

**ARMENIA'S PARLIAMENTARY ELECTION
AND CONSTITUTIONAL REFERENDUM
JULY 5, 1995
Yerevan, Armenia**



1995

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

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

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.

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This report is based on a Helsinki Commission staff delegation trip to Armenia from June 29 to July 6, 1995. Commission staff spoke with Armenian government officials--including President Levon Ter-Petrossyan, Speaker of Parliament Babgen Araktsyan, Foreign Minister Vahan Papazyan, and Senior Advisor to the President, Jirair Libaridian--and interviewed representatives of Armenian political parties, journalists, and candidates, as well as spokespersons of American non-governmental organizations in Yerevan. The Helsinki Commission would like to thank Ambassador Harry Gilmore and the staff of U.S. Embassy Yerevan, and the OSCE Parliamentary Assembly observer delegation, led by Danish Parliamentarian Annette Just.

SUMMARY

- On July 5, 1995, Armenia's voters elected a new parliament, in the country's first parliamentary election since becoming independent, and also cast ballots in a referendum on a new constitution. According to officially reported figures, turnout for the referendum was 55.6 percent; 68 percent of participating voters (and 37.8 percent of all eligible voters) voted for the constitution. Slightly fewer voters, 54 percent, cast ballots in the election.
- After years of wrangling between President Levon Ter-Petrossyan and opposition parties over competing constitutional drafts, Armenia's new constitution creates a strong presidency. Supporters of the draft argued that wide-ranging presidential powers were either necessary or no greater than those in other countries; opponents maintained the constitution gives the president too much power over the legislative and judicial branches of government.
- Armenia's new parliament has 190 legislators, of whom 150 were elected on a majoritarian system in single-mandate constituencies. Thirteen parties/blocs competed for the remaining 40 seats, which were allocated proportionally, based on party lists. The Republic bloc, led by President Ter-Petrossyan's Armenian Pan-National Movement, won at least two-thirds of the seats.
- The election was a multi-party, multi-candidate contest; participating parties and candidates represented widely divergent points of view, and had the opportunity to appeal to voters. Opposition parties frequently organized public rallies to make their case and to criticize the government and President Ter-Petrossyan, and did so in the press as well. Voter turnout and the involvement of the many local observers in polling stations testified to the electorate's active participation in the political process.
- Nevertheless, the ban imposed previously on the opposition party Armenian Revolutionary Federation (ARF, or Dashnaks) cast a shadow over the election and the referendum. On December 28, 1994, President Ter-Petrossyan charged that a secret organization called DRO within the ARF leadership was involved in assassinations, drug running, and corruption, and he suspended the entire party. On January 13, the Supreme Court ordered the ARF banned for six months, i.e., until July 13, 1995. The Dashnaks denied the allegations; they and other opposition parties claimed the president had moved to eliminate a rival party from participation in a key election.

- The ban on the ARF was one factor in the OSCE Parliamentary Assembly observer delegation's assessment of the Armenian election and referendum as “free, but not fair.” The evaluation also cited many reports by opposition candidates of intimidation and pressure to withdraw their candidacy, the Central Election Commission's arbitrary registration of candidates, and the pro-constitution position of the state-run mass media.
- With a supportive legislature, President Ter- Petrossyan is in a strong position to advance his agenda before the presidential elections scheduled for September 1996. On the other hand, he will not be able to point to parliamentary recalcitrance or gridlock should implementation of his program encounter difficulties.
- The new parliament's priorities include legislation promoting Ter-Petrossyan's economic reforms, specifically, broadening privatization to include larger-scale enterprises, and attracting more foreign investment. At the same time, to address crippling energy shortages caused by Azerbaijan's blockade, Armenia has restarted the Medzamor nuclear reactor and is going forward with a deal on natural gas with neighboring Iran.
- In the Nagorno-Karabakh conflict, a ceasefire has been in effect since May 1994. The contending sides have been negotiating a comprehensive political agreement, but are still far apart on key issues. Armenia has been taking part in OSCE talks about a peaceful resolution to the conflict, and President Ter- Petrossyan has pledged to continue this policy.
- The U.S. State Department's official evaluation of Armenia's election and referendum made no independent judgement as to whether they were “free and fair,” citing instead the assessment of international observers. On the positive side, according to the statement, observers praised the multi-party, multi- candidate nature of the election, the good access to polling sites for monitors, the transparency of the voting, the generally conscientious efforts to observe proper polling procedures, and the activism of the electorate. The negatives included observers' questioning of the inherent fairness of the election, due to the Central Election Commission's arbitrary rulings, the failure to register a number of opposition parties and candidates, the suspension of an important opposition party, and concerns that the vote count in the referendum was not transparent. “None-theless,” the statement concluded, “international observers saw the elections as an important step in Armenia's democratic development.”
- Armenia has so far, in the most difficult economic circumstances, impressively managed to combine stability, political pluralism and economic reform. But apprehensions are growing about realizing the high hopes this success has engendered. Apart from providing humanitarian and technical assistance, the United States is in a good position, through continued close interest, involvement and suasion, to help consolidate the development of democracy in Armenia.

BACKGROUND

Demography: Armenia is the smallest member of the Commonwealth of Independent States (CIS), bordering Turkey, Azerbaijan, Georgia, and Iran. According to the 1989 Soviet census, the population was 3.3 million. Since then, some 250,000 Armenian refugees have arrived from Azerbaijan. However, many Armenians have also left their homeland because of extremely difficult living conditions. The number of these migrants ranges from the official figure of about 50,000 to unofficial estimates of about one million people. Armenia's State Board for Statistics reported that the population as of January 1, 1995, was 3,754,300, but acknowledged that far fewer people actually live in the country.¹

Armenians have been Christian Orthodox since the fourth century A.D. Today, Armenia is the most nationally homogeneous of all the former Soviet republics. The titular nationality comprised over 93 percent of the population, according to the 1989 Soviet census; that figure is surely higher today, given the exodus since 1988 of Armenia's Azeri population of about 200,000, and the arrival of Armenian refugees from Azerbaijan.

Economy: Armenia is mountainous, landlocked, and resource-poor, especially with respect to energy. The Medzamor Atomic Power Station was closed after the devastating December 1988 earthquake for fear of a nuclear accident, making Armenia dependent on outside sources for energy. Because of the Nagorno-Karabakh conflict, Azerbaijan has blockaded Armenia, depriving the country of oil or gas through Azerbaijani territory. Turkmenistan has provided Armenia with natural gas, but the pipeline through Georgia has frequently been blown up over the past five years. Moreover, since the 1993 conquest by Armenian forces of Nagorno-Karabakh and surrounding Azerbaijani territory, Turkey has effectively blockaded Armenia, refusing to permit goods and humanitarian aid, from the United States, among others, through to Armenia.

The resulting energy crisis has been a constant feature of Armenian life; the country's inhabitants have endured freezing, dark winters, while industry has frequently been brought to a standstill. Consequently, Yerevan has decided to reopen Medzamor, despite the concerns of the international community and local environmentalists. The reactor is located in a seismically active region, and, according to technical experts, the Soviet design is deficient, with no containment facility.

Under these very adverse conditions, the government of President Levon Ter-Petrosyan has pursued market reforms, privatizing agriculture, housing, and small industry. Armenia introduced its own currency, the dram, in November 1993, and has actively sought foreign investment. In November 1994, Ter-Petrosyan won parliament's approval for an economic program, drawn up in conjunction with the International Monetary Fund, that emphasized further price liberalization, tax reform, deficit reductions, privatization and phasing out subsidies on goods, including bread prices. According to official figures, after severe economic declines in 1992 and 1993, output increased in 1994, with GNP rising by 5 percent, and up by 17 percent in the first half of 1995.²

Nagorno-Karabakh Conflict: In military terms, the Nagorno-Karabakh conflict was settled, at least for now, by the summer of 1993. Nagorno-Karabakh Armenian forces won a stunning victory, taking control of all of Nagorno-Karabakh and then going on to occupy more land outside the contested territory, estimated by Azerbaijan's government at 20 percent of the country.

In diplomatic terms, efforts by the CSCE's Minsk Group during 1993 and 1994 to prepare the ground for a peace conference foundered, partly due to Russian blandishments for an alternative negotiating track (even though Russia is a member of the Minsk Group). Moscow also insistently offered to provide peacekeeping forces, which Azerbaijan refused, demanding instead a multi-national contingent of peacekeepers. The only real accomplishment during this period was the May 12, 1994, Russian-brokered ceasefire agreement (the Bishkek Protocol), formalized in July 1994 by the defense ministers of Armenia, Azerbaijan and Nagorno-Karabakh.

In December 1994, the CSCE Review Meeting in Budapest agreed to make a Russian negotiator co-chairman of the Minsk Conference--in order to end Moscow's undermining of the Minsk Group--and, most important, to field a CSCE peacekeeping force for Nagorno-Karabakh once conditions permitted deployment. Since Budapest, however, progress in the newly renamed OSCE has been focused on working out logistical arrangements for the planned peacekeeping force. Though the ceasefire has largely held, the parties in the Minsk Group consultations have stuck to old positions, with Azerbaijan insisting on territorial integrity and Nagorno-Karabakh demanding the right of self-determination. One positive step was a May 1995 agreement brokered by the Red Cross for a partial exchange of prisoners and hostages.

Meanwhile, Nagorno-Karabakh, de facto long out of Azerbaijan's control, has been trying to establish its credentials and credibility as an independent state entity, holding presidential and parliamentary elections. Nevertheless, no member of the international community has recognized Nagorno-Karabakh.

Relations with Russia: Historically, tiny, Christian Armenia--bordering Muslim Azerbaijan, Turkey and Iran--has cleaved to Christian Russia, which has seen Armenia as its strategic ally in the region. Careful not to antagonize Moscow and to act within the existing legal framework, Armenia was the only former Soviet republic to exit the USSR in accordance with the Soviet law on secession, after a September 1991 referendum. When the USSR collapsed and the Commonwealth of Independent States (CIS) came into being, Armenia was one of the original signatories of the May 1992 Collective Security Treaty. Armenia and Russia jointly control Armenia's borders (the forces are half Russian, half Armenian) and, in March 1995, reached agreement on maintaining a Russian military base for 25 years in Gyumri, near the northwestern border with Turkey. There are some 14,000 Russian soldiers in Armenia, which pays half of the expenses for the bases.

The status of Russians and Russian-speakers, which Moscow has criticized (and used for strategic purposes) in other former Soviet republics, has not greatly complicated Russia's relations with Armenia. There were only about 50,000 Russians in Armenia, according to the 1989 Soviet census, and the Russian community has since decreased to 15,000. Those still in Armenia have founded organizations, such as Rossiya, Oda, and Harmony, which seek guarantees and support for Russian-language educational facilities.

Russia, meanwhile, has provided loans and credits, as well as technical assistance to reopen Medzamor (Western donors refused to help, arguing that the reactor should be shut down, not refurbished and reopened). The Russian Duma also adopted in April 1995 a resolution commemorating the Armenian Genocide, which gratified Armenia (and took a shot at Turkey). Most important in bilateral relations, however, Moscow has not actively sought to destabilize Armenia, as opposed to its actions in Georgia or Azerbaijan.

Politics: Spared the effects of Russian meddling, and thanks to its stability-oriented leadership and an opposition that has eschewed violence, Armenia has been far more stable than its neighbors. The country has avoided coups or secessionist campaigns or wars by national minorities, while generally safeguarding basic human rights and political pluralism. Parliament was elected in 1990, and Levon Ter-Petrosyan has been president since 1991. There are many political parties and groups, representing a broad spectrum of opinion, which they have been able to voice in the press.

But relations between the government and the opposition have nevertheless been extremely tense. A key bone of contention has been the Nagorno-Karabakh conflict, which played a crucial role in galvanizing Armenia's national and liberation movement. Opposition parties have criticized President Ter-Petrosyan, who came to prominence and power as a leader of the Karabakh Committee, for refusing to recognize the Republic of Nagorno-Karabakh, which declared independence in January 1992. Ter-Petrosyan has argued that such a step would put Armenia and Azerbaijan in a formal state of war.

Another source of discord is the president's policy of normalizing relations with Turkey without pre-conditions; the more nationalist opposition, especially the Armenian Revolutionary Federation (ARF, or Dashnaks), demands Turkish acknowledgement of responsibility for the 1915 Armenian Genocide. Other opposition parties part company with the ARF on this point, but have united with the Dashnaks around several other issues. They pressed for a constitutional convention, as opposed to Ter-Petrosyan's preference for a referendum on a new constitution; they have charged the government with suppressing and intimidating the opposition, while restricting its access to television; and they have leveled allegations of corruption against the ruling Armenian Pan-National Movement (ANM). More broadly, they have accused Ter-Petrosyan of concentrating power, to the detriment of the legislative branch and judicial branches.

Of all the opposition parties and organizations, the ARF has been the most problematic. The oldest Armenian political party, the ARF is strongly nationalist, socialist and well established in the far-flung Armenian diaspora. After the ARF's return to Armenia in 1991, relations between the party and Ter-Petrosyan deteriorated. In July 1992, he issued a controversial decree ordering the expulsion from Armenia of ARF Bureau Chairman Hrair Maroukhian, a Greek citizen who had come to Armenia for an ARF Congress. Since 1992, the ARF, along with other opposition parties, has called for Ter-Petrosyan's resignation, organizing rallies and demonstrations in support of that demand.

The general tenor of government-opposition relations deteriorated between 1992 and 1994, exacerbated by a series of unsolved assassinations (among the murdered were Armenia's former KGB chief and the Department Chief of the Yerevan Railroad). In 1994, however, the atmosphere worsened noticeably, with the opposition staging increasingly truculent rallies, while the press was subjected to intimidation. For example, the editorial offices of opposition newspapers (such as Azg, affiliated with the Ramgavar party), were ransacked, and editors and journalists were beaten. In October 1994, 20 Armenian news organizations signed a petition demanding that the government act to protect journalists.³

A key event was the December 1994 murder of the former mayor of Yerevan, Hambartsum Galstian, once an ally of President Ter-Petrosyan, who subsequently became one of his critics. On December 21, after vainly seeking a parliamentary resolution requesting that Ter-Petrosyan and/or the procurator general address parliament about the tense situation, the ARF, the National Democratic Union (NDU), and other opposition deputies stopped participating in the work of parliament.

The deterioration of relations between the authorities and the Dashnaks culminated one week later, in a December 28, 1994, television address by President Ter-Petrosyan. He accused the ARF's leadership of harboring since 1992 a secret organization (DRO) that engaged in assassinations, drug running, terrorism, and espionage, and was planning to destabilize the country by committing more murders. Ter-Petrosyan ordered the temporary suspension of ARF activities, including ARF newspapers, journals and cultural organizations, as well as some non-ARF cultural organizations.⁴ Over 20 ARF members were arrested, although the Dashnak faction in parliament remained in operation. Armenia's Ministry of Justice then asked

the Supreme Court to ban the ARF; on January 13, the Court did so for six months, citing violations of the law on political parties: non-citizens cannot be members of any political organization in Armenia, nor can a party's leadership be located outside the country. If the ARF brought itself into compliance with the law, the court ruled, it would be reinstated.⁵

The ARF denied the allegations, claiming that Ter-Petrosyan was actually moving to eliminate a popular rival from the upcoming parliamentary election. The Dashnaks also accused the authorities of abusing the 22 arrested ARF members, one of whom died in custody on March 16. Generally, defendants' access to attorneys has been restricted, and the lawyers themselves have reported harassment, intimidation and beatings.⁶

With relations between the authorities and the ARF continuing to deteriorate, President Ter-Petrosyan, in a May 18 address to parliament, openly charged the Dashnaks with murdering four individuals, including Hambartsum Galstian. He said the ARF "is not a political party, but rather a terrorist, fascist organization." Ter-Petrosyan promised that all the files on ARF terror would be made public, and said: "The entire ARF Bureau and about half of the Central Committee of Armenia, are responsible for the lowest acts of terror and political murder in Armenia.--we will not allow Armenia to be transformed into a country like Lebanon--terrorism in Armenia will be uprooted." Ter-Petrosyan said the entire state apparatus would be put into motion to explain what a danger had threatened Armenia, from which his ban of the ARF had saved the country.⁷ With parliament's newspaper publishing many purported secret documents detailing DRO structure, aims, methods, and operations, the government announced on June 22 that the case against DRO would begin July 7.

As the election campaign got underway, opposition groups protested the Central Election Commission's exclusion of parties and candidates, claiming the CEC had unfairly and arbitrarily ruled that their signature lists were forged or otherwise improper. On June 21, the growing tension erupted into violence, as demonstrators protesting the government's restrictions on the opposition were beaten and shots were fired (though nobody was wounded). In sum, the July 5 election took place in an atmosphere of deepening polarization in Armenia between the authorities and the opposition, while the Western press voiced concerns about setbacks in Armenia's democratization.⁸

ELECTION LAW

According to the election law, adopted by Armenia's parliament on April 4, Armenian citizens at least 18 years old and resident at least one year in the country could vote; citizens 25 years old who had lived in the country at least three years could run for office. Judges, employees of the procuracy and the directorate of national security, Interior Ministry troops, or soldiers could not run for parliament.

Voters could nominate candidates, as could registered political parties and public organizations, or coalitions. Parties needed 10,000 signatures to field a list of candidates; candidates needed at least 500 signatures to run for single district seats. Parties, blocs and individual candidates had to deposit ten times the minimum monthly salary with the electoral fund; the sum would be refunded to those who received five percent of the vote.

Supported by a special state fund, the Central Election Commission administered the election and any necessary run-offs or repeat-elections in the country's 150 electoral districts. President Ter-Petrosyan nominated the CEC chairman; parliamentary deputies nominated other members.

District and precinct election commissions were to include representatives of parties and blocs that were registered to participate in the election on the proportional system. District commissions registered candidates and observers, and supervised the work of precinct commissions. Precinct commissions compiled voter lists and also administered the actual voting and vote count.

Candidates who won the majority of votes, and at least 25 percent of the valid vote, won a parliamentary seat in the first round. If no candidate won 25 percent of the vote, the election was invalid, necessitating a run-off between the two highest vote-getters. Candidates running unopposed in a district needed at least 50 percent of the valid vote.

Parties/blocs needed at least five percent of the vote to gain representation in parliament. Seats were distributed among party lists in proportion to the number of votes their parties/blocs received.

DRAFT CONSTITUTION

As mentioned above, the government and the opposition had wrangled for years about Armenia's new constitution. Ter-Petrosyan argued that Armenia needed strong presidential power, while the opposition staunchly advocated a parliamentary republic. Various official and unofficial constitutional commissions produced drafts, reflecting these competing visions. The Supreme Council's Constitutional Commission finally approved on April 13, 1995, a draft for a referendum by the voters that gave preference to Ter-Petrosyan's position.

The constitution empowers the president to appoint and dismiss the prime minister and members of the government; he can also disperse the National Assembly and call special elections. The president exercises general management of foreign policy, and is commander in chief of the armed forces. Moreover, he appoints the president and members of the constitutional court, and can issue decrees. The president cannot be elected for more than two consecutive five-year terms; (s)he must be a citizen of Armenia and must have resided in the country for the preceding ten years.

Parliament's prerogatives include certifying the state budget, declaring war, ratifying international agreements, and voting no confidence in the government. Legislators may not occupy any state post, and cannot be prosecuted without the agreement of parliament. The National Assembly can remove the president by a two-thirds vote, after an appropriate finding by the Constitutional Court, "for treason and other serious crimes."

Apart from delineating spheres of authority among the branches of power, the constitution guarantees private property and human rights, specifically, freedom of movement, freedom of thought, conscience and faith, freedom of speech, freedom of association (except for those serving in the armed forces and law enforcement agencies), and freedom of assembly. National minorities have the right "to preserve their traditions and to develop their language and culture." A multi-party system is enshrined, but parties' "activity cannot contradict the constitution and the laws, nor can their structure and way of working contradict

the principles of democracy.” Parties, moreover, must “provide for the openness of their financial activity.” The rights and freedoms guaranteed may not be used for the purpose of “overthrowing constitutional rule by force,” “inciting national, racial or religious hatred,” or to “advocate violence or war.”

POLITICAL PARTIES

There are over 40 registered political parties in Armenia, but by election day, 13 parties/blocs had emerged and/or survived the election registration process to contest the 40 seats allocated for proportional voting. Below are sketches of those that subsequently passed the five-percent barrier, according to the official results.

- Republic bloc: The bloc representing the ruling party included the Republican Party, the Christian Democratic Union, the Hunchak Social Democratic Party, the Liberal Democratic Party, and the Union of Intelligentsia, but was led by the Armenian Pan-National Movement (ANM). Essentially President Ter-Petrosyan's party, the ANM grew out of the Karabakh Committee, which arose in 1987, calling for the unification of Nagorno-Karabakh with Armenia. The leaders of the Karabakh Committee, including Ter-Petrosyan, subsequently became the political elite of independent Armenia.

Republic's candidates featured central and local government officials, intelligentsia, prominent artists, and industrialists. The bloc ran on the record of the ANM and on the continuation of the policies of President Ter-Petrosyan, calling for: adoption of the constitution; creation of an independent judiciary; and the establishment of local self-government. In the economic sphere, Republic supported the completion of privatization for processing agricultural raw materials, small-scale and wholesale trade, and public catering and services, while keeping health care, education, communications, railroads and highways, airports, metro systems, and military industry largely in state hands.

Republic advocated normal relations with all neighboring countries as part of a balanced foreign policy, while preserving and developing the “special relationship with Russia.” The bloc urged the return of Armenian refugees to Nagorno-Karabakh, the consolidation of its self-determination, and support for its socio-economic development.⁹

- Shamiram: Featuring wives of government ministers and officials, as well as other prominent women, Shamiram, as explained by its leaders to Helsinki Commission staff, did not consider itself an opposition party. Hoping to foster centrism in parliament, its emphasis was on addressing women's issues, especially education, on a political level. Interestingly, Shamiram came into being only two months before the election; its foray into electoral politics, according to its chairwoman, was designed to “test its popularity.”
- Communist Party: The party opposed the draft constitution, arguing it created a “super-strong” presidency and had no provision for recalling deputies.¹⁰ Party spokesmen told Helsinki Commission staff the CPA supported a market economy, but opposed Ter-Petrosyan's economic reforms and privatization, describing the result as “not a market, but a bazaar economy, a nation of shopkeepers.” Most important, the communists saw Armenia's security as best guaranteed by a close political and economic alliance with Russia, in the form of a new union, “like a confederation,” with unified armies. An independent Nagorno-Karabakh (as well as Crimea and Transdnestria), would join the confederation.

- National Democratic Union: NDU's leader is Vazgen Manukian, erstwhile member of the Karabakh Committee, ally of Levon Ter-Petrossyan, and Minister of Defense, who later broke with Ter-Petrossyan and is now one of his severest critics. The party opposed the passage of the draft constitution, favoring instead a parliamentary republic. NDU spokesmen maintain that Nagorno-Karabakh may not remain within Azerbaijan, arguing that Ter-Petrossyan's position on this question was "changeable," but supports the president's policy of normalizing relations with Turkey without preconditions. Party representatives also backed the agreement to give Russia military bases, but stressed that it should correspond to international standards, i.e., should have been more beneficial to Armenia.
- Union of National Self-Determination: Led by Paruir Hairikian, who spent years in GULAG during the Soviet period for advocating Armenian independence, the party opposed the draft constitution for giving too much power to the president, too little to elected organs of local self-government, and ignoring the role of the Armenian Apostolic Church. UNSD pledged, upon entering parliament, to lobby for a Constitutional Convention. As for Nagorno-Karabakh, UNSD advocated its unification with Armenia, but "for diplomatic considerations," could accept its "temporary sovereignty." Though highly critical of the government's privatization programs, UNSD called for denationalizing the economy, except for those sectors vital to national security, where the state might retain temporary control.¹¹

CAMPAIGN

According to the chairman of the CEC, 1,369 candidates contested the 150 seats allocated to majoritarian races, or about nine candidates per seat; 570 candidates nominated by 13 parties competed for the 40 seats set aside for proportional races. The CEC chairman reported that 647 complaints and protests had been received throughout the campaign.

The election law obligated electoral committees and respective state bodies to ensure equal opportunity for parties/blocs and individual candidates, including equal use of state-owned mass media, within the limits of the election fund. Parties/blocs and individual candidates could use their own funds to buy additional air time and space in newspapers, but not more than twice the amount provided gratis.

The Republic bloc campaigned for the constitution and for votes on a program of stability and ANM achievements to date. President Ter-Petrossyan synthesized the essence of Republic's campaign, and added some observations of his own, in a pre-election- eve television address. He began by noting that Armenia, unlike other former Soviet republics, was holding elections on time, and then developed the theme of predictability and stability by comparing Armenia favorably to its neighbors: "we consider [it] our main achievement" that civil wars and constitutional crises have been avoided. "If other people had been in power," he said, quite possibly "what happened in Georgia and Azerbaijan could have been repeated here." The authorities had also established order, he continued, reminding voters that shooting in the streets used to be commonplace. Further, the president pointed to the government's economic achievements: as of early 1994, the economic crisis was over and the economy had stopped declining, making Armenia unique in this respect among former Soviet republics; inflation had been contained, the dram's exchange rate was stable, and the economic program adopted in December 1994 would improve people's lives.

Ter-Petrosyan strongly urged voters to approve the constitution, which, though not ideal, could “ensure stability and security for several decades at least.” He sought to assuage concerns about his concentration of power, arguing that the draft would actually weaken existing presidential prerogatives by requiring only a simple majority, instead of a two-thirds vote, to override a presidential veto or to demand the government's resignation. Nor would Ter-Petrosyan--facing presidential elections in September 1996--be able to dissolve parliament, as the new constitution forbids doing so within one year of parliament's election or during the last six months of a president's term.

Ter-Petrosyan dismissed the opposition as “a motley opposition mass,” incapable of uniting around a common idea. If the constitution did not pass and his critics came to power, he warned, they would move to settle scores, including among themselves, which would lead to “chaos, anarchy, and to total civil disorder.” Relations with neighbors would worsen, the Nagorno-Karabakh peace process would falter, and international financial organizations would stop aiding Armenia. In conclusion, Ter-Petrosyan urged voters to say “NO to all kinds of adventurists, who want to attain their personal ends at the price of the blood of the nation's sons,” and to pass the constitution and vote for the Republic bloc. “On this,” he said, “depends your independence, security and prosperity.”¹²

The parliament's daily newspaper Hayastani Hanrapetutyun [The Republic of Armenia] has a Russian-language edition [Respublika Armeniya], and is pro-government. It also printed the programs of the 13 parties/blocs that participated in proportional voting. But television, the most important source of news and information, and the most valued channel of outreach to the public, was tightly in government hands. Opposition parties reported having had access to the airwaves only during televised debates, at which all 13 parties could discuss their platform and ask for voter support. As mentioned above, candidates could also buy television time. One opposition leader, Paruir Hairikian, reported that when his free air time was scheduled, his statement was cut off by a blackout. When he subsequently purchased more air time, the second half of the program was blacked out.

Such claims by opposition activists were not uncommon; nevertheless, all mass media in Armenia operate in extraordinarily difficult conditions. Newsprint has become extremely expensive, both for publishers and readers; newspapers have, as a rule, very small circulation and are hard to find outside Yerevan. Television and radio are dependent on electricity, which is available only several hours per day--and even then there are blackouts. These conditions also characterized the campaign.

On June 15, 10 opposition parties (including the Communist Party as an associate member) announced they would act together, forming a coordinating council headed by NDU leader Vazgen Manukian. Accusing the CEC of refusing to register certain political parties and candidates, the participants rejected the draft constitution and called for a postponement of elections they claimed could not be fair.¹³ Nevertheless, they did not call for a boycott, and tried to coordinate their candidates. Opposition-oriented press, such as Golos Armenii [The Voice of Armenia]¹⁴ and Vremya [Time], among the Russian-language publications, gave voice to candidates and parties very critical of the government and its policies. Some parties, such as the Communist Party, had their own newspapers.

All parties/blocs and candidates held meetings with voters, when they could. Communist Party spokesmen, for instance, told Helsinki Commission staff that it had been difficult to set up meetings with voters in rural districts. With no electricity in the villages, meetings after dark were impossible; yet farmers' duties left them little time for electioneering during daylight hours. One urban candidate, a member of the Liberal

Democratic Party, allied with the ANM in the Republic bloc, reported on the following voters' concerns in his district: plans to make people pay for education; efforts to get money back from failed banks: and, "people are very unhappy about the attitude towards the population of those in power."¹⁵

OBSERVER

Representatives of Armenian political parties and candidates, as well as the mass media, could monitor the process, voting and vote count. The Washington-based National Democratic Institute (NDI) helped organize and train about 1,000 local observers, in a project called "Vote Armenia." These volunteers monitored the voting all over the country.

Armenia's Foreign Ministry also invited international observers to monitor the voting. Among the organizations which fielded observer delegations were the OSCE Parliamentary Assembly; the Council of Europe; the European Parliament; and the Commonwealth of Independent States (CIS) Inter-Parliamentary Assembly. In all, about 185 foreign monitors observed Armenia's election and referendum.

The OSCE's Office of Democratic Institutions and Human Rights (ODIHR, based in Warsaw), together with the United Nations, organized and coordinated the monitoring activities of many of the foreign observers. This was the first such OSCE-UN joint operation; another is planned for Azerbaijan's parliamentary elections in November 1995.

COMPLAINTS AND PROTESTS

The most controversial aspect of the election was the banning of the ARF. Dashnaks and other opposition parties claimed the ban was a pre-election ploy to eliminate a dangerous rival or was a larger attempt to get rid of the ARF--a party which, in their view, the ruling authorities see as essentially anachronistic, embodying a pre-modern ideology and modus operandi.¹⁶ Skeptics pointed to the July 5 date of the parliamentary elections, from which a six-month ban issued on January 13 would have excluded the ARF from participation. Moreover, the court case against DRO did not begin until after the election, thus making it impossible for the ARF to participate, even if the judicial system functioned with all due rigor, speed and impartiality, or if it vindicated the accused.

In his December 28 announcement of the ban, President Ter-Petrosyan emphasized that a small group of people in the ARF leadership was involved in DRO, and he specifically excluded the party's rank and file from responsibility and culpability, moral or legal, as it was unaware of DRO's existence.¹⁷ I am convinced-- that 90 percent of the party is not aware of the existence of a secret structure within the Dashnaksutiun." Among the 90 percent not in the know were the "rank and file and even a considerable segment of the party's leadership element," which "have not even had the slightest suspicion." Nevertheless, the entire party and its media organs were banned, as opposed to the criminal indictment of specific individuals. Asked by an election observer why this course was chosen, Ter-Petrosyan referred the questioner to the Supreme Court. However, he clarified that the ARF was in violation of the 1991 law which forbids parties from being financed from abroad, or from having their leadership located outside the country, and which requires that members of parties be citizens of Armenia.

According to ARF spokesmen, the party's leadership is located in various cities around the world, with the head of the Bureau, Hrair Maroukhian, currently in Athens. Moreover, not all ARF leaders are Armenian citizens. But by that standard, the Dashnaks had been in violation of the law since its passage; why wait until six months before a parliamentary election to invoke the law's penalties? In fact, when he expelled Maroukhian in June 1992, Ter-Petrosyan warned that the ARF was in violation of the law on parties, but no action was taken. Asked why he had waited, Ter-Petrosyan acknowledged that the Dashnaks had long been in violation of the law and subject to banning. But he said the government did not move, hoping the ARF would bring itself into compliance with the law.

President Ter-Petrosyan's Senior Advisor Jirair Libaridian subsequently elaborated on this argument. He told Helsinki Commission staff that the Ministry of Justice had informed the ARF in January 1994 of its non-compliance with the law.¹⁸ But the timing of the ban was eventually dictated by the December 1994 uncovering of DRO, its involvement in assassinations, its planned terrorist activities, and the government's determination to forestall any more killings and related destabilization. Libaridian--himself a member of the ARF for 25 years and intimately acquainted with its structure and methods--also argued that the entire party was tainted by DRO ("there was corporate guilt") even if Ter-Petrosyan had only singled out a small group of individuals in his December address.

But why ban the party for six months, just long enough to keep it out of the election? Why not ban it for three or four months, which would have theoretically given the ARF time to comply with the law, and field a list of candidates on July 5? Libaridian replied that the gravity of the charges warranted and necessitated a ban of six months.¹⁹

When asked by Commission staff, representatives of opposition parties, such as the NDU and the Communist Party, refused to take a position on the credibility of DRO-related charges against the ARF. But they maintained that the president did not have the right to ban an entire party without a court decision on the case that had led to its prohibition. Dispassionate observers and independent analysts will have to reach their own conclusions about the credibility and rectitude of the government's position on the ban of the Dashnaks.

Apart from raising questions about the ban of the ARF, observers strongly criticized the CEC, especially with regard to registering parties and candidates. According to the election law, appeals of rejected applications should have been addressed within 3 days. But the Chairman of the Supreme Court, responding to questions from election observers, confirmed previously reported complaints that only one court in all of Armenia was empowered to address protests about rejected signature lists. Given the number of petitions (described as "unexpectedly high"), the court proved unable to cope. The Supreme Court chairman conceded that the system designed to address problems in implementation of the election law and registration of candidates could not possibly function effectively.

Nor did it, according to a widely held view. The representative of NDI--who suspected that many signatures had, in fact, been forged or improperly collected by opposition parties and candidates--nevertheless concluded that the CEC and district electoral commissions inconsistently applied procedures and arbitrarily rejected candidacies. Nor, in his view, did the CEC conduct thorough investigations of signatures or complaints about rejected signature lists. Instead, the CEC failed to provide rejected candidates the necessary documentation. Consequently, over 500 candidates and at least five opposition parties/blocs were excluded, including the opposition National Union-Dashnak bloc, which had organized throughout

much of the country. The CEC's ruling--based on its claim that 400 of the bloc's 10,300 signatures were improper--barred the bloc's representatives from district and precinct election commissions, depriving the opposition of many supporters in these bodies.

On May 15, seven members of the CEC held a press conference to denounce the CEC for removing locally elected, opposition-oriented chairmen of six electoral districts, and replacing them with government supporters. The complainants alleged that the CEC's deputy chairman had personally selected 44 individuals from the Republic bloc to chair electoral commissions. Furthermore, they charged, the CEC had barred journalists and representatives of political parties from CEC sessions, except by "special authority."²⁰ One opposition member of the CEC reported how the CEC refused to discuss his discovery of falsified signatures by a Republic-backed candidate in electoral district No. 39, but refused to register an opposition candidate, in whose signature lists he and other CEC members had found no irregularities after checking addresses in four buildings.²¹

In fact, representatives of the CEC did not always make a good faith effort to let even a flawed system operate. During a July 4 meeting with observers, for example, the deputy chairman of the CEC explained that the CEC's representative did not appear at a court hearing on a candidate's protest of his rejection because "a close relative died." In other cases, the CEC's failure to send a representative to appear in court forced a postponement of the hearing until after the election.

Apart from the ban on the ARF and the CEC's performance, representatives of all opposition political parties interviewed by Helsinki Commission staff and the members of the OSCE Parliamentary Assembly observer delegation reported intimidation and threats to withdraw their candidacy. They also recounted government interference with their attempts to reach voters. The leaders of the Scientific Industrial and Civic Union (SICU), for example, related that soldiers had broken up a meeting with voters they had tried to organize in the city of Masis.²² NDU spokesmen said that people had tried to disrupt their meetings and there were occasional fistfights, but that the party had refused to let itself be provoked into major conflicts. Communist Party leaders related that over 30 of its candidates had yielded to pressure to withdraw their candidacy.

As for the constitutional referendum, opponents of the draft complained that the state-run media had presented a one-sided, pro-constitution approach to the voters, instead of explaining that voters had a choice. International observers found this charge convincing. In fact, the authorities printed and distributed some 150,000 copies of the constitution with a sample ballot inside that had the NO vote crossed out. The CEC also produced thousands of posters exhorting voters to adopt the constitution. Reportage on state-run media about the constitution, according to a study run by the European Institute for the Media, was overwhelmingly pro-constitution.

Spokesmen of many opposition parties also relayed their concerns about possible vote rigging, facilitated by the emigration of hundreds of thousands of Armenians, who nonetheless remained on the voter lists. In fact, the lists, according to representatives of various Western organizations, such as the International Foundation for Electoral Systems (IFES) and NDI, appear to have been inconsistently verified, or amended to reflect the absence of so many people.²³

VOTING

On election day, polling stations were open from 8 a.m. to 8 p.m. Helsinki Commission staff observed voting in various precincts in Yerevan.

Voters received three ballots: one for the referendum, one for proportional races, and another for majoritarian races, each colored differently. The referendum ballot, which asked whether voters approved of the constitution, had YES and NO boxes; voters were to cross out the option they did not want, leaving untouched the box expressing their preference.

The ballots in majoritarian elections listed in alphabetical order the candidates' names, party affiliation (if any), and current position; the ballots for proportional races listed the 13 parties or blocs, and the top three candidates in each. Voters crossed out the name of the parties/blocs or individual candidates they did not want, leaving untouched those they preferred. Ballots were invalid if they lacked the stamp of the election precinct and the signatures of members of the election commission, or if more than one name of a candidate or party/bloc had been left untouched.

Helsinki Commission staff and other observers saw large crowds of voters on election day. Moreover, while elderly voters are often more visible than younger people in other former Soviet republics, in Yerevan on July 5, there was no noticeable generational distinction among the electorate. In fact, polling stations could not accommodate the large numbers, and many people had to wait in line for quite a while. In the afternoon, therefore, the CEC decided to extend the voting time until 10 p.m. (Opposition activists later claimed the extension was actually designed to ensure that the referendum passed.)

All observers reported a certain amount of confusion among the voters and election commission workers. This was natural enough, considering that Armenia had not held pre-term elections or referendums since the October 1991 presidential election, reflecting the overall stability in the country. By contrast, in neighboring states, coups and other crises have necessitated calling voters to the polls several times.

Perhaps most striking was the abundance of observers in polling stations; in some polling stations, Commission staff saw as many as several dozen. While some simply sat and watched--or simply sat--others maintained a vigil, keeping careful track of how many voters dropped their ballots into the box.

Helsinki Commission staff observed no serious violations in the polling stations visited in Yerevan. Other observers, however, both foreign and local, reported various sorts of violations, ranging from the presence of pro-constitution posters in polling stations to open pressure to vote for particular parties or blocs.²⁴ The August 3 statement of the OSCE Parliamentary Assembly observer delegation noted shortcomings in conducting the voting, but considered them mostly the result of inexperience.

RESULTS

According to the CEC, 55.6 percent of Armenia's 2,189,804 eligible voters took part in the referendum; 68 percent of them voted for the constitution, 28.7 percent voted against. In order to pass, the referendum required only a simple majority in favor, as long as the YES votes equalled at least one-third of eligible voters. On this basis, the CEC declared the constitution adopted.

The CEC also reported that 54 percent of eligible voters took part in the parliamentary election. However, 411,743 ballots cast in proportional voting-- or about 25 percent--were declared invalid.

In the proportional voting for the 40 allocated seats, the ANM-led Republic bloc won 43.90 percent of the vote (20 seats). In a major surprise, Shamiram, a party created just two months before the election, won 17.35 percent (8 seats).²⁵ The Communist Party came in third with 12.44 percent (six seats), and the National Democratic Union and the Union for Self-Determination garnered three seats apiece. The other parties failed to break the five percent barrier for entry into parliament.

In majoritarian races for the remaining 150 seats, run-off and repeat elections were held on July 29. According to the CEC, all but 10 of the legislature's 190 seats are now filled, with decisions on the rest awaiting decisions by the Supreme Court. Estimates vary about the level of support in parliament for President Ter-Petrosyan, but many analysts believe he can count on a comfortable majority, at least two-thirds of the legislators.

CONCLUSIONS AND PROJECTIONS

Democratization: Armenia's first parliamentary election as an independent state was certainly a multi-party, multi-candidate contest. The various parties and candidates represented widely divergent points of view, and had the opportunity to appeal to voters. Opposition parties frequently organized public rallies to make their case and criticize the government and President Ter-Petrosyan--often using intemperate and provocative language--and did so in the press as well. Judging by the turnout, and the involvement of the many local observers in polling stations, the electorate took an active part in the political process, despite some predictions that difficult living conditions might produce apathy among the voters.

Nevertheless, the July 6 assessment of the OSCE Parliamentary Assembly observer delegation was that Armenia's constitutional referendum and parliamentary election were "free but not fair," i.e., voters could cast their ballots without impediment on July 5, but the conditions of the campaign did not let parties compete on an equal basis. Among other reasons for reaching its assessment, the delegation's statement noted: the ban on the entire ARF, as opposed to the indictment of individuals charged with crimes, removed a major opposition voice; accusations of violence and intimidation against independent candidates were sufficiently numerous "to raise reasonable speculation that such instances occurred"; the system to resolve complaints and grievances within the available time was inadequate; "grossly outdated" voter lists; and government broadcasting of information biased in favor of the draft constitution.

The final OSCE/UN statement (August 2) noted approvingly the participation of many political parties, but emphasized problems with the CEC, notably: its selective and inconsistent application of the law, especially with regard to the registration of opposition candidates; its failure to cooperate with the legal process in resolving complaints--not one court case filed against the CEC had been resolved as of August 2; its issuance of information about the results of the referendum and proportional voting over the protest of some members of the CEC; and, the failure to publish the voting results at the district level, as well as the lack of access of some CEC members to official protocols for over a week. In its recommendations, the OSCE/UN statement clearly implied that Armenia's CEC is a political, and not independent, body.

The Helsinki Commission shares these assessments. In general, Armenia has so far, in the most arduous economic conditions, impressively managed to combine stability, political pluralism and economic reform. But apprehensions are growing--and not only among opposition parties in Armenia--about realizing the high hopes this success has engendered.²⁶

Speaking to election observers on July 4, Foreign Minister Vahan Papazyan said that Armenia is “a partially democratic society,” which is trying to become a “full member of the civilized world.” He asked observers to compare Armenia to countries “in its neighborhood,” which include “Iran, Turkey, Iraq and Syria.” For its neighborhood, he concluded, Armenia is “a relatively democratic country.”

PRESIDENT TER-PETROSSYAN

Having for all intents and purposes swept the opposition from the field, President Ter-Petrosyan is clearly the country's most powerful politician, and has virtually full freedom of maneuver. The passage of the constitution has strengthened his presidential prerogatives, he can count on a supportive parliament--even if differences appear among those parties that united in the Republic bloc--and he can expect to exert significant influence who, on the other hand, will not be able to point to parliamentary recalcitrance or gridlock should the implementation of his program run into difficulties. Ter-Petrosyan now has every opportunity to deliver on his agenda, as the September 1996 presidential election approaches. So far, only one opposition politician, Paruir Hairikian, who came in second in the 1991 race, has announced his candidacy.

GOVERNMENT-OPPOSITION RELATIONS

President Ter-Petrosyan's position is so strong that he can choose to ignore the largely powerless opposition, or to reach out to it, if the opposition is willing to be cooperative. Complicating this latter option is the view of various opposition groups that the election was fraudulent. The Armenian Democratic Liberal Party charged that the official results “do not correspond to reality” and the party does “not recognize the legitimacy of the official results.” The Scientific and Industrial Civic Union (SICU) issued a similar statement.²⁸ Paruir Hairikian, leader of the UNSD, has also challenged the results.

On July 13, the ARF Bureau said that the “official results do not reflect the will of the people” and “do not correspond to reality.” The Dashnaks have effectively been removed from the political arena, and ARF-government relations are not likely to improve soon. While the ban on the party was scheduled to expire on July 13, it remains in place. The Ministry of Justice explained that foreign citizens are still members of the ARF Bureau and Central Committee, and wants documentary proof that this is no longer the case.²⁹

Moreover, on July 29, Armenian authorities announced the uncovering of a group on July 28, which had allegedly planned to kill high government officials, undermine political stability, and “jeopardize the election outcome and democratic reforms.” After a shoot-out, nine members of the group were arrested, including Vahan Hovanissian, a member of the ARF Bureau. The government contended that the group was allied with DRO, and concluded that the ARF “is not going to contribute to normal political processes, indulging itself in using all possible means, including assassinations, in order to attain its narrow political

goals....regardless of its activities or prestige abroad, "Dashnaktsutyun" is no longer a political party, in the main sense of the word, in Armenia."³⁰ Armenia's Security Council compared the aborted terrorist actions planned by the group to the March 20 poison gas attack in Tokyo, and to the bombing in Oklahoma city.

The trial of DRO started on July 7, but was postponed until August 7 to let some of the accused change their attorneys. With the July 28 arrest and charges of new terrorist actions, more trials can be expected, and it remains to be seen whether/when the ARF will be re-registered. Party spokesmen have denied the latest allegations of terrorist activity, accusing President Ter-Petrosyan of seeking to eliminate the party altogether from Armenia. Given these circumstances, the Dashnaks will have to decide whether to continue to operating in Armenia, and, if so, what methods to use.

Remaining a part of Armenia's political process will, first of all, mean complying with the provisions of the country's law on political parties. More generally, the ARF will have to contend with its own traditions, history and beliefs, and reputation for militancy. For example, Eduard Hovannissian, the ARF representative in Moscow, gave a press conference in Moscow on January 21, 1995, at which he made the following statement: "We are a political party which protects the interests of the Armenian nation. The ARF does not recognize other principles, such as the protection of human rights, democracy, etc." Furthermore, "If the Karabakh issue or any other issue cannot be solved within the law, the law should be changed or the issue should be solved avoiding the law. This is the revolutionary character of our party. This also includes shooting and terrorism, and we do not exclude it, it can happen."³¹ The public espousal by party representatives of such ideas--which directly contradict and are at odds with the most basic principles of the Helsinki Final Act and the Helsinki Process--undermine the credibility of the ARF's protestations about non-involvement in terrorism, and raise questions about the party's role in the long, hard task of building a democratic, civil society.³²

Whatever the ARF does, other opposition parties will remain active, but even with the best will and behavior on all sides, efforts at reconciliation will have to overcome Armenia's deeply polarized politics. Informal contacts and discussions between the government and the opposition reportedly continue, but on the plane of public discourse, as reflected in the official and opposition press, relations are abysmal.³³ In the prevailing atmosphere of mutual demonization, there appears to be a total absence in Armenia's political class of trust or willingness to give the other side the benefit of the doubt on any issue of policy or politics.

One manifestation of this distrust was the unusually high number of observers in polling stations on July 5. On the one hand, their presence indicates a heartening sense of political engagement among the electorate. But their abundance also signals a belief--explicitly expressed by several observers to Helsinki Commission staff--that without strict oversight, the authorities could not be trusted to run a free and fair election.

The opposition, for its part, though convinced the government ran an unfair election, could have done more to enhance its electoral prospects. As President Ter-Petrosyan said in his pre-election-eve television address, Armenia's opposition parties remain fractured, and were unable to coalesce even around the goal of defeating the ANM.³⁴ Late in the campaign, they tried to unite, but for the most part, they attacked government policies and performance, without offering clear alternatives. In this respect, all sides can learn from the lessons of the 1995 campaign in upcoming municipal and presidential elections.

Future campaigns, however, will also face the problem of state control of radio and television. A researcher for the European Institute for the Media told election observers on July 4 that the government “says it pays the bills and can determine the content.” An unfortunate, mitigating factor is that only 17 percent of the population gets electricity and can watch television in Armenia today, but state control of television is a common problem in the former Soviet republics.³⁵ In Armenia, until television is privatized and opposition-oriented parties and/or individuals can finance channels that reach the entire population--assuming the necessary electricity--or unless the government gives more air time to the opposition, the state will retain control of the country's most powerful medium of communication and influence, and the opposition will continue to cry foul.

DOMESTIC POLICY

Grant Bagratyan has retained his position as prime minister, and Babgen Araktsyan was re-elected Speaker of Parliament, making for continuity in the executive and legislative branches. The newly elected parliament accepted the 1995-1999 economic program Bagratyan presented on July 28, which aims at raising gross domestic product by about 10 percent a year and bringing down inflation to 5 percent a year. Most industrial enterprises are scheduled to become privatized by mid-1996.

A key government objective in the immediate future will be to alleviate the effects of the upcoming winter on the population, which has endured extremely severe conditions the last several years. In June, the authorities restarted Medzamor, and have promised that next winter will be much more tolerable, although residents of apartment buildings will have to pay for heating.³⁶

President Ter-Petrosyan has already embarked on structural changes in the government, cutting some ministries and agencies and renaming others. In his first address to the new parliament, he singled out two other spheres requiring urgent legislative regulation: regional and local self-government, and reform of the judicial system, which would effectively remake all three branches of government.

Should the government succeed in stabilizing the energy sector and reliably providing heat and electricity, and if economic prospects seem promising, perhaps Armenians who have left the country will consider returning. Spokesmen of various political parties voiced concern about the large emigrant population, whom they described as particularly enterprising and talented--precisely the people a young, developing state needs most.

FOREIGN POLICY

The victory of the Republic bloc will allow President Ter-Petrosyan to continue his policy of normalizing ties with neighboring states. These include Iran, which has become Armenia's second largest trading partner after Russia, and offers a vital source of energy.³⁷ A May 1995 accord with Iran on a natural gas pipeline aims at supplying Armenia's needs for 20 years, and the two countries have agreed to build hydroelectric power stations on the Araks River, which will ease Armenia's electricity shortages.

Turkey has thus far refused to establish diplomatic relations with Armenia. With the Dashnaks virtually excluded from parliament, Ter-Petrosyan will have a freer hand in seeking normal relations with Ankara, without preconditions.³⁸ In June, a Turkish delegation, headed by the mayor of one of Istanbul's districts, arrived in Yerevan at the invitation of Yerevan's mayor. On June 29, the Turkish delegation visited

Armenia's Genocide memorial, where it laid a wreath--reportedly, the first time that a Turkish official has in any way acknowledged the Genocide. Moreover, Turkey has opened an air corridor to Armenia, breaching its own blockade, and on July 12, Turkish Prime Minister Ciller, returning to Ankara from Baku, flew through the corridor through Armenia. Despite these small advances, however, Turkey's land blockade against Armenia remains in effect. Lifting it would signal a substantive improvement in relations, which would greatly widen Armenia's diplomatic and economic options.

While developing relations with its southern neighbors, for Armenia, the "special relationship" with Russia, as described in the Republic bloc's platform, remains key. Russian relations with the current regime in Yerevan appear to be quite satisfactory to Moscow.³⁹ The military basing agreement with Armenia, along with Russian bases in Georgia, gives Moscow important strategic assets in the region. These, along with Russian participation in border controls in both countries, lets Moscow demonstrate to Turkey, in particular,⁴⁰ but also to the United States, its determination to retain strategic control of the USSR's southern positions. For Armenia, a strategic alliance with Russia offers some assurances of security in a rough neighborhood (although Russia has aided both sides in the Nagorno-Karabakh conflict). While other options would probably be welcome, if only to lessen Yerevan's dependence on Moscow, seeking them out too avidly could risk drawing growls from the bear.

NAGORNO-KARABAKH

Armenia's relations with Azerbaijan, of course, hinge on a negotiated settlement of the Nagorno-Karabakh conflict. Azerbaijan continues to insist on territorial integrity, offering Nagorno-Karabakh a "high level of autonomy," and tempting Armenia with talk about a possible oil pipeline through Armenia if the deal is accepted. The Nagorno-Karabakh Armenians, for their part, continue to demand recognition of their independence. Armenia says it is not a party to the conflict, and will accept any arrangement reached between Baku and Stepanakert; to that end, Armenia will continue to participate in OSCE consultations in the Minsk Group, while continuing to provide support to Nagorno-Karabakh. Armenian Foreign Minister Papazyan told election observers that while most of a comprehensive political accord is agreed, he was "not very optimistic" that the remaining stumbling blocks could be overcome. Still, he was hopeful that the ceasefire would continue, which would create the grounds for a withdrawal of forces and a lifting of the blockade.

For Baku, de jure territorial integrity seems non-negotiable; unless recognition of de jure independence is no less non-negotiable for the Nagorno-Karabakh Armenians--which would appear to lead to an impasse-- they might be able to accept de facto independence. But their security from future Azerbaijani military attacks is surely not negotiable, and arranging acceptable security guarantees is problematic. After years of war and bloodshed, they have no reason to trust Azerbaijan, and after watching the haplessness of the United Nations in Bosnia, they have even less reason to rely on the international community. Azerbaijan, for its part, has no Russian troops on its soil, and does not trust Russian offers of peacekeeping forces. Unless the OSCE can carry out its program of creating an international contingent of peacekeepers, and is prepared to leave them in the region for a long while, the status quo may remain in place for the foreseeable future. Meanwhile, Armenian control of Nagorno-Karabakh and large swathes of surrounding Azerbaijani land puts Azerbaijan under greater pressure, at least in the near term, to alter the status quo by some means.

IMPLICATIONS FOR THE UNITED STATES

The United States has actively sought a negotiated resolution of the Nagorno-Karabakh conflict. Stepping up U.S. involvement and visibility, President Clinton on July 12, 1995, nominated Joseph Presel, the State Department's Coordinator for Regional Affairs in the Newly Independent States, as Special Negotiator for Nagorno-Karabakh.

With respect to Armenia's election, referendum and democratization, the State Department on January 6, 1995, said it could not comment on the allegations against the ARF or its suspension, but called on "all countries, including Armenia, to observe internationally recognized human rights, including the right of people to freely associate and organize political parties." On January 18, the Department issued a statement expressing concern about the charges of criminal activity against the ARF, and about the suspension of the party and its newspapers, which "runs counter to the established principles of democracy and free speech." The statement urged the government and the ARF to "begin a dialogue" that would allow the Dashnaks to "conduct legitimate political activities."⁴¹

On June 9, however, President Clinton's Senior Advisor George Stephanopolous went much farther, in remarks made in Los Angeles: "The banning of the leading opposition party, the Armenian Revolutionary Federation, the closing of more than a dozen newspapers, the jailing of independent political voices, and suspect prison conditions all raise questions about the Armenian government's commitment to democracy and human rights. We believe the ARF should be reinstated...Our relationship with the Armenian government and any future government will rest in large part on its commitment to democratic principles and human rights."⁴²

By contrast, the State Department's official statement on Armenia's July 5 election and referendum made no mention of the ARF. Nor did it judge whether they were "free and fair," relying instead on the views of international observers. The statement reported on the observers' praise for "the activism of the voting population and the transparency of the voting," the "good access to polling sites for local and international monitors" and the generally "conscientious efforts by Armenian election officials to adhere to proper polling procedures." Further, "several opposition parties and candidates were able to mount credible campaigns." However, the statement noted, observers pointed to poor control of ballots and voter registration, intimidation in some districts and irregularities in military units and hospitals. Furthermore, "observers questioned the inherent fairness of the elections" due to the CEC's "arbitrary interpretation of the election law, the failure to register a number of opposition parties and candidates, and the suspension of an important opposition party," as well as voicing concerns that the tabulation of votes on the constitution was not transparent." Nonetheless, concluded the statement, "international observers saw the elections as an important step in Armenia's democratic development."

The United States has a strong stake in Armenia's independence and prosperity. Though living standards for the population are onerous today, Armenia has laid the basis for a free market system, and political pluralism has endured. In the effort to build on and expand these achievements, Armenians can count not only on their own fortitude, but also on their co-nationals in the diaspora, especially in the United States, who are passionately devoted to their homeland's well-being. The United States, apart from providing humanitarian aid and technical assistance, is in a good position, through continued close interest, involvement and suasion, to help consolidate the development of democracy in Armenia.

ENDNOTES

1. Armenian Mirror-Spectator, March 11, 1995.
2. Foreign Broadcast Information Service (henceforth FBIS), May 26, 1995, p. 71.
3. FBIS, October 31, 1994, p. 74. The New York- based Committee to Protect Journalists concluded that in Armenia in 1994, “instances of violence against journalists by authorities increased.” *Attacks on the Press in 1994: A World Survey*.
4. The authorities closed the ARF-related Armenian Relief Society, the Hamazkayin Educational and Cultural Association and the Homenetmen Athletic and Scouting Club. Among the publications shut down were Yerkir, the country's largest daily newspaper, Azatamart, Aragast and Munetik (weeklies), Nork (monthly), and Marzashkar, (a sports journal); in all, nearly a dozen publications ceased functioning, many of which merely had Dashnak editors. Nork and Marzashkar resumed publication in March. Levon Zurabian, Assistant to President Ter- Petrossyan, wrote on February 21, 1995, to William Orme, Executive Director of the Committee to Protect Journalists, that “all suspended publications were ARF- financed, whether formally belonging to the ARF or not. All publications which have ARF members as editors are ARF controlled or managed, whether the ARF officially and publicly recognizes this fact or not.”
5. The Ministry of Justice also charged the ARF with violating its own charter by harboring a secret organization, but the Supreme Court did not rule on this allegation, pending the results of the investigation. *A White Paper on the Suspension of the Armenian Revolutionary Federation's Activities in the Republic of Armenia*, Embassy of the Republic of Armenia, Washington, January 20, 1995.
6. The Noyan Tapan News Agency reported on March 23 that about a dozen individuals in military uniforms beat up attorneys defending some of the accused in the DRO case. Attorneys also reported threatening phone calls, warning them to stop defending their clients. The Executive Council of Armenia's College of Advocates adopted a resolution assessing these events as an effort to impede the defense of those arrested on DRO charges, and decided to hold a one-day strike in protest.
7. Press release, Armenian National Committee/Eastern United States, May 19, 1995.
8. For example, Fred Hiatt, “Many Ex-Soviet Republics Find Democracy Elusive,” *Washington Post*, June 8, 1995; Daniel Sneider, “Democracy Teeters in Three Ex-Soviet States,” *Christian Science Monitor*, May 30, 1995.
9. FBIS, June 16, 1995, p. 98-101.
10. In fact, the Communist Party's faction in parliament voted for the draft constitution, for which the central committee excluded six members, who thereupon formed their own faction.
11. *Respublika Armeniya*, June 30, 1995.
12. The speech was published in *Respublika Armeniya*, July 4, 1995.
13. FBIS, June 16, 1995, p. 96.
14. Strongly oppositionist Golos Armenii, whose editorial offices were ransacked in September 1994, has been fighting an order to leave the Press Building, despite--the newspaper claims--a rent agreement valid until 1996. This dispute led to Golos Armenii's closure on May 11, provoking accusations of government pressure on an opposition newspaper. Golos Armenii resumed publication on May 23, after President Ter-Petrossyan requested the suspension of eviction proceedings until after the election.

15. Maximum, June 11, 1995.
16. Vahan Hovanissian, a Dashnak leader, put it this way: "Dashnaks are an openly nationalist party, professing an openly nationalist ideology," while Ter- Petrossyan "says nationalist ideology is a false political category," and wants to "dismantle parties that are ideologically based." *Armenian Weekly*, July 15, 1995.
17. "I am convinced--that 90 percent of the party is not aware of the existence of a secret structure within the Dashnaktsutiun." Among the 90 percent not in the know were the "rank and file and even a considerable segment of the party's leadership element," which "have not even had the slightest suspicion."
18. The Supreme Court can ban a party for up to six months once an official warning has gone unheeded.
19. Levon Zurabian, Assistant to President Ter- Petrossyan, in his letter to the Committee to Protect Journalists, rejected any inference that the government's actions might have been related to the upcoming election as "to say the least, naive.--The ARF itself had recently determined that as an opposition party it could not hope to get more than 15 percent of the popular vote."
20. *Armenian Weekly*, May 20, 1995.
21. *Golos Armenii*, July 1, 1995.
22. *Golos Armenii* reported on this incident in its July 4, 1995, issue.
23. The final report of the OSCE Parliamentary Assembly (August 3) shared this assessment.
24. On July 28, the Noyan Tapan news agency reported on a large number of violations observed by Vote Armenia, including violence against voters in several precincts.
25. In his pre-election-eve address, President Ter- Petrossyan doubted that recent entries in the political arena would win many votes, as opposed to parties that had a record of activity. Nevertheless, Shamiram--led by the wives of ministers and other government officials--confounded the president's expectations.
26. See, for example, Beth Knobel, "Armenian Crackdown Worries U.S.," *Los Angeles Times*, January 29, 1995; Felix Corley, "Crackdown in Yerevan," *Wall Street Journal (European Edition)*, January 24, 1995; Chrystia Freeland, "Economic Reforms Prompt Hopes of Renaissance," *Financial Times*, June 7, 1995; Alan Philips, "Elections Pave the Way for Armenian Dictatorship," *Daily Telegraph (London)*, July 5, 1995; Chrystia Freeland, "Armenian Elections Test Fragile Democracy," *Financial Times*, July 5, 1995.
27. Prof. Herman Schwartz, an American expert on constitutional law who studied the draft, concluded that "the draft constitution establishes what is probably the strongest presidency anywhere in the Western world." Chrystia Freeland, "Armenian Elections Test Fragile Democracy," *Financial Times*, July 5, 1995.
28. Neither of these parties broke the five percent barrier, according to the official results.
29. Noyan Tapan News Agency, *Armenian Weekly*, July 22/29, 1995. FBIS, August 3, 1995, p. 95.
30. FBIS, August 3, 1995, p. 95. The official communique also noted that "statements in support of "Dashnaktsutyun" by representatives of several foreign states who had good intentions, contributed to the

overconfidence of its [ARF] leaders, increasing their trust in their untouchability.” Whenever the Armenian government uncovers the ARF's unlawful activities, the statement continued, “it is pressed by various organizations in the name of human and civil rights,” and concluded that “Armenia hopes to cooperate with those countries and governments which consider their duty to struggle against international terrorism, a peculiar manifestation of which is the ARF-DRO phenomenon.” The ARF maintains that Vahan Hovannissian, contrary to the impression conveyed in the official communique, was actually arrested at his home, not after a shoot-out.

31. Hayastani Hanrapetutyun [Respublika Armeniya], January 26, 1995, as reported in the Daily News Report from Armenia, Armenian Assembly, January 26, 1995.

32. According to ARF sources, Hovannissian subsequently maintained in a Dashnak publication that his statements did not reflect the views of the ARF, and revealed that he was disciplined by the party.

33. Vice President Gagik Arutyunian agreed with this assessment in a July 4 interview in Respublika Armeniya: “I don't consider the current relations between the authorities and the opposition normal; [there is] a great deal of poison and hatred--too much.”

34. Ter-Petrosyan said “in proportional elections, they come out with 10 party lists, and should have come out with one--in 150 majoritarian districts, they come out with different candidates.” Respublika Armeniya, July 4, 1995. Neither of these parties broke the five percent barrier, according to the official results.

35. By way of illustration, NTV's critical reportage on the war in Chechnya offered an alternative viewpoint for Russians who otherwise would have to watch the officially-controlled Ostankino, and exposed the independent station to severe government pressure.

36. Respublika Armeniya, July 5, 1995.

37. FBIS, May 9, 1995, p. 90.

38. In fact, the ban on the Dashnaks, who harbor territorial claims against Turkey, can only appeal to Ankara, and, less directly, to Azerbaijan. Helsinki Commission staff traveled to Georgia and Azerbaijan after leaving Armenia to discuss preparations for those countries' parliamentary elections in November. The Deputy Speaker of Azerbaijan's parliament, when told of observers' concerns about the banning of the ARF without a court decision on DRO, asked: “Who needs one? Everyone knows what kind of party the Dashnaks are!”

39. President Ter-Petrosyan in his December 28 address acknowledged the contribution of the Russian Federal Intelligence Service in uncovering DRO.

40. The Russian Duma's resolution on the Armenian Genocide referred to “historic Armenia,” which Turkey could not fail to interpret as Russian support for Armenian territorial claims against Turkey.

41. The ANM, along with the Armenian Republican Party, the Democratic Liberal Party, and the Hunchak Party, called the State Department statement “interference in the internal affairs of the independent Armenian state,” as well as “acceptance of international narcotics trafficking and terrorism.” Hayastani Hanrapetutyun, as reported in the Armenian Assembly's Daily News Report from Armenia, January 24, 1995.

42. Press release, Armenian National Committee of America, June 12, 1995. The ANCA is the U.S. affiliate of the ARF.