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Electoral Politics in the De Facto States of the South Caucasus

By Donnacha Ó Beacháin (Dublin City University)

Abstract

This article charts the development of electoral politics in Abkhazia, South Ossetia and the Nagorno-Karabakh Republic (NKR). It provides an overview of the political systems in these three de facto states, primarily by examining presidential and parliamentary elections. Particular attention is given to the level of competition during these election campaigns and to the level of participation of women and ethnic minorities.

Distinctive Features of South Caucasian De Facto States

The three de facto states in the South Caucasus share many similarities, such as a common Soviet heritage and an absence of UN membership. Without exception, they are small regions that have tried, with varying degrees of success, to establish regimes that can deliver basic services to their citizens. They range from Abkhazia, which enjoys ample agricultural resources and tourist potential, to South Ossetia, whose economy barely registers a heartbeat. All three economies depend on heavy subsidies from their patron; the NKR, for example, derives 60% of its budget from Armenia.

Dependence on the patron state is symbolised by the use of the Russian ruble as the currency of Abkhazia and South Ossetia and the Armenian dram in Nagorno-Karabakh. A lack of recognition has inhibited foreign trade and interaction with other states, which in turn has created and reinforced an economically dependent relationship on their external sponsor.

War has forged all three de facto states, and the legacy of conflict remains visible, despite attempts at reconstruction. Each territory has also been the site of large-scale population displacements. Home to 42,871 Azerbaijanis at the time of the last Soviet census in 1989, who constituted 22.5% of the population, Nagorno-Karabakh is now almost homogeneously Armenian. Abkhazia's population today is less than half of what it was in 1989, mainly as a result of the 1992–1993 war, which forced approximately 200,000 Georgians to permanently flee the territory.

While these expulsions have left South Ossetia and Nagorno-Karabakh ethnically homogeneous, Abkhazia remains heterogeneous; the Abkhaz constitute at most half of the population and co-exist with large minorities of Armenians and Georgians and smaller communities of Russians and Greeks. These societies are militarised, and the standing army numbers are exceptionally high, considering the diminutive populations. Russian troops are stationed in Abkhazia and South Ossetia, and Armenia provides a substantial portion of the military in Nagorno-Karabakh and the surrounding region.

All three states have put in place detailed constitutions and have declared independence following refer-

enda. Freedom House ranks Abkhazia and Nagorno-Karabakh to be 'partly free', but South Ossetia is ranked 'not free'. Each state has a presidential system, a choice influenced by the Soviet heritage, regional norms and the exigencies of wars, during which centralisation of power was considered essential for survival. The NKR, for example, initially opted for a parliamentary system but quickly switched to a more centralised form of governance. Within six months of the first Supreme Council's election, the Azerbaijani military controlled half of Nagorno-Karabakh; 11 of the legislature's 81 members (14% of all elected deputies) were killed during the 1992–1994 conflict.

Presidential Dominance

During the first decade following the collapse of the Soviet Union, notions of fostering a domestic opposition within the de facto states proved alien to many residents. Fear of renewed conflict with external foes meant that a high premium was placed on national unity, a sentiment that could be exploited by an incumbent regime that was reluctant to share or give up power.

This feature has been most pronounced in the NKR, which has never witnessed a change of power between government and opposition. Opposition forces (which often prefer to be labelled 'alternative') have been either small or illusory. The first few presidential elections in Karabakh (1996, 1997, 2002) were stage-managed to endorse a candidate chosen by the Armenian political elite in Yerevan and local power brokers in Stepanakert.

This practice was disrupted, though not reversed, in 2007 by the candidacy of the then-deputy foreign minister, Masis Mayilan, and again in 2012, when incumbent Bako Sahakyan warded off a spirited challenge from former deputy defence minister Vitaly Balasanyan, who took almost a third of the vote. The 2010 NKR parliamentary elections failed to produce a single opposition MP among the 33 elected to the national assembly, and the 2015 contest produced only three legislators opposed to the government. The 2017 constitutional referendum sanctioned increased presidential powers, abolished the post of prime minister, and postponed elections until 2020 for incumbent leader Bako Sahakyan, who should

have stepped down in July 2017 after having completed two full terms of office.¹ Opponents of the referendum described it as a ‘constitutional coup’.

Most presidential elections in South Ossetia have required a second ballot, and despite the tiny electorate, there has never been a shortage of candidates or political parties (nine parties contested the 2014 parliamentary elections). Incumbent presidents have lost to rivals twice: in November 2001 and April 2017. The presidential election of November 2011 at one time looked as though it might include thirty candidates, but a combination of some of the candidates withdrawing and the CEC refusing to register others reduced the number on the final ballot paper to eleven. During the winter of 2011 and spring of 2012, no fewer than four rounds of presidential elections had to be held to overcome a very divisive and controversial series of campaigns that brought large demonstrations into the streets of the South Ossetian capital, Tskhinvali.

The first president of Abkhazia, war-hero Vladislav Ardzinba, enjoyed early popularity, although the later years of his presidency were first marked by increasing authoritarianism and later by very poor health. For the last decade and a half, there have been acute divisions within Abkhazia’s political elite sometimes attributed in journalistic shorthand to ‘clans’. Disenchantment during the final years of ailing president Ardzinba’s rule resulted in the electoral defeat in 2004 of his anointed successor and Kremlin-favourite, Raul Khadjimba. The elections, which produced widespread civil unrest, including the occupation of Parliament, eventually produced a victory for Sergey Bagapsh, who would go on to win a second term in 2009 against four competitors, including Khadjimba.

Bagapsh’s untimely death two years later led to a three-way fight between Khadjimba, veteran foreign minister Sergei Shamba and former vice-president Alexander Ankvab. Despite a comprehensive election victory in the first round, Ankvab quickly acquired a reputation as an authoritarian figure. Moreover, critics charged him with misallocating Russian aid and illegally distributing Abkhaz passports to Georgians living in Abkhazia. An alliance of influential opposition figures and groups organised protests in the capital, Sukhumi, prompting Ankvab to flee Abkhazia on 1 June 2014 and the call for early elections.

Effectively benefiting from a *coup d’état*, Khadjimba and his supporters won a narrow election victory, but they did so only after changing the electoral register and

trying to take over the state news agency and Central Election Commission. On his fourth try, Raul Khadjimba finally became Abkhazia’s president. However, his political victory came with the heavy price of disenchanting a large section of Abkhazian society and further alienating the Georgian population of Gali. Abkhazia had been long accustomed to being denied international recognition, but Khadjimba risked depriving the Abkhaz political system of legitimacy within Abkhazia.

Parties and Parliamentarians

Lawmakers in all three jurisdictions serve a five-year term, but there has been a divergence in how parliamentarians are elected. Abkhazia employs a majoritarian system in single-mandate constituencies, whereas South Ossetia uses a party-list system of proportional representation. This has resulted in very different compositions within the legislatures. Whereas the vast majority of Abkhazia’s MPs (currently 88.5%) are, as they have always been, ‘independents’, their counterparts in South Ossetia, without exception, represent political parties.²

As is common in post-Soviet presidential systems, political parties are weak. All evidence suggests that a party banner in Abkhazia is a burden rather than a bonus for a prospective office-holder. Only four of the eight parties eligible to nominate candidates in the March 2017 parliamentary elections did so, and party nominees constituted less than a fifth of all candidates (24 of 139). Of these, only four successfully took one of the Assembly’s 35 seats.³ In South Ossetia and Nagorno-Karabakh, most parties do not represent significant social cleavages and are merely vehicles for driving their leaders to power.

With each parliamentary election in the NKR since 2005, the electoral system progressively moved away from the single-mandate majoritarian system of voting towards a proportional party-list system. This process was completed on 20 February 2017 with the approval by referendum of a new constitutional framework and is expected to influence voters to focus less on individual personalities and more on political parties, although it remains to be seen if this will indeed prove to be the case.

Parliamentary elections in Abkhazia have been highly competitive. In March 2017, most of the seats in the National Assembly required a second round of vot-

1 The authorities also took the trouble of including in the omnibus referendum a new constitutional provision effectively outlawing same-sex marriage, a *bête noire* for most post-Soviet governments.

2 In 2014, the United Ossetia party, which is committed to unity with North Ossetia within the Russian Federation and is led by Anatoly Bibilov, won 20 of the 34 available seats.

3 Only one party representative managed to win a seat in the first round, and the assembly elected in 2017 contained just three members of Raul Khadjimba’s Forum for the National Unity of Abkhazia (FNUA) and one candidate from the opposition Ainar party.

ing to determine the winner. As in the 2007 and 2012 contests, the majority of incumbent legislators participating in the 2017 elections to the national assembly proved unable to defend their seats.

Possessing a war record is of inestimable value when running for office, and veterans have generally taken the lion's share of seats in the legislatures in Abkhazia and the NKR. It is also important to note that an entire generation has grown up since the independence struggles of the early 1990s. During the 2017 parliamentary elections in Abkhazia, for example, at least 40% of candidates were too young to have fought in the 1992–1993 war against the Georgians. However, there has not yet been a generational power shift in any of the de facto states, and power remains in the hands of those politically initiated during the Soviet period.

Although the executive eclipses Parliament, the legislature can be a useful recruiting agent for the politically talented and ambitious, and has on occasion been used as a base from which to challenge the president, most notably by Raul Khadjimba in Abkhazia and Anatoliy Bibilov in South Ossetia. Most parliamentarians, however, do not entertain realistic presidential ambitions. Local government is generally not a route to national political institutions, but it rather seems to be an end in itself. Only 5.7% of the candidates running in Abkhazia's parliamentary elections in 2017, for example, had previous experience of politics at the city or regional level.

Women in Politics

Within the three de facto states, the political participation of women has been derisory. There has never been a female presidential candidate in Abkhazia or the NKR. When Alla Jioyeva put herself forward in South Ossetia, outgoing president Eduard Kokoity, who had only recently completed his second and final term, dismissed the possibility of a woman taking office by saying that 'the Caucasus is the Caucasus'.⁴ After preliminary data from the CEC indicated that Jioyeva was leading Anatoliy Bibilov by a substantial margin, the Kokoity-appointed Supreme Court annulled the second round and prohibited Jioyeva from contesting the re-run, in which Leonid Tibilov emerged victorious in a narrow, second-round victory over David Sanakoyev.

Abkhazia has never produced many female parliamentarians. Representation peaked at four MPs in 1996 and again in 2008, when Emma Gamsonia won a by-election, but it has lessened since then, to the point where the 2017 parliamentary elections produced a solitary

female MP, which is hardly surprising when little more than one in twenty candidates is a woman.

In the NKR, which for many years operated a mixed electoral system, women fared better in the proportional list system than in majoritarian seats. In October 2014, the National Assembly adopted a new electoral code, which included the provision that neither gender could have more than 80% representation on a party list (Article 106, Section 2). Consequently, 20% of the candidates on each party list (one in every five places, to prevent parties 'dumping' women at the bottom of the list) must be female.

The legislation had an immediate effect, and during the 2015 parliamentary elections, women constituted 25% of candidates (41 of 164), although it was significant that none headed any of the party lists. Testifying to the efficacy of the gender quota for party lists, four of the 22 proportional seats were taken by women, whereas only five women contested the 11 majoritarian seats, constituting a mere 9.5% of the 42 candidates, of whom only one was successful. All available seats in the next parliamentary elections, scheduled for 2020, will be contested using the party list system, and we might expect to see an unprecedented number of women elected to the Assembly as a result.

The Ethnic Character of Politics

All three de facto states are 'nationalising states'⁵ that, while (rhetorically at least) offering 'respect' for ethnic minorities, seek to elevate the position of the titular nation. The NKR constitution passed by referendum in 2017 makes extensive references to the elevated position of the Armenians. The preamble claims to be 'inspired by the firm determination of the Motherland Armenia and Armenians worldwide' to support Karabakh, while the Holy Apostolic Church of Armenia is recognised as Karabakh's 'national church', with 'the exclusive mission ... in the spiritual life of the Armenian people, in the development of their national culture, and preservation of their national identity' (Article 18). Armenian is declared to be the state language (Article 20), and there is a commitment to strengthening relations with Armenia, the Armenian Diaspora and 'preserving Armenianness' (Article 19).⁶

Given the homogeneity of the populations in South Ossetia and Nagorno-Karabakh, it is inconceivable that a candidate from a non-titular ethnicity would ever become president, but the situation is far more complex

⁴ Kokoity: 'Woman President Ruled Out', *Civil.ge*, 14 November 2011. Available at <<http://www.civil.ge/eng/article.php?id=24140>>

⁵ See Rogers Brubaker. 'Nationalising states in the old 'New Europe'—and the new', *Ethnic and Racial studies* 19.2 (1996): 411–437.

⁶ These provisions were present, with variations in wording, in the previous constitution introduced in 2006.

in heterogeneous Abkhazia, where elections have been used to maintain Abkhaz political and cultural supremacy. Demographic vulnerability is at the heart of the Abkhaz determination to govern with little input from the other peoples inhabiting Abkhazia. The Abkhaz view such favouritism as a form of affirmative action to remedy and reverse the historical persecution of their people, which contributed to their demise as Abkhazia's dominant population.

Candidates for the presidency of Abkhazia, for example, are constitutionally required not only to be fluent speakers of Abkhaz—a language that is almost exclusively the preserve of the titular nation and that only a minority of citizens speak—but they must also be ethnically Abkhaz. Similarly, the Abkhaz enjoy a clear numerical ascendancy in the national assembly, and other nationalities, most notably Armenians and Georgians, have been consistently under-represented. Of the 139 candidates contesting the 2017 parliamentary elections, 130 (93.5%) were Abkhaz, a mere 8 were Armenian; there was a solitary Russian and not a single Georgian. Not surprisingly, the National Assembly is overwhelmingly (88.5%) composed of ethnic Abkhaz.

The most recent and far-reaching effort to disenfranchise ethnic Georgians in Abkhazia occurred after Raul Khadjimba and his supporters seized power in June 2014.⁷ In advance of snap elections in August 2014, nearly 23,000 Georgians—constituting 15% of Abkhazia's voters—were struck off the electoral register. Ostensibly barred because they held Georgian passports in addition to their Abkhaz documents, it was clear that Khadjimba wanted to deny a voice to a large section of the community that was unlikely to vote for him.⁸ Another law rushed through Parliament established polling stations in Turkey and Russia to enfranchise members of the Abkhaz diaspora, some of whom had never been to Abkhazia.⁹ The disenfranchisement of these Georgians has meant that the number of parliamentary seats allocated to the Gali region has been

reduced from three to one, with only 603 of the region's 30,247 adults allowed to vote in the 2017 parliamentary elections, a mere 2% of Gali's electorate.

Further evidence of the increasingly ethnic character of the de facto states is the recent trend in changing the official name of the country. On 20 February 2017, voters in Karabakh agreed to change the name of the republic to *Artsakh* (the name for the region in Armenian). On 9 April 2017, over three quarters of voters in South Ossetia opted by referendum to change their homeland's name to 'Republic of South Ossetia — the State of Alania' (*Alania* being the name for the region in Ossetian). Parliamentarians from Abkhazia who observed the NKR referendum were reported to have been impressed by the initiative and mused that there might be something to be said for replacing 'Abkhazia' with the Abkhaz-language name *Apsny*.

Conclusion

In new states, particularly those forged by war, there is frequently a close alignment between electoral politics and nation-building. The de facto states of the South Caucasus have proved no exception in this respect. Ethnic under-representation within political structures remains a key feature of politics within Abkhazia, and its absence in South Ossetia and the NKR is explained only by the expulsion of ethnic minorities.

Despite relatively inhospitable conditions—in terms of political neighbourhood, a lack of international recognition, a legacy of war and, until recently, the threat of military attack—the de facto states of the South Caucasus have endured for over two decades. They have proven to be capable of holding competitive and unpredictable elections in which real opposition candidates participate and enjoy prospects of success. There have, however, been some noticeable reversals in recent years.

In Abkhazia, the achievement of competitive presidential elections in 2004, 2009 and 2011 was undermined in 2014, when Alexander Ankvab's forced departure¹⁰ was followed by a deeply flawed election. Raul Khadjimba and his supporters dealt multiple blows to Abkhazia's claims to being evaluated on the merits of its electoral politics rather than dismissed because of its lack of international recognition.

Backsliding of a different kind was recently witnessed in Nagorno-Karabakh with the passing of a new constitution that further empowered the incumbent president while prolonging his time in office. In this respect, the NKR followed a regional trend that has seen presidents in Georgia, Azerbaijan, Turkey, and

7 Donnacha Ó Beacháin, 'What Happens When an Unrecognized Country Experiences a Revolution?', *The Global Observatory*, 13 June 2014. Available at <<http://theglobalobservatory.org/2014/06/what-happens-when-unrecognized-country-experiences-revolution/>>

8 Only Abkhazian–Russian dual citizenship is permitted in Abkhazia, and this law was conceived primarily to disadvantage Georgians. The Abkhaz authorities had always known that Georgians in Abkhazia possessed Georgian passports and understood why, but they had pragmatically decided not to pursue 'offenders'. Khadjimba's decision marked a sharp reversal in this practice.

9 Donnacha Ó Beacháin, 'Dubious Election Produces a Divisive New President in Abkhazia', *The Global Observatory*, 3 September 2014. Available at <<http://theglobalobservatory.org/2014/09/dubious-election-divisive-new-president-abkhazia/>>

10 To the surprise of many, Ankvab returned to Abkhazia in 2017 to successfully contest a parliamentary seat.

much of Central Asia propose changes to the constitution to enhance or extend their powers and/or time in office.¹¹ Tailoring the constitution to accommodate the incumbent on the grounds of national security or simply because of their alleged indispensability is a depressingly familiar tale in the post-Soviet space.

Women have traditionally been greatly under-represented in every South Caucasian state, regardless of whether the state is afforded international recognition.¹² The NKR was the first de facto state to attempt to legis-

lately address this imbalance by introducing a provision that guarantees that at least one-fifth of parliamentary candidates must be women, albeit in the context of a strong presidential system that has proven to be allergic to female aspirants. Gender quotas have proven to work in recognised states. Time will tell whether they can help erode deeply embedded patriarchal assumptions or whether, to paraphrase Eduard Kokoity, the Caucasus will remain the Caucasus.

About the Author

Donnacha Ó Beacháin is director of research at the School of Law and Government, Dublin City University, where he lectures on post-Soviet studies and has produced a popular module on unrecognised states. During 2011–12, he was tasked by Ireland's Department of Foreign Affairs Conflict Resolution Unit to research the role of the OSCE and EU in the post-Soviet protracted conflicts. This major research project was designed to assist the Irish Government as it chaired the OSCE in 2012 and hosted the EU Presidency in 2013. In January 2012, Dr Ó Beacháin also received an additional commission from the Irish Research Council/Department of Foreign Affairs to conduct field research in Abkhazia and Transnistria and write additional reports evaluating electoral politics in these unrecognised states. Dr Ó Beacháin is a lead researcher in the €3.6m FP7/Marie Curie Initial Training Network in Post-Soviet Tensions (2013–2017) and in the €3.8m Horizon2020 project on the Caspian region (2015–2019).

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11 See Donnacha Ó Beacháin and Rob Kevlihan. 'Imagined democracy? Nation-building and elections in Central Asia', *Nationalities Papers* 43.3 (2015): 495–513. The NKR constitutional change bore a striking resemblance to President Erdogan's proposal to enhance and extend his powers, ultimately accepted by a majority of the Turkish electorate in a referendum held on 16 April 2017.

12 See Caucasus Analytical Digest No. 71, 'Women in Politics' (30 March 2015). Available at <<http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CAD-71.pdf>>