

**ELECTIONS****PARLIAMENTARY ELECTIONS  
IN NAGORNO-KARABAKH:  
LEGAL AND POLITICAL ASPECTS**

David BABAIAN

*Ph.D. (Hist.),  
international law lecturer  
at the Stepanakert Branch of the Russian-Armenian Academy of  
the Humanities  
(Stepanakert, Nagorno-Karabakh)*

**T**hroughout the first half of 2005 parliamentary elections scheduled for 19 June remained topic No. 1 in Nagorny Karabakh, the electoral passions reaching their peak in May and June.

This says that even though the Karabakh conflict has not yet been settled the people responded to the elections with the “fever” typical of peaceful times and much more stable situations.

**Evolution of  
the Normative Base**

Elections in Nagorny Karabakh follow the same democratic pattern observed in all other civilized countries: they are carried out by general, equal, and secret ballot. Until 2004 the following documents described the election procedures: the Law on the President of the NKR, the Law on the Election of Deputies to the National Assembly of the NKR, and the Law on the Election to Local Self-Administrations. It should be said that the first law on the election of deputies to the National Assembly (NA) was adopted in Nagorny Karabakh back in 1994. In March 2000 the republic acquired a new law on the parliamentary elections, which adjusted some of the provisions of the previous document to the international standards. Since 2004 the republic has been guiding itself by the Election Code

that brought together all laws relating to all election procedures. Later additions and amendments greatly improved the normative base in this sphere.

Under Art 32 of the Code election commissions—the Central, district (city) and local (at the polling stations)—are formed during the elections' preparatory stage.<sup>1</sup> Before the Code was enacted the Central Election Commission was formed under Art 41 of the Law on the Election of Deputies to the National Assembly of the NKR.<sup>2</sup> It consisted of nine members: three of them were nominated by the NKR President (one of them should belong to one of the parties registered in the republic); three others were nominated by the National Assembly that chose from among parties, blocs or public movements' nominees (each of them could hope to acquire only one representative); the Cabinet suggested its own three members.

At that time, the Central Election Commission was elected for the term of five years not earlier than 69 days before the election date. Under the Election Code the Commission is still elected for five years on the 40th day of the functioning of the newly elected National Assembly. As before the President has the right to nominate three members; the parties and blocs that have their factions in the newly elected or disbanded National Assembly can nominate one member each. If there are no more than three parties and blocs with factions of their own in the NA each of them can delegate two members to the Central Election Commission. If by the day the Commission should be formed a party or a bloc with factions in the NA fails to delegate its member the vacancy is filled by a member of another faction. Today there are two parties with factions of their own in the parliament: the Armenian Revolutionary Federation Dashnaksutiun (ARF(D)) and the Democratic Party of Artsakh (DPA), a product of transformation of the Democratic Artsakh Union (ZhAM). From this it follows that on the eve of the 2005 parliamentary election the Central Election Commission consisted of seven members, three of whom were delegated by the president and four by the ARF and DPA.

The city (district) election commissions as well as polling station election commissions are formed on a different principle. Under Art 42 of the Law on the Election of Deputies to the National Assembly of the NKR it was local administrations that formed the city or district election commissions on recommendations of industrial enterprises, organizations, political parties and public organizations.<sup>3</sup> The polling station commissions were also formed on recommendations of enterprises, organizations, political parties, and public structures. Today, when the Election Code has been enacted the city (district) election commissions are formed according to the principles applied to the Central Election Commission (three members recommended by the president, while the parties and blocs with factions in the functioning or disbanded National Assembly have the right to recommend one member each).<sup>4</sup> The polling station commissions are formed out of people recommended by members of the city (district) election commission (one member has the right to recommend one candidate).

In 2005 the parliament was elected by a new system: 22 deputies were elected in single-member constituencies, while 11 deputies were elected by party lists. Before that all 33 candidates were elected in single-member constituencies. (In the Supreme Soviet of the first convocation elected in 1992 there were 81 seats.)

Today, there are 22 single-member constituencies in the republic: eight of them are found in the republic's capital Stepanakert; the rest are found in seven districts: four of them are in the Martuni

<sup>1</sup> See: *Election Code of the Nagorno-Karabakh Republic*, Stepanakert, 2005, p. 25 (in Armenian).

<sup>2</sup> See: "The Law of the Nagorno-Karabakh Republic on the Election of Deputies to the National Assembly of the NKR," in: *Collection of the Acting Laws of the Nagorno-Karabakh Republic (1994-2001)*, Stepanakert, 2002, p. 723 (in Armenian).

<sup>3</sup> *Ibid.*, p. 725.

<sup>4</sup> See: *Election Code of the Nagorno-Karabakh Republic*, p. 30.

District; three, in the Gadrut District; two, in the Askeran District, and one, in the Shaumian District. Each of them can have several polling stations. The largest number of them (23) is naturally found in the capital; each of them should have no more than 2,000 voters.

The above has amply demonstrated that in recent years the election normative base has become more democratic and more transparent. This fully applies to the mechanism of forming election commissions at all levels. In the past, local administrations had an important role to play in the process—today they have been completely excluded from it; the same applies to the Cabinet of Ministers, which no longer recommends members to the Central Election Commission. The election commissions of all levels are formed by the elected bodies—the President and the National Assembly. The executive structures (the Cabinet of Ministers and the regional administrations) were removed from the process. These seemingly technical details are in fact very important politically: today, it has become hard if not impossible to tap the administrative resource.

## Election Race

These progressive or even radical changes in the republic's domestic life were caused by a mighty democratic impulse of the well-known events of 1999-2000. They affected the sentiments of the masses and their electoral behavior. The election race of 2005 was not merely the most active among the parliamentary campaigns but the most active among all election campaigns that have taken place in the Nagorno-Karabakh Republic since the time of its independence.

One hundred and sixty-seven candidates competed for the seats in the parliament: 115 of them ran in single-member constituencies; the rest 81, by party lists. Twenty-nine of the latter also appeared in the ballot papers in single-member constituencies. In 2000, there were 113 registered candidates at the parliamentary elections, 88 of them were nominated by public organizations, 25, by the parties<sup>5</sup>; at the 1995 parliamentary elections there were 81 candidates.

In the capital one seat was contested by ten candidates; in the districts there were fewer of them: from 4 to 5. Fifty-four party members ran for the parliament in single-member constituencies (47 percent of the total number of candidates); 61 candidates, or 53 percent, were nominated by civil initiative—a sure sign of high public activity.

The political pattern at the parliamentary elections was the following: 25 candidates ran from the DPA (five of them also ran in single-member constituencies); 18 were nominated by the Dashnaksutiun-Dvizhenie-88 bloc (six of them, in single-member constituencies); 17, by the Free Fatherland Party (nine of them also ran by majority lists); 10, by the Communist Party (four of them also ran in single-member constituencies); 4, by the Armenia Our Home Party (three of them also ran by majority lists); 4, by the Social Justice Party (one also ran in a single-member constituency); 3, by the Moral Resurrection Party. As I have already written the members of political parties also ran in single-member constituencies. On the whole, the picture was the following: Dashnaksutiun-Dvizhenie-88—20 people, from the Communist Party, 12; from the DPA, 10; from the Free Fatherland, 9; from the Armenia Our Home Party, 4; from the Social Justice Party, 1, and from the Armenakan Party, 1.

This spoke of the coming fierce rivalry for the seats in the National Assembly. Some of the political structures demonstrated their absolute confidence in their future triumph: Ashot Gulian, the DPA leader

<sup>5</sup> See: S. Davidian, *In 2000-2002 Elections in the NKR were Democratic*, Stepanakert, 2002, p. 18 (in Armenian).

said in one of his interviews: “We count on winning the majority in the parliament. We shall win in single-member constituencies and by party lists. All other political forces will be given a chance to join us in our work.”<sup>6</sup> On 18 June, a day before the elections, Gegam Bagdasarian and Atrut Agabekian, leaders of the Dashnaksutiun–Dvizhenie-88 bloc tried to convince American observers Jim Hooper and Paul Williams of the International Law and Policy Group that their bloc would win with 17 seats. On the same day talking to the same Americans observers members of the Free Fatherland Party, headed by its cochairman Arpat Avanesian, promised that at least 13 or 14 of their candidates out of the total number of 17 would make it for the parliament. The Social Justice, Moral Resurrection, Armenia Our Home and the Communist parties expected to get more than 10 percent of the votes needed to get into the parliament.

It would be wrong to think, however, that only the above-mentioned parties ran for the parliament. I have already written that in single-member constituencies party members comprised 47 percent of the total number, while 53 percent were independent candidates. Some of the parties deemed it necessary to put non-party members on their lists: the DPA had the largest number of them (six names) followed by the Dashnaksutiun–Dvizhenie-88 with three names.

These elections were very special: for example, Dashnaksutiun and Dvizhenie-88 that formed a bloc had very little in common in the ideological sphere. In fact, Dvizhenie-88 was much closer to the Social Justice Party, while its bloc partners shared much more values with the Armenia Our Home Party. The local people attach practically no importance to the party programs: as a rule, they guide themselves by personalities and by what they say about their ideas. In a small country (the Nagorno-Karabakh Republic is a small country with a small population of 145,000 according to the 2000 figures<sup>7</sup>) nearly all candidates are well-known, therefore none of them is bold enough to promote ideas that have nothing in common with his image or his life. As the key component of public control in our country this is one of the democratic elements. While in large democratic states the media are the only mechanism of public control and the nation’s involvement in political processes, in our country the public that has more detailed and reliable information about the politicians can better control them.

Naturally enough, election programs of parties and candidates differ on some issues and have much in common on others. Parties disagree over the country’s socioeconomic and political present and future. The DPA, for example, believes that in the past five years the republic has done a lot to develop its statehood, economy, democracy, a civil society and its institutions<sup>8</sup> and agrees that much more should be done in other spheres. The same party is convinced that it has done a lot to improve the republic’s international image. It favors continued market reforms and social protection of the vulnerable population groups; it suggests that the city of Shusha should become a special economic zone and that the republic’s natural resources (minerals, water, forests, etc.) should be used to maintain the high economic development rates. The party believes that the republic needs a constitution and is actively fighting for the country’s ecological security.

The Dashnaksutiun–Dvizhenie-88 bloc points out in its election documents that the country has not acquired reliable mechanisms of its own statehood.<sup>9</sup> It describes the socioeconomic policies as tactical rather than strategic: there is no competitive private sector; social security of the most vulnerable population groups leaves much to be desired; not enough is done to return the refugees to settle them in the liberated territories, especially in the city of Shusha. The bloc leaders believe that the Nagorno-Karabakh Republic and Armenia should be described as the homeland of all Armenians liv-

<sup>6</sup> Ia. Amelina, “Oranzheviy tsvet v Karabakhe ne moden,” Rosbalt Information Agency, 16 June, 2005.

<sup>7</sup> See: *Statisticheskii ezhegodnik Nagorno-Karabakhskoy Respubliki 2000-2002*, Stepanakert, 2003, p. 13.

<sup>8</sup> See: *The Election Program of the Democratic Party of Artsakh*, Stepanakert, 2005 (in Armenian).

<sup>9</sup> See: *The Election Program of the Dashnaksutiun–Dvizhenie-88*, Stepanakert, 2005, p. 4 (in Armenian).

ing across the world so that each of them could become a NKR citizen to strengthen the ties between Artsakh, Armenia and the Armenian diaspora. The bloc deems it necessary to limit the president's powers and extend those of the parliament.

The Free Fatherland Party intends to combat the post-war syndrome that drives the younger generation away from the republic; it insists that power in the republic should belong to the most worthy of its citizens.<sup>10</sup> The party wants to achieve: adoption of the constitution, creation of a civil society and stronger democracy, social justice and cutting down unemployment and poverty, continued economic reforms and slashed down taxes; it intends to fight corruption, support new privatization of state property, set up unions of the youth to draw the younger generation into the republic's political life, etc.<sup>11</sup>

The Armenia Our Home Party is resolved to fight for justice; it wants to change the republic's name into the Armenian State of Artsakh or the State of Artsakh; at the same time, it wants firmer democracy and a civil society, a better demographic situation in the republic, economic resurrection of the liberated and war-ravaged territories and dual (Armenian and Nagorno Karabakh) citizenship.

The Moral Resurrection Party supports the idea of a radical renovation of the republic's state and social order. According to Murad Petrossian, the Party's leader and main ideologist, a war might flare up again if this remains undone. He is convinced that his country needs a "revolution from above" not a "revolution from below." He insists that the president agrees with him yet finds it hard to overcome the already fossilized traditions and powerful bureaucracy. For this reason, Petrossian believes it critically important to gain confidence of the voters rather than seats in the parliament to encourage the president and put pressure on him.<sup>12</sup>

The Social Justice Party concentrates on man, the fundamental values of justice, kindness, love, and morality. In the economic sphere the party favors market reforms, socially oriented policy and minimal yet efficient state regulation.<sup>13</sup> It describes itself as democratic opposition, a party of ordinary people rather than a party of bosses of all sorts. It believes that the constitution should be promptly adopted. The party's leader and ideologist Karen Oganjanian is convinced that his party is the only truly professional one and the only one able to overcome the problems the country is facing and to counter all challenges.

The Communists concentrate on the republic's economic resurrection; they are convinced that privatization was carried out in favor of the few; they want to see the Nagorno-Karabakh Republic a state of the people in which the rights of the working people are treated as a priority. The Communists believe that a republic of the people alone can protect the entire range of human rights.<sup>14</sup> At the same time, the Communist Party believes that economic life should be completely changed to create a system in which dominating state ownership coexists with private, collective, and other types of property.

The candidates who ran by party lists promoted the ideas of their parties, while the election rhetoric of independent candidates can be divided into four groups. The first contained severe criticism of the authorities; the second, more moderate criticism of individual failures combined with moderate encouragement; the third, complete approval of the current policies, while the fourth called not to divide society but to concentrate on dealing with the national problems and on the still lingering conflict with Azerbaijan, in the first place.

On several issues, however, all parties and candidates running in single-member constituencies agree: first, the conflict settlement (under no circumstances should the republic become part of Azer-

<sup>10</sup> See: "Tseli i pozitsii," *Golos Armenii*, 14 June, 2005.

<sup>11</sup> See: *The Election Program of the Free Fatherland Party*, Stepanakert, 2005 (in Armenian).

<sup>12</sup> See: "Tseli i pozitsii," *Golos Armenii*, 14 June, 2005.

<sup>13</sup> See: *The Election Program of the Social Justice Party*, Stepanakert, 2005 (in Armenian).

<sup>14</sup> See: *The Election Program of the Communist Party*, Stepanakert, 2005 (in Armenian).

baijan, while its independence cannot be haggled about). Second, all of them, the Communists included, favor the democratic choice. Third, they look at a battle-worthy and strong Defense Army of the NKR as the key guarantee of its security and non-renewal of fighting.

## Voting Results

No serious violations of the law were registered during the voting procedure, therefore practically all international observers (there were 130-odd of them) recognized that the elections were free, fair, and transparent. The American observers of the International Law and Policy Group were the first to offer their comments. On 20 June Jim Hooper, one of the Group's leaders, called the elections free, fair, and transparent.<sup>15</sup> He pointed out, in particular, that the amendments to the Election Code allowed all political forces to take part in the election race, which, the group members agreed, corresponded to the international standards. The American observers pointed out that the NKR had made another important step toward democracy, while transparency would positively affect the country in many respects. Paul Williams of the same group said: "Small country can sometimes achieve great results. We go back leaving behind the nation striving toward a higher level of democracy." He said that he was convinced that the elections would produce a positive impact on the OSCE Minsk Group. Other observers agreed with this. Speaking at the press conference of 20 June Konstantin Zatulin, RF State Duma deputy and Director of the Institute of the CIS Countries, pointed out that the people had voted for differently organized parties yet chosen democracy.<sup>16</sup> He added that the parliamentary elections in Nagorny Karabakh had demonstrated that the voting process and the criteria were much higher than in certain neighboring states which refuse to recognize the republic.

The elections brought the Democratic Party of Artsakh 5 seats (the largest number); it was followed by the Free Fatherland Party and Dashnaksutiun–Dvizhenie-88 with 3 seats each. In single-member constituencies the independent deputies carried the day with 8 seats; the DPA and Free Fatherland deputies 7 seats each. The votes were distributed in the following way: the DPA got 37.6 percent of the votes; the Free Fatherland, 26.7 percent; the Dashnaksutiun–Dvizhenie-88, 24.4 percent; the Communist Party, 4 percent; the Moral Resurrection Party, 3.6 percent; the Armenia Our Home Party, 2.1 percent; the Social Justice Party, 1.3 percent.<sup>17</sup> On 30 June the National Assembly of the fourth convocation met for its first sitting; by 30 votes "for" against 3 invalid ballot papers it elected DPA leader Ashot Gulian speaker of the parliament; a Free Fatherland Party member was elected vice-speaker. These two parties equally divided between themselves the posts of heads of six standing commissions. The DPA set its faction which it called Democracy; the Free Fatherland called its faction Motherland; the bloc deputies united into a faction of their own.

The parties do not agree in their assessments of the election results. Murad Petrossian, leader of the Moral Resurrection Party, addressed the nation with the following: "We mourn the election results and offer our condolences to you. You have rejected our concrete ideas about an overhaul of our system of state administration; you have rejected the idea of primacy of moral principles in choosing the country's leaders... We have not abandoned, however, our plans of offering you a more active role by setting up a public organization For Moral Resurrection."<sup>18</sup> Typically enough the party did not doubt either the elections' democratic nature or their transparency.

<sup>15</sup> See: Press-konferentsia amerikanskikh nabliudateley po itogam vyborov. Press tsentr pri TsIK NKR, Stepanakert, 20 June, 2005.

<sup>16</sup> For more detail, see: L. Grigorian, "Narod NKR dokazal, chto zhivet v nastoiashchem demokraticheskom gosudarstve," Azat Artsakh [<http://www.artsakhtert.com/rus/index.php?id=2345>], 23 June, 2005.

<sup>17</sup> For more detail, see the Central Election Commission's website [<http://www.elections.nkr.am/rus/rezultaty.htm>].

<sup>18</sup> "Partia 'Za Nravstvennoe vozrozhdenie' skorbit po povodu itogov parlamentskikh vyborov v Nagornom Karabakhe," REGNUM Information Agency [<http://www.regnum.ru/news/karabax/473033.html>], 21 June, 2005.

The Dashnaksutiun–Dvizhenie-88 believes that the elections were neither free nor transparent.<sup>19</sup> The bloc was puzzled by the fact that while being third to cross the finish line by party lists it failed to win a single seat in single-member constituencies. “We regret that we have failed to repeat the breakthrough we achieved at the 2004 municipal elections.” At a press conference its speakers said that the time had come to analyze the mistakes. There were two major miscalculations responsible for the bloc’s failure at the 2005 parliamentary elections: first, even before the election race started the bloc had tried to create a “bi-polar” situation by forming a broad coalition of all opposition forces to set up two camps—the pro-government and the opposition—in the race for the seats. The logic of this maneuver was simple: one of the camps could pose as the only defender of the interests of the masses; by the same token the elections could be presented as a competition between the people and power in which more seats could be won. This pattern had worked in 2004 when the opposition won the municipal elections. It proved impossible to reproduce this model in 2005: only two parties—Dashnaksutiun and Dvizhenie-88 agreed to form a bloc; others ran separately and competed for the same electorate. From the very beginning of the election race the bloc opened a vehement campaign of criticism—this was its second miscalculation. After a while the people got tired of piling up accusations; many took this criticism as a deliberate substitute for an absent election program.

It should be said that all parties were waging fairly active election campaigns.

### *C o n c l u s i o n*

The elections confirmed once more that Nagorny Karabakh remains devoted to democracy and had moved closer to it than its neighbors. Not only the public but also the republican leaders demonstrated their loyalty to the principles of democracy and a civil society. In fact, it is much more logical for the leaders of non-recognized states to run totalitarian or, at least, authoritarian regimes in order to preserve their positions invariably threatened by fair and free elections. The status of an unrecognized state creates greenhouse conditions for totalitarian leaders: indeed, for political reasons most countries refuse to contact with such states; the same applies to the international structures designed to extend economic and technical assistance to the states that need it. Naturally enough, people at the helm of unrecognized states are tempted to perpetrate their power at any cost, which makes a civil society their main opponent. What the NKR leaders say about their devotion to the democratic principles and the civil society ideas are not mere declarations as the 2005 elections confirmed.

These elections became another step on the road toward stronger democracy and a civil society that could develop only when the public and power agree that they are vitally important. Otherwise we cannot expect democratic developments, while democratization will take the form of revolutions and social upheavals. This was what happened in Nagorny Karabakh in 1988 at the very beginning of the Karabakh movement, a movement for democracy and human rights and against discrimination. This created a disbalance between the sentiments and ideas of the people of Karabakh and the official ideology supported by Moscow and Baku. Tension that developed into the still smoldering conflict was a natural result of this. Karabakh society could overcome the post-war hardships (1994-2000) thanks to the democratic nature of the Karabakh movement. Naturally enough, democratization of the Nagorno-Karabakh Republic will directly affect the future settlement of which democratization is the only effective mechanism. This may raise doubts: indeed, the settlement expected to deal with the fundamental problems of the status, the territory, and refugees, etc. calls for mutual concessions. The

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<sup>19</sup> See: “Press konferentsia predstaviteley bloka po itogam vyborov,” Press-tsentr pri TsIK NKR, Stepanakert, 20 June, 2005; Opozitsia namerena vystupit s zaiavleniem po itogam vyborov v Nagornom Karabakhe,” REGNUM Information Agency [<http://www.regnum.ru/news/karabax/472649.html>], 20 June, 2005.

final settlement will create a situation that will differ radically from that of 1988, something, which the losing sides will find hard to accept. Over time, suppressed dissatisfaction will call for a revanche with unpredictable consequences. To prevent undesirable developments mentality and traditional values should be changed, while the old ethnic-political myths forgotten. Democracy and a civil society is the answer without alternatives.