

**REPORT ON  
THE 2003  
PRESIDENTIAL AND PARLIAMENTARY  
ELECTIONS IN ARMENIA**



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

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**Commission on Security and Cooperation in Europe**  
**234 Ford House Office Building**  
**Washington, DC 20515-6460**  
**(202) 225-1901**  
**[csce@mail.house.gov](mailto:csce@mail.house.gov)**  
**<http://www.csce.gov>**

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# ARMENIA'S PRESIDENTIAL ELECTION

## FEBRUARY–MARCH 2003

### EXECUTIVE SUMMARY

- In February and March 2003, Armenia held its fourth presidential election since independence. According to the official results, President Robert Kocharian won re-election in two rounds, defeating challenger Stepan Demirchian 67.4 percent to 33.5 percent.
- Despite the official tallies, Kocharian's re-election was difficult. He failed to win over 50 percent of the vote in the February 19th first round, necessitating a runoff with Demirchian—the first time a sitting president in the Caucasus has been forced to a second round.
- The opposition organized large anti-Kocharian demonstrations in Yerevan before the first round. Some opposition leaders made threatening statements, warning, for example, of violence if Kocharian tried to rig the vote.
- Considering the opposition's inability to rally around one candidate, Armenia's record of poor elections and Kocharian's hold on the state apparatus, his failure to win a first round victory was surprising. His agreement to participate in a runoff may have been a concession to widespread opposition sentiment and concern that claims of outright victory in an increasingly tense, polarized atmosphere might have led to major confrontations.
- Nevertheless, the authorities did not flinch during the second round. In the interim, some 200 opposition supporters were detained for participating in demonstrations. About 80 of them received prison terms, often in closed hearings without benefit of counsel.
- OSCE observers concluded that both rounds failed to meet international standards. State media displayed egregious favoritism towards the incumbent, on whose behalf state resources were used lavishly. Ballot stuffing, especially during the second round vote count, was rampant. The most positive feature of the elections was an unprecedented, live, televised debate between Kocharian and Demirchian before the second round.
- The election has cast a cloud on Kocharian's legitimacy and deeply strained government-opposition relations. Armenia's failure to hold a fair election has entrenched a pattern of vote fraud and has worrisome implications for the country's democratization, as illustrated by the judgement of Kocharian's powerful Defense Minister and campaign manager, Serzh Sarkissian: "People who have grown up and lived in Europe cannot understand our mentality. They have their rules and views on democracy, and we have ours."
- Armenia's Constitutional Court refused to annul Kocharian's victory, but did cast doubt on his legitimacy by recommending a vote of confidence in the president. It was the first time a constitutional court in the former USSR did not routinely affirm official election results.
- Russia's President Vladimir Putin was quick to congratulate Kocharian. Washington, however, echoed the OSCE/ODIHR view of the election. President Bush's letter to Kocharian, sent after significant delay, did not contain the word "congratulations."

## BACKGROUND

Armenia, like Azerbaijan, has had to build an independent state in the shadow of the Nagorno-Karabakh conflict. In both countries, the dispute has helped galvanize the national movement and brought down heads of state. While Armenia has been militarily successful, taking the contested territory and a swathe of land around it, the war and its aftermath have drained resources and influenced political culture—not to mention engendering over 300,000 refugees and a general sense of drift. Many Armenians have voted with their feet, emigrating in droves. Unofficial population figures for 2001 were about two million, as opposed to official claims of three million.<sup>1</sup>

In the first half of the 1990s, Armenia seemed the model of stability, compared to neighboring Azerbaijan and Georgia, which were wracked by coups and civil conflict. President Levon Ter-Petrossian, who led Armenia to independence, enjoyed genuine popularity and initially steered the country in a democratic direction. But by the 1995 parliamentary election, a leading opposition party, the Armenian Revolutionary Federation [ARF], had been banned for dubious reasons and relations had worsened significantly between the president and his ruling party and a growing opposition movement.

In the second half of the decade, Armenia became a country of surprises, exemplified by Ter-Petrossian's flagrantly rigged re-election in 1996.<sup>2</sup> Fatally weakened, he was forced to leave office in February 1998 after publicly urging Armenia to make compromises on Nagorno-Karabakh. In the snap election the following month, Nagorno-Karabakh leader Robert Kocharian, whom Ter-Petrossian had appointed prime minister in March 1997, defeated Karen Demirchian, Armenia's former Communist Party leader, in the first run-off presidential election in the Caucasus. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) concluded that the election had not met OSCE standards.<sup>3</sup>

Demirchian, the country's most popular politician, refused to accept the results. But he was mollified in the parliamentary election of May 1999 by a deal with Defense Minister Vazgen Sarkissian, Armenia's most influential politician. Their alliance, called "Unity," predetermined their victory, making vote-rigging superfluous. The ODIHR deemed the election "a relevant step towards compliance with OSCE standards," but still reported serious problems with voter lists, military voting and insufficiently representative election commissions.

It appeared that a stable equilibrium had been achieved, with the troika of Kocharian, Sarkissian (prime minister) and Demirchian (speaker of parliament) in charge. But in the most stunning, traumatic event in post-independence Armenian history, armed men burst into parliament in October 1999 and killed Prime Minister Sarkissian, Speaker Demirchian and several others. Though the assassins claim they acted

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<sup>1</sup> U.S. State Department, *Country Reports on Human Rights Practices for 2001*. According to the same source for 2002, emigration has "decreased since 2001, but still remained a problem."

<sup>2</sup> Then-Minister of Internal Affairs Vano Siradeghian admitted as much subsequently.

<sup>3</sup> ODIHR's assessment went through several controversial stages. See Commission on Security and Cooperation in Europe, *Report on Armenia's Presidential Election*, June 1998.

on their own, many Armenians suspect other forces were behind the plot. Opposition leaders, including relatives of Sarkissian and Demirchian, openly accuse Robert Kocharian of having played some role in killing the two politicians who were his most serious rivals.

Kocharian's position was very shaky after October 1999, but he rebounded to become Armenia's indisputably dominant political figure. In 2002, opposition parties held demonstrations and disrupted parliamentary proceedings to demand his impeachment, but most deputies backed Kocharian, who has managed to stave off the disunited opposition. At the same time, dissenting voices in the electronic media have been silenced: A1+ and Noyan Tapan, two TV stations which often aired critical views of the president and his entourage and publicized charges of corruption and "clan" politics, were deprived of their licences.<sup>4</sup>

Political pluralism has clearly been achieved in Armenia but the right of the people to choose their government, based on the record of elections, is in serious question. For that reason, the 2003 presidential elections were an opportunity to show whether the country could hold a fair presidential election and whether opposition forces could unite to challenge Kocharian.

## **PRE-ELECTION ATMOSPHERE**

As the February 2003 election approached, opposition negotiations to rally around one individual—which succeeded in 1996—ended in failure. Ultimately, eight candidates registered to challenge the incumbent. Though Kocharian exuded confidence, predicting a first round victory, the atmosphere was highly charged. As the campaign got underway, it soon became clear that many voters were discontented and seeking an alternative to Kocharian. The most popular was Stepan Demirchian, son of the slain Speaker. His campaign stops and speeches drew large crowds, inspiring the opposition to believe Kocharian might be beaten in a fair election. Shortly before election day, Aram Sarkissian, brother of the murdered prime minister (whom he briefly replaced in that position), dropped out, throwing his support to Demirchian. But Artashes Geghamian, communist-era Mayor of Yerevan, refused to follow suit, leaving voters with three main choices: Kocharian, Demirchian, and Geghamian. Another possibly serious contender, American-born Raffi Hovanissian, Armenia's first foreign minister, was disqualified when the Central Election Commission (CEC) ruled that he had not been a citizen of Armenia for the requisite ten years.<sup>5</sup>

Kocharian's campaign emphasized his experience and Armenia's economic recovery—official sources pointed to growth rates reaching 12 percent, and international financial institutions praised the country's progress. But Demirchian, Geghamian and the other candidates blasted Kocharian for overseeing a corrupt, oligarchical government characterized by "clan" relations. The much-vaunted economic boom, they stressed, had little impact on the lives of ordinary Armenians, who live on \$45 a month. People interviewed by journalists complained that if not for remittances of relatives in Russia and elsewhere, they would have to beg in the streets or starve.<sup>6</sup>

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<sup>4</sup> The OSCE Representative on Freedom of the Media and the head of the OSCE Office in Yerevan, as well as the U.S. Embassy, have deplored the shutting down of these stations.

<sup>5</sup> The court ignored his arguments that he had been applying for citizenship since 1991, without success. Appeals that Kocharian, who had lived in Nagorno-Karabakh until 1997, was ineligible to run were turned down by the courts, as they had been in 1998.

<sup>6</sup> Peter Magdashian, "Armenian President Hails Economic Growth," *IWPR's Caucasus Reporting Service*, No. 162, January 17, 2003.

In the days before February 19, the number of demonstrators in Yerevan's main squares occasionally reached scores of thousands. Some opposition spokesmen grew more hopeful of victory but voiced concern about violence if the authorities resorted to vote fraud.

### **FIRST ROUND OFFICIAL RESULTS AND OSCE ASSESSMENT**

Interestingly, the CEC did not release tallies until after the preliminary judgement of the joint observer mission of ODIHR and the Parliamentary Assembly of the Council of Europe (PACE). Their conclusion, announced on February 20, was that the election had been calm and well administered but the vote count was flawed and the entire process “fell short of international standards in several key respects.”

Only then did the CEC announce that Kocharian had won 49.8 percent, to Demirchian's 28.2 percent and Geghamian's 17.7 percent.<sup>7</sup> Kocharian's failure to garner over 50 percent necessitated a runoff between him and Demirchian, the first time a sitting president had faced a second round anywhere in the former USSR. The CEC scheduled the next stage of voting for March 5.

### **DETENTIONS OF OPPOSITION SUPPORTERS**

Geghamian, who rejected the official results, refused to throw his support to Demirchian. Nevertheless, the announcement of a second round in a region where the presidents of neighboring countries—Georgia's Eduard Shevardnadze and Azerbaijan's Heydar Aliiev, both veterans of the Soviet Politburo—routinely win elections by large margins was a bombshell. The opposition was emboldened by Kocharian's apparent weakness and quickly organized more demonstrations.

But this time, Kocharian's team displayed resoluteness. Using the intemperate remarks of some opposition leaders,<sup>8</sup> the authorities detained over 200 of Demirchian's proxies and backers, who were engaging in peaceful rallies in Yerevan. At least 77 were sentenced to jail terms, often in closed proceedings without legal counsel. Some detainees were quickly released but others remained behind bars, and sometimes without access to their families.<sup>9</sup>

The head of the OSCE/ODIHR observation mission criticized the detentions, as did the OSCE Chairman-in-Office and the PACE. Under international pressure, Armenian authorities released most of the detainees before voting day. But the show of force presaged what was to come in the second round and may have undermined Demirchian's campaign by keeping so many of his supporters out of the fray at a crucial moment.<sup>10</sup>

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<sup>7</sup> These figures were subsequently amended, with Kocharian getting 49.4 percent to Demirchian's 28.2. It is noteworthy that in a counting process the ODIHR viewed as flawed that the incumbent got—or was given—more than the combined total of his two main challengers.

<sup>8</sup> Armen Sarkissian and Alfred Bazeyan, for example, warned of their readiness to use “all necessary means” to get rid of Kocharian.

<sup>9</sup> For details, see the report by the ODIHR observation mission, as well as Human Rights Watch, *The Use of Administrative Detention in the 2003 Armenian Presidential Election*, May 23, 2003.

<sup>10</sup> Human Rights Watch reported on March 7 that opposition election commission members and proxies encountered severe pressure before the second round. One claimed: “They tried to bribe me. When that didn't work, they said, ‘You know we'll win all the same. And you know what will happen to all of you then’.” Another said he received a phone call on March 4, during which the unidentified caller said, “Your son is in the army. Bear in mind what could happen to him.”

## **SECOND ROUND CAMPAIGN**

Compelled to confront Stepan Demirchian, Kocharian agreed to participate in a live, televised debate with his challenger on March 3. In the first such initiative in the Caucasus, both men answered questions from a group of journalists.

Kocharian used the opportunity to present himself as a knowledgeable leader. Displaying his own grasp of facts and figures, he portrayed Demirchian as an inexperienced politician whose victory would be dangerous for Armenia. Demirchian, for his part, often gave general replies to questions, but scored points by arguing that he, indeed, had no experience with corrupt, clan politics and stressed the need to clean up the country by bringing in an outsider.

As noted by all observers and commentators, the debate was the most positive aspect of the entire presidential election process. Especially with the government and opposition at loggerheads, the civilized, if not cordial, exchange between the two contenders demonstrated, first, that the incumbent could not refuse to participate. Nowhere else in the Caucasus has a sitting president agreed to debate his challenger on live TV. Second, viewers had a chance to compare the two and form an opinion away from the general pro- or anti-government approach that has become common in Armenia.

## **SECOND ROUND RESULTS**

On voting day, according to official results, 65.7 percent of eligible voters cast ballots. The CEC announced on March 11 that Kocharian had defeated his challenger, 67.4 to 33.5 percent. Two opposition members of the CEC refused to sign off on the final tallies.

## **INTERNATIONAL ASSESSMENT**

The Commonwealth of Independent States (CIS) observer mission gave Armenia's election a good grade. The Russian-dominated delegation maintained that any possible shortcomings could not have influenced the outcome. This appraisal was in line with those of all other CIS election observation missions in non-Russian former Soviet republics, where the CIS monitors have yet to criticize an election process.

The ODIHR/PACE verdict, however, was highly critical: the second round, like the first, had failed to meet international norms and the election overall "fell short" of those standards. "The two-week period between the two rounds of voting was characterized by significant shortcomings. These related both to the completion of the tabulation and complaints processes for the first round and to the overall election environment . . . the second round of voting and counting on 5-6 March was marked by serious irregularities." Especially prominent among the infractions the mission reported were widespread ballot stuffing and biased media coverage of the campaign.<sup>11</sup>

## **CONSTITUTIONAL COURT**

On February 27, Artashes Geghamian filed a case with the Constitutional Court to invalidate the first round results, claiming widespread irregularities. The court ruled on March 24 that the admitted discrepancies did not have an impact on the overall outcome.

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<sup>11</sup> See ODIHR's website at <<http://www.osce.org/odihhr>> for the full report.

After the second round, Stepan Demirchian also filed an appeal with the court. His lawyers argued that the February-March election had been marred by constitutional, legal and procedural violations and the results should therefore be annulled. On April 16, the court rejected Demirchian's case, but agreed that official tallies from 40 precincts were "not credible" because of ballot stuffing and other infractions. The court directed the Procurator General to launch criminal investigations into those irregularities.

## CONCLUSIONS

*Robert Kocharian:* Kocharian's first round victory had been assumed so his failure to win outright came as a surprise. Considering the government's grip on the state apparatus, control of the election commissions and the opposition's failure to unite, he should have had an easier time. In fact, the 2003 election demonstrated Kocharian's weakness as a candidate.

The CEC's first round figures appear to indicate that Kocharian feared to announce his victory while thousands of opposition supporters were still protesting in the streets. Still, when push came to shove, he and his team proved willing to do whatever was needed to retain power. The arrest of over 200 opposition backers, despite the condemnation of Armenian human rights groups and international organizations, seems to have produced the desired effect. Even more worrisome, the willingness of Armenian authorities to resort to blatant vote rigging—occasionally in the presence of foreign observers, as noted by PACE Observer Delegation head Lord Russell Johnson—indicates an indifference to domestic and international public opinion when questions of power are at stake.

Kocharian won his re-election, but with a cloud over his legitimacy. Some local commentators have suggested that he, like his predecessor after 1996, will be so weakened that he may not serve out his five-year term in office. The spark for Levon Ter-Petrossian's ouster was his public position that Armenia needed to make serious compromises on Nagorno-Karabakh. It is hard to imagine that Kocharian, the former leader of the disputed territory, will fall victim to charges of weakness on his homeland. But should some other issue emerge that threatens him—perhaps revelations about the October 1999 murders or renewed calls for impeachment—he could have difficulty appealing to widespread support across Armenian society.

*Democratization:* The announcement of a second round—an unprecedented challenge for a sitting president anywhere in the former Soviet Union—gave heart to the opposition and those concerned about the entrenchment of presidential power. These hopes were dashed by the second round and the reality that the powers that be were willing to retain power by any means.

Armenia's failure to conduct an election that met OSCE standards, twelve years after the collapse of the USSR, indicates how much remains to be done before voters can freely decide who governs the country. Many outside observers, including the OSCE's ODIHR, the U.S. Government and the Council of Europe, characterized the election as a "lost opportunity." The head of the ODIHR observation mission publicly said "we expected better."

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<sup>12</sup> *RFE/RL Newslines*, March 8, 2003.

But surely most damning was an assessment from inside the country, made not by an embittered opposition activist but by the influential Minister of Defense and Kocharian's campaign manager Serzh Sarkissian. Responding to criticism of the election, he said: "People who have grown up and lived in Europe cannot understand our mentality. They have their rules and views on democracy, and we have ours."<sup>12</sup>

As several commentators have observed, the statement could have been made in Tashkent or Ashgabat, not the capital of a country that joined the Council of Europe in 2001, not to mention the OSCE in 1992. There is a fundamental difference between this perspective and that which argues that too little time has passed for the ex-Soviet states to hold fair electoral contests or to expect any better. "Our own concept of democracy," redolent of Central Asia's presidents-for-life, appears to preclude substantive progress for the foreseeable future. Moreover, Sarkissian presumes to speak for all Armenians, as opposed to expressing the view of the ruling elite. Unfortunately, the last decade has demonstrated that Armenia's rulers, like those of other ex-Soviet states, do indeed have their "own concept of democracy." But those other states did not have Armenia's advantages—an influential and interested diaspora in Western democracies, and its promising beginnings.

Still, despite the vote rigging and the international censure, there was no dangerous confrontation between the government and the opposition. Though scores of thousands were willing to march in support of Stepan Demirchian and against Robert Kocharian before the vote, they stepped back from the brink and limited themselves to denouncing the official results. Not only were there no mass disturbances, there was no civil disobedience or mass campaign to refuse to accept the election's outcome. Perhaps opposition-oriented individuals and groups feared likely beatings and arrests, perhaps they felt it would be hopeless. But ultimately, Armenia's electorate demonstrated its willingness to live with an outcome many inside and outside the country view as flawed and unrepresentative of the public's will. Despite their disillusionment with the electoral process in Armenia, the country's opposition leaders and supporters contented themselves with looking forward to the May parliamentary elections.

*Government-Opposition Relations:* During the second half of Levon Ter-Petrossian's tenure, relations between the authorities and opposition were extremely tense. Apart from resentment over the banning of the ARF, discontent simmered over the rigged 1996 presidential election. So when Robert Kocharian replaced Ter-Petrossian in March 1998, reinstated the ARF and made gestures towards other aggrieved parties, prospects for the establishment of a normal atmosphere seemed promising. Indeed, for several years, the atmosphere of political intercourse noticeably improved.

But the honeymoon period did not survive the October 1999 murder of Vazgen Sarkissian, Karen Demirchian and others. Sarkissian's relatives have openly alleged that Kocharian played some role in those events. While Kocharian has managed to ride out the storm, he labors under the heavy burden of suspicion. In fact, Stepan Demirchian's challenge had particular poignancy, given opposition allegations of Kocharian's complicity in his father's demise.

Kocharian's 2003 victory in elections criticized by the international community and rejected by the opposition at home has deepened the polarization evident in Armenian society. Given the circumstances of the presidential election, the OSCE's verdict and the refusal of opposition parties to accept the official results, relations between Kocharian and his administration and the opposition recall the atmosphere of 1996—1997. At Kocharian's inauguration in 1998, Levon Ter-Petrossian impressed observers at home

and abroad by his willingness to attend. But he skipped the ceremony on April 9, 2003, as did the entire opposition—only 83 of 131 parliamentarians attended, while the city center was cordoned off to prevent demonstrations and disturbances. Nevertheless, clashes did take place, at which police reportedly beat women and elderly men.

*Constitutional Court:* Throughout the former Soviet Union over the last decade, constitutional courts or analogous bodies charged with ratifying the CEC's results have never failed to do so. Their willingness to sanction elections which the OSCE has condemned or damned with faint praise has frustrated and disheartened opposition parties, undermining confidence in the judicial system and elections generally.

The behavior of Armenia's Constitutional Court after the second round, therefore, was out of the ordinary. The court had to consider two suits, one by Artashes Geghamian after the first round and another by Stepan Demirchian after the second. The court, headed by Gagik Harutiunian—Levon Ter-Petrossian's appointee and former Vice President—quickly dispatched with Geghamian's suit, as mentioned above.

But the court took a different approach to Demirchian's case. He had argued that the election was so flawed that the results should be declared void. On April 16, the court disagreed. But the justices concurred that official returns from about 40 constituencies were "not credible" because of ballot-stuffing and other irregularities. The court ordered the Prosecutor-General to investigate those irregularities and recommended the holding of a "referendum of confidence" in the country's leadership within the next 12 months.

Chief Justice Gagik Harutiunian denied that the proposed vote of confidence cast doubt on the election's legitimacy. He explained that such a referendum was one of several initiatives the Council of Europe suggested to resolve a standoff between the authorities and the public.

Thus, while dismissing the complaint, thereby formally ensuring Kocharian's re-election, the court effectively managed to undermine his legitimacy by conceding the validity of Demirchian's complaints and recommending a vote of confidence in the president. Such a decision was unprecedented, and not only in Armenia.

Within the country, the ruling elicited mixed reviews. To judge by the fury of the state media, Kocharian and his backers were deeply affronted by the court's implicit questioning of the incumbent's status and its gesture towards the opposition.<sup>13</sup>

The opposition, too criticized the court for not having the courage of its convictions, and refusing to withhold its seal of approval from seriously flawed elections. Some others argued, however, that the court had managed to walk a very fine line, addressing numerous constituencies while actually satisfying nobody and taking the cause of judicial independence to new heights.

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<sup>13</sup> Some Constitutional Court staffers resigned on April 21, protesting the courts "judicially illiterate" ruling.

<sup>14</sup> U.S. Ambassador John Ordway said at a March 12 press conference in Yerevan. "Before the elections, we expressed the opinion that Armenia had all chances to conduct the elections at a higher level than other countries of the region. Perhaps, because of these expectations our disappointment is so deep." Mediamax news agency, March 12, 2003.

*U.S.-Armenia Relations:* Washington, as always, echoed the assessment of the OSCE/ODIHR. On March 6, the State Department's spokesman said the United States was "deeply disappointed" by the irregularities reported during the presidential election, including ballot box stuffing, "carousel" voting at multiple polling stations, inappropriate military voting, the intimidation, absence or expulsion of opposition proxies, and even apparent intimidation aimed at OSCE observers. The statement said that the Armenian leadership "missed an important opportunity to advance democratization by holding a credible election" and concluded with a "call on the Government to get on the road to building a democratic Armenia, beginning with a full and transparent investigation of election irregularities, accountability for those responsible, and other steps to restore public confidence."<sup>14</sup>

The White House registered its displeasure by delaying its acknowledgment of Kocharian's victory until April 9 (other world leaders, such as Russia's Vladimir Putin and France's Jacques Chirac, hastened to congratulate Kocharian.) More important, President Bush's letter did not contain the word "congratulations"—contrary to the claims of some Armenian officials. Indeed, according to the only version made public, he specifically expressed his "disappointment" at the election. Nevertheless, Bush wrote: "As you begin your second term in office as President of Armenia, I reaffirm that the United States remains committed to the development of a democratic, market-oriented, and prosperous Armenia that is at peace with its neighbors. I am confident that the ties between our countries and peoples will continue to strengthen."<sup>15</sup>

Perhaps most interesting was the March 18 statement on the election issued by the Armenian Assembly of America, an influential U.S. organization that promotes Armenian issues: "The people of Armenia deserved nothing less than the declared aim of their government for free, fair and transparent presidential elections. As reported in depth by the Organization for Security and Cooperation in Europe (OSCE), this achievable standard was not met. We call upon the Armenian government to fully investigate all alleged violations of the election process and the rule of law. Restoration of the public's trust in the democratic process must now be the highest priority of the Kocharian Administration."

<sup>15</sup> *RFE/RL*, "No Congratulations In Disclosed Bush Letter To Kocharian," April 21, 2003.



# ARMENIA'S PARLIAMENTARY ELECTION

MAY 25, 2003

## EXECUTIVE SUMMARY

- On May 25, 2003, Armenia held its third parliamentary election since independence. According to official figures, about 52 percent of eligible voters cast ballots, electing a new 131-member legislature on a mixed proportional-majoritarian system.
- The big winners were parties supportive of President Robert Kocharian: the ruling Republican Party, Orinats Yerkir and the Armenian Revolutionary Federation [ARF]. An opposition bloc led by Stepan Demirchian came in second in party-list voting but won only 15 seats in parliament.
- The balloting followed a controversial presidential contest in February-March. Forced to a second round, Kocharian retained his office in an election international observers said did not meet OSCE norms and which Armenia's opposition parties rejected as falsified.
- OSCE observers concluded that the parliamentary election marked some improvement over the February-March vote but fell short of OSCE standards in several key respects. The counting and tabulation of votes were especially problematic.
- The election has perpetuated a pattern of flawed elections in Armenia and deepened the chasm between the authorities and the opposition. Turnout was also the lowest since independence, indicating voter indifference and/or disillusionment with elections.
- Attempts by opposition parliamentarians in 2002 to impeach Kocharian failed but they managed to disrupt parliament's activity. The results of the May 25 election marginalize the opposition and give Kocharian a firm grip on the legislature.
- Commentators noted the prevalence of wealthy businessmen among the winners in the majoritarian races. Their emergence reflects the increasingly entrenched power of oligarchical rule in Armenia.
- One month after the election, the three pro-Kocharian parties formed a coalition government, the first in post-independence Armenian history. Opposition parties initially boycotted the new parliament but eventually their elected members took their seats.
- On May 25, the electorate was also asked to approve or reject a referendum on constitutional amendments proposed by Kocharian. The referendum failed due to low voter response—the first time in the former Soviet Union that a presidentially-backed referendum initiative did not pass.
- The United States echoed the OSCE/ODIHR's assessment of the election and expressed its disappointment. Washington called on Yerevan to implement the recommendations of the election observation mission to improve the conduct of future elections.

## BACKGROUND

Armenia avoided most of the civil turmoil that characterized neighboring Azerbaijan and Georgia in the early 1990s. But since the 1995 parliamentary election, Armenia has consistently held elections that did not meet international norms, according to the OSCE's Office of Democratic Institutions and Human Rights (ODIHR). Vote fraud in the 1996 presidential election led to clashes between the authorities and protesters, and a year and a half later contributed to the ouster of President Levon Ter-Petrossian. The results of the March 1998 snap presidential election, won by Robert Kocharian, were rejected by the losing candidate, Karen Demirchian, the last communist-era leader of Armenia. A stable political equilibrium seemed to have been achieved in 1999, when Demirchian allied with Defense Minister Vazgen Sarkissian to win the parliamentary election. But both were assassinated in October of that year, leaving Kocharian alone at the top. He overcame strong pressure to resign and has managed to dominate Armenian politics, aided by his powerful Minister of Defense Serzh Sarkissian (no relation to Vazgen); both are originally from Nagorno-Karabakh, the territory disputed by Armenia and Azerbaijan since the late 1980s. Nevertheless, government-opposition relations, which improved after Ter-Petrossian left office, have deteriorated seriously. Some opposition leaders accuse Kocharian of complicity in the October 1999 murder of Armenia's political elite and opposition legislators have unsuccessfully sought his impeachment.

In January 2001, Armenia joined the Council of Europe, along with Azerbaijan.<sup>1</sup> The Council admitted both despite reservations about their records on elections and human rights performance. Armenia's February-March 2003 presidential election, which went to a runoff, did not assuage these concerns: the OSCE/ODIHR said the election did not meet international norms, with especially flagrant shenanigans in the second round, including ballot stuffing, even in the presence of international monitors. Before the second round, Armenian authorities detained about 200 backers of opposition leader Stepan Demirchian (son of the slain Speaker), displaying determination to win despite international condemnation of the detentions. The opposition refused to accept the official results of Kocharian's allegedly lopsided victory. Though post-election clashes seemed possible, the opposition shrank from confrontation and limited its protests to demonstrations and boycotting the inauguration. After the election, Serzh Sarkissian dismissed international criticism of the election by declaring that Europeans had a "different mentality" than Armenians. Some officials actually pointed to the endorsement of the election by the Commonwealth of Independent States (CIS) observers, who have routinely endorsed all elections in the post-Soviet space. The head of the Central Election Commission (CEC), for his part, stated that "Armenia's fledgling democracy cannot be expected to be in full compliance with European democratic standards."<sup>2</sup>

For Armenia's opposition parties—still seething over what they saw as a rigged presidential vote that winter—the parliamentary election in the spring offered hope of regaining some leverage on the authorities and forcing a more balanced executive-legislative relationship. The OSCE, the Council of Europe and foreign capitals, including Washington, which had strongly criticized the presidential contest, also looked forward to the parliamentary election as an opportunity for Armenia to salvage its reputation and get back on the road to political reform.

For Robert Kocharian, however, who had sloughed off international condemnation of his victory in March, the May parliamentary election was important for other reasons. He and his team were determined

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<sup>1</sup> Georgia had entered previously.

<sup>2</sup> Interfax, May 5, 2003.

to solve the problem of an unruly legislature, which might bring the process of governance to a halt by demanding that parliament debate Kocharian's impeachment. This had happened in June 2002, prompting him to warn that if "any deputies again try to disrupt a session of parliament, then they will have to be grabbed by the ears and taken to a police station..."<sup>3</sup>

Apart from the parliamentary race, voters had to approve or reject a referendum on constitutional amendments. This initiative dated from 1998, when Kocharian became president, after having pledged to adjust the powers of a strong presidency by allocating more power to other branches of government. Once in office, however, Kocharian rethought the notion; he shuffled the composition of the commission working on constitutional changes, eventually coming up with less radical proposals.

The referendum, announced on April 8, asked voters to approve numerous changes to the constitution. These included: the establishment of dual citizenship; the abolition of the death penalty; the creation of the post of human rights ombudsman; and permitting land sales to foreigners. With respect to presidential powers, the passage of the referendum would allow the head of state to dissolve parliament only in case of its "inactivity," not at will (except for certain periods before and after elections).

Government spokesmen portrayed the amendments as a step towards more democratic governance; the opposition—pointing to the president's ability to name more top officials without government consent—attacked it as a naked power grab by Kocharian. But oddly, the referendum attracted little attention, either from the authorities or the opposition. Official agencies did almost nothing to inform the electorate about the initiative, while the opposition concentrated on the parliamentary race.<sup>4</sup>

As May 25 approached, opposition leaders were publicly confident, believing voters—fed up with poverty and pervasive corruption and still resentful over the presidential election—would reject Kocharian and pro-government parties. The opposition also hoped the authorities would not dare to rig two consecutive elections under close international observation.

On the other side, the atmosphere was rather less collegial. The ruling Republican Party and its allies—the Armenian Revolutionary Federation (ARF) and Orinats Yerkir (Law-Governed State)—engaged in back-biting and a bitter struggle for positions on party lists. Orinats Yerkir, in particular, attacked the Republican Party as representing oligarchs concerned only to protect their own financial interests.

## **ELECTION LAW**

Amendments to the election law in 2002 reversed the percentages of the proportional and majoritarian voting for parliament's 131 seats. Instead of 75 first-past-the-post and 56 party list seats, 75 places were allotted to party lists, and 56 to individual races. The presumed purpose of the amendments was to strengthen political parties, given widespread concern that the majoritarian system served candidates' personal economic interests.

The results of the 1999 parliamentary election determined the composition of the election commissions at all levels. Kocharian nominated three members while each of the six parliamentary factions picked one to staff the nine-member commissions. ODIHR's final report concluded that the *de facto* majority of

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<sup>3</sup> Arminfo, June 18, 2002.

<sup>4</sup> Zhanna Alexanian, "Constitution Vote Baffles Armenia," *IWPR's Caucasus Reporting Service*, No. 180, May 22, 2003.

commission members representing the presidential administration and pro-government parties did not create a fair balance of political interests, in either the proportional or majoritarian races. Furthermore, the failure to punish any election officials for the infractions observed in the presidential election “has undermined the credibility of, and public confidence in, elections in Armenia.”

## **PARTICIPANTS**

As mentioned above, Karen Demirchian came out of political retirement to challenge Kocharian in the 1998 presidential election. His return was a political sensation, as crowds welcomed him practically as a savior. Though he forced Kocharian—then acting president—to a runoff, Demirchian lost, according to official figures. But his popularity and refusal to accept his defeat presented the authorities with a serious problem. Before the 1999 parliamentary election, then-Defense Minister Vazgen Sarkissian placated Demirchian by allying his own Republican Party with Demirchian’s People’s Party in the Unity alliance. Together they swept the field.

But the Unity alliance, combining very different parties and approaches, did not survive the October 1999 assassination of its two leaders. The People’s Party, ultimately headed by the late Demirchian’s son Stepan, went into opposition. Other parties also underwent fracturing, and as ODIHR’s final election report pointed out, of the six factions elected in 1999 on party lists, only the ARF and Orinats Yerkir remained intact four years later.

Parties and blocs needed the signatures of 30,000 voters and had to deposit 2500 times the minimum salary to field a candidate list. Seventeen parties and four blocs met these requirements. The ruling Republican Party, headed by Prime Minister Markarian, was the odds-on favorite—especially after Defense Minister Serzh Sarkissian, previously linked with Orinats Yerkir, allowed his name to be included on their list. Most opposition forces united in the Justice Alliance, which represented nine parties that had backed Stepan Demirchian’s bid against Kocharian in the presidential election. The opposition National Unity Party, headed by former Yerevan Mayor Artashes Geghamian—who, according to official figures, came in third in the presidential contest—ran its own list.

Ultimately, 272 candidates registered to contest the 56 majoritarian races. Over half were ostensibly independent, though, as ODIHR pointed out, many were actually affiliated to the government or political parties.

## **CAMPAIGN**

ODIHR had heavily criticized the biased, pro-Kocharian coverage by state media during the presidential election. In this respect, matters improved during the parliamentary campaign: electronic state media observed the commitment to give all parties and candidates the allotted air time. Private TV stations, by contrast, clearly favored pro-government parties.

Parties and candidates actively courted the electorate; their countrywide campaign included meeting with voters and televised debates. Posters of parties/blocs and individual candidates were plastered all over Yerevan. Nevertheless, ODIHR reported that voter interest was low—probably reflecting the lingering disillusionment with the presidential election.

## **VOTING AND VOTE COUNT**

On election day, Helsinki Commission staff observed balloting at precincts in and around Yerevan. Domestic observers and proxies were present in all polling stations visited. For the most part, the process proceeded smoothly.

Commission staff traveled to Dasht, a village outside Yerevan, to observe the vote count. In the presence of domestic observers and some interested locals, the election commission counted the ballots without any evident infraction of the rules. The result was more interesting than the process: the relatively small Armenian Democratic Liberal Union won, defeating Orinats Yerkir and the Republicans, winning 200 out of 391 valid ballots cast. The reason, inquiries revealed, was that the party's representatives had previously signed contracts to buy the village's produce.

## **RESULTS**

The Central Election Commission announced on May 31 that turnout was 52.2 percent, a significant drop since the previous parliamentary election. In party-list voting, five parties and one bloc passed the five-percent threshold for parliamentary representation. The big winners were the three pro-Kocharian parties—the Republican Party, Orinats Yerkir and the ARF. Of the 75 seats set aside for proportional voting, they won, respectively, 23, 12 and 11. Stepan Demirchian's Justice Alliance came in second, with 14 seats.

Among the notable other results of party voting was the failure of the Communist Party to win any seats for the first time since Armenia became independent. Equally unsuccessful was the Armenian National Movement, associated with former President Levon Ter-Petrossian, trying its electoral luck for the first time since his ouster in 1998.

When combined with the results of individual races, many of whose winners subsequently joined parliamentary factions, the official results gave a major victory to pro-government parties. Thus, of 131 seats, the Republican Party won 40, Orinats Yerkir 19, and the ARF 11. The Justice Alliance gained 15 and Geghamian's National Unity Party won nine seats.

According to CEC figures, however, the referendum on proposed constitutional changes failed to pass. Fewer than one-third of all voters cast ballots on the government-backed amendments.

## **OSCE ASSESSMENT**

The ODIHR observation mission, along with the Council of Europe and the OSCE Parliamentary Assembly, delivered its preliminary judgement on May 26, declaring that the election had “marked an improvement over the 2003 presidential election in the campaign and media coverage but fell short of international standards for democratic elections in a number of key respects, in particular the counting and tabulation of votes.”

ODIHR's final report, dated July 31, did not modify substantially the initial judgement. ODIHR emphasized that while Armenia's authorities had made efforts to discourage violations, “perpetrators were again not held accountable. The authorities must end this culture of impunity to . . . meet their international commitments for democratic elections.”

## CONCLUSIONS

*Democratization:* Armenia's May 25 parliamentary election fell short of OSCE norms in "several key respects." In OSCE-jargon, that meant it was not as falsified as the presidential election—which ODIHR said flatly "did not meet OSCE standards"—but did not meet international standards for free and fair elections. The head of ODIHR's election observation mission said his monitors had noted violations in 30 percent of polling stations, adding "I can only imagine what happened in places where they were not present."<sup>5</sup>

Armenia once again failed to hold an election that all sides consider fair and which produced results accepted by the opposition. This latest vote has perpetuated a pattern of flawed elections and deepened the chasm between the authorities and the opposition. Demirchian's Justice Alliance rejected the official results, claiming that it had actually won 50 percent of the vote and that fraud had robbed the opposition of its rightful victory.

Turnout was also the lowest since independence, indicating voter indifference or disillusionment with elections. The electorate's confidence in the system could not have been bolstered by the head of the CEC, who said: "I think we still have a long way to go before we come up to international standards."<sup>6</sup>

Nor did any serious consequences follow upon Armenia's flawed election. Though a member of the Council of Europe's observation mission urged that Armenia's parliamentary delegation not be recognized, the Council's Secretary General Walter Schwimmer said on June 25 that "Armenia should not be isolated or made to feel isolated."<sup>7</sup>

One of the few bright spots in the election was the failure of the constitutional referendum—not because it did or did not enhance presidential powers, as its supporters and opponents claimed respectively, but because it is the first such initiative, backed by the head of state, that failed to pass in the former Soviet Union. The precedent itself is significant and may influence the fate of future presidential programs. Still, considering the authorities' willingness to resort to vote fraud to win elections, it is striking that they were willing to let the referendum fail, rather than do what was necessary to ensure its adoption or simply to proclaim its passage. Perhaps the proposed constitutional changes were not really very important to Robert Kocharian and his administration, especially after having won control of the legislature.<sup>8</sup>

The authorities' election sweep and Kocharian's enhanced margin of safety have not helped promote freedom of the media, which has been seriously constrained in Armenia. Since April 2002, A1+ and Noyan Tapan, two popular independent TV stations which aired views critical of Kocharian and his administration, have been off the air, ostensibly for losing tenders to retain their broadcasting license. The OSCE and the Council of Europe have repeatedly blasted Yerevan on behalf of these two stations. On June 11, 2003, however, the National Commission on Radio and Television again turned down a bid by A1+ for a license.<sup>9</sup>

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<sup>5</sup> Ara Tadevosian and Karine Ter-Sahakian, "Armenia's Voter Fatigue," *IWPR's Caucasus Reporting Service*, No. 181, May 30, 2003.

<sup>6</sup> *Ibid.*

<sup>7</sup> *RFE/RL Newsline*, June 26, 2003.

<sup>8</sup> Indeed, on May 21 he said it would "not be a tragedy" if the referendum was defeated. *RFE/RL Newsline*, May 22, 2003.

<sup>9</sup> A1+'s former frequency is now owned by a U.S.-Armenian businessman who backed Kocharian in the 2003 presidential election. *RFE/RL Newsline*, June 12, 2003.

*Government-Opposition Relations:* For several weeks, the victorious parties negotiated about posts. On June 11, the Republican Party, Orinats Yerkir and the ARF announced agreement on forming a coalition government. Republican leader Andranik Markarian remained Prime Minister, while Artur Baghdassarian of Orinats Yerkir became Speaker of Parliament. The ministries of agriculture, health and social security went to the ARF. The Memorandum of Political Coalition specified the following priorities: constitutional amendments; political and especially electoral system reform; implementation of an economic policy with a strong social orientation; antitrust policy and free competition in the economy; and battling corruption.<sup>10</sup>

Kocharian attended the signing of the memorandum on cooperation, noting the unprecedented accomplishment of creating a coalition and praising the parties' willingness to work with him. He had reason to be satisfied: Kocharian was the biggest winner in the parliamentary election. With his backers controlling some 70 of the legislature's 131 seats, the opposition now has little hope of blocking presidential initiatives or depriving parliament of a quorum by walking out, as happened in April 2003. Nor can the opposition impugn Kocharian's legitimacy by, for instance, bringing demands for his impeachment to a vote. After the March 2003 second round of the presidential election, Armenia's Constitutional Court urged that a referendum on confidence in Kocharian be held. His administration denounced the idea and defied the Court's suggestion. Given the current composition of parliament, it would require extraordinary circumstances for deputies to agree to such a referendum. At the same time, lingering antagonisms among the ruling parties allow Kocharian to act as arbiter while not becoming too dependent on any of them.

In sum, Armenia's opposition has been effectively marginalized.<sup>11</sup> Opposition parties, however much public support they may actually command, have shown themselves incapable of keeping Robert Kocharian and those who back him from dominating the political system. The opposition has a public forum in parliament but little ability to influence its agenda. And the prospect of organizing serious street demonstrations is far smaller now than in winter, when scores of thousands called for Kocharian's defeat.

Most deputies from Demirchian's Justice Alliance, as well as those from Geghamian's National Unity Party, refused initially to accept their legislator's mandates. By September, however, they had taken their seats. Bowing to reality, Justice deputies had come to terms with the ruling parties, agreeing to join two commissions.

*Armenian Oligarchy?* One of the most striking outcomes of the election was the open emergence into politics of Armenia's newly wealthy, who presumably pursued a legislator's pin not only to craft laws but for the benefits of parliamentary immunity. Among them were "more than two dozen of the country's most well known millionaire businessmen, notorious for their ties to the murkier Russian elites but generally known to be supportive of the government." In fact, almost half of all newly elected parliamentarians belong to Armenia's monied elite.<sup>12</sup>

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<sup>10</sup> It was noteworthy that several articles of the Memorandum stressed the need for cooperation and discretion among the three parties, indicating how much distrust and competition remain among them.

<sup>11</sup> Perhaps the best evidence of the opposition's irrelevance was the July 9 announcement that it would appeal the results of the election to the European Court of Human Rights.

<sup>12</sup> Richard Giragosian, "The Armenian Parliamentary Election: Trends and Trouble," Center for Strategic and International Studies, *Caucasus Election Watch*, June 4, 2003. *RFE/RL Newslines Caucasus Report* (June 2, 2003) lists some of the better-known magnates.

As long as Kocharian does not constrain wealthy individuals in accumulating wealth and tightening control of national assets, there is every reason to suppose he can count on their continued backing. But the alliance between the country's political leadership and this new class, able to buy votes and influence local government—including election officials—threatens to make the political process even less open and accountable to the electorate.

*U.S.-Armenia Relations:* A statement of the U.S. Delegation to the OSCE on May 29 expressed solidarity with the ODIHR assessment of Armenia's parliamentary election: "The markedly mixed assessment of [the] elections is particularly disappointing considering the great progress Armenia has otherwise made over the past 11 years in building a modern society of which its people and government can be justly proud." The United States called on Armenia to launch "swift action on the [ODIHR's] recommendations" for electoral reform as "the best reaffirmation of the commitments that Armenia has made to the basic principles of democracy and fundamental human rights that OSCE represents."



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