

# Nagorno-Karabakh Referendum 2017: Observation Mission Report

3 May 2017

## Acknowledgement

The present full report has been drafted on the basis of the “Interim conclusion of the Referendum Observation Mission in Nagorno-Karabakh/ Artsakh”<sup>1</sup> published by European Friends of Armenia (EuFoA). Moreover, it includes research and input from sources which we contacted after the referendum.

## 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:

- Hans-Jochen Schmidt (former Ambassador of Germany to Armenia)
- Prof Hans-Juergen Zahorka (Chief editor EU 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)



*Picture 1: Members of the EuFoA OM and journalist Andrew Rettman in the Central Electoral Commission*

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<sup>1</sup> See “Interim conclusion of the Referendum Observation Mission in Nagorno-Karabakh/ Artsakh”, 21 February 2017, Brussels [http://www.eufoa.org/NK\\_referendumOM\\_Interim\\_conclusion\\_EN.pdf](http://www.eufoa.org/NK_referendumOM_Interim_conclusion_EN.pdf)

We adhered to the applicable official code of conduct for OSCE/ODIHR election observation missions, in particular regarding the independence of the observation and reporting without interfering.

## 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. No OSCE member state should have an interest to block electoral transparency, even in a geographic area with a non-recognised authority.



*Picture 2: Members of the EuFoA observation mission raising questions during the preparatory briefing.*



*Picture 3: Observation in a polling station, the local staff was professional and well organised.*



*Picture 4: Polling stations were clearly marked (polling station 9/10 in Karmir Shuka).*

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.



*Picture 5: On the road to polling stations.*

No.	Settlement / town	Polling station number	Time of visit	Number of registered voters	Voter turnout at the moment of visit
<b>Northern group</b>					
1	Stepanakert	3/8	08:30	1428	21
2	Stepanakert	1/6	08:41	1096	17
3	Stepanakert	1/8	08:57	861	33
4	Aygestan	11/33	09:27	800	~70
5	Askeran	5/1	10:00	1892	170
6	Stepanakert	1/9	10:25	879	90
7	Vank	11/14	13:15	969	400
8	Arajnadzor	11/1	13:45	535	250
9	Drmbon	11/3	16:10	262	180
10	Poghosagomer	11/12	16:40	158	140
11	Chldran	11/11	17:00	220	315
12	Tsakhashat	11/41	17:55	121	87
<b>Southern group</b>					
13	Stepanakert	3/2	08:40	1371	20-25
14	Shushi	10/62	09:01	1583	57
15	Shushi	10/63	09:16	1503	81
16	Shosh	5/20	09:42	432	62
17	Nerqin Sznec	5/18	10:12	84	16
18	Verin Sznec	5/27	10:22	9	20
19	SuruShen	5/24	10:52	290	60
20	Karmir Shuka	9/10	11:14	707	150
21	Herher	9/13	11:45	449	130
22	Sos	9/19	12:27	719	200
23	City Hadrut	6/1	13:39	2016	990
24	Takhaser	6/12	15:16	332	183
25	Takhut	6/13	16:04	140	124
26	Medz Tagher	6/24	16:37	1050	530
27	Adzokh	6/4	16:55	588	472
28	Drakhtik	6/11	17:15	306	243
29	Shekher	9/16	17:30	245	202
30	Stepanakert	2/8	19:00	1172	670
31	Stepanakert	4/2	19:13	1197	195

Table: Polling stations observed by the EuFoA Observation Mission.

Our routes were decided by each group's participants on the morning of the referendum. The central Election Commission provided us with a list of all polling stations. Randomly drawing feasible routes for each of the two groups on an NK map, we separated at 8.30h to head north and south. On our routes, which were not communicated to the AR authorities, we also spontaneously deviated from our plans. 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 19 voters in the village of Upper Sznek to 2016 voters in Hadrout.

## 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 gain full insights and transparency were considerable, serving as an example of democratic transparency. We call upon the international community to appreciate this.

The constitutional referendum was observed by more than 100 international observers from 30 countries, 103 local observers and more than 80 media representatives.

Members of the European Parliament Frank Engel, Eleni Theocharous (members of EuFoA's Europe-Armenia Advisory Council) and Jaromir Štětina observed the referendum and have issued a joint statement afterwards.<sup>2</sup> MEPs have acknowledged the high turnout of over 76% as a *"resounding proof of the intention of Artsakh voters to take an active part in the shaping of their democracy"*. They deemed the campaign free and assessed *"the Republic of Artsakh upholds and protects the rule of law and the rights and the freedoms of the people."*

The MEPs called on the international community to acknowledge that *"these people, these voting citizens exist"*, despite *"the absence of international recognition of their country,"* and reminded that, while being *"under constant threat of military attack"*, they continue to juxtapose their *"democratic vitality and maturity to the international denial of their state."*



Picture 7 Full transparency of voter lists

<sup>2</sup> See: <http://asbarez.com/160379/international-observers-hail-artsakh-vote-as-fair-and-democratic/>



*Picture 8: A polling station with its electoral commission.*

## Why to do election observation in Nagorno-Karabakh?

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 polls, 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.



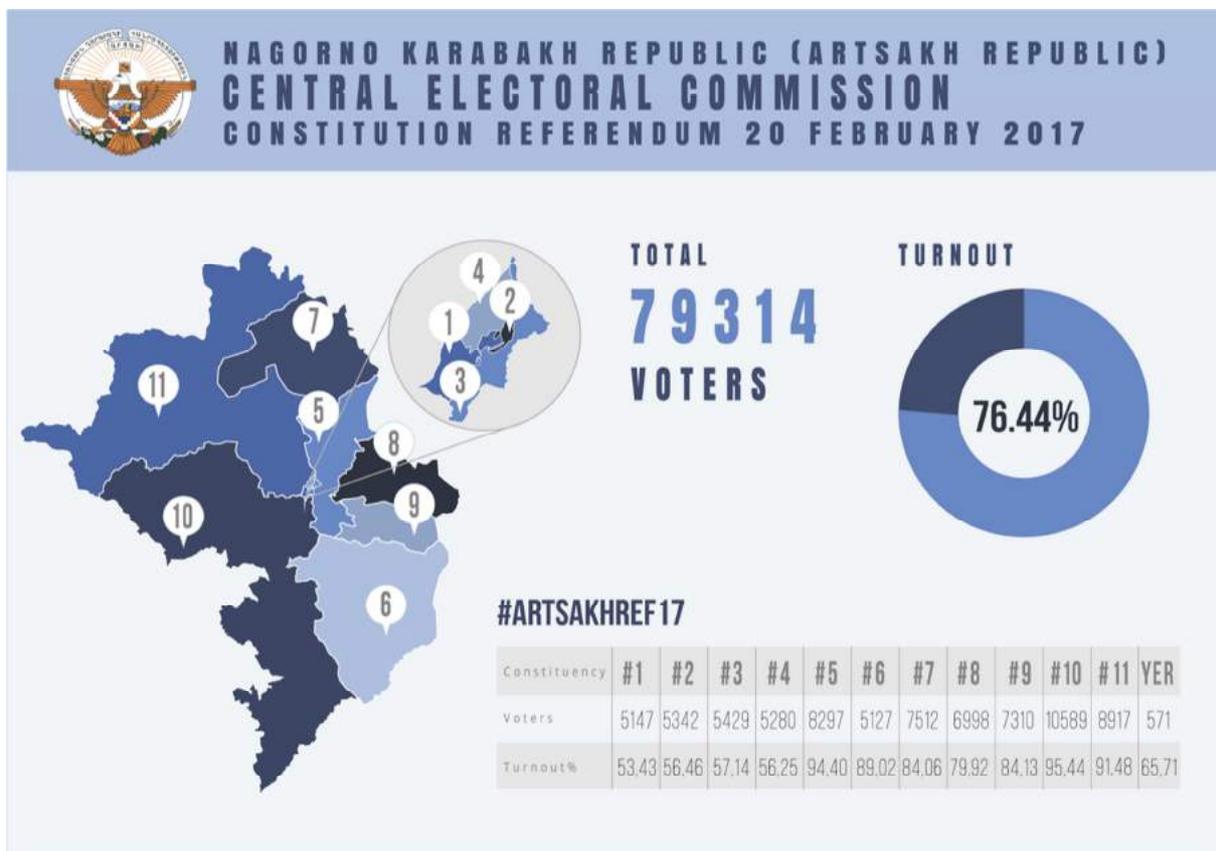
*Picture 9: Double sealed ballot box in the polling station 9/10 in Kamir Shuka*



*Picture 10: Crowd in front of the polling station 5/24 in Suru Shen*

### 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.



Picture 11: Voter turnout (source: Central Electoral Commission).

- 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.
- 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.
- None of over 100 international observers from 30 countries, and the 103 local observers and more than 80 media representatives reported any grave irregularities.
- There were no protests, and the discussion in media showed no signs of polarisation following the promulgation of the results.



*Picture 12: voting process in polling stations 5/20 in Shosh*



*Picture 13: Triple sealed ballot box in the polling station 6/11 in Drahtik*

## General observations:

- 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 some oppositional stakeholders as an inappropriate use of state resources, advertising in favour of the constitutional change.
- 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 limited while extensive coverage was given to voices of the YES campaign. It remains unclear if this was simply a mirror of the existing mood in the society or due to undue influences on the media. For the latter, no concrete evidence became known.
- The communication around the constitutional change focussed on the name of Artsakh and the speeding up of decision procedures in the light 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 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.



Picture 14: Polling station 9/13 in Herher



Picture 15: Ballot boxes in the polling station 10/62 in Shushi, with cable binding, signatures

### Negative observations:

- As in past Election Observation Missions in Nagorno Karabakh, ballot boxes were 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. However, none of the members of staff, proxies or voters connected this to any violation.
- 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.
- Access to polling stations for people with impairments was often not facilitated and voting by correspondence was not possible.
- An analysis of the official final results, published by the Central Electoral Commission, shows statistically unlikely figures in the 10th polling district, where often not a single person was sick, travelling, or abstaining for other reasons, while almost everybody voted in favour. No other district shows a similar phenomenon.

### 100% turnout with 100% of votes in favour:

Number of the polling station	Name of the city/village	Eligible voters	Number of voters	In favour	Against
10/4	Ditsmayri (city)	52	52	52	0
10/5	City Mijnavan	244	244	244	0
10/6	Alashkert	77	77	77	0
10/9	Aghanus	77	77	77	0
10/14	Movsesashen	51	51	51	0
10/16	Artashavi	93	93	93	0

10/17	Gandza	43	43	43	0
10/21	Goghtanik	75	75	75	0
10/22	Drakhtadzor	48	48	48	0
10/23	Eritsvank	213	213	213	0
10/24	Ishkhanadzor	215	215	215	0
10/27	Tsitsernavank	70	70	70	0
10/28	Melikashen	42	42	42	0
10/29	Tandzut	89	89	89	0
10/34	Hakari	88	88	88	0
10/37	Dzorap	81	81	81	0
10/39	Mamark	72	72	72	0
10/41	Mirik	128	128	128	0
10/44	Motashagh	167	167	167	0
10/45	Herik	32	32	32	0
10/46	Mush	78	78	78	0
10/54	Van	95	95	95	0
10/49	Shalua	85	85	85	0
10/57	Tigranavan	116	116	116	0
10/58	Urekan	108	108	108	0
10/65	Lisagor	94	94	94	0
10/69	Qirsavan	32	32	32	0

Source: Central Electoral Commission.<sup>3</sup>

**~99% of registered voters voting in favour**

Number of the polling station	Name of the city/village	Eligible voters	Number of voters	In favour	Against	Invalid
10/6	City Vorotan	214	213	210	1	2
10/8	Aghadzor	76	76	74	0	2
10/18	Bazmatus (Gandza)	31	30	30	0	0
10/30	Tsobadzor	44	43	42	1	0
10/31	Keren	94	93	92	1	0
10/47	Nerqin Sus	127	127	124	0	0
10/48	Vardut	77	76	76	0	0
10/55	Qarotan	103	102	102	0	0
10/56	Vurgavan	104	104	103	0	1
10/59	Pakahan	101	100	100	0	0
10/66	Hin Shen	123	122	122	0	0

Source: Central Electoral Commission.<sup>4</sup>

<sup>3</sup> See: <https://tinyurl.com/n6q5bl3> (in Armenian only)

<sup>4</sup> Ibid



Picture 16: Polling station 6/12 in Takhesar



Picture 17: Ballot box in the polling station 6/24 in Medz Tagher, seal and stamp missing

## Post Referendum:

While our observation mission did not comprise post-referendum monitoring, some facts about the situation and the conduct of various stakeholders are worth noting.

The Central Election Commission did not receive any complaints by the deadline of 23 February 2017, and we did not find any claim of such a complaint being attempted.

The Central Election Commission announced the final turnout as 76.5 per cent [79 428 votes], with 87.6 per cent [69 570 votes] of ballots cast in favour of the constitutional amendments, 9.7 per cent [7 686 votes] against and 2.7 per cent [2 172] of invalid ballots.<sup>5</sup>

The general public climate remained very calm after the referendum, and the public debate in online media, which are the most independent local media, showed no signs of a polarised debate about the referendum, or the quality of its conduct.

Official Baku had a strong reaction to the visit of the Members of the European Parliament. The Azerbaijani authorities issued an international arrest warrant against the three MEPs, while the international dimension of that warrant was quickly refuted by an Interpol statement.<sup>6</sup> In addition, the Co-chairs of the European Parliament's EU-Azerbaijan PCC MEP Sajjad Karim and Javanshir Feyziev issued critical statements about the MEPs' observation.<sup>7,8</sup>

## Effects of the referendum:

According to the new constitution, its chapters 1-3 and 12, which deal with

- "Fundamentals of the Constitutional Order",
- "Fundamental Human and Citizen's Rights and Freedoms",
- "Legislative Guarantees and Main Objectives of State Policy in Economic, Social and Cultural Spheres" and
- "Final and Transitional Provisions",

enter into force on the 10th day following the publication of the amendments in the Official Journal of the Republic of Nagorno-Karabakh / Artsakh.

<sup>5</sup> See: THE FINAL RESULTS OF THE REFERENDUM OF FEBRUARY 20, 2017 ON THE DRAFT CONSTITUTION OF THE ARTSAKH REPUBLIC PER ELECTORAL DISTRICTS: <http://cecnkr.am/wp-content/uploads/2017/02/english-ampopich-ardyunkner.pdf>

<sup>6</sup> See: <http://www.panorama.am/en/news/2017/03/02/Interpol-deny-Azerbaijani-disinformation/1737229>

<sup>7</sup> See: <http://candy.eldoradio.lu/Statement.pdf>

<sup>8</sup> See: [http://www.europarl.europa.eu/cmsdata/115149/dsca\\_press\\_release\\_28022017.pdf](http://www.europarl.europa.eu/cmsdata/115149/dsca_press_release_28022017.pdf)

The provisions of chapters 4-11 of the constitution about

- the President (excluding Article 93, regarding powers of the President, and Article 96, regarding non-confidence against the President),
- the National Assembly,
- Courts and the Supreme Judicial Council,
- the Prosecutor's Office,
- the Local Self-Governance,
- the Human Rights Defender, and
- the Audit Chamber

will come into effect on the day of the assumption of office by the President of the Republic. Until then, the corresponding provisions of the 2006 Constitution will be in effect.

According to chapter 4, articles 87 point 1 and 2, The President of the Republic shall be the head of the State and also the head of the executive power, effectively transferring powers from the office of the prime minister to the president.

Articles 93 and 94 describe the functions and the powers of the President, including in the area of National Security where he serves as "the guarantor of the sovereignty, independence, territorial integrity and security of the Republic of Artsakh".

Important changes to the name are contained in the chapter 1, articles 1-2 which define the Artsakh Republic as a sovereign, democratic state based on social justice and the rule of law, and the names 'Republic of Artsakh' and 'Republic of Nagorno-Karabakh' as identical.

The full text of the constitution can be found on the website of the National Assembly: <http://www.nankr.am/en/1838>