



# Elections during Armistice: 2015 Parliamentary Elections in the Nagorno-Karabakh Republic

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On May 3, 2015 the sixth elections to National Assembly were held in the Nagorno-Karabakh Republic. The 2015 elections to National Assembly of NKR of the sixth convocation were based on a new Electoral Code (EC) which had been brought in line with international standards, approved by the parliament on October 29, 2014 and signed by the president on November 18, 2014.

## **ELECTIONS DURING ARMISTICE: 2015 PARLIAMENTARY ELECTIONS IN THE NAGORNO-KARABAKH REPUBLIC**

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On May 3, 2015 the sixth elections to National Assembly were held in the Nagorno-Karabakh Republic.

The Nagorno-Karabakh Republic has a history of parliamentarianism. Established as a parliamentary republic, it elected its first Supreme Council (SC) on December 28, 1991. Out of its 81 members, 11 were killed in the war of 1992-1994.<sup>1</sup>

It soon became evident that the parliamentary system of governance could not work in a country at war. By summer 1992, the Azerbaijani army controlled approximately half of the territory of NKR. It was decided to centralize power in order to raise the efficiency and the mobility of the human and material resources. As a result, although it started with a parliamentary governance system, in the midst of war the government made a decision to restrict the powers of the parliament and government. By a resolution of the Presidium of the Supreme Council, a state of emergency was declared in NKR in August 1992. The State Defense Committee (SDC) was formed which was granted full executive and partial legislative powers. NKR SDC was able to fulfill its mission under extreme conditions and achieve a breakthrough in the war in 1993-1994.

After the signing of a tripartite peace agreement by Armenia, Azerbaijan and Nagorno-Karabakh in 1994, the NKR began its transition towards more democratic forms of governance based on the separation of powers. In November 1994, the Supreme Council of NKR suspended the operation of the State Defense Committee and introduced the institution of presidency (the law On the President of NKR). At the beginning, in December 1994, the president of NKR was elected by the parliament for a period of two years; however, already in November 1996 a general presidential election was held in NKR.<sup>2</sup>

On December 22, 1994, the parliament passed a law On the Parliament of NKR according to which the number of constituencies and, therefore, the number of seats was reduced from 81 to 33. In April 1995, the Parliament of the NKR of the second convocation was elected according to the new law. It started its operation as a full-time body, however, in 1996, it was decided to that it needed to become part-time. From March 12, 1996 by a decision of the Supreme Council, only its chair, vice-chair, secretary and the chairs and secretaries of the standing committees were to work full-time. By another decision, the

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<sup>1</sup> National Assembly of the Nagorno-Karabakh Republic (NKR), <http://www.nankr.am/page/398/Parlament.html>

<sup>2</sup> The process of self-organization of the Karabakh society after the collapse of the Soviet Union, <http://theanalyticon.com/?p=748&lang=ru>

parliament of NKR was renamed from Supreme Court to the National Assembly (NA) on March 19, 1996.

The parliament of the third convocation was elected on June 18, 2000 by majority votes in single-member constituencies, just as in the previous two elections. However, the fourth elections were held on June 19, 2005 for the first time using a mixed system: the number of single-member districts was cut to 22, and the remaining 11 MPs were elected via party lists. The threshold for political parties was set at 10%.

On November 1, 2006, the National Assembly gave the go-ahead for a constitutional referendum; on December 10, 2006 the first Constitution of the NKR was adopted at the national referendum.

In 2009 and 2010 some changes and additions were made in the Electoral Code of NKR. As a result, on May 23, 2010, elections to the National Assembly of NKR of the fifth convocation were held according to new quotas for parliamentary seats: 17 proportional to 16 majority votes (the Law on Amendments to the Electoral Code of the NKR of April 29, 2006). Apart from that, the electoral threshold for parties was lowered from 10 to 6 percent, and for party blocks, from 15 to 8 percent (Law on Amendments to the Electoral Code of the NKR of February 17, 2010).

## The Legislative frameworks

The 2015 elections to National Assembly of NKR of the sixth convocation were based on a new Electoral Code (EC), which had been brought in line with international standards, approved by the parliament on October 29, 2014 and signed by the president on November 18, 2014.<sup>3</sup>

According to the new EC, the parliament resumed full-time operation. The MPs of the sixth and subsequent convocations do not have the right to hold positions in governmental and local bodies, work in commercial organizations, engage in entrepreneurial activity or engage in any other paid activity apart from research, education or arts.

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<sup>3</sup> NKR Electoral Code, <http://cecnkr.am/լրհ-ընտրական-օրենսգիրք/?lang=ru>  
Interview with the Chairman of the NKR Central Electoral Commission Srбуhi ARZOU MANYAN  
[http://artsakhtert.com/rus/index.php?option=com\\_content&view=article&id=3805](http://artsakhtert.com/rus/index.php?option=com_content&view=article&id=3805)

New quotas have been set for the elections: 22 proportional and 11 majority seats. The electoral thresholds were lowered once again: to 5% for parties and to 7% for party blocks.

Apart from this, gender quotas were introduced in the new EC: in the list of any party, block or member party of a block, the number of representatives of each gender, expressed as integers of five, may not exceed 80% (without taking into account the first member of the list).

## Runners for the elections

### *The proportional electoral system*

A record number of parties ran for the 22 proportional seats. Three of these belonged to the ruling coalition: the ruling party, “Free Motherland”, the Democratic Party of Artsakh, and the Armenian Revolutionary Federation “Dashnaktsutyun” (ARFD). The other four were opposition parties: “National Rebirth”, the Communist Party of NK, “Movement-88” and “Peace and Development”.<sup>4</sup>

Overall, 164 candidates stood in the election. The lists of coalition parties were significantly longer than those of the opposition: 48 were nominated by “Free Motherland” led by prime-minister Araik Harutunyan, 34 each by ARFD, chaired by vice-president Arthur Aghabekyan, and the Democratic Party of Artsakh chaired by the speaker of the parliament Ashot Gulyan.

Of the opposition parties, there were 14 candidates each on the lists of “National Rebirth”, the Communist Party and “Movement-88”, and 6 nominated by “Peace and Development”.

### *The majoritarian electoral system*

42 candidates stood in the 11 majoritarian districts. Exactly half, 21 candidates, were nonpartisan. 10 candidates represented coalition parties (4 from “Free Motherland” and 3 each from Democratic Party of Artsakh and ARFD), and 11 came from the opposition (7 from “Movement-88” and 4 from “National Rebirth”).

In all districts, two or more candidates stood in the election. The fewest candidates (2) stood in the sixth electoral district, the most candidates (8) stood in the second district.

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<sup>4</sup> For the pre-election programs of the parties follow the link: <http://cecncr.am/hամամասնակցան/>

# Campaigning

The campaign started on March 30 and ended on May 1, 2015. On March 30, the Central Electoral Committee of NKR approved the procedure and the timetable as well as set the airtime allowances for the parties on the National Television and Radio.

According to the new Electoral Code, for the first time, all media regardless of ownership were allowed to sell their airtime to campaigning parties and candidates, provided the conditions would be the same for all contestants and no kind of discrimination took place. Oversight of TV and radio broadcasting was assigned to the NKR State Commission for Regulation of Public Services and Economic Competition. Each participating party was allowed 30 minutes free and up to 80 minutes paid broadcasting on National TV and Radio.

On March 30, the smallest opposition party, “Peace and Development”, addressed the CEC of NKR asking it to review the rates for the paid airtime on the National Television and Radio, which were quite prohibitive for a small party. As a result, on March 31, the Public Council of Television and Radio of NKR reduced the cost of one minute paid airtime on television from 30.000 to 3600 Armenian drams and on radio, from 10.000 to 3600 Armenian drams<sup>5</sup>. As a result, even parties with limited recourses got the opportunity to campaign on television. In addition, the parties and candidates actively and freely conducted pre-election meetings with voters throughout the republic.

The issues that dominated in the campaigns of all the parties were those of social and economic development. Defense, safety and independence of NKR were discussed a lot less, because in these matters the opinions of all parties are similar or identical.<sup>6</sup>

Despite the tough competition, the pre-election period was overall calm; opposition parties filed just a few complaints about violations during the campaign.<sup>7</sup> The intensity of election campaigns was partly reduced by constant shelling and tensions on the border, and by the commemoration of the centennial of the Armenian Genocide in the Ottoman Empire.

<sup>5</sup> The fee of broadcasting time on paid bases has been revised, <http://pdp.am/news/22-cec-publictv>

<sup>6</sup> For the electoral platforms of the parties follow the link: <http://cecnkr.am/համամասնակցան/>

<sup>7</sup> The law says ‘yes’ but the local feudal lord says ‘no’, <http://ru.1in.am/1090935.html>

# Statistical results of the elections

On May 4, 2015 the Central Electoral Committee publicized the preliminary results of the parliamentary elections, and finalized them on May 10.<sup>8</sup>

A total of 279 polling stations operated in 11 electoral districts. The total number of voters in the lists was 102 042; of them, 72 296 voters (70.8%) cast their ballots. Five political parties passed the 5% barrier, including all three coalition parties and two out of four opposition parties. The **proportional** voting results are as following.

**Table 1. Proportional representation voting in NKR**

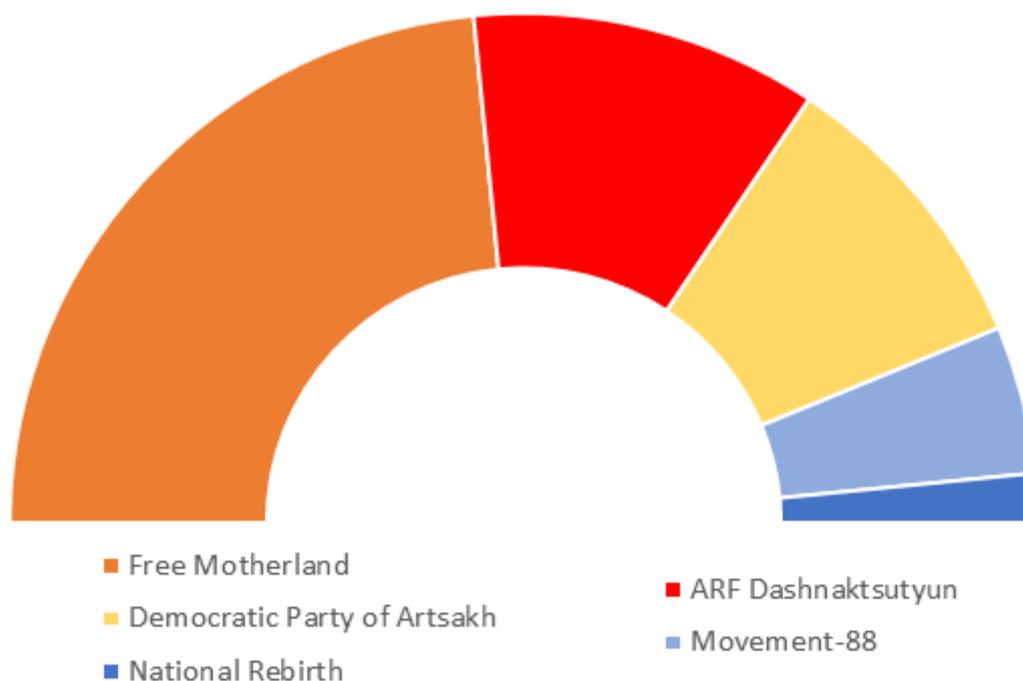
	Votes	%	Mandates
<b>Coalition</b>			
Free Motherland	32,632	47.35	11
Democratic Party of Artsakh	13,105	19.01	4
ARF Dashnaktsutyun	12,965	18.81	4
<b>Opposition</b>			
National Rebirth	3,709	5.38	1
Movement-88	4,778	6.93	2

Results of the **majoritarian voting**. Of the 11 MPs elected in single-member constituencies, nine of represented coalition parties (4 from “Free Motherland”, 2 from Democratic Party of Artsakh, 3 from AFRD); i.e., 9 out of 10 coalition candidates who stood in single-member constituencies were elected to the parliament. Of the 11 opposition figures who stood in the constituencies, only one was elected: a representative of “Movement-88”.

In the NKR Parliament of the 6<sup>th</sup> convocation, the ruling coalition won a total of 28 seats (the “Free Motherland” has 15, ARF “Dashnaktsutyun” 7, Democratic Party of Artsakh – 6), whereas the opposition won 4 (“Movement-88” has 3 and “National Rebirth”, 1).

**Figure 1. Seats distribution in the NKR Parliament after the elections**

<sup>8</sup> Distribution of mandates, <http://cecokr.am/մանդատների-բաշխման-մասին/?lang=ru> , <http://cecokr.am/մանդատների-բաշխման-մասին/>



## Evaluation

All parties accepted results of the elections. None complained of serious violations on voting day or appealed to the CEC with a demand for recount of votes. Representatives of all of the seven parties participating in the elections announced that overall, the elections were held without significant violations and with active attendance of voters.

Spokespersons for the two opposition parties that did not pass the 5% threshold – the Communist Party and “Peace and Development”- stated that their expectations of the elections were not fulfilled. “Dashnaksutyun”, “Movement-88” and “National Rebirth” had expected more than they got. Only “Free Motherland” and the Democratic Party declared themselves very satisfied with the results of the elections.<sup>9</sup>

In single-mandate constituencies, a request for vote recount was lodged by two candidates who stood in the second constituency in the city of Stepanakert. The recount was

<sup>9</sup> Party “Free Homeland” gave high assessment to the parliamentary elections in NKR. Armedia.am, May 5, 2-15. <http://armedia.am/rus/news/17551/partiya-svobodnaya-rodina-viysoko-ocenila-parlamentskie-viyboriy-v-nkr.html>

Democratic Party of Artsakh is fully satisfied with the results of the elections. Armedia.am, May 5, 2015. <http://armedia.am/rus/news/17555/demokraticheskaya-partiya-arcakha-polnostyu-dovolna-rezultatami-viyborov.html>

Parliamentary elections of the NKR are past: epilogue. Armedia.am, May 6, 2015. <http://armedia.am/rus/news/17615/viyboriy-v-parlament-nkr-pozadi-posleslovie.html>

conducted, and the winning independent candidate Arsen Arustamyan maintained his position.

The elections were followed by over 100 international observers from 30 countries and over 110 local observers. More than a 100 journalists from over 40 media covered the voting process.<sup>10</sup> International observers were unanimously in that the election met international democratic standards. As pointed out by Armenian MP Tevan Poghosyan, he had never seen such unanimity in the evaluation of elections in Armenia. As a rule, observers from Russia and the CIS give high marks to Armenian elections, while representatives of European institutions point to violations<sup>11</sup>.

## Elections and the Nagorno-Karabakh settlement

On the eve of parliamentary elections in NKR, statements were made by the Co-Chairs of the OSCE Minsk Group<sup>12</sup>, officials from the EU<sup>13</sup> and the US Department of State<sup>14</sup>. A number of countries allied with Azerbaijan, including GUAM members, made official statements of non-recognition of elections in NKR.<sup>15</sup>

The statements made by the Minsk Group and the US Department of State showed some progress in terms of their attitude towards the NKR and its governance institutions, reflected in the fact that they acknowledged the right of the people of Nagorno-Karabakh to determine its future. The Azerbaijani authorities' immediately criticized both statements:

<sup>10</sup> Press conference of the Chairman of the NKR CEC,

<http://cecncr.am/լղհ-կըղհ-նախագահի-մամլո-ստույլիւր/?lang=ru>

<sup>11</sup> Round table discussion “Elections in the conditions of the armistice” in the Caucasus Institute, Yerevan, May 12, 2015, c-i.am

<sup>12</sup> Press Release by the Minsk Group Co-Chairs. OSCE, 30.04.2015, <http://www.osce.org/mg/154721>

<sup>13</sup> European Union External Action portal. Statement by the Spokesperson on Nagorno-Karabakh. Brussels, 01/05/2015, [http://eeas.europa.eu/statements-eeas/2015/150501\\_01\\_en.htm](http://eeas.europa.eu/statements-eeas/2015/150501_01_en.htm)

<sup>14</sup> Jeff Rathke, Acting Deputy Spokesperson. US Department of State, Daily Press Briefing 01.05.2015. <http://www.state.gov/r/pa/prs/dpb/2015/05/241412.htm>

<sup>15</sup> Turkey says May 3 elections in Nagorno-Karabakh violate int'l law. Today's Zaman, 1 May 2015.

[http://www.todayszaman.com/diplomacy\\_turkey-says-may-3-elections-in-nagorno-karabakh-violate-intl-law\\_379555.html](http://www.todayszaman.com/diplomacy_turkey-says-may-3-elections-in-nagorno-karabakh-violate-intl-law_379555.html)

Georgia does not recognize the elections in Nagorno-Karabakh. Regnum.ru, 4 May 2015.

<http://www.regnum.ru/news/polit/1921215.html>

Marianna Mkrtchyan. Ukraine does not recognize parliamentary elections in Nagorno-Karabakh. Arminfo, 4 May, 2015. <http://www.arminfo.am/index.cfm?objectid=1233D310-F271-11E4-8A3D0EB7C0D21663>

the Minister of Foreign Affairs of Azerbaijan said that the use of the phrase "the people of Nagorno-Karabakh," by OSCE Minsk group and the US State Department was "unacceptable".<sup>16</sup>

At the same time, it was emphasized in both statements that the recent elections must not reflect on the status of Nagorno-Karabakh in international law, nor determine its final status within the framework of the conflict settlement, as the final status can only be determined via negotiations under the auspices of the OSCE Minsk Group. The EU statement also supports the activities of the Minsk Group and voices the concern that the elections may have a negative impact on the negotiation process, which is the prerogative of the Minsk Group.

However, in practice, parliamentary and other elections in the Nagorno-Karabakh Republic have no direct link to the negotiation process; rather, they have to do with the democratic organization of the domestic life of the NKR. It is believed in NKR that effective state institutions and a legitimate government that is trusted by the society will have positive impact on the negotiation process, once it is restored to its full tripartite format. Clearly, in future peace negotiations, only legitimate authorities of the NKR can represent the legal interests of its citizens<sup>17</sup>. This is also reflected in the fact that the mandate of the OSCE Minsk Group includes co-operation with the authorities of the NKR.

It is, however, understandable why the Minsk Group, the EU and some third countries stress that elections must not affect the outcome of negotiations. Indeed, should the international community recognize the legitimacy of an election held in Nagorno-Karabakh, this would give NKR one-sided advantage in the negotiations, since the legitimacy of Azerbaijan is already recognized by the international community. In this matter, changes in favor of Karabakh are possible whereas changes in favor of Azerbaijan are not<sup>18</sup>.

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<sup>16</sup> The co-chairs OSCE Minsk Group against Azerbaijan, <http://ru.aravot.am/2015/05/07/189391/>

<sup>17</sup> Expert: Karabakh status cannot be subject of speculation. News.am, May 1, 2015  
<http://news.am/rus/news/264868.html>

<sup>18</sup> Why is the statement of the OSCE Minsk Group in NKR elections so important? Panorama.am, Apr. 04, 2015  
<http://www.panorama.am/ru/region/2015/05/04/minasyan-abrahamyan/>

## Findings and conclusions

The elections of the National Assembly of NKR of the sixth convocation were up to a high standard and were a step forward in comparison with previous elections in 2010. Seven parties participated in the elections, four of which were outside the ruling coalition. There has been increase of voter turnout compared to previous elections: if in 2010 the turnout was 67%, in 2015, it was 70.8%.

The election was competitive and all parties recognized the results. The struggle for seats in parliament took place both between the coalition and the opposition, and among the three coalition parties. The reason of the struggle within the ruling coalition was that this parliamentary election played the role of primaries for the 2017 presidential election.

The improvement of the Electoral Code has stimulated the development of the party system as a part of the polity of NKR. The first step towards this was the 2005 introduction of a mixed proportional-majority system. Over the next ten years, the number of proportional seats in the NKR parliament was increased twice whereas the thresholds for political parties and blocs were reduced. Under the new Electoral Code, the parliament has twice more proportional seats than majority seats, and the threshold is down to 5%. The result was the participation of a large number of political parties in the 2015 elections and the creation of an opposition faction in the parliament. It is also important that the new parliament will full-time, and its members will not be able to engage in other activities apart from research, education and creative work.

Elections were rated highly by international and local observers. There has been some positive dynamics in their assessment by international bodies. In addition, alternative and free elections will allow the NKR to maintain or improve its position in international rankings of political rights and civil liberties, such as Freedom House Nations in Transit, which is essential for the international image of the unrecognized republic.

**Masis Mayilian** is the Chairman of the Public Council for Foreign and Security Policy (FSPC-Artsakh.org) of the NKR, former Deputy Minister of Foreign Affairs of the NKR. From 2000 to 2005, he was on the NKR Central Electoral Commission as a representative of the NKR President.

A politician and a diplomat with extensive experience, Masis Mayilian participated in Track I meetings and negotiations from 1993 to 2007, and since 2008, in Track II forums and expert discussions on the Caucasus region and Armenian-Turkish relations. He has authored a number of papers and analytical reports on the Nagorno-Karabakh and other regional conflicts as well as on regional issues. He has the diplomatic rank of the Envoy Extraordinary and Minister Plenipotentiary.

**The Caucasus Institute (CI)** is one of the leading educational centers of Armenia and the South Caucasus. The institute carries out research of the South and North Caucasus in the areas of political science, social sciences and the media. CI is also engaged in regional studies in a broader sense.

Founded in Yerevan in 2002, the Caucasus Institute offers a neutral platform for impartial debates on current issues of socio-political development of the region. Based on its own research, CI conducts expert advice, roundtable discussion and conferences. The Caucasus Institute publishes in a variety of formats, including the Caucasus Yearbook, which sums up the social, political and economic development of the countries and regions of the North and South Caucasus each year.

The Caucasus Institute is special in that it combines research and debates with strong links to the news media, actively involving the media in presenting the results of research to the society and political elite of the region. Its broad scope enables CI to influence both the professional discourse and the public opinion, as well as offer recommendations to decision-makers in Armenia and the region.

Since its foundation in 2002 and until mid-2008, the CI was called CMI (the Caucasus Media Institute), emphasizing its links with the media. Its renaming to "Caucasus Institute" reflects the expansion of its activity range and its focus on politics, economics and society in the wider Caucasus region.

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