been a return to certain of these issues in the amending Law of 26 December 2002 already mentioned and some other legislative reform is under consideration. All these aspects are further discussed below but it is important to note at this stage that the immediate past history of the reform of legislation on local self-government in Armenia has not been without its problems. Current analysis and proposals for further reform have to take this history into account.

24. Among other existing laws forming the overall framework of local government legislation, there are, in addition to the Constitution itself and the Law of 7 May 2002 as amended:

- a) The Law on the Administrative-Territorial Division of the Republic of Armenia of 4 December 1995.
- b) The Electoral Code of 3 August 2002 .
- c) Law on the Budget System of 21 July 1997.
- d) Law on Local Duties and Fees of 9 January 1998.
- e) the Land Code 2000.
- f) The Financial Equalisation Law of 24 November 1998. On this, see para 45 below.

## **Part II Conformity of legislation and practice with the standards set out in the European Charter of Local Self-government**

25. To this account of the constitutional and legislative framework of local self-government in Armenia we have now to add the documentary and oral evidence available to us to provide the basis for an analysis of the current state of local democracy in the country as a whole. To provide an organisational structure for the analysis, the sequence of the substantive articles of the European Charter on Local Self-Government is adopted:

## **26. Article 2 - Constitutional and legal foundation for local self-government**

As already indicated, the Charter's requirement that the principle of local self-government should be recognised in domestic legislation and, where practicable, in the constitution can quite readily be satisfied in relation to Armenia. There are questions about whether certain principles should be embedded in the Constitution rather than legislation and about specific constitutional provisions (including, for instance, the three-year periods of elective office and the designation of Yerevan as a marz) and these will be raised later but the recognition of the general principle of local self-government is clear.

## **27. Article 3 - Concept of local self-government**

Article 3(1) requires the allocation to local authorities of the right and ability to regulate and manage a "substantial share of public affairs". If one were to look simply to the lists of powers allocated by the Law of 7 May 2002 to the councils (Art 16) and the chiefs (Arts 32-42) of the communities and leaving on one side the division between councils and chiefs, there would be little doubt that these constitute a "substantial share of public affairs". The reality is, however, quite different. In a narrow and purely formal sense, communities may have the "right" to exercise the different categories of power, although it has been noted that many of the powers allocated by the Law of 7 May 2002 are, in fact, only "delegated" to them by the state. Much more importantly, even if the communities do have the "right", they do not have the "ability". Asked what functions are actually discharged by communities, our informants provided very restricted answers. In rural areas, it appears to be the case that many of the smaller communities provide virtually no local services but there may be some street cleansing and limited domestic waste collection. In others there may be some road repairs and welfare assistance. In some urban areas the range of functions is wider, including pre-school/kindergarten provision, and some involvement in road repairs and cultural institutions. Even in the districts of Yerevan where it will be recalled that many functions are formally exercised by the Mayor of Yerevan, actual service provision is not substantial. Districts may be involved in the maintenance of buildings, public housing provision, and some social welfare provision. In Yerevan and in other urban centres, school boards have been established with some representation from the local population but schools have not been brought within the responsibility of local self-government and cannot therefore be regarded as a service provided by communities. It is understood, however, that it is proposed to transfer cemeteries and perhaps school provision to the districts during 2004.

28. Discussion of how this situation comes about is offered below. The funding crisis with all its consequences for staffing and other resources looms large. For the time being, however, it is this stark fact of how little is actually done by communities, in contrast with their extensive formal statutory powers, which dominates. This conclusion should not, however, detract from the sustained work of many community chiefs to act in an informal facilitative way on behalf of their residents.

29. Article 3(2) of the Charter requires the powers of local self-government to be exercised by councils or assemblies which are freely elected. This has two aspects. On the one hand, the powers should, on the face of it, be vested in the councils themselves rather than in "executive organs responsible to them". On the other hand the councils should be freely elected.

30. As to the first aspect, the direct allocation in Armenia of the most significant operational powers to chiefs rather than to councils raises questions about Charter compliance unless, at the same time, the councils are able to hold their chiefs responsible to them. This, in turn, raises two rather different questions: (1) Do the councils have sufficient general powers of scrutiny and control of their chiefs? (2) In an extreme case, are councils in a position to dismiss, or ensure the dismissal of, their chiefs? The answer here appears to be positive in both cases. The powers vested in the council itself, especially that of budget approval and control provide a good grounding for the scrutiny of chiefs on both a strategic and day-to-day basis. In addition, the council's powers to initiate the removal of chiefs already noted are a reality and are resorted to by councils from time to time.

31. On the second aspect of Art 3(2) and the question of whether local elections in Armenia are free and fair, the principal evidence is available in the reports of others on the elections held in November 1996, October 1999 and, most recently, in October 2002. In addition to reporting on the conduct of elections themselves, the team from the Congress which observed the elections on 20 October 2002<sup>11</sup> made a number of more general comments on the law and practice of local elections. Although the conduct of the campaign had been "generally calm and balanced" and voting itself had taken place without major incidents (but some intimidation had been reported), the following points were noted:

- (a) The accuracy of voter lists was a source of concern. The Minister promised updating and improvement before the national election. (It is understood that some progress was indeed made in the adoption of a new Registration Law.)
- (b) The mandate of chiefs and councillors should be extended to four years.
- (c) The level of deposits payable by candidates appeared to be a deterrent in rural areas.
- (d) Election staff and observers should be better trained and better identified.
- (e) Lower level election results should be required to be published locally.
- (f) There should be a fairer political balance on electoral commissions.
- (g) There should be guarantees of greater equality in media access and access to other resources during campaigns.

It was further observed that political parties continued to maintain a low profile (most candidates were independents) and, with regret, that turn-out levels were below 50% and, of course, there was no election in Yerevan for the mayor. It was recommended that the training needs of newly elected chiefs and members should be attended to.

Another regret of the election observing team was the low participation level of women. This was confirmed to us. Fifteen women had been elected as chiefs in 1999 - dropping to nine in 2002. Two thousand women councillors in 1999 had dropped to 490. No explanation for this trend was offered.

### **32. Article 4 - Scope of local self-government**

This Article is most important for its embodiment of the subsidiarity principle - public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Powers should normally be full and exclusive.

33. The question of whether these requirements are met in Armenia is intimately connected to that raised by Art 3. Because so few powers are in practice allocated to local communities, it has to be concluded that Art 4 is not, in reality, being honoured.

#### **34. Article 5 - Protection of local authority boundaries**

The Charter requires that changes in local authority boundaries should not be made without prior consultation of the local communities and this is a requirement also imposed in Armenia by a general statement in the Law on Territorial Division.

#### **35. Article 6 - Appropriate administrative structures and resources**

Local authorities must be able to determine their own internal administrative structures. Conditions of service of employees must permit the recruitment of high-quality staff on the basis of merit and competence. There must be adequate training opportunities and career prospects.

36. As earlier noted, the Constitution provides that a chief shall organise his or her staff and the Law of 7 May 2002 provides more detailed regulations on this (Arts 28-31). There is no direct control over this process by central government.

37. It has also been mentioned that a draft law on municipal service is under preparation in Armenia. The draft has already been produced for consultation by the College of Public Administration and is likely to be adopted by the Government in 2004 and introduced into the National Assembly. The draft Law defines the municipal service, its status and its relationship with the state civil service. It provides for recruitment procedures and training requirements.

38. In the meantime, however, there are many problems with the attainment of a high-quality municipal service in Armenia. Three, in particular, may be identified:

(a) In the rural communities, one of the consequences of a general under-resourcing of local self-government is simply a lack of staff. In many communities, the only officials are the chief, a deputy chief, a secretary and an accountant. Without further staff, it is quite impossible for real service provision to be undertaken.

(b) In communities of all sorts, it has sometimes been the case that a newly-elected chief will dismiss up to 90% of existing staff and appoint nominees of his or her own. This leads to severe discontinuities of employment and also undermines the Charter principle of recruitment on the basis of merit and competence.

(c) There are also many deficiencies in the remuneration of staff of communities and the provision of training. Although training has been provided intermittently with the assistance of central government or external agencies, there is no sustained provision of staff training. On the other hand a start has been made towards the development, with the Council of Europe, of a national strategy for training. Already, the Communities Association, the GTZ and the Government have ensured that some 15% of mayors have received training and this provision is to be extended. It is hoped that cooperation with ENTO will be developed.



**39. Article 7 - Conditions under which responsibilities at local level are exercised**

This Article seeks appropriate conditions for the exercise of elective office, including appropriate financial compensation and, on the face of it, the Law of 7 May 2002 makes good provision for *inter alia* the rights and duties of council members (esp. Arts 19-20) and their financial compensation (Art 23), but it is understood that councillors do not in practice receive any payments in respect of their service, although some administrative expenses are reimbursed. It appears that Art 18 (Restriction on occupation of other posts) is unproblematic. Chiefs are remunerated in accordance with the rules in Art 27 of the Law of 2002.

**40. Article 8 - Administrative supervision**

The restraint of administrative supervision by the state is a very important Charter principle. In Armenia, it has to be borne in mind that, because of the general powerlessness of communities, there is relatively little activity which is subject to supervision at all. It is, however, important that any such supervision is legally provided for; that it relates normally only to ensuring compliance with the law and constitutional principles; and that it is proportionate.

41. The main legal provision is Art 77 of the Law of 7 May 2002 (within Ch 7 on Interrelation between State and Local Self-Government Bodies) which deals specifically with state supervision, including the powers of supervision by the National Assembly of use of financial resources and the financial inspections and legal supervision by the marzpet (and Mayor of Yerevan).<sup>12</sup> A widely perceived problem with these powers of supervision is that they are open to overzealous use by central authorities at large. In particular, the powers of the "state authorised body" appear to be used not simply by a single ministry but by a wide range of state officials to make wide-ranging inspections, especially of financial records. This position needs to be regularised and brought into conformity with the Charter.

42. The other principal provisions are those relating to the removal of chiefs by the Government - Art 109 of the Constitution and Arts 72-73 (as amended) of the Law of 7 May 2002. These powers have been the cause of problems. The very existence of a constitutional provision for dismissals, especially one stated to be available simply "in cases prescribed by law", is difficult to justify in Charter terms. Secondly, the power in Art 72 to dismiss a chief "if the mandatory powers of the Chief of Community are not performed within actual revenues of the community budget or if powers delegated by the State are not sufficiently performed, as well as if a number of decisions made by the Chief of Community contradicting with the Law and other legal acts are considered null and void by the decision of the court or the court recognised the fact of periodic breach of decisions of the Council by the Chief of Community" is too vaguely drawn<sup>13</sup>. Thirdly, the actual record of the deployment of these powers (and their predecessors) has demonstrated their vulnerability to misuse on political grounds. Especially during periods of political tension prior to 2001, the power to dismiss was widely used and a continuing complaint is that full information on dismissals and the grounds on which they are made is not available. It has been pointed out that a chief's failure to secure the council's approval of the budget might be sufficient grounds for a dismissal. There is also concern about the procedures for appointing an acting chief following a suspension. Such appointed, unelected officials temporarily have all the powers of a chief.

43. There is widespread agreement that reform of the constitutional and legislative provisions were required. Either the power to dismiss should be removed altogether; or



the power should be transferred to the courts. The constitutional amendments rejected in the referendum in May 2003 would have placed the decision with the Constitutional Court, although that might be thought to produce a too cumbersome procedure.

#### **44. Article 9 - Financial resources**

One of the Charter's most fundamental provisions demands that local authorities should, within national economic policy, have adequate financial resources, of which they may dispose freely. Resources should be commensurate with responsibilities and part at least should derive from local taxes and charges, whose rates are determined locally. Financially weak authorities should be supported by equalisation procedures. In Armenia, it is impossible to say that the Charter demands are met. It is certainly true that Armenia's overall economic and financial status is weak and that this in some measure explains funding problems across the entire public sector but the position of local government is particularly acute.

45. The perception in some parts of central government (notably the Ministry) is that the financial regime now established (principally in terms of Ch 6 of the Law of 7 May 2002) ensures that adequate funding is available to communities, both from state subsidies (subject also to the Financial Equalisation Law of 24 November 1998) and from the local taxes within the control of the communities. The system of grant distribution to communities (since 2002) was described as public and transparent, although some defects were acknowledged in payments for the performance of delegated powers.

46. This is not, however, the perception on the part of communities. For them, the financial regime of the Law of 7 May 2002, although formally well designed, leaves them very badly underfunded. They derive virtually no income from sources over which they themselves have any control. Income is, according to the Law of 7 May 2002, available from land tax and property tax on land and property within their territories but at rates fixed centrally. The Government has not shared with communities the other taxes potentially available. Tax collection was formerly a function solely of the state's own collection agency although collection powers have been transferred to the Yerevan districts and will be transferred to urban communities by the end of 2003 and it was expected that this arrangement would be extended to all communities by the end of 2004, although perhaps with the need for procedures, not yet devised, to combine the efforts of groups of communities for this purpose. There are already signs in some areas of informal tax collection by communities on behalf of the state agency. The transfer of tax collection to communities is seen as important because currently only about 40% of taxes due are effectively collected. Communities, with a greater interest in the volume of tax gathered, believe they can do a more efficient job and significant improvements are already evident in the Yerevan districts. There may, however, be continuing problems relating to inaccurate cadastre information etc. In addition, the process of registration of municipal property initiated by the Law on State Registration of Property Rights of 30 April 1999 has proved slow and complicated with high registration fees for local communities, which discourage them from applying for registration. Another source of revenue is income from state and local dues.

47. Otherwise, local revenues are derived from direct state subsidies. These provided nearly 60% of local income in the country in 2002. Not only does this in itself make communities highly dependant upon the state but there are many complaints that the payment of subsidies is delayed until the end of the year; debts owed by communities are summarily deducted (even if the basis of the deduction eg for supply of power is challenged); and there are inevitable resulting problems for communities. In addition, there are complaints that the system of grant equalisation is too insensitive. There is no

equalisation between the Yerevan districts (producing great inequalities there) and additional equalisation criteria (especially to take into account differential needs of communities) are required in the system as a whole. Funding in respect of delegated powers, although required by statute, is simply not paid. A large majority of communities have no capital budget.

#### **48. Article 10 - Local authorities' right to associate**

Local authorities must have the right both to form consortia and to belong to associations (both domestic and international) to protect and promote common interests. On "consortia", Chapter 8 of the Law of 7 May 2002 on inter-community unions has been noted but, although the use of this facility might be very important as a means of strengthening the impact of small rural communities in Armenia, there are, in practice, only a very small number (about ten) in the whole of the country. In some other cases, however, informal collaboration between neighbouring communities has been achieved as a part of specific projects funded by international organisations including GTZ and DfID. It appears that the potential for much more joint working is very high. The Government has a commitment (approved by the National Assembly) for the funding of unions of communities extending across the whole country. It is apparent, however, that, if the development of unions is to be taken seriously, the legislative basis for their creation and operation will have to be greatly strengthened beyond the skeleton provision in Chapter 8 of the Law. A model has been prepared by the Association of Local Finance Officers. The rapporteur would recommend drawing up a specific law regulating inter-community issues. At any rate, this issue cannot be regulated only by the Civil Code.

49. Although there is no formal right to establish local authority associations, there is in fact a strong Association of Communities of Armenia. From a launch in 1998, the Association's membership now extends to all communities. The primary members are the community chiefs but councillors, local officials and former chiefs may join as individuals. 7000 members attended the Association's General Assembly in 2002. With a permanent staff of five and additional expert assistance, the Association provides an effective voice on behalf of local self government and works closely with central government, the National Assembly, NGOs and international organisations. It is represented on the National Council of Territorial Governance. There is, in addition, a much smaller Association of Elders/ Councillors of Armenia and there is also an Association of Local Finance Officers, as well as an Association of Municipal Civil Servants and an Association of Information Officers. The Association of Finance Officers plays an important role in relation to the financial affairs of communities and is a very significant repository of information.

The strength of these associations (especially the political Association of Communities of Armenia), although already significant, would be greatly enhanced if they were more formally integrated into the processes of national policy formation through consultation procedures, in particular, on questions of financial distribution.

#### **50. Article 11 - Legal protection of local self-government**

The Charter requires that local authorities should have the right of recourse to courts to secure the full exercise of their powers and respect for the principles of local self-government. This is, of course, a right which presupposes the existence of a judicial system independent of political or other pressures. Although not widely used, this right of

legal protection is available to the communities of Armenia by virtue of Art 17 of the Law of 7 May 2002. Councils are also able to challenge the decisions of chiefs (Art 7).

### **Part III Current proposals for constitutional and legislative change in Armenia**

51. It will be apparent from earlier sections of this report that there is a widely felt sense of "unfinished business" in relation to arrangements for local self-government in Armenia. In particular, the amendments made to the draft which became the Law of 7 May 2002 left many of the original reforming proposals unimplemented - a position not rectified by the amending Law of 26 December 2002. And secondly, the abortive referendum of 25 May 2003 also leaves in place many of the constitutional barriers to further reforms. There are, however, strong indications in official quarters that these issues will be revisited. The Memorandum of Political Coalition, according to which the present Government operates, contains a commitment to constitutional amendments and to "political and in particular election system reforms". In addition, progress is currently being made (as earlier noted) towards the drafting of a new Municipal Civil Service Law.

### **Conclusions**

52. It is to be hoped that, if the reforms just mentioned are duly proceeded with, the condition of local democracy in Armenia will be greatly enhanced. In this report, however, it is on the realities of the present situation that we have to focus and the overall conclusion has to be that local self-government in Armenia currently remains very weak and it is clear that large elements of the European Charter on Local Self-Government remain unimplemented. Across Armenia as a whole, but especially in the rural communities, local government bodies, although their profile has undoubtedly risen, have few substantial powers and their autonomy is compromised by an unsatisfactory financial regime and a lack of other resources such as a strong municipal civil service. This general diagnosis points towards three broad areas of reform:

(a) Across the system as a whole, there is a need for reforms to enable communities to

Make a reality of the powers given to them by the Law of 7 May 2002. Communities need a revenue source of their own and under their own control; they need to be assured each year of a guaranteed percentage of the gross national income of the state; grant equalisation should be reformed to take better account of differing local needs; and state payments to communities should be made on time. Communities need the benefit, as mentioned, of a reformed municipal civil service and substantially improved staff training opportunities. The intrusive control of communities by marzpets and central departments should be lifted and the government's power to dismiss chiefs should be removed or further reformed to give greater control to the courts on specified grounds. The periods of office of both chiefs and councillors should be, as already proposed, extended to four-five years and consideration should be given to lifting the restriction of chiefs to two successive terms. . Electoral reforms (as in para 31 above) should be made. In these ways the overall strength, autonomy and morale of local government may be lifted.

(b) Special attention needs to be paid to Yerevan. Whilst its position as capital city needs continuing recognition, the condition of local democracy in the city urgently needs reform. The ambition to achieve an elected mayor within five years should be operationalised and the structure of (probably two-tier) local self-government across the city needs urgent attention.

(c) Just as importantly, special attention must also be paid to the 871 rural communities where, at present, local self-government is at its weakest and, in many areas, virtually non-existent. Whilst the reforms already mentioned would contribute in a general way,

there can be no possibility of the powers in the Law of 7 May 2002 ever being discharged by the large numbers of tiny rural communities, with populations of under 3000. Three different solutions may be suggested:

(i) A radical restructuring of the territorial division of the country to produce a small number of larger communities. Reduction to one third of the present number has been canvassed.

(ii) The staged creation of a two-tier system of local self-government in Armenia with upper-tier responsibility (perhaps but not necessarily at the level of the current marzer) for the large-scale functions. There seems to be enthusiasm for this, both within and outside Government.

(iii) A substantial strengthening of the existing provisions in the Law of 7 May 2002 to enable (and indeed require) the combination of local authorities into unions of communities for the discharge of their main functions.

All three solutions, with variants on each, are already under discussion in Armenia and it is important that the momentum of reform in general should be maintained, especially where this can be achieved without the need for constitutional amendment which may not be possible until a referendum in 2005.

53. In addition to these core suggestions, we would further commend:

(a) Further strengthening the role (including a regional and international role) of local authority associations.

(b) The encouragement of efforts by border communities (and also border marzeran) in the direction of better relations and shared activities with their cross-border neighbours.

(c) The revisiting of the Articles and paragraphs of the Charter of Local Self- Government with a view to Armenia's adherence to all of the Charter's provisions, ie to add to those mentioned in para 2 above.

## **APPENDIX 1**

### **CLRAE 1<sup>st</sup> visit to Armenia (19-21 June 2003)**

#### **19 June**

#### **Ministry of Territorial Administration and Development of Infrastructures**

Mr. Hovik Abramyan, Minister

Mr. Vache Terteryan, Vice-Minister

#### **OSCE**

Mr. Roy Stephan Reeve, Head of the Office

#### **Meeting with representatives of the International Organisations**

Mr. Stephen J Avelyan Newton (DFID)

Mr. Detlef Dix (GTZ)

Mr. Steven Anlian (Urban Institute)

Mrs Amal Medani (UNDP)

Mrs Sona Hamalyan (Euro-Asia Foundation)

#### **Visit to Kanaker-Zeytun district**

Working meeting with Mr. Ruben Sinoyan, Mayor of the District, Member of the Armenian delegation to the CLRAE

**Association of Local Communities of Armenia/members of the Armenian delegation to the CLRAE**

**20 June**

**Association of Financial Officers of Local Communities of Armenia**

Mr Vatan Movsesyan, Chairman  
Mr David Tumanyan, Deputy Chairman  
Mr Sos Ghimishyan

**City of Yerevan**

Mr Robert Nazaryan, Mayor

**Meeting with NGO's**

Mr Araik Hovhannisyan (Association of Eldermen of Armenia)  
Mr Arevik Harutyunyan (Information Training Centre for Local Self government Development)  
Mr Agapi Hambardzumyan (Association of Municipal Civil servants)  
Mr Arshak Alaverdyan (Association of Lawyers of the State and Local Communities)  
Mr Norik Mnoyan (Local self-government Fund)

**Administration of the President/Committee of Local Self-Government**

Mr Armen Gevorkyan, Chairman

**Parliament**

Mr Rafik Petrosyan, Chairman of the Committee on Legal Affairs  
Members of the Committee from different political parties

**21 June**

**Visit to Ijevan**

Working meeting with Mr. Armen Gularyan, Governor of Tavush  
Working meeting with Mr. Varuzhan Narsisyan, Mayor of Ijevan  
Working meeting with councillors of the city of Ijevan

**APPENDIX 2**

**2<sup>nd</sup> CLRAE visit to Armenia (2-6 October 2003)**

**2 October**

**Ministry of Territorial Administration and Development of Infrastructures**

Mr. Hovik Abramyan, Minister  
Mr. Vache Terteryan, Vice-Minister

**Association of Financial Officers of Local Communities of Armenia**

Mr. Vatan Movsesyan, Chairman

Mr. David Tumanyan, Vice-Chairman  
Mr. Sos Ghimishyan

### **3 October**

**Association of Local Communities of Armenia / members of the Armenian delegation to the CLRAE**

**City of Yerevan**

Mr. Ervand Zaharyan, Mayor

**Ministry of Foreign Affairs/Department of European Affairs**

Mr. Samvel Mkrtchyan, Director

**Parliament of RA**

Mr Rafik Petrosyan, Chairman of the Committee on Legal Affairs  
Members of the Committee from different political parties

**Council of Europe Office**

Mrs Natalia Vutova, Special Representative of the Secretary General of the Council of Europe in Armenia

### **4 October**

**Visit to Lori province**

Working meeting with Mr Henrik Kochinyan, Governor of Lori province

**Visit to Lernapat**

Working meeting with Mr Vano Yegiazaryan, Chief of the Village

**Visit to Vaynadzor**

Working meeting with Mr Samvel Darbinyan, Mayor of Vaynadzor

### **5 October**

Working meeting with Mr. Emin Yeritsyan, Head of the Armenian delegation to the CLRAE

<sup>1</sup> See Committee of Ministers Resolution 2000 (1).

<sup>2</sup> See eg D Fuller "Local Government in the Postcommunist Era" (2001) NISPA.

<sup>3</sup> At least in recent times. Much earlier in the history of the region there were, it seems, elected forms of local self-government. See D Tumanyan, p 332.

<sup>4</sup> Adjusted by the Electoral Code to a range of 7 to 15 members.

<sup>5</sup> In the previous Law of 1996, the chief of community was described as having a “double function”: as an autonomous government body and as a representative of the State authority in its place (Art 4(3)). This provision was not replicated in the Law of 2002.

<sup>6</sup> Art 84 has been heavily amended by the Law of 26 December 2002 and a new Art 85 added.

<sup>7</sup> The actual formula is: “In accordance with the order defined by this law, community council shall:”. Many of the specific powers, however, are presented in a more discretionary /voluntary style.

<sup>8</sup> See the Law of 26 December 2002, adding a new Art 85 to the Law of 7 May 2002.

<sup>9</sup> See Ch 8 and discussion below

<sup>10</sup> For appeals against decisions of chiefs, see Art. 72 (as amended).

<sup>11</sup> *Report on the Local Elections in Armenia*, Rapporteur Christopher Newbury CG/Bur (4) 60.

<sup>12</sup> See also the power of the marzpet to challenge in court alleged illegalities by chiefs - Art 72(4) as added by the Law of 26 December 2002.

<sup>13</sup> Although these grounds substituted by the Law of 26 December 2002 are an improvement on the very general grounds which preceded them in the original version of 7 May 2002.

# The Congress of Local and Regional Authorities



**24th SESSION**  
**Strasbourg, 19-21 March 2013**

## **Local by-elections in Armenia (9 and 23 September 2012)**

Recommendation 338 (2013)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the Statutory Resolution relating to the Congress of Local and Regional Authorities of the Council of Europe, adopted by the Committee of Ministers of the Council of Europe on 19 January 2011 and, in particular, its Article 2 paragraph 4 on the Congress' role in the observation of local and regional elections;

b. the principles of the European Charter of Local Self-Government (CETS No. 122), ratified by the Republic of Armenia on 25 January 2002;

c. to its Recommendation 255(2008) on local elections in Armenia observed on 28 September 2008 and to its Recommendation 277(2009) on the first municipal elections in Yerevan observed on 31 May 2009;

d. to the Joint Opinion of the European Commission for Democracy through Law (the Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on the Electoral Code of Armenia, adopted on 26 May 2011.<sup>2</sup>

2. The Congress underlines the importance of genuinely democratic elections and its specific mandate and role in the observation of local and regional elections in Council of Europe member states.

3. It stresses that the Congress observes elections only upon invitation by the countries concerned. Like the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived in a spirit of co-operation and dialogue between the Congress and the country concerned.

4. The Congress notes with satisfaction that a new Electoral Code, containing significant improvements, was adopted on 26 May 2011. The new code introduces the possibility for political parties to appoint candidates to stand for election as mayor or municipal councillor (Article 133) and an increase in the number of municipal councillors in the bigger municipalities.<sup>3</sup>

5. The Congress acknowledges the progress made since the previous local elections and that the polls were conducted in a calm and orderly manner, with a satisfactory rate of participation.<sup>4</sup>

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<sup>1</sup> Debated and approved by the Chamber of Local Authorities on 20 March 2013, and adopted by the Congress on 21 March 2013, third sitting (see document [CPL\(24\)2](#), explanatory memorandum, presented by Henry Feral, France (L, EPP/CCE), rapporteur).

<sup>2</sup> Opinion No. 611/2011, document CDL-AD(2011)032 of 17 October 2011.

<sup>3</sup> Up to 21 councillors in municipalities with over 70,000 voters (Article 131).

<sup>4</sup> 49.5% on 9 September and 53.3% on 23 September 2012.



6. The Congress nevertheless notes that:

a. the presence of too many people in most of the polling stations visited by the delegation, some of whom were not authorised to remain there, may have disrupted the voting and vote-counting process; the tense atmosphere outside these polling stations was also noted;

b. as a rule the chairs of the local electoral commissions were familiar with the electoral code and electoral practices but that, in some cases, more thorough training is necessary.

7. The Congress regrets the lack of commitment to local governance shown by most of the political parties and the poor media coverage consequently given to these elections.

8. Moreover, with regard to women's participation, while they were well represented in the polling station committees, the Congress nevertheless regrets that very few women stood for election or were elected as mayors or municipal councillors.

9. Although enough space had generally been set aside for voting in polling stations, the Congress regrets that, despite the provisions of the electoral code, almost all of the polling stations visited by the delegation were inaccessible to people with disabilities.

10. Taking account of the above-mentioned elements, the Congress invites the Armenian authorities to take appropriate measures to:

a. increase women's participation in local politics<sup>5</sup> and in particular their access to the posts of mayor and municipal councillor, in particular by encouraging political parties to seize the opportunity provided by the new Electoral Code to appoint candidates to increase the number of women and by offering information and training to women;

b. place emphasis on training and the qualities required by the chairs of local electoral commissions in each polling station;

c. limit the number of people present in polling stations;

d. make practical improvements in the organisation of elections, in particular in vote counting so as to speed up the process ;

e. make all polling stations, the built environment and transport in general accessible and pursue their efforts to ensure that people with disabilities can exercise their right to vote and stand for election, in consultation with the organisations representing them, in keeping with Council of Europe instruments in this field<sup>6</sup>;

f. create genuine political pluralism through the emergence of an opposition force in order to offer voters a choice of candidates.

11. The Congress also urges the Armenian authorities to take appropriate steps to prevent fraud, namely:

a. by reminding returning officers of the absolute necessity of checking the identity of each voter against their own personal passport;

b. by ensuring that "assistance" is offered to the elderly only if requested and in accordance with their real needs;

c. by systematically punishing practices involving the distribution of money observed in certain polling stations.

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<sup>5</sup> See Resolution 303(2010) of the Congress of Local and Regional Authorities of the Council of Europe "Achieving sustainable gender equality in local and regional political life".  
<https://wcd.coe.int/ViewDoc.jsp?id=1607153&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CACC9A&BackColorLogged=EFEA9C>

<sup>6</sup> Recommendation CM/Rec(2011)14 of the Committee of Ministers to member states of the Council of Europe on the participation of persons with disabilities in political and public life.  
[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2011\)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2011)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

12. Finally, the Congress encourages the Armenian authorities to explore, together with the Congress and other partners, the possibilities for improving governance, local self-government and the electoral process, by drawing on the principles set out in the European Charter of Local Self-Government.

# The Congress of Local and Regional Authorities



**24th SESSION**  
**Strasbourg, 19-21 March 2013**

## **Local by-elections in Armenia (9 and 23 September 2012)**

Resolution 354 (2013)<sup>1</sup>

1. The Congress of Local and Regional Authorities recalls that the Republic of Armenia became a member of the Council of Europe on 25 January 2001.

2. The Congress notes with satisfaction that, in keeping with the European Charter of Local Self-Government (CETS No. 122), which was ratified by Armenia on 25 January 2002, the guiding principles of local self-government are enshrined in the Constitution adopted in 1995 and revised in 2005, as well as in national legislation.

3. It firmly believes that, over and above national election law and regulations it is important that local authorities play their full role in accordance with the principles of local democracy and that they are in a position to ensure effective governance in accordance with the subsidiarity principle and the European Charter of Local Self-Government.

4. The Congress welcomes the intention of the Armenian authorities to undertake reforms in the area of local democracy, in line with Congress Recommendation 140 (2003) on local democracy in Armenia.

5. The Congress underlines the fact that free and fair elections, at not only national but also local and regional level are an integral part of democratic processes in Council of Europe member States.

6. It takes note of Recommendation XX(2013) regarding the findings of the Congress delegation which observed the local elections in Armenia on 9 and 23 September 2012, and welcomes the fact that members of the EU Committee of the Regions also took part in the observation.

7. It regrets the lukewarm interest shown in the local elections and deplores the fact that, despite the new provision of the electoral law giving political parties the possibility to appoint candidates, the majority of parties have shown little interest in the elections. It believes that municipalities' low level of own resources might be an obstacle to their political commitment.

8. Given the above, and in conformity with its Resolution 306(2010) on the strategy and rules for the observation of local and regional elections, the Congress:

a. asks its Monitoring Committee to take note of the above-mentioned recommendation and to take it into account in the framework of its work programme to assess the progress made by Armenia in matters of local democracy and the honouring of commitments to the European Charter of Local Self-Government;

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<sup>1</sup> Debated and approved by the Chamber of Local Authorities on 20 March 2013, and adopted by the Congress on 21 March 2013, third sitting (see document [CPL\(24\)2](#), explanatory memorandum, presented by Henry Feral, France (L, EPP/CCE), rapporteur).

*b.* expresses its will and availability to participate in activities aimed at strengthening local democracy and electoral processes in Armenia, through continued political dialogue with the authorities and in co-operation with the Union of local communities of Armenia;

*c.* is prepared to commit itself to improving local governance in Armenia, and with this in mind, to implement the co-operation projects provided for in the Council of Europe 2012-2014 Action Plan for Armenia.

# The Congress of Local and Regional Authorities



## Chamber of Local Authorities

**24th SESSION**  
**Strasbourg, 19-21 March 2013**

**CPL(24)2REV**  
20 March 2013

### Local by-elections in Armenia (9 and 23 September 2012)

Bureau of the Congress  
Rapporteur: Henry FERAL, France (L, EPP/CCE<sup>1</sup>)

Draft Resolution (for vote) .....	2
Draft Recommendation (for vote) .....	3
Explanatory memorandum .....	5

#### *Summary*

The Congress of Local and Regional Authorities of the Council of Europe and the EU Committee of the Regions appointed a delegation to observe the local by-elections in Armenia on 9 and 23 September 2012. Their 13 teams were deployed in 9 regions across the country.

According to the delegation's observations, voting took place in a serious and calm environment over the two days of the election and the electoral commissions in the polling stations were on the whole well prepared. Improvements had been made since the previous local elections in 2008 and the elections in Yerevan in 2009, in particular in terms of the material organisation. The Congress has nevertheless drawn up recommendations, in particular concerning the representation of women in elected office, the training of the chairs of local electoral commissions and the monitoring of the presence of party representatives in polling stations.

More vigilance is required with regard to voting by proxy and to assistance given to elderly and visually impaired persons. Other people with disabilities must also be given the opportunity to exercise their full voting rights.

More generally speaking, the Congress calls for the strengthening of political pluralism and the emergence of a genuine opposition in Armenia.

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<sup>1</sup> L: Chamber of Local Authorities / R: Chamber of Regions  
EPP/CCE: European People's Party Group in the Congress  
SOC: Socialist Group  
ILDG: Independent Liberal and Democratic Group  
ECR: European Conservatives and Reformists Group  
NR: Not registered



## DRAFT RESOLUTION

1. The Congress of Local and Regional Authorities recalls that the Republic of Armenia became a member of the Council of Europe on 25 January 2001.

2. The Congress notes with satisfaction that, in keeping with the European Charter of Local Self-Government (CETS No. 122), which was ratified by Armenia on 25 January 2002, the guiding principles of local self-government are enshrined in the Constitution adopted in 1995 and revised in 2005, as well as in national legislation.

3. It firmly believes that, over and above national election law and regulations it is important that local authorities play their full role in accordance with the principles of local democracy and that they are in a position to ensure effective governance in accordance with the subsidiarity principle and the European Charter of Local Self-Government.

4. The Congress welcomes the intention of the Armenian authorities to undertake reforms in the area of local democracy, in line with Congress Recommendation 140 (2003) on local democracy in Armenia.

5. The Congress underlines the fact that free and fair elections, at not only national but also local and regional level are an integral part of democratic processes in Council of Europe member States.

6. It takes note of Recommendation XX(2013) regarding the findings of the Congress delegation which observed the local elections in Armenia on 9 and 23 September 2012, and welcomes the fact that members of the EU Committee of the Regions also took part in the observation.

7. It regrets the lukewarm interest shown in the local elections and deplores the fact that, despite the new provision of the electoral law giving political parties the possibility to appoint candidates, the majority of parties have shown little interest in the elections. It believes that municipalities' low level of own resources might be an obstacle to their political commitment.

8. Given the above, and in conformity with its Resolution 306(2010) on the strategy and rules for the observation of local and regional elections, the Congress:

*a.* asks its Monitoring Committee to take note of the above-mentioned recommendation and to take it into account in the framework of its work programme to assess the progress made by Armenia in matters of local democracy and the honouring of commitments to the European Charter of Local Self-Government;

*b.* expresses its will and availability to participate in activities aimed at strengthening local democracy and electoral processes in Armenia, through continued political dialogue with the authorities and in co-operation with the Union of local communities of Armenia;

*c.* is prepared to commit itself to improving local governance in Armenia, and with this in mind, to implement the co-operation projects provided for in the Council of Europe 2012-2014 Action Plan for Armenia.

**DRAFT RECOMMENDATION**

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

*a.* the Statutory Resolution relating to the Congress of Local and Regional Authorities of the Council of Europe, adopted by the Committee of Ministers of the Council of Europe on 19 January 2011 and, in particular, its Article 2 paragraph 4 on the Congress' role in the observation of local and regional elections;

*b.* the principles of the European Charter of Local Self-Government (CETS No. 122), ratified by the Republic of Armenia on 25 January 2002;

*c.* to its Recommendation 255(2008) on local elections in Armenia observed on 28 September 2008 and to its Recommendation 277(2009) on the first municipal elections in Yerevan observed on 31 May 2009;

*d.* to the Joint Opinion of the European Commission for Democracy through Law (the Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on the Electoral Code of Armenia, adopted on 26 May 2011.<sup>2</sup>

2. The Congress underlines the importance of genuinely democratic elections and its specific mandate and role in the observation of local and regional elections in Council of Europe member states.

3. It stresses that the Congress observes elections only upon invitation by the countries concerned. Like the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived in a spirit of co-operation and dialogue between the Congress and the country concerned.

4. The Congress notes with satisfaction that a new Electoral Code, containing significant improvements, was adopted on 26 May 2011. The new code introduces the possibility for political parties to appoint candidates to stand for election as mayor or municipal councillor (Article 133) and an increase in the number of municipal councillors in the bigger municipalities.<sup>3</sup>

5. The Congress acknowledges the progress made since the previous local elections and that the polls were conducted in a calm and orderly manner, with a satisfactory rate of participation.<sup>4</sup>

6. The Congress nevertheless notes that:

*a.* the presence of too many people in most of the polling stations visited by the delegation, some of whom were not authorised to remain there, may have disrupted the voting and vote-counting process; the tense atmosphere outside these polling stations was also noted;

*b.* as a rule the chairs of the local electoral commissions were familiar with the electoral code and electoral practices but that, in some cases, more thorough training is necessary.

7. The Congress regrets the lack of commitment to local governance shown by most of the political parties and the poor media coverage consequently given to these elections.

8. Moreover, with regard to women's participation, while they were well represented in the polling station committees, the Congress nevertheless regrets that very few women stood for election or were elected as mayors or municipal councillors.

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<sup>2</sup> Opinion No. 611/2011, document CDL-AD(2011)032 of 17 October 2011.

<sup>3</sup> Up to 21 councillors in municipalities with over 70,000 voters (Article 131).

<sup>4</sup> 49.5% on 9 September and 53.3% on 23 September 2012.

9. Although enough space had generally been set aside for voting in polling stations, the Congress regrets that, despite the provisions of the electoral code, almost all of the polling stations visited by the delegation were inaccessible to people with disabilities.

10. Taking account of the above-mentioned elements, the Congress invites the Armenian authorities to take appropriate measures to:

a. increase women's participation in local politics<sup>5</sup> and in particular their access to the posts of mayor and municipal councillor, in particular by encouraging political parties to seize the opportunity provided by the new Electoral Code to appoint candidates to increase the number of women and by offering information and training to women;

b. place emphasis on training and the qualities required by the chairs of local electoral commissions in each polling station;

c. limit the number of people present in polling stations;

d. make practical improvements in the organisation of elections, in particular in vote counting so as to speed up the process ;

e. make all polling stations, the built environment and transport in general accessible and pursue their efforts to ensure that people with disabilities can exercise their right to vote and stand for election, in consultation with the organisations representing them, in keeping with Council of Europe instruments in this field<sup>6</sup>;

f. create genuine political pluralism through the emergence of an opposition force in order to offer voters a choice of candidates.

11. The Congress also urges the Armenian authorities to take appropriate steps to prevent fraud, namely:

a. by reminding returning officers of the absolute necessity of checking the identity of each voter against their own personal passport;

b. by ensuring that "assistance" is offered to the elderly only if requested and in accordance with their real needs;

c. by systematically punishing practices involving the distribution of money observed in certain polling stations.

12. Finally, the Congress encourages the Armenian authorities to explore, together with the Congress and other partners, the possibilities for improving governance, local self-government and the electoral process, by drawing on the principles set out in the European Charter of Local Self-Government.

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<sup>5</sup> See Resolution 303(2010) of the Congress of Local and Regional Authorities of the Council of Europe "Achieving sustainable gender equality in local and regional political life".  
<https://wcd.coe.int/ViewDoc.jsp?id=1607153&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CACC9A&BackColorLogged=EFEA9C>

<sup>6</sup> Recommendation CM/Rec(2011)14 of the Committee of Ministers to member states of the Council of Europe on the participation of persons with disabilities in political and public life.  
[https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2011\)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2011)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)



## EXPLANATORY MEMORANDUM

### I. Introduction

1. At the invitation of the authorities of the Republic of Armenia, the President of the Congress – in consultation with the President of the Chamber of Local Authorities and the President of the Chamber of Regional Authorities – decided to observe the local by-elections in Armenia on 9 and 23 September 2012. Henry FERAL (France, L, EPP) was appointed Head of the delegation and rapporteur.

2. In accordance with established practice, the EU Committee of the Regions was invited to take part in the observation of the elections. It was represented by four of its members, whose spokesperson was Brian MEANEY (Ireland, European Alliance).

3. This report and its recommendations were prepared in consultation with all members of the joint Congress/CoR delegation, hereafter referred to as “the delegation”. These texts are based on meetings with the representatives of the diplomatic corps and the relevant authorities of the Republic of Armenia at national level (Ministry for Territorial Administration and the Central Electoral Commission) and at local level (local and regional electoral commissions), political parties and political groups represented in Parliament, candidates, NGO and the media, and on the delegation’s observations on the ground.

4. The Congress observation mission was the only mission of international observers to follow these elections.

5. These election observation missions follow on from the observation of local elections by the Congress in Armenia on 28 September 2008 and of the first municipal elections in Yerevan on 31 May 2009.

6. The first mission to observe the 2012 local elections took place from 6 to 10 September. The delegation comprised three members of the Congress and one member of the EU Committee of the Regions. The second mission took place from 19 to 25 September 2012 with fourteen members of the Congress and four members of the Committee of the Regions. Two members of the secretariat accompanied the observers. The composition of the delegation, the programme of the two missions and the places in which delegates were deployed are set out in the appendix.

7. The delegation would like to thank Mr Emin YERITSYAN, Head of the Armenian delegation to the Congress and President of the Association of Municipalities of Armenia, and his team for their support, assistance and co-operation in preparing the political and practical aspects of the two missions.

8. The delegation would also like to thank all those mentioned in the programmes for the useful information they provided and for their willingness to answer the delegation’s questions.

9. Finally it would also like to thank Ms Silvia ZEHE, Special Representative to the Secretary General of the Council of Europe, and her team for all the help they provided.

### II. Legal and political context

#### a. Political context

10. The local elections initially took place from February to September 2012 during a period of intensive electoral activity. They were held both prior to and after the legislative elections of 6 May 2012 and were followed by presidential elections on 18 February 2013 (the corresponding election campaign was launched in December 2012), and further elections will take place in Yerevan on 5 May 2013.

11. At the legislative elections, which were observed by the Parliamentary Assembly of the Council of Europe,<sup>7</sup> the 6 parties represented in Parliament secured the following numbers of seats out of the 131 seats in Parliament:

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<sup>7</sup> Doc.2012 of 24 May 2012.

Republican Party	69
Prosperous Armenia	37
The Armenian National Congress	7
Rule of Law	6
Armenian Revolutionary Federation	6
Heritage Party	5

12. Since then, the political relationship between the two leading parties, the Republican Party (HHK) and Prosperous Armenia (BHK), has changed and there has been a split in the ruling coalition. The Republican Party, headed by President SARGSIAN, has taken control of the majority of seats in the new Parliament. Prosperous Armenia, the second largest party, which was founded in 2005, has left the ruling coalition, without however clearly declaring itself as an opposition party, as required by law.

13. The poll held on September 2012 was particularly hotly contested in Gyumri, the second-largest city in the country, where the ruling party successfully supported the Prosperous Armenia candidate.

#### **b. Legal context**

##### **Local authorities**

14. Local government of the 914 Armenian municipalities is based on the Constitution, which was adopted by referendum in July 1995 and modified in 2005, the law of May 2002 on local self-government and the law of December 2008 on local self-government of the city of Yerevan.

15. Under the Constitution, the territorial administrative units of Armenia are the 10 regions (marzes) plus the capital, Yerevan. Each region is divided into rural and urban communities (hamaynk). The bodies of the self-governing local authorities are the "Council of Elders" and the "Head of the Community", both elected by universal, equal and direct suffrage and in a secret ballot for a four-year term of office (Article 107 of the Constitution and Articles 1 and 4 of the Electoral Code). However, prisoners are not allowed to vote (Article 30 of the Constitution and Article 23 of the Electoral Code), which is contrary to the additional protocol of the European Human Rights Convention.

##### **Electoral Code**

16. A new Electoral Code was adopted on 26 May 2011, after consultation of the competent bodies of the Council of Europe and the OSCE, and was the subject of a joint opinion of the European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR.

### **III. Electoral administration**

17. The Electoral Code establishes a three-tier system for the organisation, supervision and conduct of the elections: the Central Electoral Commission, territorial commissions and polling station commissions (Article 34 of the Electoral Code). Whereas the territorial commissions are set up for a period of 6 years, the polling stations commissions are set up for each separate election. A minimum representation of women (2 out of 7 members) is now required in respect of the Central Electoral Commission and the territorial commissions.

18. The polling station commissions comprise at least 7 members, with each political group in Parliament nominating one member (when the number of political groups is greater than 4) and 2 are appointed by the territorial commission (Article 42 of the Electoral Code). The chair and the secretary of the commissions are designated by the territorial commission from among the political groups represented in Parliament.

19. The Central Electoral Commission is the permanent body responsible for organising elections and ensuring their lawfulness (Article 49.1). In particular it ensures that the Electoral Code is uniformly applied throughout the country and organises training in the holding of the elections. When questioned by the delegation, the chairs of the polling station commissions confirmed that they had received such training. With regard to the commission's information policy, the members of the local electoral commissions said they had received precise instructions in the form of a 50- page handbook published especially for them.

20. The territorial commissions are responsible for examining or quashing the decisions taken by the polling station commissions, supervising the drawing up of electoral rolls and publishing them in the polling stations. They register candidatures for local elections and are also entitled to declare the election in a particular polling station null and void (Article 50).

21. The polling station commissions are responsible for organising the ballot and for counting the votes (Article 50).

### **Election dates**

22. In accordance with the Electoral Code, local elections were held on four different dates in 2012: 12 February, 8 July, and 9 and 23 September. This practice is similar to that in other European countries. Initially, local elections in Armenia were all held on the same day. If a post was vacated (for reasons of resignation, dismissal or death) fresh elections had to be held within 40 days. For example, in 2012, elections were held in February in municipalities where the term of office ended in May (given that legislative elections were to be held in May), in July in municipalities where the term of office expired in July or August, then in September when the general mandate ended, on two different dates to facilitate their organisation. The term of office of the mayor ends when he or she stands down – for whatever reason – which means that the term of office of the mayor does not coincide with that of the municipal council. As a result of this situation there may be difficulties in conducting municipal affairs if there is disagreement between a mayor and a municipal council elected on different dates.

23. In 799 of the 914 municipalities in the 10 regions of Armenia (apart from Yerevan), the elections of the mayor (641 municipalities) and/or municipal councillors (735 municipalities) took place in September. Early elections had been held in the remaining municipalities.

24. According to the Central Electoral Commission, the current trend is towards a uniform calendar and this may be the subject of a forthcoming reform. The elections of the Yerevan Council are subject to different rules and are covered by a separate section of the Electoral Code. They are held separately.

### **Appointment of candidates**

25. The Electoral Code allows for candidates appointed by political parties and independent (“self-appointed”) candidates (Article 133). All candidates are obliged to pay an electoral deposit, amounting to several times the minimum wage.

### **Electoral register and rolls**

26. In addition to the aforementioned electoral commissions, local government staff and local authority bodies take part in the organisation of the elections. They keep the national population register, from which serve to make up the electoral roll, up to date. Each polling station, under the supervision of the territorial electoral commission, is responsible for its electoral roll.

27. Under the Electoral Code (Article 11) electoral rolls must be made public and must be visibly posted in polling stations 2 weeks prior to the ballot. All citizens are entitled to request a rectification up to 5 days prior to the ballot (Article 12). The delegation confirms that these lists were clearly visible in the polling stations visited.

28. The opposition had asked that the lists signed by the voters also be published, which, according to the Venice Commission, is incompatible with the secret nature of the ballot.<sup>8</sup>

29. Pursuant to a provision of the Electoral Code (Article 66), the person in charge of the polling station must put a stamp on the voter's identification document using ink which disappears after 12 hours. It appears that the special ink used disappeared after only a few hours, despite the fact that the delegation had tested the stamp on its observation forms and that the stamp is still visible. Finally the ink was replaced by normal ink, which remains visible on identification documents.

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<sup>8</sup> Code of Good Practice in Electoral Matters. CDL-AD (2002) 23 rev (also available in Armenian).  
[http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD\(2002\)023rev-e](http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD(2002)023rev-e)  
[http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD\(2002\)023rev-arm](http://www.venice.coe.int/WebForms/documents/?pdf=CDL-AD(2002)023rev-arm)

30. 968,643 voters were registered in the municipalities where by-elections were held on 9 September and 641,740 on 23 September, i.e. a total of 1,610,383.

31. Some people to whom the delegation spoke were concerned by the fact that the names of numerous Armenians who had left the country on either a temporary or a lasting basis, the number of which has been rising as a result of the crisis, still appeared on the electoral rolls.

### **Complaints and appeals**

32. The Electoral Code addresses the issue of complaints and appeals giving rise to an administrative procedure by an electoral commission (Article 45 to 47). The joint Opinion of the Venice Commission and the ODIHR mentions that these provisions are not very clear or comprehensible.

33. The territorial commissions are obliged to recount the ballots if evidence of an erroneous calculation of the results is submitted; the burden of proof lies with the person lodging the complaint. The list of persons who can request that ballots be declared null and void does not include the voters or groups of voters. The territorial commissions declare a ballot null and void if the impugned infringements may have had a significant impact on the outcome. As a final resort, an appeal may be lodged with the courts in the event of an electoral dispute.

34. The interviews held by the delegation showed that the opposition and civil society had little confidence that appeals would be heard.

35. The Central Electoral Commission reported that two judicial proceedings had been instigated following the ballot on 9 September, one of which had been dismissed while the other had led to a recounting of the votes. At the end of the ballot on 23 September, the press reported that 16 complaints of electoral fraud, mainly the buying of votes, had been lodged with the public prosecutor in the Shirak region.

## **IV. Election campaign, socio-political and media context**

36. Mayors decide where campaign posters may be hung. The delegation noted that election posters were visible in major towns and cities, sometimes with gigantic photos. As in other European countries, photos of candidates are not usually posted in rural communities where everyone knows the candidates.

37. According to the media, there were several incidents during the campaign, some of which were serious, e.g. the shots fired by the son of a candidate in Gyumri at the end of an election campaign meeting.

### **Political parties**

38. During the first mission, the delegation asked to meet representatives of all the political groups represented in Parliament and during the second mission representatives of the main political parties. The Armenian National Congress – an alliance of opposition parties headed by Levon TER-PETROSSIAN, the first President of Armenia (1995) – did not accede to its request.

39. According to the persons the delegation spoke to, apart from the Armenian Revolutionary Federation, the oldest opposition party in the country, none of the parties presented an election programme during the campaign, which meant that their intentions were not very clear to citizens and the media.

40. The Armenian National Congress did not take a very active part in these elections, and the Heritage Party simply said that it gave its backing to any candidate from the opposition

41. Of the 24 parties – or coalitions of political parties – which presented candidates (mayors and/or municipal councillors) on 9 and 23 September 2012, 10 did not present any candidates and 10 others presented fewer than 10 candidates for the post of mayor. Indeed, these elections really only concerned two parties: the Republican Party (to which the Rule of Law Party is allied within the governmental coalition) and Prosperous Armenia. According to several people to whom the delegation spoke, the small parties have few human and financial resources and therefore focused their efforts on the presidential elections on 18 February 2013. Local elections are also of minor importance for

political parties and the media, given the limited resources of the local authorities, which are very dependent on financial transfers from central government.

42. Numerous parties therefore did not take an active part in these elections, given that in rural areas in particular, community ties and relations between members of the same family are of prime importance. Whatever their political leanings, candidates, once elected, often join forces with the dominant party to ensure that their municipality receives central government support.

### **The media**

43. Television, most of whose channels are based in the capital, is the main source of information in Armenia. The number of copies of the written press is limited and daily newspapers are published only in Yerevan and in Gyumri. Greater use is being made of the internet but it is the main source of information for only a limited number of citizens.

44. According to the National Radio and Television Board, following calls for tenders for the issue of broadcasting licences in December 2010, the number of licences dropped from 42 to 15 private television channels, 6 of which are national channels. All of these companies have their headquarters in Yerevan. 10 regional television channels received a digital licence. The Council of Europe Commissioner for Human Rights drew attention to this problem after his visit to Armenia from 18 to 21 January 2011 and pointed out that the decreasing number of licenses has also led to increased self-censorship among licensed media outlets.<sup>9</sup>

45. One positive development was the decriminalisation of libel in May 2010. Nevertheless, the number of libel trials involving journalists and media bodies is still very high and remains, according to the Commissioner for Human Rights, a subject of concern among representatives of the media. The OSCE representative for media freedom urged the authorities to provide suitable protection for the media in civil libel proceedings and welcomed the decision taken by the Constitutional Court on 15 November 2011, calling on courts not to impose too heavy fines on the media in this type of case.<sup>10</sup> The 2004 media law prohibits censorship.

46. It should be noted that one of the objectives of the Council of Europe 2012-2014 Action Plan for Armenia is the promotion of media freedom, professionalism and pluralism.

47. On several occasions during the observations missions, the delegation met representatives of television, radio and the press, whose attention was focused on campaign incidents. The media showed little interest in this election, which did not take place in the capital as the political class was not fully involved. The delegation regretted the lack of media coverage during the campaign, which was partly overshadowed by the Ramil SAFAROV case.<sup>11</sup>

48. Nevertheless, a citizen movement in Gyumri, entitled "The town is ours", initially set up by media representatives, is worth mentioning. It presented 7 candidates in this town (1 of whom was elected) and its election campaign was exemplary.

### **Representation of women**

49. The number of women candidates was very low. According to the results published by the Central Electoral Commission (CEC) on its Internet site<sup>12</sup> on 9 and 23 September there was a total of 43 women standing for the post of mayor in 9 regions (3.5%) and 580 women candidates for the post of municipal councillor throughout all of the regions (8.7%).

50. The proportion of women elected was even lower since only 10 women were elected as village community heads (1.6%) in only 5 regions and 396 were elected as municipal councillors (8.3%). The

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<sup>9</sup> Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe following his visit to Armenia from 18 to 21 January 2011. CommDH(2011)12 (English only).

<sup>10</sup> Final OSCE/ODIHR election observation report (elections held in May 2012) 26 June.

<sup>11</sup> In February 2004 an Azeri soldier had murdered an Armenian, Guren MARKARIAN, with an axe when both were taking part in a NATO training course in Budapest and had subsequently been sentenced to the death penalty. After being sent back to Baku on 31 August 2012, he had been released, despite guarantees given by Azerbaijan that his sentence would be carried out.

<sup>12</sup> [www.elections.am](http://www.elections.am)

number of women mayors has dropped, given that in 2008 13 women were elected to this post.<sup>13</sup> As in many European countries, women have even greater difficulties at local level in acceding to executive posts.

51. The Republican Party of whose 140,000 members, 70,000 are female, described to the delegation the training activities it carries out to enhance women's capacities for taking part in public affairs. Such initiatives should be implemented at national level on condition that women's responsibilities are not limited to traditional female occupations.

## **V. Polling days**

52. On 9 September the delegation split into 3 teams, which were deployed in the Ararat, Armavir, Shirak and Lori regions (4 of the 5 regions in which the elections were being held) and visited 40 polling stations out of 482. On 23 September, 10 teams were deployed in the Aragatsotn, Gegharquniq, Kotayq, Tavush and Vayots Dzor regions and observed the voting in 126 polling stations out of 535.

53. In total, teams were deployed in 9 regions (out of the 10 where the poll took place) and had the opportunity to visit 166 out of 1,017 polling stations. The teams observed the opening (at 8 a.m.) and closing (at 8 p.m.) of the polling stations and the counting of the votes in several polling stations. They received a very good, and sometimes warm, welcome from the heads of the polling stations and the scrutineers, who, in a spirit of openness, answered all of their questions.

### **Opening of the polling stations**

54. The teams found that the polling stations were generally ready to open on time with all the required material and sealed ballot boxes in place.

### **Conduct of the voting**

55. The representatives of the parties, the observers and the representatives of the media were able to photograph and film the sittings of the electoral commissions and the electoral process (Article 6.12 of the Electoral Code), which explains why there were cameras in some polling stations.

56. The delegation noted that the polling stations were generally well organised and tidy, particularly in cases where the head of the polling station and the members of the electoral commission made their presence felt, had wide knowledge and experience of the Electoral Code. Nevertheless a number of irregularities were noted as well as practices which made the polling complicated or created an atmosphere likely to disrupt its proper conduct.

57. The Electoral Code stipulates that observers, representatives of the parties and the media, and members of the electoral commission may be present during the voting. In some cases, there were so many representatives of the parties or the candidates that it was difficult to know who was in charge of the polling station. According to some people the delegation spoke to, some representatives spent a lot of time bringing voters to the polling station and attempting to influence them. There were also a number of people not mentioned in the Electoral Code (Articles 29 to 33, Article 63.5) present in some polling stations, who left the premises when the delegation arrived. Some people continually talked to the voters even when they were in the polling booths, thus disrupting the voting. Despite the fact that it is prohibited by the Electoral Code (Article 63.5 and 65), numerous candidates, including elected representatives, remained in the polling stations or less than 50 metres away, after casting their vote.

58. The rule concerning the maximum number of 15 voters allowed in the polling stations at one time (Article 63.6) was in numerous cases not respected either. In some rural areas the heads of the polling stations had difficulty in controlling the flow of people, who were impatient to vote so that they could return to the harvesting in the fields, and this gave rise to heated discussions and sometimes to fights.

59. At various polling stations, the atmosphere was tense owing to groups of men lingering at the entrance and outside.

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<sup>13</sup> Reply from the Armenian authorities to Recommendation 255 (2008) of the Congress. March 2009.

60. The delegation also noted that elderly people, or those who had difficulty reading, were given more “assistance” than they required. The Electoral Code stipulates that assistance should be provided to persons who encounter difficulties in taking part in the poll and that they should be given the opportunity to freely express their wishes (Article 63.7, 64 and 65). Such persons may request help from one other person, provided that person does not represent a candidate or a political party and is not a member of the electoral commission; the person’s name must also be recorded on a special register, which was generally the case but not always. Sometimes unidentified persons rushed to help elderly people who were capable of signing the electoral roll, but incapable of ticking the right boxes on the ballot paper. Some heads of polling stations turned these people away. According to some of the people we spoke to, assistance was sometimes provided by members of the electoral commission. Cases were also reported in the countryside where limousines dropped off elderly people after taking their passport from them.

61. During our discussions with various people, the issues of corruption and vote-buying were often mentioned and the media often reported such incidents. Current economic circumstances could increase this risk. It is alleged that voters in one town were paid bribes of between 10,000 and 20,000 drams (20 to 40€) and that some even received 50,000 drams (100€) during the final two hours of voting. One elected representative confirmed to members of the delegation that inside the polling station the mayor had handed sums of money to the first voters and to young people taking part in the poll for the first time.

62. Finally, police were seen outside and sometimes inside the polling stations without it being clear what they were doing there. Under the Electoral Code (Article 53), the police and the electoral commissions must co-operate in ensuring that the elections are properly conducted, that the commissions are not hampered in their work, that law and order is maintained during campaign events, that the commissions receive any support they may request and that electoral documents are safely transferred and stocked.

### **The counting of votes**

63. The delegation observed that, in the polling stations visited, members of the polling station commissions scrupulously followed the instructions of the Central Electoral Commission during the vote-counting. In some cases, the vote-counting took a very long time. To ensure the proper conduct of the counting, it is preferable that the envelopes be counted before being opened and that the number obtained is compared with the number of voters. To speed up this operation, several members of the commission, and not only one person, could be responsible for counting and opening the envelopes.

64. In some cases, the appraisal of spoilt ballots gave rise to heated discussions involving representatives of the parties or the candidates, who sometimes returned after leaving the room (which is forbidden) thus disrupting the counting of the votes. These ballots should be set aside and re-examined at the end of the operation. The representatives of the parties and the candidates should also be kept at a certain distance from the polling station. Once again, the authority of the heads of the polling station and the training they have received in maintaining order play an extremely important role in avoiding such a waste of time.

### **National observers**

65. The Central Electoral Commission is also responsible for the accreditation of observers (Article 49 of the Electoral Code). According to its Internet site, 19 national NGOs were accredited to observe the elections held on 9 September and 15 national NGOs for those held on 23 September. The delegation talked with some of these organisations during the preparatory meetings for the poll. However, it had very little opportunity to meet these NGOs in the field. Some “observers” were wearing NGO badges which did not signify anything and about which they were unable to give any explanations.

### **Access to polling stations and access for people with disabilities**

66. The polling stations were generally situated in premises spacious enough for the polling operations, usually schools. In their reply to Recommendation 255 (2008) of the Congress, in March 2009, the Armenian authorities pointed out that the polling stations should be as close as possible to the places where people live (Article 15 of the new Electoral Code). In some towns, there were several polling stations in the town centre. In some cases the municipality provided buses to bring voters to

the polling stations. Generally speaking, it would be better to set the polling stations up in areas where the voters live, in other words to bring the polling stations closer to the voters rather than the opposite.

67. Article 15 of the Electoral Code also stipulates that local authorities are obliged to take appropriate measures to enable “persons with limited physical capacities” to exercise their voting rights. Article 63.7 stipulates that special measures should be taken to assist persons who encounter difficulties in taking part in the poll and that they should be given the opportunity to freely express their wishes. The delegation noted that, despite these provisions, most polling stations could not be accessed by people with disabilities and it did not see anyone in a wheelchair. In some cases, the polling stations were situated in the most inaccessible part of the building (on the higher floors) whereas more accessible rooms were available (on the ground floor close to the entrance to the building).

68. In other cases, obstacles were created unnecessarily. With a view to applying the instructions concerning the layout of the polling station to the letter, polling booths were sometimes placed on a raised platform, which meant that voters, including the elderly, were obliged to climb up narrow stairs whereas there was sufficient room for the booths in the remainder of the room. When a polling station is on one of the higher floors, the head of the polling station is supposed to meet people with physical disabilities on the ground floor so that they can vote. The authorities are aware of the fact that the built environment, roads, pavements and public transport must be accessible, so that people with mobility disabilities can get to the polling stations, and are working with local NGOs to improve the situation.

69. People in hospital or those who cannot leave their homes for health reasons or because of their disability cannot cast their vote themselves. In the past a system of mobile voting had been used but this had been abandoned because of the risks of fraud. Nevertheless, mobile voting exists everywhere in Europe where the ballot boxes are transported by at least two members of the local polling station. Such a system should be reintroduced in Armenia.

70. According to the World Health Organisation, 15% of the world population are disabled (various types of disabilities). If the built environment and the polling stations are not accessible and no alternative is proposed to people in hospital or those who cannot leave their homes for health reasons, they cannot exercise their voting rights.

71. Technical aids were made available to visually impaired or blind people (magnifying glasses and documents in Braille).

## **VI. Outcome of the elections**

72. According to the results published by the Central Electoral Commission (CEC) on the Internet,<sup>14</sup> the level of participation was 49.52% on 9 September and 53.31% on 23 September with considerable differences between municipalities. In Gyumri, the second largest town in the country (125,657 registered voters) where the election was bitterly contested, participation was 36.4%. In Vanadzor, the third largest town (96,244 registered voters), it was 46.31%.

73. The number of candidates and elected representatives for each political party was as follows :

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<sup>14</sup> The law does not require that the number of voters be published.



**Local elections held on 9 and 23 September 2012<sup>15</sup>**

	Mayor (641 municipalities)		Municipal councillors (735 municipalities)	
	Candidates	Elected	Candidates	Elected
Independents	465	139	4,190	2,946
Republican Party	583	403	1,613	1,190
Prosperous Armenia	117	55	594	424
Arm. Rev. Federation	41	26	137	92
Rule of Law Party	18	12	91	61
(member of the ruling coalition)				
<b>TOTAL</b>	<b>1,237</b>	<b>638</b>	<b>6,698</b>	<b>4,746</b>

74. According to the same source, 411 candidates for the post of mayor (out of 1,237 registered, i.e. 33.2%) and 281 candidates for the post of municipal councillor (out of 6,698 registered, i.e. 4.2%) stood down.

75. Of the 24 parties that took part in this election, 4 have no elected representatives; the Republican Party presented 47.1% of the candidates for the post of mayor and secured 63.2 % of the posts. Far behind them came Prosperous Armenia, which presented just under 10% of the candidates and secured a similar percentage of posts as mayor and municipal councillors (9.5% of the candidates for the post of mayor and 8.6% elected; 8.9% of the candidates for posts as municipal councillors and the same percentage elected). One of the striking things about these elections is the large number of independent candidates and their success: they represented 62% of the candidates for posts as municipal councillors and the same percentage was elected, and they secured 21.7% of the posts as mayor. However, this finding needs to be qualified as some of them had the backing of the main parties, as was confirmed by the representatives of the candidates present in the polling stations, without counting those likely to join forces with the ruling party once elected, for the reasons given above.

76. In Gyumri, the Prosperous Armenia candidate, Samvel BALASANYAN, was elected mayor by a wide margin with the support of the ruling party, the Republican Party. In Vanadzor, the former Republican mayor, Samuel DARBINYAN, was re-elected.

77. Following the observation mission, the delegation noted from the Central Electoral Commission's Internet site that the following local elections had been scheduled:

- 30 September: elections in Aragatsotn, Arevut, Garnahovit, Gegharot, Eghnik, Tsakhkasar, Tsilqar, Shamiram, Vosketas, Ushi, Chqnagh, Tsamaqasar and Quchak (Aragatsotn Region)<sup>16</sup>
- 28 October: early election of the mayor of Khoronk (Armavir Region);
- 4 November: new election of a member of the Hako municipal council (Aragatsotn Region) and of the mayor of Noyakert (Ararat Region);
- 18 November: early election of a member of the Goghovit municipal council (Chirak Region);
- 9 December: early election of the mayor of Eranos (Gegharkunik Region).

<sup>15</sup> Source: [www.elections.am](http://www.elections.am)

<sup>16</sup> The reasons given for the holding of fresh elections in the 14 municipalities of the Aragatsotn region are based on the grounds for declaring an election null and void, set out in the Electoral Code.

With regard to the election of municipal councillors in 12 municipalities: "if during the period during which candidates are registered ... the number of candidates is lower than or equal to the number of members of the Municipal Council prescribed by the Code, or ... after registration, the number of candidates drops by more than half the number of municipal councillors prescribed by the Code ..."

With regard to elections to the post of mayor in 2 municipalities: "if during the period during which candidates are registered, no candidates have been registered or ... the number of candidates is lower than 1".

## VII. Conclusions

78. These local by-elections, which did not concern the capital, Yerevan, took place after a very quiet election campaign that had very little political content and was partly overshadowed by political affairs that had no connection with the election. The poll attracted very little attention from the media, which focused on incidents relating to the election campaign.

79. Similarly, the political forces represented at the poll showed very little commitment to the election and did not therefore seem to attach the necessary importance to local democracy and governance. Most of the political parties were already preparing for the presidential elections, particularly the smaller parties, which were saving their limited financial and human resources for that occasion. The opposition and civil society had doubts that any real changes would come about as a result of the elections.

80. In view of the lack of importance attached to these elections, they did not attract any major players and this poses a problem for local autonomy. Given that they have few own resources, local authorities have limited capacities and remain very dependent on grants from central government.

81. With regard to gender equality, women were well represented on polling station electoral commissions but few women were candidates or stood for election to executive posts. Ten women were elected but only as village community heads on 9 and 23 September 2012.

82. From the technical and administrative standpoint, the practical organisation of the poll was satisfactory and the polling stations functioned normally under the leadership of both men and women, although there were a number of shortcomings. The members of polling station commissions were generally well prepared and did their very best to apply the instructions given to them by the territorial commissions and the Central Electoral Commission. In some cases, the heads of the polling station commissions did their utmost to control the flow of voters and keep the polling station under control in a sometimes tense atmosphere.

83. People who are ill or have disabilities still have little opportunity to exercise their civic rights, despite the fact that technical aid was sometimes proposed. Abuse was sometimes made of the possibility of offering assistance.

84. While some progress has undeniably been made in the way in which local elections are conducted in Armenia and the legal framework has been improved with comprehensive procedures and politicians and voters still have little confidence in the institutions. In addition to ensuring equal conditions for all participants, the electoral administration needs to show determination in preventing the use of administrative resources by some politicians or political parties and to combat certain financial practices, such as vote-buying, that are incompatible with democratic elections.

85. Finally, in a political landscape where a weak and divided opposition is having difficulty in establishing itself, the main issue is that of political pluralism and the voters' freedom of choice.

## APPENDIX 1



**The mission of the Congress of Local and Regional Authorities of the Council of Europe calls for a strong commitment of political parties to local democracy in Armenia.**

"Our satisfaction with the fact that these elections take place according to international standards is mitigated by the lack of engagement of political parties with local governance," said Henry FERAL (France, EPP), head of the delegation for the observation of local government elections in Armenia.

Following the observation of part of local elections conducted on 9 and 23 September 2012 \* the Congress noted with satisfaction that the voting took place in a serious and calm atmosphere and the level of participation was satisfactory. No observer detected any obvious fraud though the issue of possible vote buying was raised by many stakeholders.

However, the delegation noted the lack of commitment of political parties with regret. While recognizing that this is due to various reasons, such as lack of financial resources, staff and candidates, it believes that political parties do not pay enough attention to democracy and governance at the local level.

Moreover, while acknowledging the existence of initiative from citizens who have participated in the electoral process, the Congress calls for greater involvement of all of civil society.

The Congress was the only international observer to follow part of the local elections. The mission took place from September 6 to 10 and 19 to 25 September 2012. The Congress delegation comprising of 14 members plus four members of the Committee of the Regions of the European Union, met with representatives of the Government, members of Parliament, representatives of political parties, members of the diplomatic corps, representatives of the international community as well as representatives of the media and NGOs.

*\* On September 9, 2012 the Congress mission worked in the marzes of Armavir, Ararat, Lori, Shiraz; on September 23, 2012 they worked in the marzes of Gegharquniq, Aragatsotn, Kotayq, Tavush, Vayots Dzor.*

## **APPENDIX 2**

### **Local by-elections in Armenia, 9 September 2012 Programme of the observation mission from 6 to 10 September 2012**

#### **Members of the Congress of Local and Regional Authorities of the Council of Europe**

Henry FERAL (France/EPP/CD/Local)	Head of Delegation and Rapporteur, Mayor of Puycelci
Irmeli HENTTONEN (Finland/ILDG/Local)	Member City Council Lappeenranta, Member of the Board, Regional Council of South Carelia
Ludmila SFIRLOAGA (Romania/SOC/Regional)	Councillor, Prahova County Council

#### **Members of the Committee of the Regions of the European Union**

Brian MEANEY (Ireland/EA)	Clare County Council and Mid-West Regional Authority
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#### **Secretariat of the Congress of Local and Regional Authorities of the Council of Europe**

Antonella CAGNOLATI	Director
Muriel KREYDER GRIMMEISSEN	Co-secretary of the Current Affairs Committee

## Programme

### Thursday 6 September 2012

*Arrival of the delegation*

### Friday 7 September 2012

#### *Briefing*

- |               |   |
|---------------|---|
| 10.00 – 10.30 | Information meeting with Ms Silvia ZEHE, Special Representative of the Secretary General of the Council of Europe to Armenia  |
| 10.30 – 11.30 | Meeting with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister for Territorial Administration  |
| 11.30 – 12.30 | <p>Meeting with NGO representatives</p> <ul style="list-style-type: none"> <li>- Sakharov Armenian Human Rights Centre, Shirak regional branch</li> <li>- Helsinki Committee of Armenia</li> <li>- Helsinki Citizens Assembly, Vanadzor Office (Lori Region)</li> <li>- Transparency International</li> <li>- “Capacity and Development for Civil Society”</li> </ul>   |
| 12.30 – 13.30 | <p>Meeting with media representatives</p> <ul style="list-style-type: none"> <li>- Yerevan Press Club</li> <li>- Goris Press Club (Syunik Region)</li> <li>- Asparez Journalists club of Gyumri (Shirak Region)</li> <li>- Gala TV (Shirak Region)</li> <li>- Radio Free Europe (RFE)/ Radio Liberty (RL)</li> <li>- Public TV</li> <li>- Public Radio</li> </ul>   |
| 15.00 – 15.45 | Meeting with Mr Tigran MUKUCHYAN, Chairman of the Central Electoral Commission of Armenia (CEC)   |
| 16.00 – 17.00 | <p>Political analysis of the elections by the diplomatic corps and international organisations</p> <ul style="list-style-type: none"> <li>- Mr Jean-Michel KASBARIAN, Councillor at the French Embassy</li> <li>- Mr Ninel GAVANESCU, <i>Chargé d’Affaires</i>, Embassy of Romania</li> <li>- Mr Onno SIMONS, Head of the Political, Economic, Press and Information Section, Delegation of the European Union to Armenia</li> <li>- Ms Rusanna BAGHDASSARYAN, Good Governance Programme, OSCE Office in Yerevan</li> </ul>   |
| 17.15 – 19.40 | <p>Meeting with representatives of the factions in Parliament</p> <ul style="list-style-type: none"> <li>- Armenian Revolutionary Federation: Dr Artsvik MINASYAN, Deputy Chair of the Standing Committee on Financial-Credit and Budgetary Affairs</li> <li>- Rule of Law: Mr Mher SHAHGELDYAN, Secretary</li> <li>- Prosperous Armenia: M. Stephan MARGARYAN, Chair of the Standing Committee on Territorial Management and Local Self Government</li> <li>- Republican Party: Mr Araik HOVHANNISYAN, Vice-Chair of the Standing Committee on Territorial Management and Local Self Government, Ms Ruzanna MURADYAN, Mr Hovhanness SAHAKYAN, Secretary</li> </ul> |
| 20.30         | Working dinner with Mr Emin YERITSYAN, Head of the Armenian delegation to the Congress, M. Vache B. TERTERYAN, Vice- Minister for Territorial Administration, at the invitation of the Communities Association of Armenia   |

**Saturday 8 September 2012**

- |               |  |
|---------------|--|
| 09.15 – 10.15 | Meeting with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister for Territorial Administration |
| 10.15 – 14.00 | Social programme and lunch at the invitation of the Communities Association of Armenia             |
|               | <i>Briefing</i>  |

**Sunday 9 September 2012**

- |               |  |
|---------------|--|
| ELECTION DAY  | Election of mayors and/or municipal councillors in the Regions of Ararat, Armavir, Lori, Shirak and Syunik |
| 07.00 – 23.00 | Deployment of the teams in the Regions of Ararat, Armavir, Lori and Shirak                                 |

**Monday 10 September 2012**

*Departure of the delegation*

### APPENDIX 3

#### Local by-elections in Armenia, 23 September 2012 Programme of the observation mission from 19 to 25 September 2012

##### Members of the Congress of Local and Regional Authorities of the Council of Europe

Leo AADEL, Estonia (R, ILDG)	Mayor, Local Council of Haljala
Fleur BUTLER, United Kingdom (L, ECR)	Councillor, Richmondshire DC
Henry FERAL, France (L, EPP/CD)	Head of Delegation and Rapporteur, Mayor of Puycelci
Irmeli HENTTONEN, Finland (L, ILDG)	Member of the City Council of Lappeenranta, Member of the Board, Regional Council of South Carelia
Jon HERMANS-VLOEDBELD, Netherlands (L, ILDG)	Mayor of Almelo
Jaroslav HLINKA, Slovak Republic (L, ILDG)	Mayor, Municipal office of the urban part Kosice Juh
Françoise JEANNERET, Switzerland (L, SOC)	Municipal Councillor of Neuchatel
Mihkel JUHKAMI, Estonia (L, EPP/CD)	Chair of the Rakvere City Council
Marie-Madeleine MIALOT-MULLER, France (R, SOC)	Vice-President of the Regional Assembly, Region "Centre"
Mihali NJILAS, Serbia (L, EPP/CD)	President of the Municipality of Kanjiza
Fabio PELLEGRINI, Italy (L, SOC)	Municipal Councillor, Rapolano Terme
Ludmila SFIRLOAGA, Romania (R, SOC)	Councillor, Prahova County Council
Jean-Louis TESTUD, France (L, EPP/CD)	Deputy Mayor of Suresnes
Line VENNESLAND, Norway (L, ECR)	Councilor, Vennesla Municipality

##### Members of the Committee of the Regions of the European Union

Brian MEANEY, Ireland (EA)	Speaker of the Committee of the Regions, Clare County Council and Mid-West Regional Authority
Väino HALLIKMÄGI, Estonia (ALDE)	Member of Pärnu City Council
Ursula MÄNNLE, Germany (EPP)	Member of the Bavarian State Assembly
Jerzy ZAJĄKAŁA, Poland (EA)	Mayor of Lubianka Municipality

##### Secretariat of the Congress of Local and Regional Authorities of the Council of Europe

Antonella CAGNOLATI	Director
Muriel KREYDER GRIMMEISSEN	Co-secretary of the Current Affairs Committee

**Programme**  
**Wednesday 19 September 2012**

*Arrival of the delegation*

**Thursday 20 September 2012**

*Briefing meeting*

- |               |  |
|---------------|--|
| 10.00 – 10.30 | Information meeting with Ms Silvia ZEHE, Special Representative of the Secretary General of the Council of Europe to Armenia   |
| 10.30 – 11.00 | Political analysis of the elections by the diplomatic corps and international organisations<br><br>- Ms Isabelle GUISNEL; First Adviser, French Embassy<br>- Mr Christoph BREUNIG, Adviser, Embassy of Germany<br>- Mr. Paolo BONISSONE, Adviser, Embassy of Italy<br>- Mr Dragos ZAPFIRESCU, Ambassador of Romania<br>- Mr Konstantin OBOLENSKY, Ambassador of Switzerland<br>- Mr Traian Laurentiu HRISTEA, Head of the European Union Delegation to Armenia<br>- Ms Ruzanna BAGHDASARYAN, Good Governance Programme Officer, OSCE Office in Yerevan |
| 11.00 – 12.00 | Meeting with NGO representatives<br><br>- Helsinki Committee of Armenia<br>- “Electoral Systems Centre”<br>- Helsinki Citizens Assembly, Vanadzor Office (Lori Region)<br>- “Regional Development and Research Center” (Gegharkunik Region)  |
| 12.00 – 13.15 | Meeting with media representatives<br><br>- Public Radio<br>- Yerevan Press Club<br>- Gala TV (Shirak Region)<br>- Caucasus [Media] Institute  |
| 15.15 – 17.45 | Meeting with representatives of political parties<br><br>- Heritage: Mr Armen MARTIROSYAN, Vice-Chair, Hovsep KHURSHUDYAN, speaker<br>- Armenian Revolutionary Federation: Mr Artak AGHBALYAN, Mr Artsvik MINASYAN<br>- Rule of Law: Mr Khachik HARUTYUNYAN, Mr Mher SHAHGELDYAN<br>- Prosperous Armenia: Mr Vahe HOVHANNISYAN, M. Stepan MARGARYAN, Mr Tigran URIKHANYAN, Mr Elinar VARDANYAN<br>- Republican Party: Mr Araik HOVHANNISYAN, Mr Artak ZAKARYAN   |
| 18.00 – 19.00 | Meeting with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister for Territorial Administration   |



**Friday 21 September 2012: National Day**

- 10.00 – 14.00                Social programme arranged by the Communities Association of Armenia
- 20.00                        Dinner with Mr Emin YERITSYAN, Head of the Armenian delegation to the Congress, at the invitation of the Communities Association of Armenia

**Saturday 22 September 2012**

- 12.00 – 13.00                Meeting with Mr Tigran MUKUCHYAN, Chairman of the Central Electoral Commission (CEC)
- 13.30 – 16.30                Deployment of six teams in the Region of Gegharquniq, Tavush and Vayots Dzor
- 16:30 – 18.00                Meetings with candidates (women and men) from the Republican Party, the opposition and self-nominated, then with the Chairs of the Territorial Election Commission (TEC) in Sevan (Gegharquniq Region), Dilijan (Tavush Region) and Yeghgnadzor (Vayots Dzor Region)

*Accommodation of six teams on the spot*

**Sunday 23 September 2012**

- ELECTION DAY                Elections of mayors and/or municipal councilors in the Regions of Aragatsotn, Gegharquniq, Kotayq, Tavush and Vayots Dzor
- 07.15 – 23.00                Deployment of four teams in the regions of Aragatsotn and Kotayq

**Monday 24 September 2012**

*Debriefing meeting*

- 10.00 – 11.00                Meeting of the Head of delegation with Mr Armen GEVORGYAN, Deputy Prime Minister and Minister for Territorial Administration
- 12.00 – 13.00                Press Point
- 20.00                        Dinner with Mr Emin YERITSYAN, Head of the Congress delegation of Armenia on the invitation of the Communities Association of Armenia

**Tuesday 25 September 2012**

*Departure of the delegation*

**APPENDIX 4****Local by-elections in Armenia - 9 September 2012**  
(Regions: Ararat, Armavir, Shirak, Lori, Syunik)**Deployment**

Opening of the polling stations: 8.00 – 20.00.

<b>Team</b>	<b>Region in which team was deployed</b>	<b>Composition of the team</b>
1	Ararat and Armavir	Antonella CAGNOLATI Henry FERAL
2	Shirak	Muriel KREYDER GRIMMEISSEN Irmeli HENTTONEN
3	Lori	Brian MEANEY Ludmila SFIRLOAGA

## APPENDIX 5

### Local by-elections in Armenia - 23 September 2012 (Regions: Aragatsotn, Gegharquniq, Kotayq, Tavush and Vayots Dzor)

#### Deployment

Opening of the polling stations: 8.00 – 20.00.

#### Saturday 22 and Sunday 23 September 2012

Team	Region in which team was deployed	Composition of the team
1	Gegharquniq	Brian MEANEY Ludmila SFIRLOAGA
2	Gegharquniq	Irmeli HENTTONEN Mihkel JUHKAMI
3	Vayots Dzor	Fleur BUTLER Jerzy ZAJĄKAŁA
4	Vayots Dzor	Mihali NJILAS Line VENNESLAND
5	Tavush	Väino HALLIKMÄGI Jaroslav HLINKA
6	Tavush	Leo AADEL Jon HERMANS-VLOEDBELD

#### Sunday 23 September 2012

Team	Region in which team was deployed	Composition of the team
7	Aragatsotn	Antonella CAGNOLATI Henry FERAL
8	Aragatsotn	Françoise JEANNERET Marie-Madeleine MIALOT-MULLER
9	Kotayq	Muriel KREYDER GRIMMEISSEN Ursula MÄNNLE
10	Kotayq	Fabio PELLEGRINI Jean-Louis TESTUD

## **The Congress of Local and Regional Authorities of the Council of Europe**

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- The Congress is a political assembly composed of 636 elected officials - mayors, governors, councillors, etc. – representing the 200 000 local and regional authorities of the 47 Council of Europe member states.

*It speaks for Europe's local and regional elected representatives.*

- The Congress promotes devolution through transfer of political powers and financial resources to the municipalities and regions.

*It ensures that policy decisions are made at a level closest to the citizens.*

- The Congress guarantees civic participation and fosters a positive perception of local identities.

*It strives for living grassroots democracy in an ever more globalised world.*

- The Congress reinforces local and regional democracy by permanently monitoring the due application of the European Charter of Local Self-Government, observing local and regional elections, and issuing recommendations to the governments of the 47 Council of Europe member states.

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