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Summary

On 20 January, 2013 voters in Austria were asked whether compulsory military service should be maintained, or whether a professional army should be created. The initiators of the non-binding plebiscite were the two governing coalition partners - the SPÖ and ÖVP - who held different positions on the issue. According to the provisional result (not counting postal votes), 52.4% of the registered electorate took part in the non-binding procedure. A majority of 59.7% of those who voted chose to retain compulsory military service.

This report analyses the legal basis and the course of the procedure. The following conclusions were reached:

1. The chosen procedure resulted in the non-binding plebiscite becoming primarily a "political match between the SPÖ and ÖVP".[1] The two initiating parties were able to dominate the debate and position themselves as the decisive actors right at the beginning of the 2013 general election year.

2. Despite this, there was a wide debate on the future of the Austrian army in which many people took part, as shown by the high turnout: a surprise for all observers. The educative function of direct democracy came into its own fully. The citizens demonstrated that they were able to discuss substantive technical issues and to decide for themselves - to the extent that this was at all possible within the flawed procedure.

3. The media made a significant contribution to this through their reporting: in the runup to the vote, the non-binding plebiscite was the number one topic in the media. Both sides of the debate had sufficient opportunity to state their case. The media are to be especially commended for the fact that they also included extensive coverage of the procedural flaws.

4. By contrast, the established parties have a lot to catch up on in their handling of direct democracy. Their decision to opt for a non-binding plebiscite meant that a flawed participatory tool came to be employed. The sovereign citizen called to the voting urn could not be sure in advance whether his or her decision would ever become constitutional fact.

5. This uncertainty was exacerbated by the fact that important information was withheld from the voters. The question on the voting slip was imprecise - an inadequate basis for making a decision according to people's own preferences.

As a consequence of points 4 and 5 above, the authors of this study came to the conclusion that in terms of internationally recognised criteria the procedure must be judged to have been "unfair".

Contents

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[1] http://www.salzburger-fenster.at/redaktion/aktuelle_berichte/ergebnis_sf_online_umfrage_ueber_58_fuer_die_wehrpflicht_art2401/

Introduction

The background to the non-binding plebiscite

In October 2010, in an article in the influential "Kronen Zeitung", the mayor of Vienna, Michael Häupl (SPÖ), called for a non-binding plebiscite on compulsory military service. This was the first time that this suggestion had been placed on the political agenda, although the future of military service itself had long been a subject of debate, with the "Kronen Zeitung" being an advocate of a professional army.

In the past, both the SPÖ and the ÖVP have changed their minds on the issue, at different times revising their position to one diametrically opposite to that previously held. As recently as July 2010, in an article in the Tiroler Zeitung, Defence Minister Darabos (SPÖ) expressed his full support for conscription: "As far as I am concerned, conscription is set in stone. As long as I am Defence Minister there will be no ending of compulsory military service"[2] It is astonishing, therefore, that only a few months later the SPÖ had become a clear proponent of a professional army. The probability is that the change in stance announced by Häupl was designed to make the party more attractive to younger voters.

By contrast, the ÖVP exploited the opportunity to give a higher profile to its own views and, in another about-turn, expressed its support for conscription - after having been in favour of accession to NATO and the creation of a professional army in the 1990s.[3]

Of course, parties are allowed to change their positions. And it is an interesting approach to allow the voters to decide directly on an issue on which the two governing parties hold differing views - probably a better option than entering a political cul-de-sac. Nonetheless, the fact that the parties had changed their stance contributed significantly to damaging the credibility of the proponents of the different positions.[4]

The background to this report

The European movement for direct democracy has been monitoring such processes for many years. The primary focus is on the quality of the procedure, since citizen participation can only reveal its positive effects if the procedure is well designed. In evaluating the different categories, attention is paid to whether the voters were in a position to make an informed choice, and also whether both sides of the debate had an equal opportunity to gain a majority in the non-binding plebiscite.

In assessing the various points of view, we divided them into four categories:

I.   Legal basis

II.   Timescale

III.   Financial rules

IV.   Campaigning rules

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[2] http://www.tt.com/%C3%9Cberblick/Politik/PolitikContainer/938884-8/f%C3%BCr-mich-ist-die-wehr- pflicht-in-stein-gemei%C3%9Felt.csp
[3] http://www.wienerzeitung.at/dossiers/bundesheer/510802_Die-wechselnden-SPOe-und-OeVP-Positionen-zur- Wehrpflicht.html
[4] http://www.salzburg.com/nachrichten/kolumne/kollers-klartext/sn/artikel/der-missbrauch-des-waehlers-42369

Explanation of the ratings

Rating	Fair	Partially Fair		Unfair
Voters were able to make their choice on a well-informed basis	Yes	No	Yes	No
Both sides had equal opportunities. No partisan influence or taking of special advantage was detected.	Yes	Yes	No	No

The report is based on the legal provisions, on Internet sites, interviews, other materials, and media reports. The criteria and ratings borrow from work carried out by the Initiative and Referendum Institute Europe.[5] Democracy International and Mehr Demokratie have previously published a number of such reports.[6]

This report is published by Democracy International, Mehr Demokratie (Germany) und mehr demokratie!österreich.

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[5] Initiative & Referendum Monitor 2004/2005 by Bruno Kaufmann, Initiative & Referendum Institute, Amsterdam 2004
[6] http://democracy-international.org/3611.html

I) Legal basis

1 Initiator of the non-binding plebiscite - fair

Members of the National Council or the Federal Government can request the non-binding plebiscite which is governed by Article 49b of the Austrian law on the federal constitutional (B-VG). In the case of the non-binding plebiscite on military service, the process was initiated by a government draft proposal. This was examined in the steering committee on 28 September 2012 and voted on in parliament (the National Council) on 16 October 2012. A majority voted for a non-binding plebiscite on compulsory military service to be held on 20 January 2013. As provided for in Article 46.1 of the Austrian Constitution, the Austrian President issued the decree for the non-binding plebiscite.

2 Type of decision - unfair

The decision is non-binding: the public is expected to express its opinion on an issue of constitutional status - but without knowing whether its decision will be implemented. The government parties clearly made an effort to prove to the public that they would respect the outcome. The above-mentioned government draft included in its rationale for the proposal the following promise: "The federal government has therefore decided to carry out a non-binding plebiscite, the outcome of which they commit themselves to implement".[7]

However, in the event of a majority vote in favour of abolishing compulsory military service, it would have been completely unclear as to whether they could have kept this promise - since compulsory military service is prescribed in Article 9a (3) of the constitution. Any constitutional change requires a two-thirds majority in the National Council. The coalition parties (SPÖ and ÖVP) do not have such a majority. As a way out of the dilemma, and in the event of a 'Yes' outcome, the parties thus wished to suspend compulsory military service. Constitutional experts, however, saw this option as problematic.[8] In addition, the elections in September could change the parliamentary majority - before the reform process is complete.

It is difficult to understand why this slippery process was chosen. The constitution provides for a means which would have ensured a clear decision: a binding referendum on changes to the constitution. This can be triggered by a third of the representatives in the National Council - as long as there has been a prior two-thirds majority in favour of a change.

It would therefore have been possible to allow the public to vote (in a referendum) on the new wording of the relevant constitutional article (Article 9a (3)) - assuming the parties had been able to reach agreement on the new wording. This is the only procedure that would have done justice to the importance of the issue.

3 Special majority requirements – fair

No quorum is specified for the non-binding plebiscite. Proponents and opponents alike must canvass votes in the same way.

4 Accuracy of the electoral rolls – fair

The voter lists for the non-binding plebiscite are acquired according to the same criteria as with the elections to the National Council (Article 46.2 Federal Constitutional Law).

5 Secrecy of the vote – fair

The principle of secrecy of the vote is ensured in particular through § 57.2 of the electoral rules for the National Council (NRWO).

6 Counting procedure - fair

The law specifies that the votes are counted and the outcome announced without delay. A provisional result was already given on the evening of the vote.

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[7] http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01909/fname_269099.pdf
[8] http://diepresse.com/home/politik/bundesheer/1332643/SPOe-und-OeVP-alleine-koennen-Wehrpflicht-nicht-aussetzen

7 Appeal against the procedure and the result - fair

Citizens can contest the outcome of the non-binding plebiscite at the Constitutional Court. In order to do so, they must collect between 100 and 500 signatures of support, depending on the size of the regional constituency.

The wording of the relevant norm (§ 16 Law on Non-binding Plebiscite) is modeled on § 14.2 of the Referendum Law. A secure legal interpretation of this did not exist until one was provided by a judgement of the Constitutional Court: it was not clear from the wording of the relevant paragraph whether it is sufficient for support signatures to come from just one constituency or whether they must be spread across the entire country (this is not the case).

8 Options for participation - fair

The rules provide fair conditions for a high level of participation.

There is the option of postal voting (§ 5a of the Law on Non-binding plebiscite; §§ 38 - 40 of the NRWO). An earlier provision for postal votes to be submitted up to eight days after the referendum day was removed; critics had seen it as a way of manipulating the vote in that supporters could be persuaded to send in their voting cards even after the voting centres had closed. The new rules state that the voting card must reach the relevant constituency authority at the latest by 5 pm on the day of the non-binding plebiscite - whether personally handed in or by post. This makes it impossible for votes to be cast after the announcement of the first extrapolations and the provisional end result - an increase in procedural fairness.

As with other votes, e-voting was not possible in this consultative procedure.

9 Fairness of the question - unfair

There was a choice of two options - voters were to choose one of them:

Are you in favour of the introduction of a professional army and of a year of voluntary paid social service?
or
Are you in favour of retaining compulsory military service and the alternative civilian service?

The wording was agreed in discussions between Johanna Mikl-Leitner (ÖVP) and Defence Minister Norbert Darabos (SPÖ) and announced on 7 September 2012. Commentators noted the "surprisingly rapid"[9] agreement, since the parliamentary ÖVP had only fallen into line with the position of the party's regional chiefs, notably Erwin Pröll, on 27 August 2012. The wording attaches a second issue to the main one - whether to retain conscription - thus infringing the principle known in Switzerland as "unity of subject matter".[10] This had a considerable effect of the content of the debate, when issues such as emergency management and snow clearance were often given centre stage.

In addition, there was severe criticism, especially of the behaviour of the ÖVP: despite the fact that the wording referred to the "retention" of conscription, the intention was actually to undertake a reform of national service (more on this at IV.4: "The role of the government").

The bottom line, therefore, was that the voting slip contained two alternatives that were unclear: a voter voting for a professional army could not be sure whether this reform could actually be implemented.

A vote for the status quo, on the other hand, would leave the voter not knowing what further plans for reforming the Austrian army were to be implemented. It was thus not possible to reach a clear decision

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9 http://www.wienerzeitung.at/nachrichten/oesterreich/politik/485340_Sind-Sie-fuer-die-Beibehaltung-von-Wehrpflicht-und-Zivildienst.html
10 http://de.wikipedia.org/wiki/Grundsatz_der_Einheit_der_Materie

based on one's personal preferences. **This alone is sufficient for the whole procedure to be rated as "unfair".**

II) The timescale

1. Who determines the date - fair

The 20 January 2013 was proposed by the SPÖ and ÖVP and adopted by the National Council. The Federal President arranged the non-binding plebiscite in line with § 46.1 of the Federal Constitution (B-VG).

2 The date itself - fair

There were no other elections or popular votes on the day of the consultative procedure. However, the non-binding plebiscite came at the start of a "super election year", in the course of which there would be regional government elections in Carinthia, Lower Austria, the Tirol and probably also in Salzburg, culminating in the general election for members of the National Council, to be held at the latest in autumn 2013.

3 Period between the announcement and the voting day - fair

There was a time span of three months between the National Council approval of the non-binding plebiscite and the selected date; it was actually announced a month earlier, allowing adequate time for a wide debate.

4 Time allowed for voting - fair

The vote took place on a Sunday. Because the procedure used was the same as that for elections, there were no uniform opening times for the voting centres. Thus, for example, in Vorarlberg none of the voting centres was open after 1 pm. The maximum opening time - up to 5 pm - was used only in Vienna, Innsbruck and three municipalities in Lower Austria. In some cases (such as Sankt Gilgen) there were different opening times even within the same municipality. The former 8-day period of grace for submitting postal votes used to compensate for the short opening times; but this no longer exists. However, the high turnout indicates that the opening times are appropriate for the circumstances of the country.

5 Effect in relation to other countries - fair

The non-binding plebiscite had no influence on debates on this issue in other countries.

III) Financial rules

1 Lack of limits to expenditure and absence of mandatory disclosure - unfair

Money is a major resource in voting campaigns and can threaten the equality of opportunity of both sides to present their case. Expenditure limits, such as exist in the UK, would be a useful expedient.

Mandatory disclosure of campaign finances is also an effective means, allowing citizens to see who has put money (and other resources) into which campaigns. Mandatory disclosure exists in Berlin for direct-democratic procedures within the state. There are no such rules in Austria.

2 Transparency in the use of public funds - unfair

The responsibility for such procedures lies with the government/parliament. No public funds should be used to promote only one of the two sides. This principle was not observed.

In the week before the non-binding plebiscite the Green Party MP Peter Pilz revealed on his Facebook page that several municipality representatives had sent official letter to voters in which they campaigned for the ÖVP position. Up to 17 January 2013 he had counted seven municipalities; he referred to "a centrally

directed illegal action by the ÖVP"[11] and pressed criminal charges. Other users named municipalities in which there had been campaigning for only one side of the debate in community newsletters. Other websites took up the topic.[12] ÖVP Secretary General Rauch countered the accusations, saying that in some cases the mailings had been paid for privately. Further reports stated that SPÖ mayors had done the same. Corruption expert Franz Fiedler of Transparency International was quoted as saying: "Whose money was used to pay for these letters is not of no consequence. If the costs were met with public money this is a cause for concern".[13]

The activities of the ministries fall into a grey area. The homepage of the Ministry of Defence dealing with the work of the Minister, for example, carried the opinions of the SPÖ and Darabos on the reorganisation of the army. The Minister presented two academic studies which supported his position.[14] At least one of these - a study on the loss of income incurred by those who undergo basic military service - was commissioned by the Interior Ministry.

In the news section of the webpage of the Austrian Ministry of the Interior (BMI), whose current Minister is Johanna Mikl-Leitner of the ÖVP, the position of the ÖVP on the issue was detailed. The BMI had commissioned an expert report from Vienna University, published on 9 January 2013, which predicted future additional expenditure if a (paid) social service year were to be introduced.[15]

3 Donations and campaign budgets - partially fair

The public does not know how much money was spent on the campaigns, or who donated it - in particular, whether and to what extent individuals or companies supported one or the other side. According to its spokesman, Günther Kräuter, the SPÖ invested around 1 million Euro.

IV) Campaign rules

1 Conducted by own referendum commission, or according to other rules? - partially fair

In a number of European countries there are specific referendum commissions which are supposed to ensure that the procedure is fair. This is the case in the UK, Ireland, France and Spain, for example, though the specific powers vary to some extent in the different countries. In Austria, the organisation of the consultative referendum is the sole responsibility of the federal authorities.

2 International involvement - fair

Representatives of international organisations or of other governments had no influence on the debate. The only exception was one occasion on which the Czech foreign minister said that a professional army would be more expensive than conscription and that it would inevitably bring about Austria's membership of NATO.[16] His comment was largely ignored.

3 The role of the media - fair

The media did what they were supposed to do and reported on both sides in a balanced way. There was an early focus on the preconditions for participation (day of voting, who was entitled to vote, application for a voting card, the new rules for postal votes, the look of the ballot paper[17]). Thus people were put in a position

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[11] http://www.facebook.com/peterpilz
[12] http://www.matreierliste.at/2013/01/16/bgm-koll-missbraucht-gemeindeverwaltung-fur-wahlerbeeinflussung-3800-briefe-an-matreier-wahlberechtigte-mit-eindeutiger-wahlempfehlung-versandt/
[13] http://derstandard.at/1358303738195/Heer-Parteiwerbung-auf-Amtspapier
[14] On the one hand the study on the loss of income incurred by those who undergo basic military service by University-Professor Gudrun Biffl, the homepage of the ministry on this: http://www.bundesheer.at/cms/artikel.php?ID=6388; on the other hand a study on the quantity of potential volunteers for a professional army by the opinion research institute Ifes, the homepage of the ministry on this: http://www.bundesheer.at/cms/artikel.php?ID=6371.
[15] http://www.bmi.gv.at/cms/cs03documentsbmi/1278.pdf (Expert report on costs of alternative civilian service and voluntary paid social service)
[16] http://www.profil.at/articles/1301/560/349670/karl-schwarzenberg-den-menschen-wahrheit
[17] Exemplary for other explanations: http://www.format.at/articles/1302/930/349806/volksbefragung-wehrpflicht-so (format.at), http://www.wienerzeitung.at/nachrichten/oesterreich/politik/514049_Kreuzerl-um-5-Millionen.html (wienerzeitung.at).

in which they were able to take part in the non-binding plebiscite and form an independent view on the issue. The reporting was not dominated by references to public opinion polls - in the course of the debate the latter increasingly waned in importance.

Of particular interest is the fact that the quality of the political process was subjected to critical scrutiny - such as the wording on the ballot paper, the legal quality of the process and the policy of the ÖVP in respect of public information. The critique even went so far as a call for the non-binding plebiscite to be boycotted in a few pointed editorials[18], and there was even talk of the abuse of direct-democratic instruments[19].

A few newspapers, such as the boulevard newspaper "Österreich" and especially the "Kronen Zeitung", behaved badly. They adopted a role as vehement campaigners for a professional army and failed to preserve the proper neutrality in their editorials. Their reporting in the weeks just before the non-binding plebiscite focussed approvingly on the idea of a professional army and on its proponents, with titles such as "Compulsory military service is totally absurd" (30 December, 2012), "Conscription is an out-of-date model" (6 January, 2013), while the double-spread on pages 2 and 3 of the 14 January edition carried the headline "10 arguments against conscription". Whilst the chairperson of the campaign group ('Personenkomitee') "Unser Heer" ("Our Army"), Hannes Androsch, was favoured with a two-part guest editorial on page 3 of the editions of the 6th and 7th January, his counterpart in the pro-conscription campaign group "Einsatz für Österreich" ("Service for Austria") found his contribution relegated to the 'Readers' Letters' section in the back pages of the newspaper. The following frank statement appeared in the 10 January 2013 edition: "The Kronen Zeitung has advocated a reform of the Austrian army and the creation of a voluntary army since the 1990s. We have always remained true to our own position".

In addition to this biased reporting on the part of the 'Krone', many suspect that the paper was actually behind the non-binding plebiscite from the start. In an editorial in the "Standard", Hans Rauscher wrote: "Newspapers can of course campaign for something (as long as the counter-arguments are presented in some way or other - which is almost never the case with the 'Krone'). But people should know that the roots of this non-binding plebiscite go back to the 'Krone'".[20]

On the positive side, the newspaper did fairly regularly publish opposing opinions and criticism of procedures - even criticism of the 'Krone' itself - in readers' letters. Nonetheless, in terms of providing information and contributing to an objective debate, the 'Krone' was far behind the other newspapers. The result of the non-binding plebiscite clearly shows, however, that the influence of the tabloid press on direct-democratic outcomes is very limited. 56% of the 'Krone' readers supported retention of conscription - almost the same proportion as in the non-binding plebiscite.[21]

4 The information booklet - unfair

The government was unable to agree on the publication of an information pamphlet on the non-binding plebiscite, to be distributed throughout the country. This kind of pamphlet, in which both sides of the argument express their views, is a crucial aid for voters.

The regional government in Salzburg showed that it could be done. Their 27-page information brochure set out the two options and gave the "Unser Heer" campaign group and the "Salzburg für allgemeine Wehrpflicht, Zivildienst, Katastrophenschutz und Ehrenamt" ('Salzburg for general conscription, civil service, emergency management and volunteering') association a full page each in which to explain their positions. Ten further pages contained fairly balanced position statements on the issues of security, training, society, costs and emergency management. However, this regional information and decision-making aid was distributed to only around half a million Austrians (392,000 of whom were registered voters). It was also available as an online download.[22]

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[18] Wiener Zeitung on 28 November 2012 amongst others: http://www.wienerzeitung.at/meinungen/analysen/ 504650_Wehrpflicht-Aepfel-mit-Berufsheer-Birnen-vergleichen.html; or Die Presse 04.01.2013:
http://diepresse.com/home/meinung/quergeschrieben/annelieserohrer/1329304/Verweigert-euch-Drei-Gruende-fuer-Boykott-der-Volksbefragung-zum-Heer?from=suche.intern.portal
[19] http://www.salzburg.com/nachrichten/kolumne/kollers-klartext/sn/artikel/der-missbrauch-des-waehlers-42369/
[20] http://derstandard.at/1358303739177/Krone-Volksbefragung-am-Sonntag
[21] "Die Presse" on 21 January 2013 – Leading article on page 1.
[22] http://www.salzburg.gv.at/foldervbwehrpflicht_final.pdf

The Austrian federal youth agency (Bundesjugendvertretung), which is a statutory agency representing the interests of all children and young people, also published a very well-produced "Non-binding plebiscite Aid", addressed specifically to young people, which reported in a balanced way about the procedure and the non-binding plebiscite issue. The brochures were printed, but all the contents could also be downloaded from the Internet.[23]

5 The role of international organisations - fair

Representatives of international organisations such as the EU and NATO did not influence the debate in any way.

6 The role of the government - unfair

As initiators of the non-binding plebiscite, the governing parties were undoubtedly the major actors in the debate. Unfortunately, they did not carry out their responsibilities adequately. Their representatives cannot, of course, be criticised for campaigning for their respective positions. But, regrettably, in many instances they prevented the voters from reaching a well-informed decision. This was criticised on many occasions in the media - in particular the fact that no information was given on how the government planned to implement the outcome of the non-binding plebiscite":

> "As is well known, the ÖVP is campaigning for a reform of conscription, but unfortunately the party has still not explained what this reformed conscription will look like. The SPÖ, on the other hand, is in favour of a professional army - but it has refused to answer the two N-questions (neutrality and NATO). If you buy a pig in a poke, you can at least be sure you're getting a pig. But anyone going to the non-binding plebiscite on 20 January is certain of only one thing: that they're being taken for a fool".[24]

The two parties were able to dominate the debate to a significant degree because they had chosen the procedure and the wording of the question. Their representatives and spokespersons were thus able to command a high public profile at the beginning of the election year. If this was a strategic consideration behind the calling of the non-binding plebiscite, then one can say that it worked.

ÖVP

The chosen wording suggests that putting a cross on the second alternative meant choosing to keep the status quo. But that wasn't the ÖVP plan at all. The party has a plan for reforming conscription and making it more attractive[25] - which, according to Vice-Chancellor Spindelegger (ÖVP), would be announced "on the day after the non-binding plebiscite"[26]. This was without doubt a low point of the public debate.

SPÖ

The party suffered in its campaign from a lack of credibility - it had, after all, advocated conscription ever since the end of WWII. Defence Minister Darabos in particular was repeatedly confronted during the course of the campaign with earlier statements, in which he had expressly advocated the retention of conscription. During the campaign, the SPÖ camp relied heavily on more or less independent campaign groups [Personenkomitees] (cf. IV.9 below: "The special role of the campaign groups" [Personenkomitees]).

7 The role of the non-governmental political parties - fair

The figures relate to an evaluation carried out at 13.30 on 20 January, 2013.

Greens

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[23] http://www.abstimmungshilfe.at

[24] http://www.salzburg.com/nachrichten/kolumne/kollers-klartext/sn/artikel/der-missbrauch-des-waehlers-42369/

[25] ÖVP-Federal Chairman Micheal Spindelegger announced at the end of August 2012 an elaboration of a new concept for a new compulsory military service in "ZiB2", cited in http://diepresse.com/home/politik/innenpolitik/1283502/ Wehrpflicht_Bindende-Volksbefragung-kommt-im-Jaenner.

[26] Amongst others in "ZIB2", 7 January 2013, and in "ORF-Bürgerforum", 10 January 2013.

The official recommendation of the Greens, based on a decision by the expanded federal executive committee, read as follows: "Even though the official non-binding plebiscite question has been badly worded and is unclear and potentially confusing, in the non-binding plebiscite to be held on 20 January 2013 we recommend that you vote to abolish compulsory national service".[27] The party's campaign activity comprised an issue-related page on the website of the national party and the creation of a campaign page on Facebook with the slogan "No one needs conscription - me neither", which registered around 3,000 supporters. In addition, during the intensive campaigning period in January 2013, the party issued twelve press releases on the debate, four of which contained invitations to issue-related press conferences. The Green's Security spokesperson Peter Pilz was the main representative of the party for the media. Slogans such as "Chillen statt Drillen" ('Chill out instead of drilling") and "Strandbad statt Schlammloch" ("sandy beach - yes; muddy foxhole - no") were clearly aimed at young people.

As the wording was being agreed in parliament, the Green party proposed an amendment to the question on the ballot paper: "Are you in favour of abolishing compulsory military service?"

FPÖ

The FPÖ supported the retention of conscription and civil service. In January 2013, the parliamentary party issued 21 press releases on the subject of the non-binding plebiscite, and there was further information on the party's website. Advertisements were also placed in print media. Local party groups organised public debates.

BZÖ

Despite being in favour of a voluntary army[28], the BZÖ called for the non-binding plebiscite to be boycotted - under the slogan "Volksbefragung ist Volksverarschung" ("the non-binding plebiscite is a piss-take")[29] due to the lack of adequate information for the public and the absence of a government proposal for national security. As a result, the party did no campaigning, though it did take part in the debate (e.g. in the "Citizens' Forum" and "Round Table" on the ORF (Austrian Radio) channel) and in the print media. The same message was contained in the party's eleven press releases on the non-binding plebiscite in January. The non-binding plebiscite was also the subject of a press conference on 16 January 2013. The party also proposed a change of wording for the non-binding plebiscite question.[30]

Team Stronach

Team Stronach rejected national service, as shown in some of the seven press releases on the non-binding plebiscite debate issued in January: "It's clear for Team Stronach that there should be no compulsion; so in future there ought to be in Austria a voluntary army with a well-equipped militia element"[31]. Its 30-page manifesto states: "Young people should be able to sign up to a voluntary, two-year military service".[32] However, no campaigning efforts were made to persuade a majority of voters to opt for a professional army. Party representatives took part in discussions, including TV discussions such as the "Citizens Forum" and the "Round Table".

8 The special role of the campaign groups - partially fair

Campaign groups were major vehicles for the campaigns on both sides. These organisations - for the most part not legally constituted - are often close to one or other of the two main parties. In principle, such 'free' campaign vehicles make sense: they allow people to get involved in supporting a side outwith the main party camp. Campaign group representatives emphasised the fact that the groups included members from other parties.[33] Prominent members of society also joined the groups. However, the use of such groups for

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[27] http://www.gruene.at/themen/sicherheit/wir-brauchen-keine-wehrpflicht
[28] Report on Safety and Defence Policy: http://www.bzoe.at/assets/files/Ber_Landesverteidigung.pdf
[29] http://www.bzoe.at/aktuelles/bundesheer-bucher-volksbefragung-ist-volksverarschung.html
[30] Into: „Are you in favor of a decision on a Federal Constitution that allows the full integration of Austria's safety policy in EU and NATO, suspends the existing compulsory military service for men and at the same time establishes a regulatory framework through which the Austrian army being changed into a voluntary army (consisting of professional and temporary male and female soldiers as well as militia and reserve units)? Yes – No"
[31] http://www.ots.at/presseaussendung/OTS_20130109_OTS0161/stronachhagen-wehrpflicht-regierung-ist-voellig-unvorbereitet
[32] http://www.teamstronach.at/sites/default/files/public/parteiprogramm_schwerpunkte_2.nov2012.pdf
[33] Ronald Pabst interviewed several representatives during the weeks before the referendum.

campaigning should not conceal from the voters the identity of those who are issuing the campaign messages. The lack of rules of transparency produced some negative effects here.

Einsatz für Österreich (Service for Austria) (close to the ÖVP, einsatz-fuer-oesterreich.at)

The group was part of the ÖVP campaign. The director was Dr. Veit Sorger, who between 2004 and 2012 was president of the Manufacturers' Association of Austria. One report suggests a strong connection with the Raiffeisen Bank.[34] Its Facebook page had around 14,300 members.[35] The group also carried out poster and advertising campaigns.

Campaign group "Unser Heer" ('Our Army') (close to the SPÖ, personenkomiteeunserheer.at)

The biggest group on the SPÖ side was represented by Hannes Androsch. He is an entrepreneur and former party politician. The media spokesperson was Bernd Sebor; he is the CEO of the Sebor Media company, whose address was given as the address of the campaign group. Sebor himself stated that 150,000 Euro had been spent on cinema and TV adverts. In organisational terms, the group was closely connected to the SPÖ; the party was responsible for the advertising campaign.

A very early initiative of the group was to produce videos which were then spread via YouTube. Campaigning was also done through print media, TV and cinema adverts. The latter were criticised for being shown especially just before action films.[36] 2,152 people supported the campaign on Facebook.

Campaign group "Frauen für ein Berufsheer" ('Women for a Professional Army') (close to the SPÖ, frauen-fuer-ein-berufsheer.at)

The group's contact details listed Regina Sitnik, who works as a trainer in professional development; she stated that the group was close to the SPÖ, but that she herself was not a member of the party.

The campaign was carried out by the advertising agency Demner, Merlicek & Bergmann. The agency spokesperson claimed lack of time as the reason for refusing to answer questions on the budget and the extent of the campaign until after the non-binding plebiscite.

The campaign consisted of a striking poster and advertising drive which included placing ads on the websites of newspapers. The centrepiece was statements by various women on the subject of a professional army - an attempt to persuade women voters to take part in the non-binding plebiscite. The group had no presence in any of the social networks.

Regional campaign groups

"Salzburg für allgemeine Wehrpflicht, Zivildienst, Katastrophenschutz und Ehrenamt" (independent, salzburg-fuer.at)

Daniela Gutschi, regional director of the "Salzburger Hilfswerk" (a relief organisation), provided information on the group on 17 January 2013.

The group has no party alignment. It had a large office in the Salzburg city centre. It was founded by representatives of social support organisations concerned to retain the civil service option. Its budget was 20,000 Euro, but in the final weeks of the campaign many further donations were received, which are not included in this sum. Start-up finance came from the proceeds of fundraising, to which were added donations from individuals. The group is constituted as an association. The main focus of its work was on distributing leaflets on the street; large A0-size posters were also put up and distributed. Members were sought after as spokespersons in the media. The group also sent speakers to take part in panel discussions. To begin with,

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[34] http://www.oe24.at/oesterreich/politik/Wehrpflicht-SPOe-gegen-Raiffeisen/82070966
[35] http://www.facebook.com/EinsatzFuerOesterreich/info
[36] http://diepresse.com/text/home/politik/bundesheer/1325474/Neu-im-Kino_ProfiheerSpots-direkt-vor-Actionfilmen

they organised the discussions themselves, but then more and more invitations came in. According to Mrs. Gutschi, the debate ran under its own steam.

Campaign group "Ja zur Wehrpflicht" ('Yes to conscription') (Carinthia)

The non-aligned group was officially launched on 10 December 2012 in the Hall of Mirrors of the regional government building by the Carinthian governor, Gerhard Dörfler. The group director was former army commanding officer Günter Spath. The group included representatives of the Austrian army, save and rescue emergency services, social service organisations and people from the arts world.[37] The authors of this report are unaware of any activities of the group other than the launch press conference.

wehrpflichtade.at

This "community of interest" proved to be quite influential. Its ironic campaigning style was especially directed at younger web users. 53,000 users followed its news reports on Facebook. Its official address was given as the private address of Gerd Millmann, who is close to the SPÖ and who, according to his own website, worked for many years as the media spokesperson for the current Federal Chancellor Werner Faymann. It is not clear whether or to what extent 'wehrpflichtade' was actually close to the SPÖ.

Gruppe pro Neutralität (Pro-neutrality Group)

In November/December 2012 a group with the motto "neutrality" was formed. It criticised the lack of a national security doctrine and adequate information and also criticised the political parties. It advocated neutrality for Austria. No further activities were noticed.

9 The role of civil society - fair

Civil society organisations - including trade unions, the Catholic Church, youth organisations, the Red Cross, schools, universities, members of the peace movement (such as Solidarity Workshop Linz), and student unions - organised countless panel discussions and information-giving events.

In most cases a balanced presentation of both sides of the issue was ensured through the selection of experts - especially representatives from the army and politics. In a few cases the balance may not have been found, resulting in some bias.[38]

In these events, Austrian society demonstrated in an exemplary fashion its ability to discuss a political issue extensively. Many municipalities offered information-giving events on the non-binding plebiscite. In respect of both civil society and of our review of the special campaign groups, the authors of this report make no claim to have identified and named all the actors involved. In the final two weeks before the non-binding plebiscite in particular, there were so many activities that we were not able to cover them all. If you are aware of any relevant information that we have missed, please send it to us (pabst@democracy-international.org).

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[37] http://www.ots.at/presseaussendung/OTS_20121210_OTS0175/kaerntner-personenkomitee-ja-zur-wehrpflicht-stellte-sich-vor
[38] http://vorarlberg.orf.at/news/stories/2567535/

Overview of the set of criteria and ratings

I) Legal basis

1 Initiator of the non-binding plebiscite – fair
2 Type of decision - unfair
3 Special majority requirements - fair
4 Accuracy of the electoral rolls - fair
5 Secrecy of the vote - fair
6 Counting procedure - fair
7 Appeal against the procedure and result - fair
8 Options for participation - fair
9 Fairness of the question - unfair

II) Timescale

1 Who determines the date - fair
2 The date itself - fair
3 Period between the announcement and the non-binding plebiscite - fair
4 Time allowed for voting - fair
5 Effect in relation to other countries - fair

III) Financial rules

1 Lack of limits to expenditure and absence of mandatory disclosure - unfair
2 Transparency in the use of public funds - unfair
3 Donations and campaign budgets - partially fair

IV) Campaign rules

1 Conducted by own non-binding plebiscite commission, or according to other rules? - partially fair
2 International involvement - fair
3 The role of the media - fair
4 The information booklet - fair
5 The role of international organizations - fair
6 The role of the government - unfair
7 The role of the non-governmental political parties - fair
8 The special role of the campaign groups - partially fair
9 The role of civil society - fair

List of abbreviations

B-VG – Bundes-Verfassungsgesetz (Federal Law on the Constitution)

BMI – Bundesministerium für Inneres (Ministry of the Interior)

BZÖ – Bündnis Zukunft Österreich (Partei) (Future Alliance Austria - party)

EU – Europäische Union (European Union)

FPÖ – Freiheitliche Partei Österreichs (Freedom Party of Austria)

Grüne – Die Grünen / Die grüne Alternative (Partei) (The Greens / The Green Alternative)

NATO – North Atlantic Treaty Organization

NRWO – Nationalrats-Wahlordnung (Electoral rules for federal parliament)

ORF – Österreichischer Rundfunk (Austrian Radio)

ÖVP – Österreichische Volkspartei (Austrian People's Party)

SPÖ – Sozialdemokratische Partei Österreichs (Social Democratic Party of Austria)

VfGH – Österreichischer Verfassungsgerichtshof (Austrian Constitutional Court)