

NAGORNO KARABAKH PRESIDENTIAL ELECTIONS
AUGUST 11, 2002

REPORT
OF THE INDEPENDENT
AMERICAN MONITORING DELEGATION

MEMBERS OF THE DELEGATION

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Report of the Independent American Monitoring Delegation to the August 11, 2002 Nagorno Karabakh Presidential Elections

Summary

The Nagorno Karabakh presidential election held on August 11, 2002 was conducted freely and transparently. Nagorno Karabakh has made demonstrable progress in building democracy and its authorities have made a serious effort to conduct the 2002 polls by democratic means. The voters and candidates have demonstrated a great commitment toward bringing democracy to Nagorno Karabakh. The voting environment was calm and absent any reports of intimidation. Voters generally had ready access to the programs and views of the four candidates and many had the opportunity to hear directly from candidates in rallies held throughout the country. The emphasis placed on the need for democratically elected authorities to exercise civilian control over the military was one of the most positive developments of the election campaign.

The strong start made by Nagorno Karabakh in establishing a foundation for further democratization could be vulnerable to future political distortion if fundamental structural changes are not made to election procedures. In particular, the Central Election Commission needs to become a fully independent organization that is not beholden to the government and is represented by a much more diverse composition. The composition of the country's eight regional commissions and 266 divisional commissions should also reflect this aim. Further, the restraints on political party full participation in proposing candidates to the commissions and their ability to monitor all polling sites represent a serious shortcoming.

The five-person delegation met with each of the presidential candidates, the Central Election Commission chairman, journalists and representatives from local non-governmental organizations. The delegation visited 29 polling sites, two regional electoral commissions and the Central Election Commission on polling day and found no significant irregularities in the sites that were visited.

Election Environment

Elections are both a technical and political process. The technical aspect incorporates the election administration, logistical preparation and the necessary electoral materials used for registration and voting. The political component incorporates issues surrounding the constraints on competition, the degree of voter involvement and the degree of political party inclusiveness. This report will evaluate the process from both the political and technical perspectives.

Nagorno Karabakh is a small tight-knit community where people know each other or about each other. They view themselves as having already achieved *de facto* independence. Their overriding goal is to secure their independence through international recognition. This contributes to a strong feeling of national unity and the perceived need to project this unity to outsiders, which tends to mute criticism and submerge other social and economic issues.

The pre-election campaign atmosphere was reported to be calm. None of the four candidates interviewed expressed any serious concern regarding incidents or threats that could prevent voters from expressing their preference for president. The delegation did not detect any sense of fear, intimidation or hostility directed towards candidates or potential voters. There were no reports of enhanced security measures that affected voter turnout. In fact, on voting day there was a conspicuous absence of campaign materials, posters or flyers that are usually prevalent in campaigns.

In regard to electoral fairness, there is a need for reevaluation of the rules governing constraints on campaigning. The advantages of incumbency are a burden that all democracies carry and find difficult to resolve. Nagorno Karabakh is no exception. We heard many convincing reports of the state television providing extensive and consistently positive coverage of the activities of the incumbent presidential candidate. Given the mountainous nature of the Nagorno Karabakh terrain, it is not surprising that the delegation came across a number of villages where voters commented on either poor reception or no media broadcasts. Formulas and mechanisms should be found that help foster political pluralism and greater access to media.

Each candidate received a modest but equal sum of public funding for campaign expenses such as transportation and publication of campaign materials. None of the four candidates mentioned that they were handicapped by the small amount of public funding. We are persuaded that a modest increase in resources would enable the candidates to undertake activities that would bring them in more direct and frequent contact with the constituents. This would help overcome the inherent advantages in resources enjoyed by incumbents. Funding at the current level makes a necessity of the virtue of a short pre-election campaign period.

Election Law and Procedures

The 2002 presidential election is the seventh poll held since Nagorno Karabakh declared independence in January 1992: local government elections were held in 1998 and 2001, parliamentary elections were held in 1995 and 2000 and presidential elections held through popular ballot were in 1996 and 1997. International monitors were present, although in small numbers, for the parliamentary and presidential elections. Up to 100 international observers and 65 journalists monitored this presidential election but did not include any accredited domestic observers according to the CEC Chairman.

Parliament adopted final amendments to the current law in 2002. The Central Election Commission (CEC) is the final authority in the conduct of elections; it interprets the rules passed by parliament and appoints regional and divisional election commissioners. The CEC is comprised of nine members who are appointed in equal numbers by the President, Government and Parliament. The current CEC Chairman has served for 20 years. Approximately one-third of the commissioners have previously served on the electoral commission while two-thirds are serving for the first time. The commissioners are drawn from an extremely narrow pool of potential nominees. The current law prohibits judges, political party supporters and a list of other professionals from serving on the commission.

It is important for the future development and growth of democracy in Nagorno Karabakh to restructure the Central Electoral Commission to ensure the institutions that govern elections are themselves transparent and independent of the government. While the delegation did not know of any allegations of direct government interference in the activities of the electoral commissions nor do we suggest that any interference occurred in this election, the appearance of possible impropriety is a dangerous vulnerability. Candidates who are not committed to democratic values could manipulate the current structure. The electoral commission has set, in our opinion, unnecessary constraints that limit the ability of candidates and political party supporters to participate fully in the electoral process.

The nearly 1,500 electoral commissioners who are responsible for managing elections at the local level should more representatives of political parties, NGOs or other independent institutions on the local commissions. The majority of the members of the local election commissions was chosen from local institutions such as schools, social and health institutions, and enterprises. They appeared to enjoy the respect of the local population and of the candidates' observers. According the CEC, 76 percent of the commissioners have previously served on commissions.

Polling Day

The election appeared to be commendably organized in a technical sense. Members of the delegation heard no complaints from citizens, candidates, or officials about the validity of the voting procedures or results. The general climate at the polling places seemed to be positive and businesslike. There was no evidence of intimidation or any climate of fear or uncertainty on the part of voters. Police were present at most of the polling places visited by the delegation but they generally kept to their proper place in front of the polling stations. There was no evidence that police were having any intimidating effect or engaging in improper actions.

The election commissions at the polling places performed well in organizing and conducting the vote. Election commissioners were experienced and well prepared; they were familiar with the rules and procedures. All necessary voting materials, including voter registration lists and blank ballots arrived in due time and in sufficient quantities. In most, if not all, polling places visited by the delegation election rules were prominently displayed. Information about the four candidates was also displayed in most polling places. In some cases the standard photo and biographic material for acting President Ghukasian appeared to be given pride of place over that of the other candidates. In some polling places, by contrast, local commissions had decided that displaying this standard information about the candidates would be inconsistent with the ban on electoral agitation at polling sites. In the future, fairness and consistency on this point should be required.

The voter registration lists appeared to be accurate and in all cases were prominently posted at the polling sites. We noted few instances of voters raising concerns about their names on the list. A procedure was in place for resolving these concerns, which appeared to be working. Members of the delegation observed one instance in which military personnel were voting without presenting the required identity document. In other instances military personnel appeared to be giving direction to soldiers or to intrude on soldiers in the voting booth. Officers and enlisted men questioned by

members of the delegation denied that any official direction or guidance on how to vote had been provided to soldiers. Officers and other military personnel told the delegation that special meetings had been organized to acquaint the troops with the platforms of all four candidates.

The country's 87,720 registered voters are divided into eight districts and 266 polling stations. The rule allowing each candidate no more than 30 observers was clearly insufficient for complete coverage of polling places across the county. Members of the delegation saw only a small number of candidate observers at polling places. None of these observers expressed any concern about the conduct of the vote but in the future it would be desirable to increase the number of party and candidate observers to allow coverage of every polling place if so desired.

The delegation was able to observe only a small number of vote counts. In those instances, the count appeared to be proceeding in accordance with the rules. The delegation is unaware of any complaints put forward by candidates or citizens about the count. Candidate observers were allowed to be present for the count but as with the vote itself such observers could not cover more than a small fraction of the counts.

Conclusions

In preparing this report and conducting monitoring activities in Nagorno Karabakh, the delegation has taken no position on final status regarding the relationships among Nagorno Karabakh, Azerbaijan and Armenia. These issues are under negotiation in the peace process sponsored by the Minsk Group. The delegation supports the resolution of all final status issues through peaceful diplomacy among the parties. The delegation notes that the citizens of Nagorno Karabakh, of Azeri origin living as refugees outside of Nagorno Karabakh did not participate in the elections.

One of the most important issues of concern to democratic forces in Nagorno Karabakh is the need to bolster control of the military by elected civilian officials. We commend several of the candidates, especially President Arkady Ghukasian, for giving this issue prominence in the election campaign. He was candid in his public statements about recognizing the progress made in overcoming this problem, noting in his final pre-election rally that "the military should deal only with military affairs." A failure to maintain civilian control by the elected authorities would be a grave setback to Nagorno Karabakh democracy and the ultimate integration of Nagorno Karabakh into the Western democratic community of nations.

The delegation also believes that the expansion of democratic values and processes would facilitate the peaceful resolution of disputes in the region. Nagorno Karabakh has made demonstrable progress in building democracy and its authorities have made a serious effort to conduct the 2002 polls by democratic means. The officials that we met also stated their willing to constructively explore issues regarding changes and improvements to the electoral process with members of the international community.

The Delegation

The delegation is composed of members with a balance of experience in international election monitoring, democracy building and regional expertise. James Hooper served with the US Department of State for more than 25 years, where he followed elections in the Balkans and has served as director of several international nongovernmental organizations. Vladimir Matic, professor of international relations at Clemson University and consultant to research institutes, observed several elections and was an assistant foreign minister in the former Yugoslavia. Brenda Pearson is a consultant to the World Bank and USAID and has worked with civic organizations and domestic election monitors in 15 elections. Louis Sell, a former career diplomat and currently adjunct professor at the University of Maine at Farmington, previously served in the Soviet Union and the former Yugoslavia. Ambassador Richard Viets, former US Ambassador to Jordan and Tanzania, has taken a lead role in election monitoring since his retirement.

Discussions Held:

Grigori Afanasian, presidential candidate and leader of the Freedom Party
Sergei Davidyan, Chairman of the Central Election Commission
Albert Ghazarian, presidential candidate and leader of the Christian Democrat Party
Arkady Ghukasian, President of the Nagorno Karabakh Republic and presidential candidate
Masis Mayilian, Deputy Foreign Minister and member of the Central Election Commission
Naira Melkounian, Foreign Minister
Artur Tovmasian, presidential candidate and former Speaker of the Parliament

Journalists Union of Karabakh
Helsinki Initiative-92
Parents of Deceased Soldiers
Press Club of Stepanakert
World Club of Stepanakert
Young Democrats
Youth Center of Democratic Union of Artsakh

In addition, the delegation attended a campaign rally of one candidate, presentation by the Central Election Commission and a dinner hosted by the Prime Minister and Speaker of the Parliament. Discussions were also held with delegates from the Russian, British, Armenian, US Congressional and European observer delegations.

August 12, 2002