

Armenian Presidential election

September 22, 1996



**A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe**

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The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

REPORT ON ARMENIA'S PRESIDENTIAL ELECTION OF SEPTEMBER 22, 1996

Yerevan

This report is based on a Helsinki Commission staff delegation to Yerevan, Armenia, September 16-24, 1996. Commission staff spoke with government officials, candidates, opposition and independent journalists, spokesmen of political parties and NGOs, and members of the international diplomatic community. Moreover, Commission staff conferred with Simon Osborn, head of the OSCE/ODIHR's Election Observation Mission in Armenia, and participated in the Mission's post-election meeting of international observers. After leaving Yerevan, Commission staff traveled to Tbilisi, Georgia, and Baku, Azerbaijan, for consultations with government officials and opposition representatives about the implications of Armenia's presidential election.

The Helsinki Commission would like to thank Ambassador Peter Tomsen and the staff of U.S. Embassy, Yerevan; Ambassador William Courtney and the staff of U.S. Embassy, Tbilisi; and Ambassador Richard Kauzlarich and the staff of U.S. Embassy, Baku, for their assistance.

EXECUTIVE SUMMARY

- On September 22, 1996, Armenia held its second presidential election since gaining independence in 1991. Incumbent President Levon Ter-Petrosyan ran against three opposition contenders. According to official figures, about 52 percent of eligible voters cast ballots to re-elect Ter-Petrosyan by 51.75 percent, barely surpassing the 50 percent figure required to avoid a runoff. His closest rival, Vazgen Manukyan, former Prime Minister and Defense Minister, won 41 percent.
- Ter-Petrosyan's claims of victory and opposition charges of vote-rigging sparked large demonstrations that led to violence on September 25, as mobs broke into parliament and beat up the Speaker and his deputy. In response, Ter-Petrosyan imposed a state of emergency, and ordered troops and armored personnel carriers to restore order. Many opposition leaders and activists, including members of parliament, were arrested and beaten, and opposition party headquarters were closed down.
- International observers had called Armenia's July 1995 parliamentary election "free but not fair," and Armenian authorities wanted a better grade for the presidential election. But the final statement of the OSCE's observation mission noted "numerous irregularities during the vote tabulation," including some "very serious breaches of the election law," that "raise questions about the integrity of the election process" and "could even question the results." International media coverage of the election was more blunt, emphasizing charges of vote-fraud.
- Based on observation of the election by Helsinki Commission staff, it is uncertain whether the irregularities, which undeniably took place, were sufficiently numerous and serious to affect the election's outcome. But there is reason to doubt the official results, especially since the margin of victory was so narrow.
- On October 24, the opposition presented evidence of alleged vote-tampering to the Constitutional Court and, warning that prospects for democracy hinged on an impartial treatment of the petition, asked for a repeat vote. Ter-Petrosyan pledged to abide by the decision of the Court, which is chaired by his former Vice-President. On November 22, the Court rejected the appeal, after the Central Election Commission refused to provide election protocols from all polling stations through-

out the country. Several days before the ruling, opposition representatives had walked out of the proceedings, which they called blatantly biased. The Court's handling of the case has not dissipated doubts about the credibility of the officially announced results.

- Until September 10, it was widely believed that Ter-Petrosyan, in office since October 1991, would win easily. But the unexpected emergence of Manukyan as the unified opposition candidate rattled Ter-Petrosyan while emboldening the opposition and voters increasingly disenchanted with the incumbent. To judge by many conversations in Yerevan, the main causes of discontent are economic misery, widespread official corruption and arrogance, and Ter-Petrosyan's aloofness.
- In the wake of the election, Armenia's image and that of its President have suffered a serious blow. Ter-Petrosyan maintains that he won fairly, and calls the opposition "fascist." The opposition, after last year's parliamentary election and this presidential election, has few outlets for political participation and little stake in the political system. No confrontations took place during the November 10 local elections, which the opposition boycotted, or at Ter-Petrosyan's November 11 inauguration. With the Constitutional Court's validation of the election results, however, opposition leaders must decide whether and how to continue participation in a political process they consider unfair, to abandon politics, or, in the worst case scenario, to resort to extraordinary methods of political struggle. Several face charges of treason after the September 25-26 clashes, and may be involved in long, drawn out trials.
- The controversial election and possible future instability in Armenia complicate the OSCE talks on Nagorno-Karabakh. Attacked by rivals for being too "soft" on Nagorno-Karabakh, Ter-Petrosyan will be hard pressed to moderate Armenia's negotiating stance, which he has called for in the past. Armenian officials have warned Azerbaijan not to try to exploit the situation, and Yerevan refuses to acknowledge Azerbaijan's territorial integrity without first having ensured the security of Nagorno-Karabakh. Prospects for agreement on a Declaration of Principles at the OSCE Summit in Lisbon are dubious, and Nagorno-Karabakh's leader sees the status quo "dragging on for years."
- Azerbaijani officials took some comfort in Armenia's public relations debacle. But Baku is worried that a politically weakened Ter-Petrosyan will be unable to negotiate seriously on Nagorno-Karabakh. Officials in Georgia, where some Armenian organizations have demanded autonomy for the large Armenian population, were also concerned about possible continuing instability in Armenia. Both Baku and Tbilisi hoped Ter-Petrosyan would win, seeing his rivals as more nationalist and less inclined to compromise.
- The U.S. State Department's first comments on the election quoted the preliminary OSCE assessment, which tentatively concluded that the irregularities had "not materially affected the election's outcome." However, after the more critical final OSCE assessment and the final OSCE report, the State Department issued a carefully balanced statement, which pointedly did not congratulate Levon Ter-Petrosyan, cited the OSCE view that election irregularities overshadowed the progress made, and called for reconciliation between the government and the opposition.
- Levon Ter-Petrosyan has supporters and detractors among the influential Armenian-American community. Despite their differences, they are united in support for U.S. aid to Armenia. In the aftermath of the election, they will probably urge more aid, targeted to democracy building, though some may press for its delivery through NGOs, as opposed to Armenia's Government.

- U.S. law bars government-to-government assistance to Azerbaijan, until Azerbaijan “ceases all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.” The FY 97 foreign aid bill, however, broadened possibilities for NGOs to use Azerbaijani Government facilities in distributing humanitarian aid. Armenia’s election-related public relations problems may encourage efforts in Congress to dilute the sanctions on Azerbaijan further.

BACKGROUND

In light of what happened subsequently, it is worth noting that in summer 1996, Armenia’s upcoming presidential election was expected to be anti-climactic, with the incumbent, Levon Ter-Petrosyan, easily retaining his office. By August 1996, the economic crises Armenia had endured after becoming independent 5 years before seemed to have eased. The divided and largely ineffective opposition did not appear to threaten seriously a sitting president in control of the state apparatus, and disposing of broad, constitutionally mandated executive powers. In the event, however, the election and its aftermath proved an object lesson in the surprises of political campaigns and humility for many analysts—and probably for most of the leading participants.

Levon Ter-Petrosyan brought a mixed legacy into the contest. A scholar by training, he had entered politics as a member of the Karabakh Committee that emerged in 1988, which cost him 6 months in a Soviet prison but gave him patriotic, dissident and leadership credentials as the conflict with Azerbaijan over Nagorno-Karabakh erupted. In the May 1990 parliamentary elections, when the Communist Party lost control of Armenia, he was elected chairman of the parliament.¹ Ter-Petrosyan then shepherded Armenia out of the USSR in September 1991, and became president in October 1991. Under Ter-Petrosyan’s rule, landlocked Armenia has endured a constant energy crisis caused by Baku’s blockade of oil and gas deliveries across Azerbaijan to Armenia. Like other former Soviet republics cut off from established trading partners, Armenia has also experienced a profound economic slump, with Gross Domestic Product falling 52.4 percent in 1992 and 14.8 percent in 1993. All the while, the government has had to care for hundreds of thousands of refugees from Azerbaijan and people still homeless after the December 1988 earthquake. Many Armenians, unable or unwilling to endure the hardships, especially in winter, have voted with their feet. According to official Armenian figures, 400,000 people have left the country in the past few years, leaving about 2,250,000 in Armenia’s 10 provinces and 1,200,000 in Yerevan.² Opposition groups maintain the figure is higher than one million, while the UN’s figures are in between, at around 700,000.³ Whatever the actual figure, such an exodus for a country with a population of about 3.5 million is remarkable, and a testament to the difficulties of living in, and governing, Armenia today.

On the other hand, during Ter-Petrosyan’s tenure, a Nagorno-Karabakh cease-fire was signed in May 1994, and military hostilities have largely ended. Nagorno-Karabakh, with Armenia’s help, has become *de facto* free of Azerbaijan’s control, while Armenia has consolidated its own independence, en-

¹ In September 1989, the Armenian National Movement (ANM) emerged out of the Karabakh Committee, and remains Ter-Petrosyan’s political organization.

² According to Ter-Petrosyan, the emigrants are divided into three groups: those who always wanted to leave but could not during the Soviet period; those who left because of dire economic conditions, and “renegades and their families.” Foreign Broadcast Information Service, henceforth FBIS-SOV, *Daily Report*, September 3, 1996, p. 66.

³ A UN-funded research project concluded that over 1,000,000 people had left Armenia in the last 5 years, but that 310,000 had returned. *Armenian Mirror-Spectator*, June 29, 1996.

tered the international community and sought to establish relations with near and distant countries. With Ter-Petrosyan pursuing market reform policies, including privatization of land and small enterprises, official figures recorded an economic rebound: 5 percent growth in 1994, followed by 6.9 percent in 1995.⁴

Behind this improving picture, however, serious problems festered. In electoral terms, most important was the impoverishment of the population, exacerbated by widespread bitterness at those who had benefited from privatization, government positions or contacts, and resentment over official corruption, abuse of power and arrogance. These complaints provided fodder for the political opposition, which, though ideologically diverse, mutually competitive and personality-driven, united to accuse Ter-Petrosyan of concentrating power, to the detriment of the legislative and judicial branches.

The loudest voice in the chorus of criticism was the Armenian Revolutionary Federation (ARF, or Dashnaks), Armenia's oldest political party.⁵ Government relations with the ARF deteriorated steadily until December 1994, when Ter-Petrosyan accused the ARF leadership of harboring a secret organization (DRO) that engaged in assassinations, drug running and terrorism, and was planning to destabilize the country by committing more murders. Ter-Petrosyan temporarily suspended the ARF and closed its newspapers. On January 13, the Supreme Court banned the ARF for 6 months, charging that foreign citizens were among its leaders and citing other violations of the law on political parties. In a May 1995 address to parliament, Ter-Petrosyan said the ARF "is not a political party, but rather a terrorist, fascist organization." The ban on the ARF resulted in the party's exclusion from the July 1995 parliamentary election. Soon afterwards, ARF leader Vahan Hovanesian and others were arrested on charges of planning further terrorist actions and treason.⁶

The exclusion of the ARF was one reason the OSCE Parliamentary Assembly called the July 1995 parliamentary elections "free but not fair," meaning that voters could cast their ballots without hindrance, but that equal conditions had not been provided for all contenders. Other opposition parties reported harassment and intimidation in their efforts to campaign, and the general atmosphere of government-opposition relations degenerated to unprecedentedly low levels. The results of the flawed election gave Ter-Petrosyan's Republic Bloc an overwhelming majority in parliament, and the simultaneous passage by referendum of Armenia's new constitution—over which the president and the opposition had been wrangling for years—enshrined broad presidential prerogatives. In effect, Ter-Petrosyan had removed his

⁴ *Armenian Mirror-Spectator*, July 20, 1996.

⁵ Joining the ARF on many issues were former allies and comrades of Ter-Petrosyan, who had become his detractors. Opposition parties criticized Ter-Petrosyan for, *inter alia*, not recognizing the Republic of Nagorno-Karabakh, which declared independence in January 1992. Ter-Petrosyan countered that recognition of Nagorno-Karabakh would mean a formal state of war between Armenia and Azerbaijan. The more nationalist opposition, especially the ARF, also blasted Ter-Petrosyan for seeking to normalize relations without preconditions with Turkey, instead of demanding Turkish acknowledgment of responsibility for the 1915 Armenian Genocide.

⁶ For more details on the confrontation between the government and the ARF, see Commission on Security and Cooperation in Europe, *Report on Armenia's Parliamentary Election and Constitutional Referendum*, August 1995. The ban on the Dashnaks has remained in effect since December 1994. The ARF Supreme Assembly in June 1996 ratified a new internal organizational structure, and on August 12, the ARF submitted to the Ministry of Justice the newly amended party constitution, seeking re-registration (*Armenian Weekly*, September 7, 1996). As of November 1996, the Ministry had not responded.

most vocal critics from the political arena, legally sanctioned his own power, and marginalized the opposition, whose leaders were reduced to participating in small numbers in a Ter-Petrosyan-dominated legislature they considered illegitimate. These victories were not cost-free, however. The verdict of international observers, plus negative reportage in the international media, damaged Armenia's hitherto good reputation.

By the summer of 1996, the incumbent could boast of encouraging official figures on economic growth and 2 years without major bloodshed in Nagorno-Karabakh, while the ARF was hobbled by prohibition and its leaders involved in trials. With the announced candidacies of other opposition leaders, like Vazgen Manukyan and Paruir Hayrikian, splitting the opposition's vote, and the communists' slim hopes damaged further after Gennady Zyuganov's defeat in Russia's July presidential election, Levon Ter-Petrosyan seemed a sure bet. Hoping for a better rating from international observers for the presidential election than the 1995 parliamentary vote, Armenia's Central Election Commission (CEC) underwent restructuring, and ultimately, no major opposition candidate was deprived of the right to run for the nation's highest office.

The deadline for filing applications to run was July 8. Of the nine candidates who threw their hat in the ring, the CEC registered seven: President Levon Ter-Petrosyan, Vazgen Manukyan (National Defense Union, or NDU), Paruir Hayrikian (National Self-Determination Union), Sergey Badalian (Communist Party), Ashot Manucharian (Scientific-Industrial and Civic Union), Lenser Aghalovian (Artsakh-Armenia), and Aram Sarkissian (Democratic Party of Armenia).⁷

On September 10, however, the opposition dropped a bombshell: three candidates—Paruir Hayrikian, Lenser Aghalovian, and Aram Sarkissian—dropped out of the race, endorsing Vazgen Manukyan. They announced the establishment of the "National Alliance," composed of the NDU, the National Self-Determination Union, Artsakh-Armenia, the Democratic Party of Armenia, and the ARF. The Alliance's program called for a National Alliance government to implement an anti-crisis program, holding pre-term parliamentary elections, and the adoption of a new constitution within 2 years.

Sergey Badalian and Ashot Manucharian both remained candidates, making the September 22 election technically a four-man race. However, the real contest, as everyone acknowledged, was between former colleagues and comrades-in-arms Levon Ter-Petrosyan and Vazgen Manukyan. With few real differences between their campaign platforms (see below), the election turned into a referendum on the incumbent. Opposition leaders suddenly felt the campaign's dynamics had changed radically, upsetting all their pessimistic projections and encouraging hopes that what had seemed inevitable was now up for grabs.

The election coincided with the fifth anniversary of Armenia's independence and the declaration of independence of Nagorno-Karabakh. To celebrate the event and presumably to take credit for the achievement, the government held a military parade in Yerevan the day before the election. The opposition charged Ter-Petrosyan with putting on a show of force to cow voters.

⁷ Two other would-be presidents failed to submit all the required documentation or money to be registered and withdrew from the race.

ELECTION LAW

President Ter-Petrosyan signed the law on the presidential election in June 1996. The legislation stipulated that candidates had to have lived in Armenia for 10 consecutive years. The president serves for 5 years and can serve a maximum of two consecutive terms.

Political parties, blocs and individuals could nominate candidates, who needed to gather 25,000 signatures and 2 million drams (about \$5,000.00). Candidates who won at least 5 percent of the valid votes cast got back their electoral deposit.

The expenses for holding the elections were covered by a fund under the management of the Central Election Commission, which drew on state allocations, contributions from individuals and legal entities, and also the candidates' electoral deposits. Candidates could use their own financial resources to campaign, as well as the funds accumulated in their campaign account. Within 2 months of the elections, candidates must submit to the CEC a financial report on their expenses.

There were no precincts organized in military sub-units or hospitals. Instead, regional electoral commissions determined in which regular precincts soldiers would vote. Because the number of soldiers in Armenia is a military secret, the military command was to provide the lists of soldier-voters to precincts shortly before the balloting.

To enhance the transparency of the process, after the completion of the voting, the chairman of the polling station was supposed to post a copy of the protocol summarizing the results. Upon request, a candidate's proxy or a foreign observer could receive a copy of the protocol summarizing the results, verified by the signatures of the chairman or the secretary of the committee.

To win on the first round, a candidate needed 50 percent-plus-one of the valid votes cast. There was no minimum turnout requirement.

CENTRAL ELECTION COMMISSION

Both Armenian political parties and international observers heavily criticized the Central Election Commission (CEC) which had administered the July 1995 parliamentary election. In June 1996, the CEC was restructured. The members of the CEC—20 in all—were chosen by parliament, with each parliamentary faction nominating two candidates. After the July 1995 election, supporters of President Ter-Petrosyan held a large majority in parliament, which meant that their nominees controlled the CEC. Still, Khachatour Bezirjian was appointed Chairman, and during the campaign, he won the praise of international observers and Armenian opposition candidates alike for impartiality and openness to suggestions for improving the process.⁸

Underneath the CEC was a hierarchy of election commissions to organize and conduct the voting and vote count: 11 regional election commissions (REC), one for each of Armenia's 10 regions, plus Yerevan; 930 community election commissions, and 1,598 precinct election commissions, or polling stations. The

⁸ The ostensibly independent but strongly anti-Ter-Petrosyan newspaper *Golos Armenii* said there had been no reason to hope that Bezirjian, appointed by Ter-Petrosyan's ANM, would change anything for the better. "However, it's as if Bezirjian to this day has done everything intentionally to convince us of the opposite." (September 21, 1996)

party principle determined the staffing of these bodies: regional commissions were nominated by parties represented in parliament, and themselves nominated community and precinct commissions. Consequently, the chairman of every REC was an ANM nominee. The same general principle was followed down the line, so the chairmen of most community commissions and precinct commissions were nominees of President Ter-Petrosyan's political supporters.⁹

Election commissions were supposed to inform the public of their membership, location, and working hours, and about their activities for preparing, conducting and summarizing the results of elections. Representatives of the mass media, foreign observers, and candidates' proxies had the right to attend sessions of the election commissions.

THE CANDIDATES AND THEIR PLATFORMS

PRESIDENT LEVON TER-PETROSSYAN (Republic Bloc, which included the ANM and other organizations): The incumbent's platform noted as his accomplishments the restoration of independence; the maintenance of stability; political pluralism; radical economic reforms, especially privatization of land; the passage of a constitution; the creation of an army; and the independence and safety of Nagorno-Karabakh. Ter-Petrosyan acknowledged the serious drop in living standards, and that some 400,000 people had left the country, though he claimed that the economy had rebounded and that emigrants had begun to return. But more important, he emphasized his program's practicality and gradualness: "the period of crises and shocks and of radical and painful changes is passed and we are entering a normal phase of peaceful and creative labor..."

Ter-Petrosyan pledged to complete the reforms he had begun. In the political sphere, that meant the process of state-building, focusing primarily on local government and legal reform, and staffing government offices with professionals while fighting corruption and official arbitrariness. He also undertook to consolidate political pluralism and defend human rights. Ter-Petrosyan promised to continue economic market reforms, privatization, banking reform, and trade liberalization, using tax incentives to attract foreign investment.

On social policy, Ter-Petrosyan advocated a gradual rise in the standard of living by reducing inflation, raising salaries and pensions, and creating new jobs. He called for free medical care and a comprehensive system of social security.

Ter-Petrosyan said he would maintain the country's balanced approach to foreign policy, and continue seeking mutually beneficial cooperation with all states, while trying to normalize relations with Turkey and Azerbaijan. He defended Nagorno-Karabakh's right to self-determination, and promised to keep working for a compromise solution through the OSCE negotiations, to ensure Nagorno-Karabakh's security,¹⁰ to develop its economy and to address its social problems.

⁹ See the OSCE/ODIHR Final Report on the Armenian Presidential Election, October 14, 1996.

¹⁰ Ter-Petrosyan has distinguished the Nagorno-Karabakh conflict from conflicts in Chechnya, Abkhazia or Transnistria, arguing that the threat of genocide constantly hangs over Nagorno-Karabakh. If the international community wants to preserve Azerbaijan's territorial integrity, he argued, the physical security of Nagorno-Karabakh's residents must be guaranteed. FBIS-SOV, *Daily Report*, September 3, 1996, pp. 66-67.

Ter-Petrosyan called for Armenians abroad to use their intellectual, material and political capabilities to strengthen Armenia and Nagorno-Karabakh economically and politically. However, he said that relations between Armenia and the Armenian diaspora should be based on “principles of mutual respect and non-interference in each other’s affairs.”

Vazgen Manukyan (National Democratic Union): the NDU Chairman, like Ter-Petrosyan, was a member of the Karabakh Committee, later becoming Armenia’s Prime Minister, and then Minister of Defense. In his election platform, Manukyan did not openly criticize Ter-Petrosyan’s handling of the Nagorno-Karabakh conflict. Instead, he called for achieving recognition of Nagorno-Karabakh’s independent status by means of flexible negotiations and “an awareness of the interests of various countries in the region,” while strengthening Armenia’s military and economic power to deter any resumption of aggression. Nor did he take issue with Ter-Petrosyan’s overtures to Turkey, or insist on Turkey’s acknowledgment of responsibility for the Genocide as a precondition to diplomatic relations.¹¹ Manukyan called for mutually beneficial economic relations with Russia and other CIS states.

Manukyan stressed domestic issues, especially economic policy. He called for turning Armenia back into an industrial country, with an emphasis on high technology. The creation of new jobs, fostered by tax policy promoting foreign investment, would halt emigration and induce Armenians to come home. In general, Manukyan emphasized the role of private property, though he called for ending the sort of privatization that had led to the theft of Armenia’s state assets. He pledged to raise salaries and pensions “sharply,” to provide free medical care and to introduce new social programs for the needy. Education should also be free, and be based on “national and all-human values,” without discriminating against minorities, whose rights would be guaranteed. After September 10, Manukyan promised to raise wages 10 times, assuring voters he could do so without bankrupting the country.

Manukyan urged reform of the state and government structure, so that parliament would exercise control of the executive branch, and that a parliamentary, not presidential, system would gradually come into place. He called for strict laws against bribery and ending official immunity from prosecution for wrongdoing. Manukyan also advocated the election of local officials, instead of their appointment by the president.

On one issue important to Armenians outside Armenia, Manukyan differed sharply with Ter-Petrosyan: he called for close cooperation “with all parts of the Armenian diaspora” [i.e., including the Dashnaks] and a law allowing dual citizenship (which Ter-Petrosyan has opposed).

Sergey Badalian (Communist Party): Badalian accused the Ter-Petrosyan government of pursuing policies that left factories idle and 70-80 percent of the population doomed to hunger, cold, want, and unemployment. The Armenian nation, he warned, had been saved only thanks to the Great October Socialist Revolution, but a small group of people had destroyed or stolen the Armenian SSR’s great achievements. The only possible salvation was socialism, and the creation of a New Union of independent states on a confederative basis.

¹¹ Manukyan has, however, said “we must achieve recognition of the fact of genocide, including by Turkey.” (FBIS-SOV, *Daily Report*, September 3, 1996.)

Badalian promised to maintain a multi-party system, observe human rights, and to amend the constitution to limit presidential power. He favored restoring the previous administrative-territorial division of the country and local soviets, and promised to guarantee the independence of the judicial system from legislative and executive power. In the economic sphere, Badalian stressed the revival of production, as opposed to trade (Armenia had become a country of “petty vendors”). He called for the priority of state property in the general context of equality of all types of property, an end to privatization and a review of its implementation, and state control of commercial banks and financial-credit institutions. He urged a state monopoly on foreign trade in strategic materials and resources, especially energy and transportation, defense and other crucial economic sectors. Land, Badalian argued, belongs to the nation; it might be indefinitely leased to individuals and collectives with the right of inheritance but only for the purpose of agricultural production. Badalian also pledged to restore all social gains lost since 1991, such as free medical care and education, to index pensions, salaries and stipends to minimum needs, and to create a safety net for the needy.

All this would permit the defense of national culture from “alien norms of Western civilization,” and was possible only by bringing Armenia into a new Union via a referendum. Badalian argued that close ties with Russia were Armenia’s main guarantee of national and socio-economic security, and a new Union would resolve the Nagorno-Karabakh dispute on the basis of national self-determination.

ASHOT MANUCHARIAN (Scientific Industrial and Civic Union): Like the other opposition candidates, Ter-Petrossyan’s former National Security Advisor blasted the incumbent and the government for corruption, arrogance and for policies that impoverished the bulk of the population. His most provocative positions, however, concerned foreign policy. Like Badalian, Manucharian saw Armenia’s relations with Russia as critical: “Russia is reaching the state wherein it will perform a more decisive role in the near abroad, in the Transcaucasus in particular. In respect to itself it recognizes just two types of policy. Either a policy of opposition or of partnership. Qualified partnership could rapidly become strategic....opposition is...disastrous for the Armenian people.” Manucharian also maintained that all of Armenia’s “opportunities in the Karabakh problem...are connected only with Russia.” He viewed the West with suspicion: the West “sees us as a country of tourism, petty trade, and the production of rugs and tomato paste. Russia, on the other hand, is prepared, given our correct behavior, to see us as a valuable partner in...culture, science, education, industry, and policy.”¹² Manucharian accused the United States of supporting repressive government in Armenia, and even of responsibility for Armenia’s difficult straits.

CAMPAIGN

The deadline for registration of candidates was August 22. On August 23, the CEC registered the seven candidates, and the campaign officially began.

The CEC gave all candidates 90 minutes of free air time on state television, in an order determined by lottery, as well as 120 minutes on radio. Candidates could buy another 180 minutes of television air time and an additional 240 minutes on radio.

¹² FBIS-SOV, *Daily Report*, August 17, 1996.

In the week before the election, Vazgen Manukyan, Paruir Hayrikian, and Sergey Badalian all told Helsinki Commission staff that the campaign had proceeded better than the July 1995 parliamentary election, though Hayrikian complained that government toughs had tried to disrupt several of his rallies. All the opposition candidates got their mandated 90 minutes on state television. Hayrikian and Manucharian, however, complained that the amount of time allotted was too short.¹³

Apart from television and radio slots, Ter-Petrosyan and his opponents campaigned throughout Armenia. The incumbent stressed that under his leadership, the critical issue of independence had been settled and Armenia could now address socio-economic problems, while struggling against “bribery, lawlessness, bureaucracy” and other abuses “arousing the just indignation of the population.”¹⁴ According to local analysts, both native and foreign, for much of the campaign, the President largely ignored the opposition, assuming and maintaining that victory was inevitable.¹⁵

After September 10, however, the incumbent went on the attack against Vazgen Manukyan, reaching a crescendo in a September 20 television address to the nation.¹⁶ Ter-Petrosyan maintained that the opposition’s “social demagoguery” was based on a total ignorance of Armenia’s real situation and possibilities. Further, he warned that opposition programs were fraught with “terrible dangers,” listing the following consequences if Manukyan came to power: relations with Russia would “sharply worsen” and Russo-Armenian military cooperation would be jeopardized; use of Armenia’s atomic energy station would come into question; gas deliveries from Turkmenistan would either be curtailed or cease completely; credits from international financial institutions would be cut or halted; relations with Georgia would become complicated; the army’s military capabilities would fall, threatening a resumption of hostilities in Nagorno-Karabakh; a tough Armenian position would lead to a breakdown in the Nagorno-Karabakh talks, and the international community would intensify pressure on Armenia. Ultimately, “the very existence of Nagorno-Karabakh and the sovereignty of Armenia would be in serious danger.” In the domestic sphere, warned Ter-Petrosyan, the contradictions of a coalition government would lead either to “nobody being in power or the establishment of tyranny—with all the anti-democratic consequences.”

The election, he continued, was a choice between two possible paths: war or peace, stability or chaos. If Manukyan won, Armenia would get as difficult a life as under Ter-Petrosyan, but would also suffer war and the “de-Armenianization of Nagorno-Karabakh,” at the cost of “the blood of your children.” In conclusion, Ter-Petrosyan said that Armenia had known monarchy, had been under foreign occupation, had lived through the Soviet times and had seen democratic power. But Armenia had not seen “fascism, the shadow of which is knocking at our door.” He urged voters to go to the polls: the higher the turnout, “the more secure the future president will feel.”¹⁷

¹³ Badalian and Manukyan expressed more satisfaction, though Manukyan noted that the opposition, himself included, had not had access to the airwaves for the past several years. *Yerevan Press Club*, September 1996, No. 1.

¹⁴ FBIS-SOV, *Daily Report*, August 26, 1996, p. 45.

¹⁵ Nevertheless, independent journalists told Helsinki Commission staff that Ter-Petrosyan encountered booing and heckling during his trips. Some thought it had been the President’s first indication that discontent was widespread, and the race might be closer than expected.

¹⁶ The speech was reprinted in a special edition of *Respublika Armeniya*, September 21, 1996.

¹⁷ On the eve of the July 1995 parliamentary election, Ter-Petrosyan made a similar speech, warning of disasters if the opposition were victorious.

Also on television before the election were Minister of Internal Affairs Vano Siradeghian and Minister of Defense Vazgen Sarkissian. The former criticized Vazgen Manukyan's performance as prime minister in 1990-1991, and then went further, maintaining that anyone who did not vote for the President was "not an Armenian."¹⁸ These appearances on television violated the election law, which forbade law enforcement bodies to campaign for or against any candidate.

At an opposition rally a few days before the election, Paruir Hayrikian, the ARF's Rouben Hakopyan, Lenser Aghalovian and Aram Sarkissian called on supporters to vote for Vazgen Manukyan, and Ashot Manucharian also addressed the crowd. All attacked Ter-Petrosyan's policies, and some warned the crowd of various efforts by local authorities in the regions to rig the vote on the President's behalf. Manukyan himself forecast that he would win 60 percent of the vote if elections were fair. He called for a government close to the people, accusing Ter-Petrosyan of having lost all contact with his electorate, leaving the majority of them in economic misery, and having thereby destroyed all normal social relations among Armenians. Manukyan rejected Ter-Petrosyan's claims that an opposition victory would mean disaster for Armenia: "Why should there be civil war?" he asked. Ter-Petrosyan's dire predictions were the surest sign, concluded Manukyan, that the President did not trust his people.

Posters of President Ter-Petrosyan were ubiquitous throughout Yerevan. Helsinki Commission staff saw no posters for any opposition candidate.

MEDIA COVERAGE

The Media Monitoring and Assistance Unit of the European Institute for the Media and the Yerevan Press Club issued a joint report on Armenia's presidential campaign. After tracking the media from August 23 until September 22, the report concluded that the media's performance was a "classic example of how a marked unbalance [sic] in resources between state-controlled and still relatively weak independent media can translate into a crucial advantage..."

The mandated allocation of 90 minutes of free air time on television to all candidates went according to the law, although technical problems occasionally interrupted broadcasts by opposition candidates. However, state television refused to let Vazgen Manukyan and Ashot Manucharian buy air time during the last week of the campaign, claiming that they had not complied with the CEC's instructions and the schedule of programs could not be changed at short notice. The report also noted that editorial comment on state television clearly favored President Ter-Petrosyan, and "tendentiously" covered the last few days of Manukyan's campaign, particularly the September 19-20 demonstrations by his supporters.

Apart from campaign spots, the report also calculated television coverage of the candidates. Ter-Petrosyan received 1,050 minutes on Channel One, while Manukyan got 65 minutes, Manucharian 48 minutes, and Badalian 37 minutes 30 seconds. On Channel Two, Ter-Petrosyan received 98 minutes 20 seconds, compared to Manukyan's 4 minutes 40 seconds.

¹⁸ *Golos Armenii*, September 24, 1996.

OBSERVERS

Domestic: During the July 1995 parliamentary election, a local organization called Vote Armenia had observed the election throughout the country, and had issued a strongly critical report. Vote Armenia subsequently split into rival groups, and Western organizations despaired of working with it during the upcoming presidential election. Moreover, the election law—despite the advice of Western organizations and embassies—did not mention domestic monitoring; while not forbidden, there were no provisions sanctioning or regulating such activities. As a result, there was no countrywide, organized effort by Armenian organizations to monitor the election, which meant that most polling stations did not have domestic observers.¹⁹

Foreign: The OSCE’s Office of Democratic Institutions and Human Rights (ODIHR) mounted an observation mission, which arrived in Yerevan about a month before the voting. The Mission set up several regional offices and on election day, fielded international observers throughout the country. An observer delegation also came from the CIS Inter-Parliamentary Assembly.

VOTING

Voting took place on September 22 from 8 a.m. to 10 p.m. Helsinki Commission staff observed the balloting in various precincts in Yerevan.

Voters had to present a form of photo identification, usually a passport, to receive ballots. Though some opposition candidates, especially Sergey Badalian, had warned that the authorities would use the ongoing exchange of old Soviet passports for new Armenian passports to keep people from voting, no such instances were observed, and international monitors did not cite the issue as a problem.

Working with Western election organizations, especially the International Foundation for Electoral Systems (IFES), the CEC had improved the voting process in various ways. For example, in previous elections, voters had to cross out the names of candidates or parties they did not want; this time they were supposed to mark the ballot near the name of their preferred candidate. Also, the mobile ballot boxes used throughout the former USSR for people unable to come to the polling station were eliminated, as practice had shown them to be easily susceptible to ballot stuffing.

The ballots listed, in alphabetical order, the names of the candidates, their party membership, place of employment and occupation, the name of the party or bloc which nominated them, or the words “civil initiative.” Voters opposed to all the candidates could mark the box “Against All.”

Polling station workers registered the voter’s identification number on the voter list, which voters had to sign to receive a ballot. As a safeguard against fraud, the ballots had a detachable tear-off coupon, on which polling station workers wrote the voter’s identification number. Voters deposited the ballots and the coupons in separate ballot boxes, and the number of coupons was supposed to match the number of ballots.

¹⁹ Proxies of the candidates could monitor the election, of course. For example, *Respublika Armeniya* reported (September 21) that President Ter-Petrosyan had 2480 proxies, including 140 members of parliament.

In all the precincts visited, there were proxies of various opposition candidates. For the most part, Helsinki Commission saw no serious violations. In none of the precincts visited, however, were soldiers observed voting, a process that later proved controversial.

COUNTING

Helsinki Commission staff observed the vote count in precinct No. 3, in the Shengavitisky region of Yerevan. Among members of the precinct commission was a supporter of Vazgen Manukyan, who also had a proxy present, as did Sergey Badalian.

The chairman of the precinct commission seemed unhappy to see international observers, among whom were two foreign correspondents. He initially argued that Helsinki Commission staff could not remain in the polling station, because accreditation was “valid only for voting, not for counting.” Representatives from the regional election commission, however, told the chairman that accreditation for voting was valid for counting as well, resolving the dispute.

There were 2706 registered voters in the precinct, of whom 1315 cast votes. Precinct Commission members counted, wrapped in paper and then tied the unused ballots, without, however, defacing or invalidating them in any way. Then, with long delays—counting did not actually begin until midnight, even though voting had ended at 10 p.m.—the chairman eventually began the process. As stipulated in the election law, he withdrew each ballot from the box and read aloud the voter’s preference, showing it to all the members of the commission. But practically every ballot elicited jokes and commentary, so that the counting took a long time. It soon became clear to the observers that the chairman was deliberately drawing out the process, presumably because of their presence. This suspicion was confirmed at around 2 a.m., when one of the precinct members whispered to Helsinki Commission staff: “They’re counting so slowly so that you’ll get tired and leave. Please don’t go.”

By 3 a.m., only several hundred votes had been counted. At that time, an unidentified individual entered the polling station, and conferred with the chairman in another room. When the chairman returned, it was evident that he had rethought his approach, as the vote count accelerated dramatically. The count finished around 5 a.m., with Manukyan winning 740 votes to Ter-Petrosyan’s 433 (Badalian managed 54, and all four for Manucharian generated universal applause). At 6 a.m., about a dozen people entered the precinct; someone in the polling station quietly identified some of them as “Ministry of Internal Affairs,” the “KGB” or “Ter-Petrosyan’s staff,” although Helsinki Commission staff cannot confirm these alleged affiliations. They, along with the chairman, congregated in the other room, where loud and angry voices could be heard.

Protocols of the vote counts generated the final controversy in the polling station. The precinct chairman was obligated by law to give a copy of the protocols to the candidates’ proxies. Despite repeated requests, he refused to do so. When Helsinki Commission staff left, at 6:15 a.m., Manukyan’s and Badalian’s proxies were writing letters of protest to the CEC.²⁰

²⁰ The figures indicated above were subsequently registered with the regional election Commission and the CEC, so despite the chairman’s refusal to give copies of the protocol to the opposition candidates’ proxies, there was no tampering with the results in this precinct.

PRELIMINARY RESULTS

President Ter-Petrosyan claimed victory on television on Monday evening. From Monday, September 23, to Wednesday, September 25, the CEC periodically issued preliminary results, as tallies came in. During that period, the highest figure for Ter-Petrosyan was 52.67 percent.²¹

PRELIMINARY ODIHR ASSESSMENT

The OSCE/ODIHR observer mission, which fielded 89 international observers in all 11 regions of Armenia, issued a preliminary statement on September 24. It praised the new composition and leadership of the CEC, the increased transparency and safeguards against vote fraud, and the ability of all candidates to campaign on television. But the statement noted serious irregularities, including the theft of election materials in one Yerevan precinct and widespread reports of officers compelling soldiers to vote for Ter-Petrosyan. In what became a controversial preliminary assessment, however, the ODIHR mission concluded that the reported irregularities had “not materially affected the outcome” of the vote “*at this stage of the process.*”²²

CONFRONTATION

Like Ter-Petrosyan, Vazgen Manukyan immediately claimed victory. On September 24, the National Alliance charged that “the returns of the September 22 presidential elections are being falsified under the pressure of the incumbent President.... This fraud has...reached unprecedented scope...[and is]...easy to prove.... If the international community does not provide its assessment of the coup d’etat being executed by President Levon Ter-Petrosyan... I as the President-elect reserve the right to appeal to... my electors and the entire people to launch commensurate actions.”²³

Four pro-opposition members of the CEC issued a statement calling the preliminary figures announced by CEC Chairman Bezirjian false, and complaining that CEC members representing the opposition had not been allowed to appear on television or radio. Vazgen Manukyan and National Alliance leaders argued to CEC Chairman Bezirjian that widespread fraud invalidated Ter-Petrosyan’s claims of victory, while large crowds, summoned by the opposition, gathered in front of the parliament.

On September 25, with the atmosphere ever more tense, passions got out of hand. Important questions remain unanswered about the course of events and responsibility for them, especially whether Vazgen Manukyan deliberately sought to egg on the crowd to take action.²⁴ It is certain, however, that a mob stormed the legislature, broke through the ranks of its defenders and gained entry to the building, where

²¹ On September 24, *Respublika Armeniya* reported that he had won almost 57 percent of the vote, although figures for Yerevan and Aragatsotn region had not yet been fully counted.

²² *Emphasis added.* The head of the ODIHR Election Observation Mission, Simon Osborn, specifically asked the Armenian Government, the opposition, and representatives of the international diplomatic community to notice that his formulation stressed “at this stage of the process,” allowing for a revised assessment if warranted by more information.

²³ Noyan Tapan, September 24, 1996.

²⁴ Paruir Hayrikian, who deliberated with Manukyan about opposition tactics, suggested that Manukyan urged the crowd to follow him to parliament, where he was negotiating with CEC officials, and the demonstrators stormed the building when he—deliberately—did not come out. Sander Thoenes, “Gulf Grows Wider between Armenia and its President,” *Financial Times*, October 5, 1996. According to a report in the *Armenian Weekly* an ARF publication, Manukyan told the crowd it was time for “resolute action,” and he specifically mentioned the possibility of seizing a building.

they beat up Speaker Babgen Araktsian and his deputy. In response, President Ter-Petrosyan banned rallies, ordered opposition parties closed and called in troops and armored personnel carriers to quell the riot and disperse the crowds. Soldiers shot over the heads of the demonstrators, and beat many of them.

On September 26, violence spread to the parliament. At a special session convened to discuss the events of the preceding day, deputies pummeled each other, with opposition legislators getting the worst of the encounter, while television broadcast the edifying spectacle to the nation. Members then voted to deprive opposition legislators of their parliamentary immunity, so that charges could be filed against them.

Afterwards, an uneasy calm returned to the capital. News reports, however, described a lingering atmosphere of shock, shame and tension, as troops remained on the streets, occasionally beating up people. Officials claimed 59 people were wounded and eight Members of Parliament arrested, but opposition sources and foreign diplomats said the numbers of wounded and arrested were much higher.

FINAL RESULTS

The CEC released the final official results on September 29: 646,888 voters cast ballots for President Ter-Petrosyan, giving him 51.75 percent, and passing the required 50 percent threshold by 21,941 votes. Vazgen Manukyan came in second, with 516,129 votes (41.29 percent), followed by Sergey Badalian with 79,347 (6.34 percent) and Ashot Manucharian, who managed 7,529 votes (0.60 percent). Based on these figures, the CEC declared Ter-Petrosyan the winner.

FINAL ODIHR ASSESSMENT

On October 1, the ODIHR observer mission issued a final statement, which, unlike the previous document, evaluated the entire election process, including the vote count, ballot verification and performance of the election commissions at the local, community, regional and central levels. The conclusion was much harsher than the initial evaluation: while irregularities “did not characterize the entire vote tabulation process [they] do raise questions about the integrity of the election process.” Considering that Ter-Petrosyan passed the 50 percent threshold by only 21,941 votes, “the inaccuracies in the verification process can only contribute to a lack of confidence in the overall electoral process and could even question the results of the first round of balloting.”

Among the irregularities mentioned were: blank election protocols in circulation, with official stamps and seals; the presence of law enforcement personnel in polling stations; the failure to post election results in polling stations; instances of poor ballot security; and discrepancies between the number of signatures on the voter lists and the number of votes actually recorded. Of particular concern was the discrepancy—22,013—between the number of people who voted and the number of voter coupons deposited. In Yerevan, for example, there were 21,701 fewer coupons than the number of voters who cast ballots. In addition, 21,128 ballots were unaccounted for. The statement concluded that “very serious breaches in the election law took place during the vote tabulation process, the verification process and the aggregation of results, causing concern for the overall integrity of the election process.”

CEC REACTION TO THE ODIHR FINAL STATEMENT

On October 2, CEC Chairman Bezirjian issued an official response to the OSCE Final Statement. He discounted the concerns about disparities between the number of people who voted and the number of coupons registered, arguing that the number of coupons should have been compared not with the number of people who signed the voter lists but with the number of people who actually voted. In other words, Bezirjian contended that 22,013 voters had received ballots but had never deposited them in ballot boxes. He continued that the OSCE's figure of 21,128 missing ballots almost equaled the number of people who had not deposited their ballots, which neatly explained the discrepancy. In any case, he concluded, even if all 22,013 missing ballots had been cast for Manukyan, President Ter-Petrosyan would still have got more than 50 percent of the vote, and would have won the election.

At a press conference the same day, Bezirjian said that even if the OSCE assessment proved negative, new elections would not be possible: voting, according to the law, could not be considered invalid in separate electoral districts, but only throughout the country. He reported that only 658 violations had been registered, which could not have affected the results of the elections.²⁵

ODIHR FINAL REPORT

The ODIHR's October 14 final report noted all the improvements in the election process, such as the new CEC, the right of candidates' proxies to receive copies of election protocols, and deadlines for publication of the results. However, the report emphasized problems with the election, such as the imbalance in television time between the incumbent and his challengers. Especially disturbing were irregularities in voting by soldiers: in 40 percent of polling stations monitored where soldiers were voting, violations were observed. Most commonly, officers directed their troops to vote for President Ter-Petrosyan. As for the disparity mentioned above between the number of coupons deposited and the number of voters recorded as having cast ballots, the ODIHR rejected the CEC's explanation: observers in Yerevan covered 38 percent of polling stations, and "not one observer reported that they had seen or heard of a single voter leaving the polling station with their ballot paper."²⁶

The report reiterated the assessment of the October 1 statement, concluding that discrepancies and violations of the law "can only contribute to a lack of confidence in the integrity of the overall election process." Furthermore, "the results of the first round of balloting could even be questioned until a thorough review and assessment of the irregularities and discrepancies are conducted."

ARMENIAN GOVERNMENT REACTION TO THE ODIHR FINAL REPORT

On October 16, at a meeting of the OSCE's Permanent Council, the Armenian delegation acknowledged the Final Report's "in-depth analysis of the achievements, shortcomings and difficulties of a dynamic society in transition." Arguing that the election was "an important step" towards "true democracy and the rule of law," Armenia's delegation noted improvements in the law and the electoral process, but conceded

²⁵ *Respublika Armeniya*, October 2, 1996.

²⁶ Newspapers did report one such case: a man in a polling station in Yerevan received a ballot, and then demonstratively ate it. One can only guess at his motives.

that implementation of the law was as critical as the law itself. The delegation then repeated Bezirjian's explanation of the numerical discrepancy between ballots and coupons. Despite these disagreements with the OSCE's final report, the Armenian Government "recognizes the shortcomings and will continue improving both the law and its application... What matters most is that remaining questions be resolved through the Constitutional Court, as required by the law."

Armenia's ambassador to Washington took a harder line in a letter to the *Washington Post*, essentially rejecting claims of irregularities: "international observers," he claimed, "while noticing breaches in the election law, did not doubt the election outcome."²⁷ Foreign Minister Papazyan, for his part, reassured the UN General Assembly that "the recent, vigorously contested presidential election signaled the vitality of the democratic process in Armenia. President Levon Ter-Petrossyan's reelection demonstrated the will of the people in support of the policies pursued thus far by the government..."²⁸ Speaking in Washington in October, he blamed the opposition for any problems surrounding the election: "the Soviet mentality is still there and not everybody is ready to understand the democratic mentality...[or] accept democratic rules." The opposition, he continued, should stop holding rallies, as (unlike during the Soviet era), "they are protesting against their own legal government."²⁹

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS ASSESSMENT

The Washington-based International Foundation for Election Systems, an internationally recognized organization specializing in elections, arrived in Armenia in February 1996 to help organize the presidential election. Working with the CEC, IFES helped craft the election law and safeguards against vote fraud, as well as conducting voter education programs across Armenia.

In a post-election evaluation, IFES concluded that the campaign, election and vote count all "contain[ed] breaks or compromises with the law." Among the deficiencies of the campaign, IFES specified that access to television was "severely limited for members of opposition parties," and that lower level election commissions did not always implement CEC instructions. On election-day, IFES noted, *inter alia*, the presence of unauthorized personnel in polling stations; pre-signed, pre-stamped blank protocols in circulation; the failure to post summary protocols in polling stations; a discrepancy of 22,013 between the number of ballots and number of coupons, with 21,701 of them in Yerevan; 21,128 additional unaccounted for ballots; and the drop in the reported number of invalid ballots from 98,826 on Monday, September 23, to 43,395 on Tuesday, September 24.

IFES concluded that the results "need to be investigated for various incongruities and for correspondence to precinct summary protocols." Furthermore, "given the breadth of observations and evidence, and reviewing the inconsistent data provided by the CEC as final results, failure to [undertake serious and intensive investigations] will ultimately result in substantiating claims of fraud and cast permanent doubt on the level of transparency of the electoral process in Armenia."³⁰

²⁷ If the letter, published on October 14, was written after the ODIHR's Final Statement (October 1), it plainly misrepresented the view of the OSCE.

²⁸ *Armenian Mirror Spectator*, October 19, 1996.

²⁹ Fred Hiatt, "Can't Get That Old Soviet Mentality Out of Their Minds," *Washington Post*, October 13, 1996.

³⁰ IFES Technical Assessment: "Flawed Elections in Armenia," October 8, 1996.

CONSTITUTIONAL COURT HEARING

Armenia's Constitutional Court is chaired by Gagik Harutyunian, the former Vice President, whom Ter-Petrosyan named as Chief Justice in July 1995. There are eight other members, who were appointed either by the President or the parliament, in which, after the July 1995 election, pro-government forces enjoy an overwhelming majority.

Though many opposition figures expressed doubts about the impartiality of the Constitutional Court, on October 24, Vazgen Manukyan and Ashot Manucharian filed official appeals, which called for an annulment of the election and a new vote. Ter-Petrosyan's spokesman said the President would abide by the Court's decision. The opposition placed a heavy responsibility on Armenia's highest instance of judicial appeal: "A fair and impartial decision by the Constitutional Court on the validity of the election results is a pre-condition to the establishment of democracy in Armenia."

The Court had to render a verdict within a month. Consideration of the appeal began on November 2. Representatives of Manukyan and Manucharian demanded, *inter alia*, that the CEC provide election protocols from all polling stations, to compare them with the opposition's protocols (or copies). The CEC, however, refused to do so, arguing that such an approach assumed the CEC to have been in the wrong. In fact, the CEC refused to produce protocols for anyone, including IFES, claiming that copies could not be made for all interested parties, so nobody would see them.³¹ Instead, CEC representatives argued that precinct protocols could be provided only in cases where there was credible evidence of election irregularities. The Court accepted this reasoning, obligating the CEC only to produce aggregated voting results from the 930 community election commissions, in effect limiting the issues of the case to the validity of the community results. Nevertheless, protocols from 1155 precincts, including all those in Yerevan, were also presented.

Law enforcement agencies had confiscated large amounts of election-related documentation from opposition party headquarters after the violence on September 25-26. But the petitioners had the chance to present evidence, and to ask questions of the CEC and the Justices. The CEC also presented its case. Among its contentions was the claim that the Constitutional Court is impartial, but international election observers were not; the Court, in fact, did not allow international observers to testify. Nor would the Court grant guarantees of safety to any witnesses, as the petitioners requested. In the event, the witnesses were members of regional election commissions.

The petitioners argued, in essence, that the evidence they presented—including eyewitness statements and those of international observers—documented irregularities and discrepancies between figures in protocols and officially published data. Manucharian's case against the CEC also relied heavily on the OSCE/ODIHR Final Report. The CEC disputed these assertions, arguing that they were unproved or hearsay. CEC representatives also claimed that international observers did not understand the election law, that the OSCE's assessment of the election was ill-informed, and represented only "private opinions."³² The CEC also continuously argued to the Court that the precinct protocols—the key point at issue for the petitioners—were in the jurisdiction of the lower courts and that the appellants had not followed proper procedure by filing their complaints there. The Court tended to agree with this argument.

³¹ In correspondence with IFES, CEC Chairman Bezirjian made this argument, and also claimed that the CEC could not take responsibility for the accuracy of protocols ratified by lower level election commissions. To this striking assertion, IFES asked, in a letter of November 1, how the CEC could issue official election results at all.

On November 5 and November 19,³³ Manukyan's representative in the Court case held a press conference to denounce the Court's refusal to examine protocols from precincts for fraud, to hear witnesses and to allow access to records of military voting. Nor had inspections been organized at 45 polling stations where OSCE international observers had recorded irregularities. By November 20, representatives of both Manukyan and Manucharian had walked out of the hearings, charging that the Court was biased.

After the CEC responded to the petitioners' summation, the Constitutional Court began closed-door deliberations. On November 22, the Justices rejected the opposition's suit. In its decision, the Court conceded that the CEC and the regional election commissions "failed to organize effectively the checking of the election results in communities and precincts, which greatly increases the distrust towards the results of the election." Nevertheless, the Court noted that most of the petitioners' documentary evidence consisted of unproved assertions. In those precincts where protocols were checked, the data generally accorded with official figures, with only slight deviations that could not have affected the election outcome. The Court also found that the petitioners had not appealed to higher level election commissions or to Armenia's Supreme Court to challenge contested protocols from polling stations.

The Court's ruling is not subject to appeal. From the legal point of view, Armenia's 1996 presidential election is over, and Levon Ter-Petrosyan has kept his office.³⁴

CONCLUSIONS AND PROJECTIONS

Democratization: After achieving independence in 1991, Armenia, unlike Georgia and Azerbaijan, enjoyed several years of stability, with no extra-constitutional changes of power, civil wars, open social conflict or pre-term elections. Armenia's good fortune was due to several factors, including the sense of national unity engendered by the Nagorno-Karabakh hostilities, the related restraint displayed by both government and opposition, and also because Russia had no interest in destabilizing Armenia, its traditional ally in the region. Consequently, Armenia looked far more democratic than its neighbors, and with economic reforms launched, it seemed that the state-building process and the institutionalization of political pluralism were developing apace. Pro-Ter-Petrosyan Armenian organizations in the West praised the struggling young democracy under assault by aggressive neighbors, and contrasted its achievements to the chaos and repression in Georgia and especially Azerbaijan. Anti-Ter-Petrosyan parties outside Armenia, especially the ARF, criticized Ter-Petrosyan and his policies, but the government and its backers dismissed these attacks as resentment over not being in power, and warned that critics represented outdated nationalist ideologies that could embroil Armenia in even more problematic relations with Turkey, Georgia and other countries. Indeed, the Dashnaks' claims on the territory of neighboring states and reputed links to terrorist groups undoubtedly helped bolster Ter-Petrosyan's well-deserved image as a low-key, moderate, rational reformer.

³² *Armenian Weekly*, November 23, 1996.

³³ See Noyan Tapan's report of November 5, 1995, carried in FBIS-SOV *Daily Report*, same date, and *Monitor*, November 20, 1996.

³⁴ Law enforcement agencies returned the opposition's copies of the election protocols the day after the Court's verdict.

Armenia's reputation began to change in 1994, however, as the opposition press reported harassment and intimidation. As mentioned above, the ban on the opposition Dashnak party prevented its participation in the July 1995 parliamentary election. Reports by various human rights organizations, as well as the international media, chronicled disturbing tendencies to authoritarianism. By July 1995, Foreign Minister Papazyan was trying to lower expectations by telling foreign election observers that Armenia, compared to other countries in the region—pointedly including Iran, Iraq, Turkey and Syria—was “a relatively democratic country.”

Considering Armenia's lack of natural resources and reliance on foreign aid, a positive reputation is a vital national asset, and the country's leaders wanted to refurbish their tarnished image in the 1996 presidential election. That did not happen. The election was contested by four candidates, all of whom received free air time on television as stipulated, and were otherwise free to campaign. Moreover, it is difficult to know whether the irregularities—which undeniably took place—were sufficiently numerous and serious to affect the election's outcome. But, as the OSCE/ODIHR report concluded, there is reason to doubt the officially announced results, especially since the margin of victory was so narrow. The Constitutional Court's handling of the case, in which the CEC refused to provide protocols from election precincts throughout the country and the Justices refused to hear testimony from witnesses suggested by the petitioners, has not dissipated these doubts.

The controversy surrounding the balloting and vote count, and the ensuing violence, have compounded the negative publicity of the July 1995 election, casting a shadow on the country's progress towards and prospects for democratization. Today, by comparison with presidential balloting in Georgia and Russia in 1995 and 1996, Armenia comes off badly in terms of democracy and even stability.³⁵ Moreover, on December 1, 1996, Petru Lucinschi defeated Mircea Snegur in Moldova's presidential runoff. Among post-communist societies outside the CIS, a non-communist candidate outpolled President Iliescu in Romania's runoff election, and Bulgarian opposition candidate Petar Stoyanov defeated Ivan Marazov for the presidency, so it is clearly possible to hold presidential elections in countries lacking democratic traditions without charges of vote-rigging or violence.³⁶

President Ter-Petrosyan himself has conceded that Armenia has a long way to go, and rejects American “formal” approaches that “do not take concrete conditions and the concrete situation into consideration....nowhere in the world can democracy be established in a way they [America] understand it in 6 years....I have never said that Armenia is a democratic country....Several decades shall pass until we can speak about democracy in Armenia...because we have no strong democratic institutions, which do not depend on accidental influences, though we have parties, and freedom of speech...And, in addition to this, there is also an aspect of politics—someone is interested in presenting us in this light.”³⁷

³⁵ Gennadi Zyuganov and the Russian Communist Party did not contest the results of the July 1996 Russian presidential election, though they did charge fraud and numerous violations. In Georgia, even most of those who maintain that Eduard Shevardnadze did not really win the reported 75 percent acknowledge that he defeated his rivals.

³⁶ Until Moldova's election, Ukraine had been the only CIS state to witness a peaceful transition of presidential power. In fact, the country with which Armenia's situation has many points in common is Albania, where international observers saw serious irregularities in the May 1996 election and whose President, Sali Berisha, has also seen his reputation as a democrat dissipate.

³⁷ *Respublika Armeniya*, October 26, 1996.

Apart from Ter-Petrosyan's candor about Armenia's democratization, his last comment, attributing his own and Armenia's image problems to "someone," presumably external forces, is noteworthy. Some Armenian Government spokesmen have taken a restrained approach towards the OSCE/ODIHR election observation mission, expressing gratitude for its conscientious efforts, while rejecting and rebutting the report's concerns about irregularities that place the outcome in doubt. But other officials have lashed out at the assessment, and especially at the international media's critical reportage, virtually accusing them of plotting to defame and destabilize the country.³⁸ Some independent commentators have taken a similar tack.³⁹ Interestingly, some of Ter-Petrosyan's opponents have also pointed to regional interests as a determinant of Western governments' attitude towards the elections. For example, *The Armenian Weekly*, an ARF publication, argued in an editorial that Western capitals were willing to overlook the election irregularities because Levon Ter-Petrosyan best guarantees their interests in the Caucasus.⁴⁰

Any attempts to explain the furor over the election by anti-Armenian conspiracies hatched in other countries are wrongheaded and disturbing. The OSCE/ODIHR mission fielded observers from numerous countries,⁴¹ none of whom necessarily shared whatever views their governments may hold about Armenia and the Caucasus, or necessarily agreed with each other about geo-political issues. Among journalists who wrote about the election were people accredited to monitor the voting and vote-count, and who themselves witnessed violations. Most important, however, pointing the finger abroad deflects the government's attention from the serious problems in Armenia's body politic and in building democracy, from the deep chasm dividing political opponents in Armenia, and from the vital necessity of finding ways to establish normal political relations between them. Their mutual distrust and distaste—indeed, hatred—will greatly complicate any effort to make the progress all sides say they want.

Levon Ter-Petrosyan: Commentators have described Ter-Petrosyan as the last of the nationalist leaders who came to power in the late Soviet period and managed to retain his position. Today, however, the once high reputation of Armenia's President, as well as his credibility, are in disrepair. In a bitter irony, Levon Ter-Petrosyan found himself in September 1996 using troops and armored personnel carriers against his former comrades in arms, and is now portrayed as a politician determined to keep his office at all costs.⁴²

³⁸ Parliament Speaker Babgen Araktsian told a session of the National Assembly on October 7 that "regarding the regional and Nagorno-Karabakh problems, some international organizations had been left with only one way to pressure Armenia: creating doubts about democracy in Armenia." FBIS-SOV, *Daily Report*, October 7, 1996. The pro-government party *Shamiram* has voiced similar views. *Armenian Mirror Spectator*, October 12, 1996.

³⁹ See, for example, E. Azadian, "A Time for Healing," *Armenian Mirror Spectator*, October 19, 1996: "There are regional and international powers who wish to see Armenia weakened in this [Nagorno-Karabakh] standoff. That wish is very obvious in the coverage and commentaries of the news media, which seem to have discovered a golden opportunity to denigrate Armenia... The New York Times has taken the lead with the Washington Post..." Azadian then specifically calls the media coverage of the election "this international conspiracy."

⁴⁰ *Armenian Weekly*, October 12, 1996. The opposition Communist Party has expressed solidarity with the above-mentioned position of *Shamiram* (*Armenian Mirror-Spectator*, October 12, 1996).

⁴¹ There were 89 observers, from 12 OSCE participating states: Austria, Canada, Denmark, France, Georgia, Germany, Hungary, Norway, the Netherlands, Sweden, United Kingdom, and the United States.

⁴² As only one example of this view, see Stephen Handelman, "Another Nation Falls into Totalitarian Darkness," *The Toronto Star*, October 13, 1996.

The leader of the ANM, who was also Ter-Petrosyan's representative on the CEC, told *Respublika Armeniya* (September 21): "The main thing is that throughout all this time in Armenia there has not been illegitimate power."⁴³ But after the September 1996 election, with the opposition rejecting officially reported results, and the OSCE assessment casting doubt on them as well, not to speak of negative international media coverage, Ter-Petrosyan's legitimacy as President is in doubt. The Constitutional Court's handling of the opposition's appeal, and the CEC's refusal to provide election protocols from all precincts, undermine confidence in the Court's ruling and in the prospects of judicial independence from the executive branch. Sadly, even if official denials of vote-rigging are one hundred percent true, the stubborn fact remains that many people inside and outside the country do not find them credible. For the President's supporters and those who saw the opposition as a greater evil, Ter-Petrosyan's reelection is cause for celebration, despite the cloud over his victory. It is unclear, however, how he can regain his legitimacy among the rest of the population.

Ter-Petrosyan indicated that he had learned valuable, if painful, lessons from the election and its immediate aftermath in a September 30 address to the nation. He attributed the opposition's successes to public discontent over the consequences of economic reform, his appointments of officials, "illegalities within the administrative-bureaucratic apparatus," the widespread manifestation of corruption and especially the extremely grave social situation of the population." Ter-Petrosyan promised that "soon you will witness substantial changes of cadres, the beginning of a campaign against illegalities and corruption, the regular payment of pensions and wages, and the imposition of law and order."

The shakeup began soon: Prime Minister Bagratian dismissed several officials in October, before resigning himself on November 4.⁴⁴ More surprising, many analysts expected the events of September 25-26 to make Ter-Petrosyan even more beholden to the "force ministries," complicating his possible removal of the most controversial and allegedly corrupt ministers, especially Vano Siradeghian, Minister of Internal Affairs. In early November, however, Bagratian's successor, Armen Sarkissian, unveiled a new cabinet—without Vano Siradeghian, who resigned.⁴⁵ In fact, Sarkissian merged the interior and national security portfolios into a single ministry.

Siradeghian's resignation signals Ter-Petrosyan's newfound openness to criticism, as well as a willingness to placate public opinion and to rid himself of problematic associates. However, Ter-Petrosyan immediately issued a decree appointing Siradeghian Mayor of Yerevan, and the former minister is sure to remain influential.

More difficult than changing policies and cadres is making a politician's personality more "user-friendly." Even Ter-Petrosyan's closest colleagues acknowledge his aloofness. Asked why Ter-Petrosyan is inaccessible, Vano Siradeghian replied: "Such is his human nature. It seems to me that he exerts serious

⁴³ In fact, the opposition rejected the results of the July 1995 parliamentary election, though members of opposition parties did become deputies. Moreover, Paruir Hayrikian to this day claims he won the October 1991 presidential election. Most observers, however, maintain that Levon Ter-Petrosyan was genuinely popular in 1991 and received more votes than anyone else.

⁴⁴ Among those sacked was Ashot Bleyan, Deputy Minister of Education and Science, who had stirred controversy by downplaying the Armenian Genocide in school curricula.

⁴⁵ Also gone is Foreign Minister Vahan Papazyan, replaced by Alexander Arzoumany, Armenia's former Ambassador to the United Nations.

efforts when he makes contact with people. Levon Ter-Petrosyan is a very reserved man.”⁴⁶ The detachment appropriate to scholarly endeavor may not be as effective in appealing to an electorate. Given voters’ frequent complaints about their President’s remoteness, his second term may see a modified style of governing, and even an occasional press conference.

In view of the current political uncertainties, it may seem premature to ask whether Ter-Petrosyan can run for reelection again in 5 years. He has been in office since October 1991, and the constitution envisions a maximum of two successive terms. But the constitution was passed only in July 1995, so it is unclear whether Ter-Petrosyan’s tenure between October 1991 and September 1996 falls under the two-term limit. In a conversation with Helsinki Commission staff, Constitutional Court Chairman Gagik Harutyunian declined to comment, but he said that he and his fellow justices would undoubtedly have to decide the issue. As mentioned above, Harutyunian is Ter-Petrosyan’s former Vice-President, and a loyal ally.

Government-Opposition Relations: During the campaign, President Ter-Petrosyan allowed himself occasionally to advise the opposition, as he did before the July 1995 parliamentary election, to unite in order to win. The unexpected formation of a unified opposition candidacy and Manukyan’s subsequent strong showing, even according to official figures, must have been an unpleasant surprise.

One consequence of Manukyan’s candidacy is that the opposition has become more united.⁴⁷ Ter-Petrosyan has now described the entire opposition in terms hitherto reserved for the Dashnaks, helping them to link their fates. In the aftermath of the election, accordingly, government-opposition relations are truly abysmal. Asked why Armenian television presents the opposition as “fascists,” Ter Petrossyan said “there is fascism indeed. The initial postulates of Manukyan’s party are: Armenians are a World Nation. The Armenian people have a historic mission. A nation-organization shall be created from the Armenian people. [Manukyan] accepted an alliance with the Dashnaks against Turkey, for the rights of Armenians to Western Armenia, for joining [to Armenia] of Nakhichevan [in Azerbaijan] and Akhalkalaki [an Armenian-inhabited region of Georgia]. I know that Vazgen is against these ideas, but now he took this all, because of tactical considerations.” Asked whether the opposition became “fascists” only after the elections, Ter-Petrosyan replied “I called them fascists before...”⁴⁸

Certainly, the opposition has used extreme language against Ter-Petrosyan,⁴⁹ but his manichean portrayal of himself and his critics helps feed the widespread barricade-mentality in Armenia. Calling an ideology, party or politician “fascist”—especially in the former USSR—is not designed to effect reconciliation with the opposition. Ter-Petrosyan also has warned of chaos, tragedy and disaster if the opposition

⁴⁶ FBIS-SOV, *Daily Report*, September 1, 1996.

⁴⁷ Relations between Manukyan and Paruir Hayrikian may, however, be strained by the latter’s open criticism of Manukyan’s tactics the day demonstrators stormed parliament.

⁴⁸ Ter-Petrosyan continued as follows, supplying interesting insights into his own views and his differences with those of the opposition, or with his perception of their views: “I take the above mentioned three postulates and insist - this is fascism. But I cannot prove this legally. From the point of view of the law, there is nothing bad about their belief that the Armenian people have a historical mission. I believe that the Armenian nation is an ordinary nation, like all nations in the world. It has an equal right to a normal life, like other nations. But Armenian society is still behind many societies. I said this in public, and many people criticized me for this.” *Respublika Armeniya*, October 26, 1996.

⁴⁹ Ashot Manucharian, for example, accused him in 1994 of being a murderer.

ever came to power. Yet his primary opponent in 1996 was not a member of the ARF—which Ter-Petrosyan evidently considers beyond the pale—but Vazgen Manukyan, whom Ter-Petrosyan himself once named prime minister and defense minister. Surely he would not have placed a “fascist” in such important positions or entrusted such responsibilities to a man whose coming to power might lead to catastrophe for Armenia. Moreover, even according to official figures, Manukyan won 41 percent of the vote; are those who supported him “fascist” or “pro-fascist”? Ter-Petrosyan’s use of the term, as well as the demeaning, insulting language used against him by the opposition, indicate the level to which political discourse has sunk in Armenia.⁵⁰

Optimists among the opposition might seek solace in Ter-Petrosyan’s razor-thin victory and Manukyan’s strong showing, indicating that electoral victory is likely in the future. But from the perspective of many other opposition activists, Armenia’s leaders have twice now—July 1995 and September 1996—maintained power and virtually monopolized the country’s politics through unfair elections, and have displayed no willingness to hold fairer elections any time soon. Unless Ter-Petrosyan offers to bring them into the government or otherwise entrusts them with official responsibilities, they will be removed from policy making during a critical moment in the history of independent Armenia, and will also be disadvantaged in the planned privatization of medium and large-scale enterprises. In short, they have little stake in the political process, no reason to trust government, and no reason to believe in their ability to influence the authorities by political means or to change their government democratically.⁵¹ For the sake of the country’s stability, this is a dangerous mind-set for the opposition and its supporters.

The opposition, for its part, violated the rules of civilized political struggle by storming the parliament on September 25 and beating up its Speaker and his deputy. The resort to violence—whether a reflection of pent-up rage and frustration, political immaturity, or, as government spokesmen claim, an attempted coup d’etat⁵²—was also a stunning tactical blunder. It allowed the authorities to deflect attention from charges of vote rigging, to arrest opposition leaders, and to portray the opposition as more concerned with gaining power than with Armenia’s stability, and unwilling to abide by the rules of the game. Instead of engaging in peaceful, legal protest, they played into the hands of the Minister of Defense, who subsequently allowed himself to say: “After this we would not let them come to power even if they had won 100 percent of the vote.”

In his September 30 address to the nation, Ter-Petrosyan did not appeal to the opposition for unity or understanding, criticizing instead the “adventurous behavior of some extremist forces.” He promised punishment for those responsible for the excesses on September 25-26 but said there would be no witch hunt. Much will depend on whether he now seeks conciliation with the opposition or tries to crush it. Assuming Ter-Petrosyan wanted to reach out to the opposition,⁵³ he has several options. One would be

⁵⁰ A delegation of three members of the Council of Europe visited Armenia, met with President Ter-Petrosyan and opposition leaders, and said on October 11 that they do not consider the Armenian opposition “fascist.”

⁵¹ The Scientific-Industrial and Civic Union, in an October 21 statement, said that efforts to change the government through elections are “fruitless.” *OMRI Daily Digest*, October 22, 1996.

⁵² Manukyan and other opposition sources claim there is evidence that security service members were among the first to storm the parliament building and that they provoked the clashes in order to justify the deployment of tanks in the city the following day.

⁵³ His spokesman has expressed readiness for “dialogue and cooperation with all constructive forces, who accept the necessity to act only in legal ways for political harmony, constitution and democracy.” *Armenia This Week*, October 18, 1996. On November 25, the authorities permitted the office of Vazgen Manukyan’s NDU to reopen, after having closed it on September 25.

pre-term parliamentary elections,⁵⁴ considering that according to the official presidential election results, about half the electorate does not support Ter-Petrosyan, yet after the July 1995 parliamentary elections, pro-Ter-Petrosyan forces control over 80 percent of the legislature. However, Ter-Petrosyan's spokesman has said that it would not be "reasonable" to dissolve the National Assembly, since the fact that all elected bodies have served out their term is an important element of Armenia's stability.⁵⁵ Another option would be to bring opposition figures into executive branch positions of responsibility, without actually creating a coalition government. But this, too, seems improbable, given the level of mutual hostility.⁵⁶

For an understanding to be reached, rhetorical compromises would be needed. For example, Foreign Minister Papazyan told *Nezavisimaya Gazeta* (November 2, 1996) that a dialogue—which "Ter-Petrosyan and a majority of his team" understand is necessary—"would only be possible if the leaders of the opposition apologize publicly" for storming the parliament and especially for beating the Speaker. The opposition, for its part, presumably would want from Ter-Petrosyan, at a minimum, that he cease calling them "fascists."

To judge by Papazyan's statement above, apparently some presidential advisors advocate a hard line. If Ter-Petrosyan chooses that route, he also has various options. Although the authorities have released most of those arrested after the violence, many are charged with very serious crimes, including treason, which carries the death penalty. Members of the ARF have been on trial almost 2 years, and defense attorneys have accused the courts of deliberately dragging out the process.⁵⁷ It is possible, therefore, that opposition leaders will spend the next few years involved in long, drawn out legal proceedings, sapping their energy and funds.

Manukyan has said there would be no civil war, big demonstrations or prolonged chaos: "You need to be pragmatic in politics; there is no point in hitting your head against a brick wall," adding that he had no hopes of overturning the announced results.⁵⁸ Indeed, no disturbances or confrontations took place during the two events after the election that might have sparked clashes: the November 10 local elections and Ter-Petrosyan's November 11 inauguration. The non-communist opposition boycotted the elections,⁵⁹ and only the communist opposition attended the inauguration ceremony.

⁵⁴ This has been proposed by Eduard Yegorian, the Chairman of the State and Legal Affairs Committee of the Parliament, and by Parliamentary Deputy David Shahnazarian, former head of Armenia's National Security Agency.

⁵⁵ Noyan Tapan, October 15, 1996.

⁵⁶ Still, on November 22, newly appointed Prime Minister Sarkissian said he attaches special importance to political stability and cooperation with various political forces within the country: "the government is open to a dialogue, to free debating of various opinions." FBIS-SOV, *Daily Report*, November 22, 1996.

⁵⁷ Vahan Hovanesian and other defendants in the "Trial of the 31" went on a hunger strike in late October to protest frequent delays in their trial.

⁵⁸ Peter Ford, "Its Opposition Hushed, Weary Armenia Accepts Vote Results," *Christian Science Monitor*, October 2, 1996.

⁵⁹ A delegation of the Council of Europe observed the local elections, visiting 110 polling stations in six regions. The observers noted that the "polling stations visited were well organized and that the voting and counting was carried out in conformity with the law. Taking into account certain anomalies that were recorded and passed on to the Central Electoral Commission...the local elections were free and fair." Asked about the opposition boycott, the delegation said that the opposition should have participated.

Like Georgia and Azerbaijan, Armenia has guest status in the Council of Europe. The controversy over the presidential election could have complicated Armenia's entry as a full-fledged member, which is expected in 1997. The positive assessment of the local elections will presumably help tip the balance in Armenia's favor.

Despite Manukyan's earlier apparent resignation, however, after the Constitutional Court rejected the opposition's appeal, he warned that "people will erupt some day, and blood will spill," and said the government must hold new presidential elections. Paruir Hayrikian, however, argued for strict observance of legal norms and appeals to the European Court of Human Rights.⁶⁰ Manukyan, too, has urged the international community to press Armenia's Government to respect democratic principles.⁶¹ Some effort in that direction had already been made by the European Parliament, which on November 14 adopted a resolution noting the reported irregularities in the election, Ter-Petrosyan's tight margin of victory, the ban on one of the major opposition parties [the ARF], the "silencing of much of the press," the arrests of members of parliament and the closing of NDU headquarters. The resolution "condemn[ed] the undemocratic treatment to which the opposition parties and the media have been subjected" and called for new elections in areas where serious breaches of the electoral law were reported.⁶² While the resolution drew no explicit link between Yerevan's implementation of these recommendations and plans by the European Union to sign a partnership and cooperation agreement with Armenia, the Speaker of the European Parliament subsequently warned that the agreement's fate "will be based on how the Armenian leadership treats the Europarliament's resolution." He continued: "We have not yet reached a stage where we threaten a complete embargo [or freezing] of economic assistance...[but] if the Armenian leadership's actions do not satisfy the Europarliament, then the body will have to take other steps."⁶³

In fact, as officials in Yerevan have pointed out, Armenia's election law provides only for the possibility of new country-wide elections, not repeat voting in specific districts, so Armenia could not implement the European Parliament's recommendations even if the government wanted to. The opposition, therefore, having exhausted all legal means, will have to decide on further steps. Among them might be a continuation of the boycott of parliament announced on October 22, and trying to maintain pressure on the authorities by calling for rallies and demonstrations. This latter course will be difficult to implement during a cold Armenian winter, but if the populace's living conditions do not improve and resentment does not abate, spring is just around the corner. Alternatively, some opposition leaders might abandon politics (and possibly join the hundreds of thousands who have already left Armenia altogether), or, in the worst case scenario, they could decide to resort to extraordinary methods of political struggle. They must know, however, that Ter-Petrosyan controls the force ministries and that the international community would condemn any recourse to violence.

Economy: Growth projections for 1996 are about 5 percent, with inflation expected to reach about 20 percent. The EBRD estimates Armenia's economic growth in 1997 at 7 percent, with an inflation rate of 14 percent.⁶⁴ Moreover, according to official figures, as of October 1996, 658 large enterprises have

⁶⁰ *Monitor*, November 26, 1996.

⁶¹ *OMRI Daily Digest*, November 25, 1996.

⁶² President Ter-Petrosyan's Press Secretary expressed regret that "the Europarliament has made such a statement on the basis of unchecked information." He added that "neither the OSCE, nor the Council of Europe, nor any other observer mission, has doubted the results of the elections." (Interfax, November 21, 1996)

⁶³ *Armenian Weekly*, November 30, 1996. The European Parliament's approach is ironic, considering that it reportedly declined to send observers to the September election, on the grounds that Armenia is a democratic state. *Armenian Weekly*, August 10, 1996.

⁶⁴ *Financial Times*, November 4, 1996. The corresponding figures by the Economist Intelligence Unit were 6.5 percent and 10 percent.

been privatized, and 235 more are in the process. Since 1994, 3554 small enterprises have been privatized, of 4486 subject to privatization.⁶⁵ In general, the IMF seems pleased with the government's handling of the economy. In February 1996, the Fund approved a \$148 million "enhanced structural adjustment facility," disbursing \$25 million the same month and approving the second tranche in September 1996.⁶⁶

Among the costs of these strict monetarist policies has been low wages—the lowest in the former USSR, at \$20 a month—whereas it costs over \$200 a month to feed a family of four. And unemployment, officially 9 percent, is at least 20 percent.⁶⁷ Armenia also remains a poor country, lacking natural resources, dependent on external largess and on access to Georgian transit corridors.

In the wake of the election, President Ter-Petrosyan moved to mollify those who voted their pocketbooks and backed Manukyan. Prime Minister Grant Bagratian promised to raise outlays on pensions, salaries, health care and education. Announcing his resignation on November 4, he said his last directive, dated the same day, increased salaries in budget-funded bodies by 20 percent, schoolteachers' salaries by 10 percent and child benefits by 12 percent, effective January 1, 1997.⁶⁸

If these measures fail to affect the "misery index" and social discontent threatens to take political form, more salary hikes or subsidies may be needed. In that case, Armenia's Government, like Russia's, could find it difficult to balance the demands of the electorate with the rigorous implementation of programs devised by the international financial institutions. After his September experience, President Ter-Petrosyan may give precedence to shoring up his electoral base over appeasing the IMF and the World Bank. Nevertheless, Prime Minister Sarkissian has pledged to press forward with economic reforms, including privatization, and the creation of a more enticing environment for foreign investment.

Nagorno-Karabakh: Even before the September 22 election, the OSCE negotiations had stalled, with the sides far apart on the issues of Nagorno-Karabakh's status, the Lachin corridor linking Armenia and Nagorno-Karabakh, and the city of Shusha. In December 1995, Ter-Petrosyan had said that Armenia and Nagorno-Karabakh should display "a more flexible, more constructive approach" in the negotiations. Baku, for its part, had been hoping that a reelected Ter-Petrosyan would have a strong enough mandate to acknowledge Azerbaijan's territorial integrity, thus keeping Nagorno-Karabakh *de jure* within Azerbaijan and then negotiating the specifics of autonomy.⁶⁹

After the Armenian election, these prospects seem dim. Considering Ter-Petrosyan's damaged legitimacy and the opposition's criticism of Ter-Petrosyan for inadequately backing Nagorno-Karabakh, his mandate to make such a controversial concession—even had he considered it before—is much weaker.

⁶⁵ *Armenian Mirror-Spectator*, November 2, 1996.

⁶⁶ *Armenian Mirror Spectator*, October 18, 1996.

⁶⁷ Sander Thoenes, "Economic Cheer for Embattled Armenia," *Financial Times*, October 11, 1996.

⁶⁸ FBIS-SOV, *Daily Report*, November 4, 1996.

⁶⁹ Azerbaijan's Ambassador to the United States, Hafiz Pashayev, made this point in Washington at the School for Advanced International Studies' Center for the Study of Central Asia, October 23, 1996.

On October 16, Ter-Petrosyan's Senior Advisor Jirair Libaridian said there had been no progress in the OSCE talks.⁷⁰ He said he had warned Azerbaijani officials that any attempts to use internal difficulties in Armenia to pressure Yerevan on Nagorno-Karabakh "would produce the opposite result." Libaridian went on: "They are trying to persuade us to accept the territorial integrity of Azerbaijan. But we cannot accept that. Our position is this: first of all, security guarantees must be provided for Nagorno-Karabakh."⁷¹

Complicating matters further, Nagorno-Karabakh held a presidential election on November 24, despite criticism from the OSCE Minsk Group and various OSCE participating states.⁷² Robert Kocharian, who was reelected as president, has argued that no party in the conflict can be subordinated to another party, that enclave status is unacceptable and the people of Nagorno-Karabakh must determine the level of their security.⁷³ Nevertheless, in a conversation with Helsinki Commission staff in Yerevan on election day, he did not actually rule out "retreating from *de jure* [independence], if Azerbaijan retreats from *de facto* [independence]." On the other hand, since Armenia's election, he has said that the conflict could "drag on for years."

On October 27, President Ter-Petrosyan and Azerbaijani President Heydar Aliyev met in Moscow, where they stated their commitment to further talks and pledged to continue observing the cease-fire. All parties to the conflict have been under pressure to reach agreement on a declaration of principles before the December 3-4 OSCE Lisbon Summit. But on November 19, Armenian-Azerbaijani talks on a joint statement broke down, indicating Baku's failure to win recognition of Azerbaijan's territorial integrity.

This outcome justified worries voiced in Baku immediately after Armenia's election. Azerbaijani officials took some comfort in Armenia's public relations disaster, especially since Armenia and some of its supporters in Washington have portrayed Armenia as a beacon of democracy, compared to dictatorial Azerbaijan. On the other hand, Azerbaijan was concerned about instability in Armenia and that a politically weakened Ter-Petrosyan would be unable to negotiate seriously on Nagorno-Karabakh. Given reports about the importance of economic factors in Ter-Petrosyan's declining popularity, some officials in Baku hoped to entice Ter-Petrosyan to recognize Azerbaijan's territorial integrity by offering economic benefits, including possibly an oil pipeline through Armenia, after the concession is made. It seems highly unlikely, however, that economics will predominate over political considerations, at least in the short term.

⁷⁰ Interfax, October 17, 1996. Libaridian also mentioned technical issues slowing the talks, namely, impending changes in the co-chairmanship of the Minsk Group, in which Russia and Finland are the current co-chairs.

⁷¹ After the last round of OSCE talks in Moscow, an Armenian official said there had been no progress in the talks, and that Azerbaijan had become much more firm and "unwilling to compromise after Armenia's presidential poll, which had altered the balance of powers in the republic." (Itar-Tass, November 2, 1996) Of course, these remarks might have been aimed at pressuring the opposition to ease up on Ter-Petrosyan, but might well also reflect reality.

⁷² In a press release after the October 29-30 Minsk Group meeting, "concern was expressed about the intention to hold elections in Nagorno-Karabakh" and "at the fact that such elections might adversely affect the negotiations." Russia's Foreign Ministry noted that the decision to hold an election, when "almost one-third of Nagorno-Karabakh's population is outside the territory as refugees...challenges the international community, will complicate the talks and inflame an already explosive security situation."

Nagorno-Karabakh responded that the Minsk Conference mandate specifies that Nagorno-Karabakh will participate in negotiations in the capacity of "elected representatives," and rejected the idea that the election would prejudice the results of the Minsk Conference, or complicate the negotiations.

⁷³ *Monitor*, October 31, 1996. Kocharian had been elected president by Nagorno-Karabakh's parliament in December 1994.

As might be expected, all parties to the conflict contend publicly and privately that time is on their side, and they can afford to wait for concessions from their negotiating partners. But this basic disagreement notwithstanding, some elements of the conflict's dynamic seem clear to all. The more time passes without a resolution, the more difficult it will be for the Nagorno-Karabakh Armenians to imagine living under Azerbaijani rule. Maintaining Azerbaijan's *de jure* territorial integrity, however, is non-negotiable for Baku. Without an agreement, the cease fire all sides pledge to uphold has no firm basis and can fall victim to either side's conviction that continued talks offer no prospect of an acceptable deal or that resumed military action promises greater hopes of success. Meanwhile, neither Armenia nor Azerbaijan can devote the necessary resources and attention to state building, overcoming the legacy of communism and consolidating independence. Oil-rich Azerbaijan, located on the Caspian Sea, is placing great hopes on the developing Central Asia-Caucasus-Europe transit corridor. But this strategically important route and the attendant economic benefits will bypass Armenia without an accord on Nagorno-Karabakh, perhaps influencing perceptions of whose side time is on.

Georgia, along with Iran, is Armenia's vital lifeline to the world, the corridor for deliveries of energy and foreign aid. Good relations with Georgia are therefore essential for any government in Yerevan. Nevertheless, some of the 300-400,000 Armenians in Georgia have called for autonomy,⁷⁴ which would threaten Georgia with yet another separatist nightmare, after Abkhazia and South Ossetia.

President Ter-Petrosyan has offered no support to those demands. In June 1996, he visited Georgia, and together with President Shevardnadze, warned pro-autonomy Armenians to desist.⁷⁵ After the Armenian election, therefore, officials in Tbilisi were concerned about possible continuing instability in Armenia and Ter-Petrosyan's weakened position. They had favored a Ter-Petrosyan victory, considering his rivals more nationalist and less inclined to compromise.

Armenian-Russian Relations: Independent Armenia has maintained good relations with Russia, its traditional strategic ally. Unlike Georgia or Azerbaijan, Yerevan asked Moscow to keep troops stationed in Armenia.⁷⁶

In the run-up to the election, Armenia had concluded military agreements with Greece and Bulgaria, and though government spokesmen denied that the alliances were aimed against anyone, it was clear that Russia, Armenia, Greece and Bulgaria—historic allies in the ongoing struggle with Turks and Turkic influence in the region—were forming a united military front.⁷⁷ On September 19, 3 days before the election, joint Russian-Armenian military maneuvers began.⁷⁸

⁷⁴ The pro-autonomy organizations are called "Krunk" and "Dzhavakhk." *Armenian Mirror-Spectator*, August 17, 1996.

⁷⁵ According to a Georgian official, Ter-Petrosyan told the pro-autonomy groups that Georgians and Armenians "were to live together as it had always been." *Armenian Mirror-Spectator*, June 22, 1996.

⁷⁶ Jirair Libaridian confirmed as much in remarks at the Carnegie Endowment for International Peace in Washington in July 1996. He added that Armenian soldiers are encouraged to serve in these Russian units.

⁷⁷ Though the Dashnaks generally find virtually nothing in Ter-Petrosyan's policies to support, ARF leader Vahan Hovanesian—from jail—strongly endorsed Armenia's agreements on military cooperation with Greece and Bulgaria (*Golos Armenii*, September 21, 1996).

⁷⁸ Attending the maneuvers, apart from Ter-Petrosyan and other Armenian Government dignitaries, were Fedor Reut, Commander of the Russian Unified Group of Forces in Transcaucasia, Nagorno-Karabakh leader Robert Kocharian, and, interestingly, the Minister of Defense of Kazakhstan. *Respublika Armeniya* (September 20) reported that Armenia and Kazakhstan would in "the foreseeable future" conclude an agreement on military cooperation.

With specific reference to the election, Russian President Boris Yeltsin and Prime Minister Viktor Chernomyrdin endorsed Ter-Petrosyan while the joint military maneuvers were taking place. After the election, during the controversy over the vote count and the ODIHR assessment, the Russian delegation to the OSCE urged, at the October 22 meeting of the OSCE's Permanent Council, that "greater weight" be given to the view of Armenia's CEC in the ongoing dispute over the election, and warned the ODIHR against criticism that could have a "negative impact" on the domestic situation of post-Soviet states.⁷⁹ It should also be noted that the observers from the CIS Inter-Parliamentary Assembly gave the election good grades: "we did not observe any violations. Nor could there have been any, since the proxies of all candidates who were present ensured a high [degree of] mutual control."⁸⁰ However, CIS Inter-Parliamentary Assembly observer delegations—usually headed by a member of the Russian Duma—generally sanction any elections in the former Soviet republics.⁸¹

Russia has also provided significant loans and technical assistance in Yerevan's reopening of the Medzamor Nuclear Power Station, which was closed after the December 1988 earthquake. In a conversation with Helsinki Commission staff, Russia's ambassador in Yerevan pronounced himself, in general, quite satisfied with the state of bilateral relations. True, he acknowledged, Armenia has not pursued economic integration with Russia with the ardor of Belarus, Kazakstan and Kyrgyzstan. But the only real source of disagreement he could mention was Armenia's strict language law, which makes Armenian-language education compulsory for Armenians, although mixed-nationality couples can choose Russian-language education for their children. As there are no Russian-language institutions of higher learning in Armenia, people who want such education must go abroad.⁸²

Despite the close ties between Armenia and Russia, and despite the legacy of the Armenian Genocide, Yerevan has been seeking to establish, without preconditions, diplomatic relations with Turkey, Moscow's main rival for regional influence. Neither President Ter-Petrosyan's reelection, nor the controversial circumstances surrounding it, is likely to alter his consistent course of seeking normalization of relations with all neighboring states, and broadening his strategic options.

Armenian-Turkish Relations: Supportive of ethnically kindred Azerbaijan in the Nagorno-Karabakh conflict, Ankara has maintained that normalization of relations with Yerevan is impossible while Armenian forces occupy Azerbaijani territory. In solidarity with Azerbaijan, Turkey has blocked all land routes to Armenia, refusing, for example, even to allow humanitarian aid from the United States to traverse Turkish territory to Armenia.⁸³ Azerbaijan, which has been exploring various pipeline routes to transport its oil to Europe, has warned Turkey to reject Armenian overtures to delink the issues of Nagorno-Karabakh and Armenian-Turkish relations.

⁷⁹ *Monitor*, October 23, 1996.

⁸⁰ *Respublika Armeniya*, September 24, 1996.

⁸¹ Nevertheless, a group of Russian parliamentarians, including former Foreign Minister Andrey Kozyrev, wrote to Duma Speaker Gennady Seleznev, expressing concern about the events in Armenia. They urged an open investigation of reported election irregularities and called on Armenia's government to restore full civil and political rights. *Armenian Weekly*, October 19, 1996.

⁸² According to Interfax (April 4, 1996), reporting on the Russian presidential election, there are 12,000 Russian voters, i.e. citizens, in Armenia.

⁸³ For this reason, the U.S. Congress has passed the Humanitarian Aid Corridor Act, which bars U.S. assistance to countries that impede the delivery of U.S. humanitarian aid to third countries.

In April 1995, Turkey opened an air corridor to Armenia, but land routes remain closed. To help prod them open, and to improve general economic relations with Turkey, President Ter-Petrosyan's brother, Telman, headed a delegation to Istanbul in July 1996. Upon returning to Yerevan, he asserted that economic cooperation could precede the establishment of diplomatic relations. This perspective has won backing from Turkish businessmen in Kars, who have signed petitions to open the border and allow trade to develop.⁸⁴ In October 1996, Turkish Foreign Minister Tansu Ciller announced plans to open a border crossing with Armenia, between Kars and Armenia's city of Gyumri.

One month later, however, Turkish State Minister Namik Kemal Zeybek, on a visit to Azerbaijan, said that the Turkish-Armenian border cannot be opened unless Armenia withdraws from occupied Azerbaijani territories.⁸⁵ This back-and-forth game indicates the strong desire for normalized relations on both sides of the border, and the possibilities of cooperation if the Nagorno-Karabakh conflict were resolved. President Ter-Petrosyan will continue seeking ties with Turkey. But the controversy surrounding his reelection weakens his ability to negotiate on Nagorno-Karabakh, which dims prospects of establishing diplomatic relations, and it would be surprising if Ankara opened its borders with Armenia over Azerbaijan's strong objections.

U.S.-Armenian Relations: The U.S. Government, of course, had no announced favorite in the Armenian election, calling instead for a fair, democratic process. However, having been in power since 1991, Levon Ter-Petrosyan was well known to American policy makers, and had the reputation of a pro-market reformer who was open to compromise on issues like Nagorno-Karabakh and Armenian relations with Turkey. In his public utterances, he also distanced himself from the more nationalist positions of some of his opponents.⁸⁶ It was certainly the view of some opposition elements in Armenia that Washington very much wanted Ter-Petrosyan to remain in power.⁸⁷

The State Department's first comments on the Armenian election were based on the September 25 preliminary OSCE statement, which noted improvements in the administration of the election, as well as the reported violations, and concluded that the irregularities had "not materially affected the outcome." This statement was reportedly read in the Armenian parliament, while deputies were fighting and some were losing their parliamentary immunity before being arrested. The State Department also heavily criticized the opposition for storming the parliament, saying that violence has no place in a democracy.

But after the more critical, final OSCE statement (October 1), and the final OSCE report (October 14), the State Department issued a far more nuanced statement on October 22. Of particular importance was the Department's pointed failure to congratulate Levon Ter-Petrosyan, instead noting that "according to official sources," he was reelected, while opposition parties won 41 percent of the vote. The statement

⁸⁴ *Golos Armenii*, September 24, 1996.

⁸⁵ FBIS-SOV, *Daily Report*, November 4, 1996.

⁸⁶ In October 1995, for example, at a reception in Washington where participants criticized Turkey and Azerbaijan, Ter-Petrosyan said that "Armenia has no enemies," including those two neighboring states.

⁸⁷ Ashot Manucharian was only the loudest proponent of this view before the election. After the election, on September 23, pro-opposition demonstrators in Yerevan carried placards accusing the United States of "supporting dictatorship in Armenia."

mentioned the election's good points, such as improvements in the electoral process and a new CEC, but continued that "international observers, including the OSCE, reported that serious breaches overshadowed this progress." The statement also urged all sides to seek reconciliation, and called on Armenian authorities to ensure respect for due process and to adhere to international human right practices, including permission for the International Commission of the Red Cross to visit prisoners.

While not questioning the officially announced results, the statement noted that "Irregularities in balloting and vote tabulation, particularly in Yerevan, *remain a cause of deep concern.*"⁸⁸ This formulation presumably allowed for future expressions of concern, if not more serious actions, had Armenia's Constitutional Court annulled the election results.

In mid-November, a State Department delegation visited Yerevan, headed by the Special Advisor on the New Independent States, James Collins, who urged President Ter-Petrosyan and opposition leaders to engage in a dialogue. He called on the authorities to reopen opposition party headquarters and to give the opposition equal opportunities for access to television and radio. Collins promised continued U.S. support for building democracy and free markets in Armenia, but also noted that Washington would closely monitor the human rights situation and the government's commitment to resolving conflicts by peaceful means.⁸⁹

According to *Respublika Armeniya*, Collins gave President Ter-Petrosyan a letter of congratulations from President Clinton.⁹⁰ This claim has been repeated in the *Armenian Mirror-Spectator* (November 23, 1996), citing Armenia's official press agency, Armenpress. But as of late November, State Department officials deny that President Clinton had congratulated Ter-Petrosyan, and the Armenian Government has not published the text of the purported congratulatory letter.

On the Congressional front, the FY 97 foreign aid bill passed in September 1996 earmarked \$95 million for Armenia in fiscal year 1997, a \$10 million increase over the previous year, and a testament to Armenian-American clout. But Armenian-American groups are bitterly divided about Levon Ter-Petrosyan: the ostensibly non-partisan Armenian Assembly has been supportive, while the Armenian National Committee of America (ANCA), the American branch of the opposition Dashnak party, has been highly critical. Thus, the Armenian Assembly's October 2 statement expressed deep concern about the controversy and violence surrounding the election, and called for all charges to be heard in the relevant legal forum: "Armenia's legal system is the best available remedy." The ANCA, for its part, has denounced the election and has publicized reports of vote-rigging. Despite these differences, both organizations share the desire to secure U.S. assistance to Armenia. When Congress begins considering the next foreign aid bill in spring 1997, however, the ANCA will urge more aid for democracy building, to be delivered through NGOs, as opposed to the government.

⁸⁸ Emphasis added.

⁸⁹ *Armenian Weekly*, November 23, 1996.

⁹⁰ *Armenia This Week*, Friday, November 15, 1996.