

Caucasus ELECTIONSWATCH

A weekly review of elections related processes in the Caucasus Region

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Armenian Presidential Elections 2013

We have always known who the winner was going to be, but who are the losers?

The 6th presidential Election of independent Armenia was held on Monday 18th February 2013. There was never any doubt who was going to win this election, but candidates, voters, election officials, journalists and observers – local and international, went through the necessary motions to conduct what technically was a good election ritual. A few of the seven candidates did not play the game according to the established rules and there was, a still unexplained, attempt on the life of another. One of the original eight candidates registered pulled out completely. The process was calm, peaceful, efficient and largely transparent.

But while we always knew who the winner of this election was going to be, the question of who were going to be the losers was not always that clear. Some may say that the six candidates who challenged incumbent President Serzh Sargsyan were losers because they did not win the presidency. The fact that none of them expected to win mitigates the pain, but more than that some have come out stronger. Raffi Hovhannessian, the candidate who was primed as the most likely to get the runner up slot used the campaign to establish himself as a politician of national stature which will serve him in good stead in the future. Andreas Ghukasian who spent the whole election campaign on hunger strike in protest at what he perceived to be a flawed process, earned the respect of many and will in future be one of the icons for those opposing the current government.

There are however three clear losers in this election: the first are the Armenian people. They deserved to have a competitive choice to choose from. This election hardly gave them that, although there was plenty of opportunity for a protest vote to express itself.

The second, perhaps biggest losers are the current leaders of the Armenian opposition. Their inability to coalesce, their failure to

guide their supporters properly in an important electoral process, their decision not to field candidates for the election and their mixed messages as to whether the electorate should vote or not, reflects badly on them, and if their objective was to highlight problems with the Armenian political process, they have, by their actions, now become part of those problems.

The third loser in this election is the one who is declared winner. Serzh Sargsyan needed a proper election that would give him a clear mandate to tackle in his second term the serious problems that the country is facing. In his first term he was distracted by the circumstances immediately following his election, something for which he may or may not have been responsible. Sargsyan can still be the president that Armenia needs at the moment. He may prove that by moving quickly to implement serious changes that are desperately needed. How the experience of this election will impact his decisions is still early to say.

There is in this story an important *what if* question. *What if* Vartan Oscanian had not been put under a dubious investigation last summer, and what if his Party had decided to back him as a presidential candidate, *what if* other opposition parties had decided to back him as a candidate of national unity? We will now never know the answers to these questions. Some respected Armenian analysts are characterising this election as the end of an era, the last hurrah of the present generation of Armenian politicians. A new generation of leaders will fight it out next time round. Perhaps. But many things can happen between now and the next election cycle and Armenia hardly has the luxury for long pauses in its political evolution. ■

The Georgian roller-coaster continues non stop.

Caucasus Elections Watch is a specialised weekly publication focusing on elections related processes in the Caucasus, with news and analysis compiled by experts with long experience of the region.

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Only days after Georgian politics plunged into pessimism with ugly scenes of intolerance in front of the National Library as President, Government and Parliament played a cat and mouse game which they insist on calling cohabitation, it was time for the roller coaster to turn on the up side.

Reconciliation was in the air as the two sides pulled back from brinkmanship politics and focused instead on necessary compromise.. The sight of two MPs, one from the government coalition and one from the opposition having a fist fight on live prime tv was not reassuring, but Georgians have got used to theatrics and are no longer much impressed by it. Of more substance was the news that the Government and the opposition were edging closer to agreeing a constitutional settlement that would address the immediate concerns of the two sides.

The Georgian web portal civil.ge reported that the key element of what is being discussed is how to bring forward the constitutional amendments that are due to come into force in October. These amendments made in 2010 reduce the power of the presidency. According to civil.ge Prime Minister Bidzina Ivanishvili was the first to disclose publicly this aspect of on-going talks. Ivanishvili told journalists during his visit to Ankara on February 14 that "there is a good initiative from Saakashvili" to enforce new constitution earlier than it's scheduled – after the presidential elections in October, 2013. "This is more interesting initiative, which was put forth by the President. Negotiations continue and, if needed, I will also engage in these talks," Ivanishvili said.

[Civil.ge](http://civil.ge) also reported that Parliamentary Chairman, Davit Usupashvili, who is negotiating with UNM on behalf of GD, said on February 15 that talks were on-going around this proposal of UNM. "Although that [new constitutional] model contains certain shortcomings, its enforcement – possibly part of it – would help to resolve many problems," Usupashvili said. Usupashvili said that GD was pushing for one specific issue – amending constitution in a way to limit President's power

to sack sitting government and appoint new one without Parliament's approval. "In the course of negotiations readiness has emerged to take broader approach in tackling the problems and we said that it's an interesting idea. Back in November and December we have offered this proposal [to enforce the new constitution now instead of late 2013] to UNM, but at the time they were not ready for that," Usupashvili said. "In the existing reality, taking into consideration multiple factors, today not only they expressed readiness, but they themselves proposed this initiative and we are now working on it," Usupashvili added without specifying what, if any, concessions GD will make in exchange. "Many factors determine people's more and more rational behavior," Usupashvili responded when asked in exchange of what UNM decided to agree on significant cut in presidential powers.

Many observers are not convinced that quick constitutional changes that are tailor made for specific personalities or a specific moment in politics should be the way that Georgia should adopt when dealing with its future constitutional framework. There is however recognition that these talks and any possible solution may avert a more serious political crisis over the difficult few months between now and the end of Saakashvili's term as President in October. A discussion is currently on-going within the Georgian Dream coalition on the future role of the presidency and how the President is elected. Bidzina Ivanishvili himself and most of his coalition partners now seem set on pushing for a parliamentary republic with a President elected by Parliament rather than by popular franchise. But at least one party, the Free Democrats led by Irakli Alasania still want a strong Presidency with an elected President. This debate is very legitimate and should take place with the participation of wider Georgian society over a reasonable amount of time before the issue is decided.

In the meantime Georgians hope that the roller-coaster will stay on positive for a while before it inevitably drops back to crisis and brinkmanship as it always invariable does. ■

Source: CEW with civil.ge.

If Brezhnev could accept the Helsinki Final Act of 1975, it should not be so difficult for Armenia and Azerbaijan to do so too.

Over the last few weeks it has become common to hear officials in Azerbaijan, and to a lesser extent in Armenia, complaining that the European Union is interfering in the internal affairs of their countries. This happens whenever EU officials or diplomats raise issues connected with human rights, rule of law and free elections. The chorus started first with some pro government journalists and commentators, but by last week senior officials in the two countries had joined the fray.

These officials clearly do not understand the processes that have been going on in Europe in the last forty years. The historic Helsinki Final Act adopted by all the European states (with the exception of Albania) in 1975 laid the foundation of a new European order which recognised the indivisibility of security and that human rights on the continent were not simply an internal matter but a matter of legitimate concern for all. The OSCE work in the field of the human dimension emerged from that agreement.

Things have moved on since 1975: the cold war is over, the Soviet Union has ceased to exist and has been replaced by fifteen successor states, and many other important documents have been adopted, including in Paris and Copenhagen to consolidate and develop the Helsinki agreements. Yet the 1975 Act remains a beacon for all who struggle on the continent for their basic rights and freedom.

Both Armenia and Azerbaijan joined the CSCE (known after 1994 as OSCE) in 1992, accepting all its commitments and obligations including the Helsinki Act. They have since also joined the Council of Europe and signed up to numerous of its conventions. They also entered into Partnership and Co-operation Agreement with the European Union. All these documents highlight the issue of human rights and the fact that their protection is a duty of all.

The European Union not only has a right to speak up on issues of human rights violations in the OSCE area, but it clearly has a duty to do so. The governments of Armenia and Azerbaijan need to recognise this, and focus their efforts not on trying to shoot the



Soviet Leader Leonid Brezhnev signing the Helsinki Final Act in August 1975. The Act made the subject of human rights a matter of legitimate concern to all

messenger but to deal with the issues raised. The European Union has no intention and no desire to destabilise either Armenia or Azerbaijan. On the contrary all its actions show that it wants these two countries to develop and prosper, and be closer to it in all spheres, including its shared values.

On the other hand often, activists in Armenia and Azerbaijan have found succour in the words of the EU, EU officials and European civil society in general. That is absolutely understandable and acceptable. They however must understand clearly that support for the right to say something, does not necessarily mean support for what is being said. This is sometimes a fine, but very important distinction that is many times misunderstood by those opposing governments.

It is for the people in Armenia and Azerbaijan to read who should govern them and to debate and define the policies of their countries. Outsiders can only defend the right for those debates and decisions to be conducted in a proper fashion. ■

This commentary was prepared by the editorial team of CEW.

Thirty-two European governments express concern about human rights situation in Azerbaijan.

At the 941st meeting of the Permanent Council of the Organisation for Security and Co-operation in Europe (OSCE) held in Vienna on Thursday, 14 February 2013 a statement was made on behalf of the twenty seven member states of the European Union and on behalf of Croatia, Montenegro, Iceland, Bosnia-Herzegovina and the former Yugoslav Republic of Macedonia who aligned themselves with it, expressing concern about recent developments in Azerbaijan in the field of human rights. The statement said:

The EU recalls the joint statement issued on 9 February 2013 on behalf of EU High Representative Catherine Ashton, and the European Commissioner for Enlargement and Neighbourhood Policy, Štefan Füle, regarding the arrests of the deputy chairman of Azerbaijan's largest opposition party "Musavat", Mr. Tofiq Yagublu, and Mr. Ilgar Mammadov, leader of the Republican Alternative Movement and Presidential candidate nominee, on 4 February 2013, and the subsequent decision to hold them in pre-trial detention for a period of two months. The EU joins others in expressing concern regarding these arrests and urges Azerbaijan to release immediately the two opposition figures. We also urge Azerbaijan to ensure a speedy, fair, transparent and independent investigation of the charges.

We call on Azerbaijan to review urgently the charges imposed against individuals who took part in a peaceful demonstration on 26 January in Baku and to ensure that existing allegations of ill-treatment of detainees participating in that demonstration and earlier protests in Ismayilli are thoroughly investigated.

The EU is also concerned about the arrests of two political activists, Mr Javid Nabiyev and Mrs Gunay Ismayilova, on 12 February in the city of Khachmaz where they were scheduled to conduct a civil society training for the Election Monitoring and Democracy Study Centre, a project funded jointly by the EU and the National Endowment for Democracy. While these individuals have now been released, we call on Azerbaijan to provide the Permanent Council with detailed information on this worrying incident.

The European Union is also deeply concerned by recent threats against the writer Mr. Akram Aylisli and members of his family. Recalling OSCE commitments with regard to Fundamental Freedoms, including Freedom of Expression, we urge the Azerbaijani authorities to ensure that the personal safety of Mr. Aylisli and his family is protected and that measures taken against them are retracted.

In light of the upcoming Presidential elections in October, Azerbaijan has an opportunity to demonstrate its commitment to improve the country's record on democracy, fundamental freedoms and human rights, independent justice and the rule of law. Azerbaijan has clearly and freely agreed to abide by OSCE commitments and has also undertaken commitments in the framework of its relationship with the EU through the Action Plan of the Partnership and Cooperation Agreement in the Eastern Partnership. We urge Azerbaijan to enable an open political space for a meaningful dialogue in the country that includes diverging views and to refrain from obstructing the legitimate activities of journalists, political activists and potential presidential candidates.



In this context, the European Union reiterates its support to the OSCE office in Baku in its active role to bring attention to fundamental rights and freedoms in Azerbaijan, especially in the run up to the forthcoming presidential elections. We would like to encourage the Azerbaijani government to engage closely with the OSCE especially ODIHR to provide for a transparent and objective election monitoring process throughout the electoral cycle. ■

Source: European Union.

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