

Interim conclusion of the Referendum Observation Mission in Nagorno-Karabakh/ Artsakh

Background

On 20 February 2017, a referendum took place in Nagorno-Karabakh, now referred to as the Artsakh Republic (AR). While the AR is internationally not recognised, European Friends of Armenia strongly welcomes the wish of the de-facto authorities to organise local self-government based on democratic principles. This wish has been underlined by inviting a large number of international observers, including a group set up by ourselves, led by:

- Hans-Jochen Schmidt (former Ambassador of Germany to Armenia)
- Prof Hans-Juergen Zahorka (Chief editor European Union Foreign Affairs Journal, ex-MEP)
- Dr Michael Kambeck (EuFoA acting Director)
- Daria Zaleznicenka (EuFoA delegate)
- Hovhannes Grigoryan (EuFoA, Executive Manager)
- Tatevik Hayrapetyan (EuFoA, Project Officer)

We adhered to the official code of conduct of OSCE/ODIHR election observation missions.

Nature of our observation

Our observation mission was a short-term observation and included briefings and media sources from before the referendum, the day of the referendum and interviews with civil society representatives and other observers. Our mission did not include media monitoring, long-term observation before or after the day of the referendum, monitoring of the counting, the complaints procedure and follow-up. To cover some of these important aspects of election observation, we recommend full OSCE-ODIHR missions for the future. We formed two groups, with one car travelling south and the other travelling north. Our cars were 4x4 vehicles able to reach also remote small villages, sometimes through roads without asphalt and covered by snow. The decisions which polling stations to visit were taken spontaneously and were not communicated to any representative of the local authorities. No local authority staff member accompanied us. Our mission included 31 of the 279 (+1 in Yerevan) polling stations, stretching from Hadrout in the south to Drmbon in the north, covering polling stations sizing from 2016 voters in Hadrout to 19 voters in the village of Upper Sznek.

Transparency for election observers

We strongly commend the local authorities for allowing us to move absolutely freely around the AR (including the scarcely populated buffer zone around) and to question anyone directly or indirectly connected to the referendum. The efforts made to allow us and other observer teams to gain full insights and transparency were considerable, serving as an example of democratic transparency. We call upon the international community to appreciate this.

Why do election / referendum observation in Artsakh?

With this observation mission, we do not want to pre-empt or influence in any way the question of the status of the AR. We simply acknowledge that democratic governance is indispensable for achieving the goal frequently underlined by the international community and the OSCE Minsk Group: preparing the societies of the conflict parties for peace. The solidarity of democrats demands that we prefer and promote the basic human right of democratic self-governance and it is in this context that our delegation carried out our mission here. We call in particular upon the OSCE ODIHR to provide technical assistance and election observation for future local-elections, as part of a humanitarian development aid, even if this is done while underlining the non-recognition of the local state entity. This will provide for a real boost in local democratic culture and help prepare the local population for the time after the resolution of the conflict, as envisaged by the OSCE Minsk Group.

Positive observations:

- The general quality of the administration in the Central Election Commission and in the polling stations was high, even in small remote villages.
- The administrative staff in all polling stations comprised between 5 and 8 persons at the time of visiting. The responsibilities were visibly separated and staff members enforced the existing procedures thoroughly.
- In one polling station, an entire group of voters turned up simultaneously, and was asked to cue up outside, limiting the number of voters inside to only 2 at a time.
- All voters questioned at and around the polling stations reported no violations or intimidations.
- All staff members, local and international observers questioned reported no violations of the electoral code, at the time of asking.
- In line with the electoral code, educational posters were visible in all polling stations.
- No political advertising was visible in the protected proximity of the polling stations.
- Voter lists were posted transparently in or outside all polling stations.
- Voters were only permitted to vote in their designated polling station.
- No reports of violence or tensions were received throughout the observation and the general atmosphere was friendly and relaxed. There was mostly one (sometimes two) police officer posted outside each polling station.
- Polling station staff and proxies fully cooperated with all observers and provided full transparency.
- The Central Election Commission fully cooperated with all observers and provided full transparency.
- There is a complaint procedure with a feasible deadline of 23 February. No official complaint was filed until 11am on 21 February.
- Voters reported that even in remote villages, information about the referendum's purpose and background was available. Local political stakeholders held briefings, trying to increase the turnout. However, this was seen by oppositional stakeholders as an inappropriate use of state resources, advertising in favour of the constitutional change.
- Voter turnout was visibly above average compared to European elections or referenda. In the rural areas, early voting of a large proportion of the electorate was noticeable. Turnout in Stepanakert was lower.

Negative observations:

- As in past Election Observation Missions in Nagorno Karabakh, ballot boxes were again sometimes marked and sealed with inconsistent means. In 6 out of 31 stations, only cable binders were used, there was no seal. In 3 polling stations the seal was not stamped and signed. In 2 polling stations the seals were on the side of the ballot box, not connecting the lid to the side.
- Few civil society actors and especially the oppositional party Dashnakstutyun complained about various forms of misuse of state resources in favour of the constitutional change. In particular, the presence of critical voices on TV was allegedly very limited while extensive coverage was given to voices of the YES campaign.
- The communication around the constitutional change focussed on the name of Artsakh and the speeding up of decision procedures in the line of the threat from Azerbaijan, following the largescale attacks of April 2016, while opposition representatives complained about political implications of the new constitution.
- In rural areas, the oppositional forces had limited means to be present in polling stations or during counting and tabulation. However, no restrictions on this could be substantiated, it seems that the oppositional forces simply have fewer representatives and resources.
- In one polling station at polling district No.5, where parallel majoritarian elections took place simultaneously, voters were given two ballots per person for voting. When the staff members saw that an observation was starting, they explained that it is related to majoritarian voting, however the practice was immediately changed.
- In 20% of the polling stations, many persons not officially linked to the voting procedure were standing outside in the proximity of the polling station. However, none of the voters connected this to any form of code violation; it seems more connected to a cultural phenomenon where the poll is a social place to meet and talk.
- Access to polling stations for people with impairments was often not facilitated and voting by correspondence was not possible.