

## **Nagorno Karabakh Parliamentary Election, 18<sup>th</sup> June 2000**

**On 18<sup>th</sup> June 2000 the small, Armenian-populated enclave of Nagorno Karabakh held elections to its 33-seat parliament. A handful of foreign observers, including representatives from the BHHRG, travelled to Karabakh to monitor the poll. Their report also takes into account the post-election situation in the country.**

### **Introduction**

The demand of the Armenian population in the enclave of Nagorno Karabakh situated within the republic of Azerbaijan to become part of neighbouring Armenia was one of the first developments that led to the downfall of the Soviet Union. After three years of sporadic violence and vast population transfers Karabakh declared independence in September 1991, a move that was confirmed by a referendum held in December of that year. However, neither Armenia itself nor the international community accepted a change in Karabakh's status - either incorporation into Armenia proper or outright independence.

After four years of war between Azerbaijan and Karabakh during which time the balance of power veered from one side to the other a ceasefire was brokered by the Russians in 1994 at Bishkek. Thousands of refugees had been created by the conflict and most Azeris had been pushed out of their homes to become refugees in Azerbaijan leaving Karabakh effectively 'ethnically cleansed' as well as being the winner of the war. It was generally accepted that the intervention of Armenian forces (and Russian troops stationed in the region) had been decisive in the victory.

However, the Karabakh question has continued to play a pivotal role not only in the domestic politics of Armenia itself, but also in the deliberations of the international community. Various peace plans have been put forward to resolve the status of Nagorno Karabakh – the most long-running being the OSCE-sponsored Minsk process co-chaired by Russia, France and the US. In recent months other solutions have been mooted and will be considered – with the most recent OSCE proposals - later in this report. Suffice to say, that many foreign investors and their political patrons are inhibited from committing themselves whole-heartedly to the Caucasus region while the question of Karabakh's ultimate status remains unresolved. Those most closely concerned are Western oil companies, particularly those involved with the construction of future Trans-Caucasian pipelines.

Meanwhile, Nagorno Karabakh has adopted all the appurtenances of statehood with a president, parliament and the normal array of ministries and departments of state. Since independence there have been three parliamentary as well as two presidential elections. Observers of the various polls conducted in the unrecognised republic have assessed them as having been properly conducted.

### **Background: the Armenian Dimension**

Nagorno Karabakh's first president, Robert Kocharian, left his post to become prime minister of Armenia in the summer of 1997. At the time new proposals were on the table for a resolution of the Karabakh issue and Armenia's president, Levon Ter Petrossian was inclined to accept what would have been a compromise solution leaving Karabakh effectively under Azeri sovereignty. This development alarmed those elements in Yerevan who supported a tough stand on the Karabakh question and in February 1998 Ter Petrossian was forced to resign.

Kocharian became the favourite to succeed him. In March that year he was elected president of Armenia but only after serious attempts were made to prevent his victory by the sudden candidature of the country's last Communist boss, Karen Demirchian. Demirchian was supposed to attract the votes of those disappointed by the changes wrought since the collapse of the Soviet Union. He was also the favoured candidate of the US State Department

– Washington did not want a Kocharian presidency which it feared would take a hardline on the Karabakh question. International observers ( but not those from BHHRG see *report Armenian election 1998*) under the guidance of monitors from the US declared the elections fundamentally flawed thus bestowing on the Kocharian presidency the aura of illegitimacy.

In fact, since his election Kocharian has appeared willing to talk peace with Azerbaijan's president, Haidar Aliev and, on the surface at least, the US has toned down its criticisms of the president. No doubt, the victory of its preferred candidates in the 1999 parliamentary elections a year later held out hope that any obstructivism by Kocharian and his followers would be side-lined by a compliant legislature. The Unity Bloc which won the largest number of seats in the new Armenian parliament was a coalition consisting of Karen Demirchian's leftist Peoples' Party and the right-wing Republican Party led by former Karabakh hero, Vazgan Sargissian. The latter became prime minister of Armenia while Demirchian was elected speaker of parliament.

Despite Sargissian's hard-line credentials by the summer of 1999 he was cooperating with Washington over a compromise solution to the Karabakh problem which would be launched at the forthcoming OSCE summit scheduled to take place in Istanbul in November 1999.

On 27<sup>th</sup> October 1999 Sargissian, Demirchian and 6 others were assassinated in the main chamber of the Armenian parliament in Yerevan. The crime remains unresolved despite the arrest of several suspects (some of whom have since been released) and the gunmen. Although the assassins went on Armenian TV and explained the motivation for the attack – the fight against corruption - conspiracies have since abounded as to who was *really* behind the killings. The latest contribution to this debate comes from the Armenian newspaper *Aravot* \* which claimed on 3<sup>rd</sup> August 2000 that Strobe Talbott (who, indeed, was in Armenia on 27<sup>th</sup> October 1999) was responsible for the killings. The paper states that "According to sources close to the Russian electronic surveillance service, US deputy Secretary of State, Strobe Tallbot, reported to the Washington the perfect success of the operation carried out in Armenia".[see report in SWB/SU 3911 F/3]

Whatever or whoever master-minded these murders, the immediate effect was to stop any deal being done at the forthcoming Istanbul summit. As elections drew near in Karabakh itself the international community's hopes for a solution to its status remained unfulfilled.

### **Recent Developments in Nagorno Karabakh**

As with most countries who regard themselves as being under siege there was remarkable social cohesion in Nagorno Karabakh in the aftermath of the war with Azerbaijan. The population of the enclave had been reduced to c.150,000 by the fighting (estimates put casualties at around 30,000) and the flight of local people both Azeri and Armenian.

However, after Kocharian's departure to Yerevan a power struggle began to develop between supporters of Karabakh's powerful minister of defence, General Samvel Babayan and his relatives and those who viewed the Babayan clique as corrupt and mafia-ridden. Kocharian's replacement as president, Arkadii Ghukassian, who was elected in September 1997 increasingly found himself at loggerheads with the general.

This culminated in the dismissal of the prime minister, Zhirayr Pogossian, in June 1999 after bugging devices had been found in the presidential offices. However, Pogossian's sacking was also thought to be an indirect attack on Babayan's power base, which was considerable and included the mayoralty of Stepanakert, held by the general's brother, Karen Babayan. In December Babayan himself was sacked as defence minister – he handed in his campaign medals from the Karabakh war in protest.

In a somewhat eerie evocation of the events in the Armenian parliament the previous October, an assassination attempt was made against the Karabakhi president on the night of 22<sup>nd</sup> March 2000. Ghukassian was driving home from the presidential palace when gunmen

opened fire on his car from the sidewalk in central Stepanakert. Although the president survived he was badly wounded in both legs.

Babayan and 200 others were immediately arrested on suspicion of conspiring to assassinate the president. While many of these people have been released from custody 15 of them now await trial, 5 (including the general) are in custody in Stepanakert. The arrest of Babayan and many of his associates has been seen by many Karabakhis as a good thing. Leaving aside his guilt or innocence regarding the events of 22<sup>nd</sup> May his apparent control over the levers of much of the country's economy - both legal and illegal - made him deeply unpopular in many circles. But it also meant that he had powerful friends both in Karabakh and Armenia. For example, the general was known to be the major funder of Armenia's Right and Accord Party.

Babayan has also hired lawyers from Yerevan to conduct his defence. They have made, so far anyway, unsuccessful attempts to get the matter tried in the Armenian capital. They and the general's wife Irena have made regular assertions that the general has been tortured and mistreated in custody and that the charges against him were made to prevent him from standing in the June parliamentary election.

Although Babayan's main defence team is located in Yerevan he has legal representation in Stepanakert. BHHRG interviewed the lawyer Nelly Grigorevna on 19<sup>th</sup> June who represents his interests locally. She said that the general had no complaints about his time in custody to her and denied allegations that there had been incidents of torture. No doubt, the accusations and counter-accusations will be aired at the trial which is due to take place soon.

### **The parliamentary election**

#### **Basic statistics:**

It might have been expected that the parliamentary elections held in June would have been affected by these turbulent events. However, whatever dissatisfactions lurked under the surface, life in Karabakh seemed remarkably relaxed and normal in June 2000. The situation in Stepanakert was calm – as it seemed to be elsewhere (BHHRG observers travelled outside the capital on the day before the poll as well as on polling day itself). There was little police presence on the streets nor a marked increase in the number of military personnel or vehicles around. Despite the recent assassination attempt on the president election observers were allowed into the Karabakhi parliament and CEC building with the minimum of security checks.

According to the Central Election Commission in Stepanakert there are 84,000 voters out of a population of 150,000 in Nagorno Karabakh. The country is divided into 33 constituencies and there were 244 polling stations countrywide. 25% of registered voters had to cast their ballots for the poll to be valid. In places where there was only one candidate it was necessary for her/him to gain 50+1% of the vote to win.

The CEC is composed of 9 members: 3 appointed by the government, 3 from political parties and 3 from the president's office.

113 candidates stood for election and each one was allowed three proxies to represent their interests in the polling stations.

The main parties/movements participating in the election were:

The Union of Democracy 'Artsakh' (Dzham) - 26 candidates  
The Armenian Revolutionary Federation (Dashnaks) – 22 candidates  
Communists – 2  
Social Democrats 2  
The remaining candidates were independents.

19 members from the previous parliament were standing for re-election. The ARF (Dashnaks) was a banned organization when the 1995 election took place. This was the first time it was taking part in elections in Karabakh.

All the candidates were allowed 5 minutes free time each on national TV and 120 lines in the press.

BHHRG visited the headquarters of the two main parties fielding candidates in the election. The Artsakh Union and the ARF (to be known from now on respectively as Dzham and Dashnaks). Eduard Gukasian a spokesman for Dzham said the organization preferred to be referred to as a movement rather than a party. It was common knowledge that Dzham supported the president and it were formed earlier in the year "to assist the president with his reforms". He said that Karabakh was split between those with privileges and those without and that the parties contesting the election had, basically, the same social policies.

Dzham is firmly committed to Karabakh's independence although members originally supported unification with Armenia. However, as the international community would not countenance this they had been forced to compromise on the issue.

The party predicted a 65%- 70% turnout in the polls.

Spokesmen for the Dashnaks were also keen to emphasize the importance of independence for Karabakh. They said that Babayan had "violated the rules" when he was in power. They also remarked on the fact that the political situation in the country was very centralized but that this did not, in their eyes, add up to a violation of the election process. They had not noticed any violations in the election campaign. These remarks are very significant bearing in mind what was to happen in the weeks after the election took place.

### **Election day procedures**

BHHRG observers visited 20 polling stations in the north and east of the country in Krasne, Mingi, Spitakashen, Martuny, Krasni Bazar/Karmi Shuka, Shosh, Asketan, Martekert and surrounding villages, Aigestan, Lernavan and Stepanakert.

Both groups noted that the proceedings took place in a calm and orderly manner. There was no police or military presence in and around the polling stations nor were there posses of unidentifiable men hanging around either outside or inside the premises visited.

There were usually 7 commission members who were from the locality either from the local administration or school where the polling station was often situated. The chairman was elected by the other commission members. All commission members seemed familiar with the provisions of the election law. For example, when asked they all confirmed that a voter could ask for a fresh ballot paper if he/she had made a mistake. This is not universally the case: BHHRG often come upon situations where commission chairmen give conflicting interpretations of the law. Figures given for the turnout by the various chairmen corresponded with the final results.

Although it was possible to obtain a certificate to vote away from home this facility was rarely used and then mainly for the candidates' proxies. There were none of the dubious 'additional lists' of voters left off the main register. Registers themselves in the polling stations visited by BHHRG were properly compiled and we saw no examples of people having been left off the lists. However, there were 119 complaints registered with the court in Stepanakert from people whose names were not on the lists.

When questioned, candidates' proxies had no complaints against either the proceedings or the election campaign. Members of the public interviewed also seemed happy with the conduct of the election; they also stressed that there had been local campaigning and meetings held by the candidates. Local issues were mentioned by voters, e.g. the main difference between the two main candidates in a Martakert polling station was whether to promote agriculture or industry in the region. Of course, the economic situation in Karabakh

is a matter of concern to many people. There are also concerns about the after-effects of the war, such as uncleared mines, which still kill several people a year.

Some of the foreign observers pointed out that elderly people had been helped by their relatives to vote. This has been a common phenomenon all over the former Soviet Union ever since multi-candidate/party elections became the norm after 1991. It is usually deemed not to be a serious enough infringement of the relevant election laws to invalidate the ballot. However, BHHRG observers saw few examples anyway.

## Results

According to the Central Election Commission there was a 60% turnout in the election. The Dzham movement won 13 seats, Dashnaks 9, independents 10 and the Armenicam Party 1.

No serious problems were reported although complaints about the registers were noted. The chairman of the CEC also said that there had been some complaints about voter agitation but only after the polls closed when it was too late to follow up. In the days that followed two results in Stepanakert were annulled by the republic's high court and fresh elections held on ..July.

## Post-election developments

BHHRG observers with colleagues from France and Italy endorsed the election in a signed document made public on 19<sup>th</sup> June. Among the signatories was Bernard Owen, a Council of Europe expert on election procedures with previous experience in Armenia. The document stated:

**“The short-term observation mission visited 75 polling stations throughout the territory. It is clear that the Central Electoral Commission has put together an efficient electoral body and that it aimed to obtain transparency at every level of the electoral process. The members of all the electoral commissions were well-trained and women made up the majority and presided in most polling stations.**

**We did not witness or have reported to us any incident that could prejudice the way the whole election was run**

**The posted turn-out (every three hours) from all the regions added to the transparency as well as the presence in almost all polling stations of party delegates who followed all stages of the vote”**

It, therefore, came as something of a surprise for BHHRG representatives to read an article that appeared in the journal of the influential Institute of War and Peace Reporting by Anatoly Kuprianov (date?) criticizing the Karabakh election in extreme terms. Kuprianov claimed that the poll had taken place in conditions of “martial law” something which was not evident to the foreign observers or alleged by local people and political parties. The article claimed that the CEC had announced that 84,000 voters had turned out whereas, in fact, the figure of 84,000 was for registered voters out of which 60% had voted, c. 50,000 voters. IWPR also stated that the population of Karabakh is 70,000, half the number accepted by all known statistics for the territory. It is also alleged that the authorities broke the law holding elections in the disputed Lachin province. Law making Lachin part of NK

Kuprianov contended that a concerted effort had been made to crush the political opposition in Karabakh prior to the poll but no one made such claims to the foreign observers – as stated above, the Dashnaks said they hadn't noticed any violations in the BHHRG (filmed) interview with them on 17<sup>th</sup> June. The atmosphere both within the parties and among the general public was remarkably relaxed. It would be unheard of in BHHRG's experience for *no one at all* to have raised concerns about martial law, persecution of oppositionists etc. if such a large scale campaign was underway. For example, in the worst days of Levon Ter Petrossian's rule

during the Armenian presidential election in 1996 when plain clothes policemen admitted that they were overseeing the proceedings in polling stations members of the public still complained about the process to the election observers.

The Dashnaks have certainly become more confrontational since the election. On ..July the parliamentary faction boycotted the election of the speaker until the matter was dealt with by secret ballot. The Dashnaks are now viewed as the leading opposition party in the absence of Babayan's supporters. But this role and the aggressive stance recently adopted by the party is at odds with its compliant stand before and during the election itself. In fact, the party has obviously realised that its tone has changed considerably explaining its position by saying that it had deliberately avoided strongly-worded attacks against the authorities at that time. It is unclear why.

### **Future Prospects: proposals to solve the problem of Karabakh's status:**

At the time of writing three solutions have been put forward to solve the Karabakh problem.

1. Proposals by the OSCE-sponsored Minsk Peace Process.
2. A suggested territorial exchange, the so-called 'Goble Plan'.
3. A Stability Pact for the Caucasus a proposal put forward by the Brussels –based Centre for European Policy Studies based on the EU's Balkan Stability Pact.

### **The Minsk Process**

This started in 1992 while hostilities between Karabakh and Azerbaijan were at their height. Co-sponsored by Russia, France and the US various proposals to solve the problem of Karabakh's status have been put forward – the latest at the 1996 Lisbon OSCE conference which envisaged Karabakh and Azerbaijan forming a loose confederation in what the proposers of the idea called a 'common state'. Armenia has been prepared to negotiate on the basis of these proposals but they have been received unfavourably by Baku which sees ideas of a common state as an attack on its sovereignty. New proposals are in the pipeline which, it is reported, will address Azeri concerns more sympathetically.

It should be noted that Nagorno Karabakh has never been invited to take part in negotiations on its future despite demands by the Armenian government for it to have some kind of direct input.

### **The Goble Plan**

Analyst Paul Goble first suggested an exchange of territories as a way of solving the Karabakh issue in 1992 and recently the idea has recently been revived. Basically, the plan would involve Azerbaijan giving up the Lachin corridor in exchange for the Megri region in southern Armenia bordering Iran. This would benefit Iran by giving it direct access to the autonomous region of Nakhichevan which it does not have at the moment. This plan has been firmly rejected by the Armenians so far as they perceive that they would then be almost completely encircled by regions with Turkik sympathies including Turkey itself. Iran has also exhibited hostility to the plan.

### **The South East Caucasus Stability Pact**

As befits a proposal put forward in Brussels this grandiose scheme envisages a gradual break-down of the present arrangement of sovereign states in the South Caucasus. Territories like Karabakh would, therefore, become just another 'region' and the South Caucasus would develop, according to the Pact's authors along the lines of the European Union with shared competences and pooled sovereignty. Needless to say, a large amount of money is promised from the EU's coffers by the Pact's authors as an incentive to co-opt these ideas. A common trading area modelled on the single market would be adopted and

lavish funding would be available to build a modern transport system for the region. As with original justifications for the existence of the EU itself, the key attraction of the Pact is meant to be elimination of conflict in the region by the weakening of nationalism i.e. national sovereignty.

### Conclusion

On the night of 18<sup>th</sup> June various people appeared in Stepanakert's Central Election Commission, including journalists from Yerevan, pressing the international observers for criticism of the Karabakh poll. The idea that all Armenians are united in support of Nagorno Karabakh's independence is manifestly not the case. Local political and mafia rivalries combined with foreign influence and cash will continue to threaten Nagorno Karabakh with instability.

Such prospects are deeply depressing. Leaving aside the rights and wrongs associated with the war fought over the territory, Karabakh today is an oasis of good governance, respect for the law and decency by comparison with most of the rest of the post-Soviet Union. And, if the present arrangements in Karabakh collapse, it will unlikely be to the benefit of the thousands of Azeri refugees now languishing in wretched conditions in neighbouring Azerbaijan. Kosovo rather than Shangri-la could very well be the blueprint for the future of Nagorno Karabakh. That would be to make matters for all concerned much worse.

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### Footnotes

1. *"Freedom in the World 1999-2000, Nagorno Karabakh"* Freedom House.
2. *"Armenia 1999: Parliamentary Elections"* a British Helsinki Human Rights Group report published on the Group's website <bhhrg.org>. Other reports on Armenia can also be found on the site.
3. See report in SWB/SU 3911, 5/8/2000 F/3
4. IWPR, Issue 42 July 28<sup>th</sup>, 2000. A previous article by the same author *"Karabakh Regime Resorts to Totalitarian Rule"* 26/5/2000 talks of "interrogation techniques in the prisons as being reminiscent of the Spanish Inquisition". He concludes: the "ongoing pogroms in Stepanakert" make "Azerbaijan seem like an oasis of civil liberty by comparison". Such a vindication of Azerbaijan's human rights record will come as something of a surprise to those who have noticed the recent intensifying of attacks on Baku's record by, among others, the US Department of State.
5. *"KARABAKH PRESIDENT APPEALS TO PARLIAMENTARY OPPOSITION"*. RFE/RL 21.8.2000. In an interview published in "Azat Artsakh," Arkadii Ghukasian, president of the unrecognized Nagorno-Karabakh Republic, called on the opposition Armenian Revolutionary Federation- Dashnaktsutiun (HHD) faction in the enclave's parliament to desist from "intolerance, denial, and confrontation" and become "a constructive opposition," Noyan Tapan reported on 21 August.
6. 8 June 2000, Vol.3, Number 23, Caucasus Report RFE/RL Services
7. *"A Stability Pact for the Caucasus"* Centre for European Policy Studies, Brussels, 2000