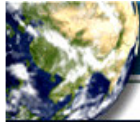


REPORT

OF THE INDEPENDENT AMERICAN MONITORING DELEGATION

LED BY



PUBLIC INTERNATIONAL LAW & POLICY GROUP

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NAGORNO KARABAKH

PARLIAMENTARY ELECTIONS

June 19, 2005

MEMBERS OF THE DELEGATION

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Report of the Independent American Monitoring Delegation
Led By
The Public International Law & Policy Group
To The June 19, 2005 Nagorno Karabakh Parliamentary Elections

Summary

The Nagorno Karabakh parliamentary elections held on June 19, 2005 were conducted freely and transparently. Electoral law changes introduced by the Central Election Commission opened up the democratic space for political parties. Competition in that arena adhered to generally accepted international electoral standards. In their totality, the evolution of the voting system toward a more democratic process, the nature of the electoral campaign, and the conduct of voters and officials on election day are strong signs that Nagorno Karabakh has made significant progress toward establishing a functioning and we hope sustainable democracy.

We salute the voters, candidates and in particular the Central Election Commission for demonstrating a serious commitment toward establishing a democratic system in Nagorno Karabakh and working within its rules and procedures before and during the election. The election environment was calm and we have not received any reports of general intimidation. Voters appeared to have had ready access to the programs and views of the many legislative candidates and the vast majority of them had opportunities to hear directly from candidates seeking political office in the various constituencies.

The new electoral law effectively broadened the participation of new political parties, and represents a major step forward for Karabakh democracy. Additionally, the change in the electoral law stipulating that military forces below the officer rank would vote for political parties rather than individual candidates competing in the designated constituencies marked an improvement over the previous electoral system and removed one significant possible source of electoral abuse, thereby reflecting progress made by the Nagorno Karabakh authorities in exercising civilian control over the military. This in itself was a positive development worthy of mention.

The six-person delegation met with representatives of six major political parties with candidates competing in the elections, some parliamentary candidates, the Central Election Commission chairman and his colleagues, journalists and representatives from local nongovernmental organizations. The delegation visited 37 polling sites 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, the necessary electoral materials, and voter education programming 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.

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 sometimes tend to mute criticism and submerge other social and economic issues. We detected evidence that this was the case in these parliamentary elections. The campaign appeared to have been spirited, with a variety of issues and views placed before the public and no shortage of criticism of the authorities and other

candidates. This appears to reflect a sense among the people of Nagorno Karabakh that the foundations for their democracy have been laid successfully, and that concerns other than national survival can come to the fore and be openly debated. There was expressed pride among citizens of Karabakh that their nascent democratic achievements surpassed the level of democracy prevailing in neighboring countries.

The pre-election campaign atmosphere was reported to be calm. None of the candidates interviewed expressed any serious concern regarding incidents or threats that could prevent voters from expressing their preferences at the ballot box. The delegation did not detect any sense of fear, intimidation or hostilities directed towards candidates or potential voters. There were no reports of enhanced security measures that affected voter turnout. In fact, there was a conspicuous absence of campaign materials, posters or flyers that are usually prevalent in campaigns. Some individuals the delegation met with expressed the view that the 30-day campaign period was too long. However, in view of the importance of ensuring that democracy establishes firm roots, others do not believe that this period is too long.

CEC rules were in effect for allocating time and space in the Nagorno Karabakh media. All parties had one hour of free television time and one page of free space in the state newspaper, and were allowed to purchase time and space on television and in newspapers up to the same limit. No party or candidate we spoke with had complaints about access to the media.

Parties the delegation spoke with praised the fairness of media rules, equal time, and access. They had no complaints about misuse of the media by the government. The advantages of incumbency are a burden that all democracies carry and find difficult to resolve. Nagorno Karabakh is no exception. Some parties felt that campaign spending limits determined by the CEC were ample and widely observed, while others questioned the adherence of other parties to campaign finance laws. In most polling places, voters had the opportunity to participate in town meetings with district candidates.

Election Law and Procedures

The 2005 election is Nagorno Karabakh's fourth parliamentary election since 1991, with previous legislative polling also held in 1995 and 2000. About 100 international observers from Russia, Iran, the United Kingdom, Greece, Armenia, Czech Republic, the United States, and other nations monitored this parliamentary election. The Central Election Commission chairman informed us that around a dozen domestic observers were also accredited.

The 2005 parliamentary elections were the first held under a new electoral code proposed by the Central Election Commission and passed by the National Assembly that introduced numerous—and we believe improved—modifications to the procedures in force during previous presidential, parliamentary and local elections.

First, it consolidated the differing procedures governing the three types of elections into one law that applies equally to presidential, legislative and local elections.

Second, it eased the criteria for political parties to nominate candidates and created a proportional voting system for electing one-third of the 33 members of the National Assembly. This stimulated the formation of several new parties by citizens willing to test the efficacy of the new rules controlling entry into the legislative arena.

Third, it reorganized the structure of the Central Election Commission itself in all levels at which it operates. While the CEC remains the final authority in the conduct of elections, its new structure has encouraged more checks and balances to give parties and citizens a greater opportunity to deter and prevent abuse.

Fourth, the CEC has stopped allowing people temporarily living somewhere to register to vote, and instead only permits residents to register. The list of registered voters was to be made available at voting stations prior to the election.

Finally, the CEC has tempered the potential capacity of the military to distort the election results in any particular district by the coincidence of bases being located there, by requiring that members of the military below the officer rank at these bases vote only for political party candidates, rather than single-member-constituency candidates. This enabled them to vote at the station nearest the military unit they are serving at while thereby preventing their votes from impacting on the electoral outcome of any constituencies, but instead being counted in the proportional representation component of the balloting.

The CEC itself is now composed of seven members. Three are appointed by the President and each party with a faction in the present parliament has the right to appoint two more. This has opened up the CEC's structure considerably in favor of Karabakh's political parties, and will expand further if additional factions exist in future parliaments. The CEC has also simplified the structure of its subordinate units throughout Nagorno Karabakh. The previous system of regional and town committees has been replaced by district and local election commissions in each of the 22 legislative districts and at polling stations.

The nearly 1,900 electoral commissioners who are responsible for managing elections at the local level follow the same structure as the Central Election Commission. As with the Central Election Commission, this represents an opening for parties at the local level.

Candidates were nominated by political party tickets and in constituencies from April 5-10. For the 22 constituency seats, 127 candidates were nominated. Of these, 49 were nominated by political parties and 57 by non-party groups. In Stepanakert, 79 candidates were nominated in its eight constituencies. The number of candidates in each district ranged from two to a high of 14. The size of party lists ranged from three to 25 positions. This in our view reflects in part the leveling of the electoral playing field after the adoption of the new election code.

Of the nine political parties in Nagorno Karabakh, eight nominated candidates. Six of the parties ran separate party tickets, and two parties established a common party ticket for the campaign. Women constituted 8.5 percent of nominated candidates.

Between April 10 and May 5, the CEC and district committees reviewed the documents of nominees. The final stage of the registration process for candidates took place May 10-15. On May 17, the electoral campaign officially commenced.

Polling Day

The delegation visited 32 polling sites in all 22 electoral districts and found the election to be commendably organized in a technical sense. Members of the delegation heard no serious 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 generally experienced and very well prepared; almost all were familiar with the new rules and procedures. All necessary voting materials, including voter registration lists, supplies, 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 candidates was also displayed outside most polling places.

The voter registration lists appeared to be generally 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 in urban areas. In the areas where refugees were resettled, the delegation encountered problems with an accurate voter registration list. Because of this, some voters in remote locations were excluded.

The country's 89,576 registered voters are divided into 22 single member electoral districts and 275 polling stations, and one in Yerevan. 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.

Observers were informed of a number of minor complaints. None of these undermined the fairness of the vote in a significant way. There appeared to be a lack of voter education on both the substance of the party platforms, as well as confusion over proportional and district level balloting. There was also confusion over the manner in which the ballot was to be marked. Larger polling stations in major Karabakh towns were understaffed.

Suggestions for improving the efficiency of polling day include: Enhanced voter education on party platforms and electoral structure, as well as better outreach to explain the balloting process. Additionally, we recommend that the CEC identify specific polling stations where staffing needs to be increased, and effect rules and regulations to allow for increased support. Publishing lists of registered voters well in advance of polling would allow for public scrutiny and reduce errors.

Conclusion

Nagorno Karabakh has made demonstrable progress in building democracy and its authorities have made a serious effort to conduct the 2005 polls by democratic means. The new electoral code in particular seemed to have helped unlock the political energies of the Karabakh people while at the same time channeling these energies in democratic directions by facilitating the establishment of political parties. Districts appear to be established on the basis of technical considerations rather than political considerations. While there remains room for further improvement, there is reason too for optimism that the people of Nagorno Karabakh can consolidate the democratic progress witnessed in the June 19 elections.

The Delegation

The delegation is composed of members with a balance of experience in international election monitoring, democracy building and regional expertise. James Hooper, who led the American Independent Monitoring Delegation to the 2002 presidential elections in Nagorno Karabakh, served with the US Department of State for more than 25 years, where he followed elections in the Balkans and elsewhere and has subsequently held senior positions in several nongovernmental organizations. Aleyda Kasten served at Georgetown University for 20 years as deputy director of the National Security Studies Program, administrator/researcher of the Department of Biochemistry and Molecular Biology, and executive director of the Albert B. Sabin Vaccine Institute. Vladimir Matic, professor of international relations at Clemson University and consultant to research institutes, observed several elections including the 2002 presidential election with the American Independent Monitoring Delegation and was an assistant foreign minister in the former Yugoslavia. Louis Sell, a career diplomat and currently adjunct professor at the University of Maine at Farmington, previously served in the Soviet Union and the former Yugoslavia and participated in the 2002 presidential election with the American Independent Monitoring Delegation. William Spencer, a career US diplomat for 14 years, has organized and supported electoral processes in the Balkans and more recently worked closely on human rights and democratization issues in Afghanistan. Paul Williams, executive director and founder of the Public International Law & Policy Group, has visited Nagorno Karabakh and is a professor at American University's School of International Service and Washington College of Law.

Discussions Held:

Arkady Ghoukasian, President of the Nagorno Karabakh Republic (NKR)
David Babayan, Special Advisor to the NKR President
Sergei Nasibian, Chairman of the Central Election Commission
Semyon Afiyan, Member of the Central Election Commission
Hamest Suleimanian, Member of the Central Election Commission
Armen Melikian, Foreign Minister of the Nagorno Karabakh Republic
Karen Ohanjanian, Head of Social Justice Party
Deputy Head of Social Justice Party
Murad Petrosian, Head of Moral Revival Party
Eduard Aghabekian, Mayor of Stepanakert and Head of Movement 88
Vitaliy Balasanian, Head of Dashnak Party of NKR
Zhirair Shahidjanian, Secretary of Central Committee of Dashnak Party
Gegam Baghdasaryan, Editor of Demo
Ashot Ghouljian, Head of Democratic Party of Artsakh
Tigran Gabrielian, Young Democrats Co-Chairman
Karine Ohanian, Reporter at Demo
Irina Gregorian, Chairwoman, National Diplomacy Institute
Arpat Avenesian, Head of the "Free Fatherland" Party
Judge Seiran Amiryan, Judge of the Court of First Instance (responsible for election day voter registration issues)

Discussions were also held with delegates from the Russian, Armenian, American and Iranian observer delegations.

This report covers election-related activities that occurred prior to the departure of the delegation from Nagorno Karabakh mid-day on June 20.

Stepanakert, Nagorno Karabakh
June 20, 2005