

Pashinyan's Gambit or Armenia's Failed Revolution

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The article is a critical examination of the political developments in Armenia since the 'Velvet Revolution' of April-May 2018, when, on the wave of massive protests against the ruling regime, new young forces came to power raising amongst broad segments of population enormous enthusiasm and hopes about radical reforms that would lead to profound transformations in the political and socio-economic spheres. It contains a thorough analysis of underlying political processes in the country in an attempt to answer a number of topical questions, so important to get a deeper understanding of the situation in Armenia and in the South Caucasus region.

Based on the analysis of the new authorities' performance against the acknowledged benchmarks and standards of democracy consolidation, such as: separation of powers, independence of the judiciary, good governance, transitional justice the author comes to the conclusion that they failed to achieve any breakthrough in the above-mentioned fields. On the contrary, as demonstrated by concrete examples, what occurred in Armenia was not a revolution but a mere regime change under the leadership of Prime Minister Pashinyan, who gradually has concentrated in his hands executive, legislative, and quasi-totality of the judicial branch of power.

Key words: Armenia, 'velvet revolution', PM Pashinyan, democracy consolidation, political parties

Democracies may die at the hands not of generals but of elected leaders - presidents or prime ministers who subvert the very process that brought them to power.¹

Introduction

On May 8, 2018, the National Assembly of Armenia, dominated by the ruling Republican Party, elected Nikol Pashinyan, perhaps the harshest opposition figure in the country's political landscape in the last two decades, as Prime Minister, vested with great powers and authority according to the constitutional amendments of 2015. This crucial event was preceded by the resignation on April 23rd that year of Armenia's third president, Serge Sargsyan, who had been appointed Prime Minister one week earlier, even though the new constitution had been crafted precisely to prolong his political life for the foreseeable future and with him the regime founded by the country's first president Levon Ter-Petrosyan in 1991.

On April 17, 2018, the day of Serge Sargsyan's appointment as Prime Minister, no one could have predicted his imminent fall. Within a short period, the ruling party had surrendered power to a man who garnered drastically growing popular support, beginning with a handful of like-minded supporters in the country's second-largest city Gyumri in late March and ending with powerful public rallies of hundreds of thousands in the capital city of Yerevan by late April.

What factors generated such unprecedented popular unrest to bring to power a new leader, who epitomized the population's discontent and hatred of the ruling regime, while instilling hope for a new beginning, where lawlessness would be replaced by rule of law, injustice by fairness, and corruption by honest state officials? In other words, what had allowed hatred to be replaced by "love and solidarity," the most impressive slogan of the "velvet revolution"?

Two years after the revolutionary events of April-May 2018 in Armenia, a number of fundamental questions still remain unanswered. Did these events signify a genuine revolution or a mere change in leadership? Could Prime Minister Pashinyan's government realize the spectacular achievements that he had promised, or were the new leader's political and socio-economic reforms merely cosmetic change? Could the new political forces establish a system of checks and balances between the branches of power that had been disrupted under the previous regime, and, notably, ensure the independence of the judiciary? Had the "velvet" government undertaken measures to eradicate all forms of corruption, or had corruption merely changed shape to adapt to

¹ Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Broadway Books, 2018).

new conditions? Had the leader of the revolution proved to be wise and dedicated to maintaining the people's sovereignty or had he turned out to have been a populist in pursuit of a personal political agenda? Would the new leadership's new approaches help bring a solution to the Nagorno Karabagh problem, or merely continue perfunctory negotiations? Finally, did the "proud citizens of Armenia" (Pashinyan's preferred and frequently repeated term for the population), really feel the effects of "revolutionary changes" not only in living conditions, but in protection of their fundamental rights and respect for human dignity?

This paper attempts to answer if not all, then the most critical of these questions shedding light on the essential features of modern Armenia's development, which have implications domestically and abroad, particularly in the South Caucasus, related to issues of nationalism versus globalization and liberal democracy and populism versus universal values.

Methodological Approach

This research involved exploration and analysis of major sources of information, including Armenian parliament and government documents and deliberations, statements from representatives of the government and opposition, material from analytical centres, publications from the press, television, electronic media and social networks, as well as international reports from authoritative international organizations including Amnesty International, Human Rights Watch, Transparency International, the International Institute for Democracy and Electoral Assistance (IIDEA), the Council of Europe's Group of States against Corruption (GRECO), and concerning foreign political issues, from intergovernmental organizations (NATO, EU, OSCE).

It should be underlined that apart from analytical articles, interviews, and debates within Armenia there have thus far been very few sound academic papers, let alone monographs, dedicated to the "velvet revolution" and successive developments during the past two-years.² This article therefore may be considered as an attempt to

² See, for instance Stepan Grigoryan, *The Armenian Velvet Revolution* (Yerevan: Antares Publishing House, 2018). (in Armenian. Russian and English translations are also available). This analytical work covers the period preceding the popular movement, its inception and development up to 8 May 2018, when Nikol Pashinyan was elected Prime Minister by Parliament; Arthur Atanesyan, "Velvet Revolution" in Armenia: Potential, Gains and Risks of Political Protest Activity" *Polis. Political Studies* No.6 (2018), pp. 80-98 (in Russian) <https://doi.org/10.17976/jpps/2018.06.06>. This academic article focuses on the causes of the large protest movement in April-May 2018 in Armenia, as well as the first steps by the new authorities headed by Prime Minister Nikol Pashinyan up to September 2018; Vahram Abadjian *Constituent Assembly* (Yerevan: Hayagitak Publishing House, 2018) (in Armenian). This is an analytical essay strongly arguing

provide deeper insight into that period's most critical issues and political developments. Furthermore, this paper falls within the scope of research dealing with democratic consolidation and the transition from totalitarian or authoritarian systems towards the establishment and consolidation of state structures and societies based on genuine democratic values and standards. Many academic and analytical essays and monographs have shed light on the three-decade transition of former communist bloc countries to democracy, as they travel a road full of dangers and unknowns, while also inspiring hope and optimism.³

The first part of this article refers to a number of criteria and standards that serve to gauge concrete progress in democratic transition and consolidation, including separation of powers, rule of law, good governance, and transitional justice following totalitarian regime breakdown. The analytical and factual content of the paper develops in line with these benchmarks, providing a concrete understanding of Armenia's progress along the path of democratic transition. The second half of the article considers important issues related to foreign policy, recent developments, specific aspects of Pashinyan's populism; and, finally, characteristics of political parties in Armenia.

The Nature of Power since Armenia's Independence

It is worth starting the analysis by exploring the concept of the *nature of power* – which forms a deeper layer underlying state structures, regimes, legal provisions, or political frameworks, as categorized and acknowledged in political science. The notion of power has little to do with whether a given system of rule is a presidential or parliamentary democracy, a constitutional or absolute monarchy, or a totalitarian or liberal regime. Rather, it considers the essential features of state leadership to be statesmanship, the commitment to respect and apply basic human rights standards to daily life, dedication to the national interest, and ability to ensure the people's security and well-being. In

in favour of adoption of a new constitution through convening a Constituent Assembly, and containing recommendations to the new authorities on state building.

³ See, for instance, Scott Mainwaring and Fernando Bizzaro, "The Fate of Third-Wave Democracies," *Journal of Democracy* 30, no. 1 (January 2019): 99-113; Juan L. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore and London: Johns Hopkins University Press, 1996); Guillermo O'Donnell, "Illusions about Consolidation," *Journal of Democracy* 7, no. 2 (April 1996); Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1993); J. Samuel Valenzuela, "Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions," Working Paper No. 150, The Helen Kellogg Institute for International Studies, December 1990.

other words fairness, honesty, spiritual and moral virtues are essential for leadership.⁴ While such an abstract criterion may be fraught with the risk of subjective assessment it is necessary to understand the realities of “post-revolutionary” Armenia.

Following Soviet collapse, the newly independent states, including Armenia, appear to have transitioned from totalitarian communist rule towards more democratic societies, in which the people held power through the free and fair election of representatives, and legal mechanisms and the rule of law protected universal values, human rights, and fundamental freedoms. Almost all the leaders of the newly independent states demonstrated an eagerness to initiate fundamental democratic, political, and socio-economic transformation of their societies. Following independence, these states became full-fledged members of the international community, were accepted into a number of international organizations, and ratified international humanitarian law and human rights agreements. Hence, on the surface, judging by its formal institutions, domestic laws, and international commitments, Armenia could be considered as a country with a clearly articulated democratic structure and guarantee of human rights, fundamental freedoms, social justice, and progress.

Unfortunately, reality contradicted proclaimed values and goals. A discerning observer would notice that rather soon after independence the country started moving in a totally different direction. Under the guise of democratization and economic liberalization and motivated by self-enrichment, the regime of the first president Levon Ter-Petrosyan and his closest circle began appropriating the country's national wealth, mystifying the population with fairy tales about equal opportunity through the privatization of economic enterprise, difficulties of the transition period, the war for Nagorno Karabagh independence, and the like. Levon Ter-Petrosyan's successors, Presidents Robert Kocharyan and Serge Sargsyan followed suit with even greater determination to act in their own, rather than the country's interests.⁵ To analyse the gist of the politics of Armenian leadership from 1991 to 2018 under the

⁴ To some extent this notion is close to what Guillermo O'Donnell has formulated as: ‘... the visible and apparently increasing gap between formal rules and the behaviour of all sorts of political actors. But the gap is even larger in many new polyarchies [political democracy - VA], where the formal rules about how political institutions are supposed to work are often poor guides to what actually happens’. See O'Donnell, “Illusions about Consolidation,” p. 40.

⁵ While it is beyond the scope of this paper to concentrate on the period between Armenia's independence in 1991 and the “velvet revolution” in 2018, it might be worthwhile to provide some facts in support of that statement. Thus, President Levon Ter-Petrosyan's rule was characterized by political assassinations that have not been disclosed up to date, as well as political persecution. Suffice to mention the 1995 ban on the largest opposition party Armenian Revolutionary Federation (ARF); fraudulent 1995 parliamentary and 1996 presidential elections. (See Human Rights Watch, *Human Rights Watch World Report 1997 - Armenia*, 1 January 1997, available at: <https://www.refworld.org/docid/3ae6a8a314>.)

rule of the first three presidents requires digging below the superficial upper layer of state institutions and politics which follow conventional notions of democracy, elections, human rights, and other typical means of assessing regimes. This requires reference to the above-mentioned concept of the nature of power. In case of Armenia and most other post-Soviet states the nature of power can be characterized as *kakistocracy*.⁶

Hence, there is a need for comparative analysis of the rule of the country's first three presidents following independence with the regime established through the April-May 2018 upheaval, with 'kakistocracy' as a fundamental element of the nature of power serving as the standard for comparison. Presuming that the previous authorities were kakistocratic by nature, we should determine whether Pashinyan, in turn, is a kakistocrat or a democrat. The answer will determine whether the events of April and May represent a true revolution or perpetuation of the kakistocracy under Pashinyan.

html [accessed 18 June 2020]). As to President Robert Kocharyan, the most tragic events in modern Armenia's history took place in November 1999, when an illegal armed group penetrated the building of Parliament and assassinated the country's Prime Minister and the Speaker of the Parliament along with six other high-ranking officials. While the immediate perpetrators received life-sentences, the masterminds escaped justice. The presidency of Serge Sargsyan started with the February-March 2008 massive public rallies protesting against the rigged and falsified February 2008 presidential elections. The rallies resulted in the tragic loss of ten lives on 1 March 2008. Despite Prime Minister Pashinyan's statements the perpetrators have yet to be found and judged. There are sound suspicions that all three presidents along with their cronies have engaged in illegal enrichment and corruption. However, in the absence of due investigation no direct accusation can be advanced at this stage, and the principle of presumption of innocence should prevail. Nevertheless, there are indirect indications to that effect. See, for instance, Transparency International, *The State of Corruption: Armenia, Azerbaijan, Georgia, Moldova and Ukraine*, (Berlin: Transparency International, 2015), available at: <https://www.transparency.org/en/publications/the-state-of-corruption-armenia-azerbaijan-georgia-moldova-and-ukraine#> [accessed 18 June 2020], which states that: "Corruption remains a major problem in Armenia, Azerbaijan, Georgia, Moldova and Ukraine, threatening economic development and political stability as well as the credibility of governments." The Council of Europe's GRECO has concluded in its 2017 *Compliance Report* that: "Armenia has implemented satisfactorily or dealt with in a satisfactory manner five of the eighteen recommendations contained in the Fourth Round Evaluation Report." See, GRECO, *Compliance Report – Armenia* (Strasbourg: GRECO, 2017) available at: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680775f12> [accessed 18 June 2020].

⁶ This author has introduced the term of 'kakistocracy' with the following definition: "Kakistocracy is a political and socio-economic regime based on plundering of the State's and the people's asset and property through a merger between the political leadership and the criminal oligarchic structures under the guise of democratization of the society, introduction of market relations in economy, the rule of law and priority of human rights and fundamental freedoms..... The major features of kakistocracy are: usurpation of power through unfair and falsified elections; growing polarization of the society; impoverishment of the bulk of population and enrichment of a handful of nouveaux riches; selling out to the foreign capital the economic and other assets based on clan interests; thriving corruption and the rule of lawlessness." See: Vahram Abadjian, "Kakistocracy or the True Story of What Happened in the Post-Soviet Area," *Journal of Eurasian Studies* 1, no. 2, (2010): 153-163.

This paper strongly argues that the evidence unequivocally shows Pashinyan as a worthy successor to the kakistocrats, with little difference between his and the previous regimes. What's more, in many instances the concrete manifestations of Pashinyan's kakistocratic behaviour is more "impressive" than that of his predecessors. This conclusion is born out by the following analysis of Armenia's progress in democratic consolidation according to widely accepted benchmarks.

Democratic Consolidation in the aftermath of "Velvet Revolution" Internationally Acknowledged Benchmarks

New Constitution through Constituent Assembly

(the benchmark of separation of powers)

Clearly, the most critical unanswered question is whether the events of April and May 2018 constitute a revolution or a change in leadership. Without an answer, it's impossible to determine whether Armenia's new leadership possessed sufficient political will and determination to solidify democratic values that have systematically been ignored by previous leaders. An answer will help reveal the leadership's deeply-rooted political motivations and the impact of their decisions on developments in and around the country, which is important given Armenia's geopolitical location on a conflict-generating regional fault line.

From the outset, it should be unequivocally stated that what happened in Armenia in the spring of 2018 was not a revolution but a mere leadership change. True, the large-scale popular unrest had tremendous potential of bringing about fundamental revolutionary change, but the new Armenian leadership did not live up to the high expectations that the country would change its course after nearly three decades of quasi-democratic rule.

Rather than engage in a lengthy explanation, this paper takes the largely accepted definition of *revolution* as the "establishment of a new order radically different from the preceding one."⁷ Consequently, a revolution requires changing the very tenets of the previous political system through adoption of a new constitution. Armenia most recently revised its constitution in 2015, transforming its semi-presidential political system to a parliamentary one, with unprecedented powers vested in the Prime Minister.

⁷ See the definition of the term *revolution* in Encyclopaedia Britannica, which reads: 'A revolution constitutes a challenge to the established political order and the eventual establishment of a new order radically different from the preceding one.' Encyclopaedia Britannica, 8th ed., s.v. "revolution." Chicago: Encyclopaedia Britannica, 2009, available at: <https://www.britannica.com/topic/revolution-politics>

The Armenian public largely perceived that the constitutional changes had been “tailor-made” to facilitate President Serge Sargsyan’s indefinite rule since he otherwise would need to leave office after two terms in early 2018.

Indeed, politicians and political pundits in Armenia backing establishment of a new “post-revolutionary” constitution, point out that the current one had been introduced to extend Serge Sargsyan’s rule and cater to his and his cronies’ interests. While this argument may appear valid, the parliamentary system has failed to adequately meet Armenia’s enormous challenges since independence. Young democracies lacking developed political parties and civil societies, like Armenia, which has been considerably affected by the Nagorno Karabakh conflict and a blockade from Turkey, require a presidential system for effective decision-making and administrative management.

Developments following the April-May 2018 events show that the parliamentary system has more greatly concentrated power than even under the previous regimes with parliament rubber-stamp decisions to conform with the Prime Minister’s wishes.⁸ The judiciary has also fallen under the executive’s near-complete control, except for the Constitutional Court, whose members have resisted all attempts to transform them into a docile instrument of the executive authority.

The new “revolutionary” authorities also failed to produce a comprehensive, ambitious programme of socio-economic development, despite the Prime Minister’s proclamation of the beginning of an “economic revolution.” Sporadic and insufficient social and economic measures failed to match government propaganda.

If the new authorities were truly interested in the country’s progress along the path of democracy, security, and well-being, rather than pursue early parliamentary elections to consolidate power, they would have opted to hold a Constituent Assembly, comprised of people’s representatives to form a new constitution enshrining in law principles of separation of power, a system of checks and balances under presidential rule, guarantying respect for human rights and protection of human dignity and laying down preconditions for socio-economic reforms and prosperity. Pashinyan’s choice was typical of a politician responding to a political crisis, rather than those of a statesman, who according to a well-known saying, would consider future generations, not the future election⁹ particularly in light of Armenia’s position at a turning point

⁸ The National Assembly of Armenia, elected on 9 December 2018, has 132 seats with the following distribution: 88 - Coalition *Im qail* (My Step), 26 - *Bargavach Hayastan* (Prosperous Armenia) and 18 - *Lusavor Hayastan* (Bright Armenia). Thus, Prime Minister Pashinyan disposes of a comfortable majority to make constitutional changes. See National Assembly of Armenia, <http://www.parliament.am/parliament.php?id=parliament&lang=eng>

⁹ The expression ‘*A politician thinks of the next election. A statesman, of the next generation*’ belongs to the 19th century American theologian and public figure James Freeman Clarke, later referred to by Winston Churchill in a slightly modified version. James Freeman Clarke, “Wanted, a Statesman!,” *Old and New*

between the old and new.

Persecution of the judiciary

(the benchmark of independence of the judiciary)

A year following the upheaval, on May 19, 2019, in a live Facebook broadcast Prime Minister Pashinyan called on the people to block every courthouse in Armenia to protest the trial court judge's decision to release Armenia's second president Robert Kocharyan from pre-trial detention on bail. The next day, at an emergency meeting with government officials and parliamentarians the Prime Minister stated that: "[t]he judicial authority does not enjoy the people's trust and therefore lacks sufficient legitimacy to act, which now poses a direct threat to the normal life, stability and national security of our country." He went on to add: "[A]rmenian courts had validated dozens of illegalities committed by the former ruling regime" and concluded that all judges needed to undergo vetting by publicizing their political ties, origin, property status, previous activity as judges, and their individual and professional qualifications.¹⁰

The co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) entrusted with monitoring Armenia, Yulia Lavochkina and Andrej Širjelj, reacted promptly and on May 21, 2019, issued a statement warning that: "[P]olitical stakeholders must refrain from actions and statements that could be perceived as exerting pressure on the judiciary."¹¹

Admonishments from the international community had had little, if any, effect on the government's behaviour. In a July 15, 2019 televised interview with RFE/RL (Radio Free Europe/Radio Liberty) the Prime Minister harshly criticized the judiciary, comparing judges to dogs who were "whimpering at the doors of their former masters, asking to take care of them."¹²

Magazine, December 1870.

¹⁰ See the video record of the meeting at Armenian Government, <https://www.gov.am/en/videos/item/1205/>

See "Pashinyan Tells Supporters to Block Courts, Asks Judges to Resign." *The Armenian Mirror Spectator*, May 21, 2019, <https://mirrorspectator.com/2019/05/21/pashinyan-tells-supporters-to-block-courts-asks-judges-to-resign/>

¹¹ See "Armenia: PACE Monitors Express Concern at Prime Minister's Call to Block Courts," *PACE*, May 21, 2019, <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7488&lang=2&cat=> See also: Amnesty International, "Human Rights in Eastern Europe and Central Asia- Review of 2019," <https://www.amnesty.org/en/latest/campaigns/2020/04/air2019-eeca/>

¹² See Nikol Pashinyan, Live Interview with Azatutyun TV, July 17, 2019, <https://www.primeminister.am/en/interviews-and-press-conferences/item/2019/07/17/Interview-Azatutyun-TV/> (in Armenian); for English translation, somehow softened to offset the vulgarity of the Prime Minister's language see "This Judiciary Starting from the Constitutional Court is not Compatible with New Armenia," *Aysor Media*, July

Notwithstanding proclaimed intentions to “purify” and reform the judiciary, Pashinyan’s only changes to date have concerned individuals rather than the system. Thus, four days following the interview the Supreme Judicial Council, which is entrusted with ensuring the court’s unhindered operation, received a new “loyal” chairperson. Pashinyan also replaced the trial court justice who had ruled to release President Kocharyan with a new judge who reversed her colleague’s decision, reincarcerating the former president. The opposition charged that vetting, too, has functioned like a Sword of Damocles, keeping judges under permanent threat of persecution.

The most controversial, critical issue, however, remains the new authorities’ attempts to remove seven of the nine Constitutional Court judges.¹³ After a one year calm before the storm, tensions between the new administration and the Constitutional Court holdovers from the previous regime exploded into open hostility surrounding the Court’s September 4, 2019 decision in favour of Kocharyan’s release from pre-trial detention.¹⁴ The Prime Minister declared the decision illegal and the parliament began procedures to remove the Chairperson of the Constitutional Court, Hrayr Tovmasyan, and six of his colleagues.

On December 11, 2019, the National Assembly amended laws related to the Constitutional Court and to public officials and offered the court’s seven judges early retirement with full wages and benefits. Prior to the judges ultimate February 27th rejection of the proposal, threats from MPs and government officials increased to such a degree that the President of the Council of Europe’s Venice Commission, Gianni Buquicchio felt compelled to state on February 3rd, that: “[a]ny early retirement scheme at the Constitutional Court has to remain truly voluntary, exclude any undue political or personal pressure on the judges concerned and must be designed not to influence the outcome of pending cases. Recent public statements and acts do not meet these criteria and will not be conducive to deescalating the situation.”¹⁵

The Armenian authorities responded with further escalation as the Parliament on February 6th adopted a bill for a national referendum to amend the constitution, paving the way for the dismissal of the “Magnificent Seven.”¹⁶ In the ensuing public debate,

17, 2019. (English translation), <https://www.aysor.am/am/news/2019/07/17/%D5%93%D5%A1%D5%B7%D5%AB%D5%B6%D5%B5%D5%A1%D5%B6-%D5%A4%D5%A1%D5%BF%D5%A1%D5%BE%D5%B8%D6%80%D5%B6%D5%A5%D6%80/1588429>

¹³ The other two members have been appointed under the new authorities and are considered to be loyal to them.

¹⁴ President Kocharyan’s petition concerning the conformity to the constitution of the Penal Code’s two articles related to his detention.

¹⁵ Gianni Buquicchio, Statement by President of the Venice Commission, Council of Europe. February 3, 2020, <https://www.venice.coe.int/webforms/events/?id=2892>

¹⁶ The referendum is meant to amend just one article of the Constitution, i.e., article 213 on the office

many lawyers, politicians, and civil society representatives hailed the law as a means to resolve the prolonged crisis and as a step towards revolutionary reform, while others questioned the bill's legality. Indeed, the MPs had simply ignored the March 3, 2018 Law on Referendum's requirement for Constitutional Court approval of constitutional amendments, directly submitting it instead to the President of Republic, who set April 5, 2020 as the referendum's date. While March 16th COVID-19 State of Emergency Measures led to the referendum's indefinite postponement, the authorities remain intent on replacing the Constitutional Court judges.

As conditions surrounding the pandemic deteriorated, prolonging the state of emergency and further postponing the referendum, on May 13th the Minister of Justice officially appealed to the Venice Commission for an opinion on "ways to overcome the crisis surrounding the Constitutional Court"¹⁷ in order to "clarify the fastest possible legal solution of the crisis in the prevailing circumstances."¹⁸ The twists and turns surrounding the Constitutional Court episode demonstrate the dilemmas authorities face in finding sound legal grounds for the judges' removal. Whether or not the Venice Commission will be able to help remains to be seen.

Innovative Corruption

(the benchmark of good governance)

Pashinyan's incessant calls to eradicate corruption were largely responsible for the popular support that swept him to power. After assuming office, he repeatedly claimed that systemic corruption in Armenia had been eradicated.¹⁹ Even if the corruption of the past had truly disappeared, a new kind apparently emerged under Pashinyan's rule,²⁰

of the members and the chairperson of the Constitutional Court. The bill provided for eliminating the office of the chairperson and the six members, who had been elected before Chapter Seven (Courts and the Supreme Judicial Council) of the 2015 constitution entered into force. This would not affect the two other judges elected thereafter.

¹⁷ See "Rustam Badasyan has addressed questions to the Venice Commission about the Resolution of the Crisis around the Constitutional Court." *Armtimes.com*, May 13, 2020, <https://armtimes.com/hy/article/187856> (in Armenian)

¹⁸ See "Constitutional Court Members, who have served 12 Years, will be Removed: the Ministry discloses the Nature of Questions to the Venice Commission." *Armtimes.com*, May 21, 2020, <https://www.armtimes.com/hy/article/188477> (in Armenian)

¹⁹ For instance, in his speech of May 20, 2019, on judiciary system Pashinyan emphasized: "The revolution of love and solidarity has toppled the corrupt system and cannot admit any other outcome but the total and unconditioned capitulation of that system.;" see Nikol Pashinyan, TV interview with Deutsche Welle, February 1, 2019. <https://www.primeminister.am/en/interviews-and-presaxs-conferences/item/2019/02/01/Nikol-Pashinyan-interview-Deutsche-Welle/>

²⁰ According to Transparency International in 2019 Armenia ranked 77th among 183 countries, while in 2017, the year before the "velvet revolution" it ranked 107th. Despite of the clear progress of 30

as the following examples make clear.

In October 2019 a media outlet disclosed a secret Prime Minister order to drastically increase the salaries of Ministers, Deputy Ministers, and other high-level state officials, doubling Minister remuneration from AMD 793,000 (US\$ 1,600) to AMD 1.5 million (US\$ 3,000).²¹ The Prime Minister, parliamentarians, and other high officials responded, not with denials, but by attempting to justify the higher wages. The order was implemented despite the National Assembly's failure to amend the Law on Remuneration of State Officials and Public Servants as legally required. At the same time, the parliament voted to only raise Armenia's minimum wage from AMD 55,000 (US\$ 115) to AMD 68,000 (US\$ 142), a level 22 times below official salaries, politically and morally inconsistent with core revolutionary objectives of social justice and popular welfare.

The provision of unprecedentedly large bonuses to state employees generated more controversy. According to *Yerkir.am*, from May 9, 2018 to December 31, 2019 under Pashinyan's rule personnel at the national police, Prosecutor General's Office, and Ministry of Finance received bonuses of US\$ 29.5 million, 2.7 million and 2.6 million, respectively.²² Bonuses lavished on officials in the central government, parliament, and provincial governments amounted to US\$ 108 million during this period.²³ These figures reveal the huge gap between the remuneration of state employees, particularly top officials, and ordinary citizens earning minimum or average wages. These large bonuses were also provided on a monthly basis, in clear violation of the Law on Remuneration, which defines "bonus" as a lump sum based on performance or completion of special or high-quality tasks. This drastic increase in public salaries, awarded in violation of relevant legislation, represents legalized corruption, more sophisticated than the corruption of the past.

points, this is still far from being satisfactory. See Transparency International. "Armenia- Transparency International." <https://www.transparency.org/en/countries/armenia>

²¹ Tirayr Muradyan, "Prime-Minister's Secret Instruction doubles Ministers' Salaries," *Hetq.am*, October 21, 2019, (in Armenian). https://hetq.am/hy/article/108883?fbclid=IwAR31YNJME9VC_YWFFVHyE14ShFntRMSWsaf0eEQeNXFEMQS2ZQ9zkyBa3PM0

²² See "Award of 15,000,000 USD to the police for "Velvet Obedience"?" *Yerkir Media*, March 12, 2020, <https://www.yerkir.am/news/view/194509>; <https://www.yerkir.am/news/view/192687.html>; <https://www.yerkir.am/news/view/191754.html> (in Armenian)

²³ See "Wrap up by Yerkir.am: USD 108 million rewards under N. Pashinyan (officially)," *Yerkir Media*, May 13, 2020 (in Armenian).

Oligarchs' Donations – modern days indulgences

(the benchmark of transitional justice)

The revolutionaries' inconsistency in returning national wealth plundered by oligarchs to the people represented yet another failure to transform promised goals into reality. The Prime Minister was especially excited about the issue during public rallies for the April referendum's "Yes" campaign and emphasized that "[A]ll those criminals who have for years, long plundered Armenia will be held responsible. No one will slip away, and no one will spend a single stolen penny. Piece by piece, penny by penny we will return the funds. No one will escape responsibility."²⁴ While admirable for instilling hope among broad segments of the population, the Prime Minister's repeated pledge to restore justice and make those responsible answer for criminal wrongdoing was not matched by any tangible accomplishment.

The new rulers often referred to transitional justice as a means of holding the previous authorities, their cronies, and loyal oligarchs politically, criminally, and morally responsible. This issue, like many other central national problems, sporadically entered into the national limelight depending on the political imperative of the moment. At an August 17, 2018 public rally, the first massive gathering following the upheaval, Prime Minister Pashinyan stated: "[I] think it crucial for us to document the current state of our judicial system, hold serious discussions in the near future and decide to establish transitional justice bodies, which are needed not only because many corrupt figures hold to their vicious practice, but also because there are many flaws in current legislation."²⁵

The NGO Armenian Lawyers' Association responded by organizing public debates in November 2018 with the participation of representatives from civil society and the government, and in May 2019, the National Assembly convened special hearings on the subject with testimony from local and international experts.

The government failed to follow up transitional justice-related public events, statements, and deliberations with practical measures and relied instead on extra-judicial solutions for "corrupt figures." Investigative agencies summoned several figures accused of illegal enrichment through corrupt ties to former leaders, generating public expectations of thorough investigations, court trials, and jail sentences. For instance, President Sargsyan's brother Alexander Sargsyan, was largely believed to have been involved in misappropriation of state property and racketeering to amass tremendous property holdings in Armenia and abroad. Yet Sargsyan merely reimbursed US\$ 18.5

²⁴ Nikol Pashinyan, "Public Rally in Stepanavan," Speech, March 13, 2020, <https://antifake.am/am/news/1332>

²⁵ Nikol Pashinyan, "Prime Minister's Speech at Rally Dedicated to 100 Days in Office," <https://www.primeminister.am/en/statements-and-messages/item/2018/08/17/Nikol-Pashinyan-100-day-rally/>

million to the state,²⁶ and he and other kakistocrats avoided trial by returning money or property. Despite ongoing court trials and investigations into a few oligarchs, none has yet to yield a sentence.

Here too, the authorities lacked the political will to keep pre-revolutionary promises and chose complacency rather than establish mechanisms of transitional justice or search for alternative means to bring cronies of the former criminal regimes to justice. The new authorities opted for a behaviour that is tantamount to, softly speaking, complacency.

The Trials of Presidents Kocharyan and Sargsyan

Large segments of Armenian society also believe that controversial trials of the country's second and third presidents, Robert Kocharyan and Serge Sargsyan, respectively, have failed to hold the two responsible for blatant violations of the law and constitution.

Two months after Pashinyan's election as Prime Minister, on July 26, 2018, the Armenian Special Investigative Service (SIS) charged President Kocharyan with 'overthrowing the constitutional order.' Following his arrest and imprisonment, the second president of Armenia was twice released on bail to be sent back to serve pre-trial detention. Kocharyan was charged with illegally employing army units on March 1, 2008 resulting in ten deaths at massive public rallies protesting the usurpation of power through fraudulent February 2008 presidential elections. Public demands to find and punish the perpetrators, along with the masterminds of the tragic events of November 27, 1999,²⁷ was a main factor behind the 2018 upheaval. Kocharyan's supporters counter that the protest leaders, namely presidential candidate and former president Levon Ter-Petrosyan and his right-hand man Nikol Pashinyan, incited violence through public statements, compelling the authorities to use force to preserve constitutional order.

Without elaborating further, endless defense motions and summoning of witnesses may drag President Kocharyan's trial on for several years. The key issue concerns whether the country's second president, whom is presumed innocent, should be confined in custody for an uncertain period or be released on bail to await the final verdict. In any case, the longer the process is prolonged, the deeper the suspicion of bias and executive interference in the judiciary.

The case of Armenia's third president Serge Sargsyan is even more confusing.

²⁶ Sputnik TV Station, electronic version, February 19, 2020 (in Armenian). <https://armeniasputnik.am/armenia/20200219/22105264/naxkin-pashtonyaneric-ov-vorqan-gumar-e-vjarel-petbyuje-joxovurd.html>

²⁷ See endnote IV.

In early 2020, Sargsyan was charged with masterminding a criminal scheme with a private company which generated US\$ 1 million illegal profit by supplying diesel fuel at deliberately inflated prices.²⁸ Questions remain as to why this case was brought to trial, among Sargsyan's alleged cases of flagrant wrongdoing, which include rumors of systemic corruption, embezzlement, blackmail, and other criminal deeds. A truly 'revolutionary' authority should have recourse to a more thorough and far-reaching judicial procedure to settle persistent rumours and reasonable doubts, rather than investigate single cases and initiate court trials that lack a concrete outcome. Clearly, this is not what hundreds of thousands of anti-regime demonstrators had in mind during their powerful protest marches of March and April 2018.

The Prime Minister in the meantime seems to have been satisfied with making hateful threats, such as his February 19, 2019 statement in which he remarked that "in Armenia, those who steal from the people must be caught, charged, ridiculed, morally destroyed, and sent to jail."²⁹ Kocharyan's lawyers have responded by lodging several complaints with the European Court of Human Rights (ECHR), one in connection with the above sentence, which, they argue, directly threatens the rule of law and allows for use of extra-judicial means against those charged with bribery.³⁰

If the authorities fail to investigate and try the alleged crimes of corruption, misappropriation, and other of the "old regime's" offences and the cases of the second and the third presidents and their cronies remain undetermined, they will be presumed innocent and the 'revolutionary' leadership will be viewed as incapable of keeping its promises.

Elaboration of a Patchwork Constitution

Pashinyan's rule has been characterized by inconsistency, an absence of political vision and developmental goals, situational responses to challenges, and delayed decision-making, even in issue areas of critical concern to the new political force and despite garnering 70 percent of the vote in the December 9, 2018 early parliamentary elections. Radical change and progress regarding transitional justice, judicial reform, eradication of corruption, and socio-economic development was only mentioned within the Prime

²⁸ "Armenia's Ousted President Sargsyan Stands Trial on Corruption Charges," *Euractiv*, February 25 2020, <https://www.euractiv.com/section/armenia/news/armenias-ousted-president-sargsyan-stands-trial-on-corruption-charges/>

²⁹ Araks Mamulyan, "Kocharyan's Lawyers file two more European Court Complains," *Hetq.am*, March 7, 2019, <https://hetq.am/en/article/101564>

³⁰ *Ibid.*

Minister's speeches, interviews, and Facebook broadcasts, and never introduced into the real world.

A new constitution should be adopted as a cornerstone of these reforms, by providing a new holistic vision for the state, and enshrining fundamental principles of political and socio-economic development. A Constituent Assembly, with popularly elected members representing a broad spectrum of political forces, should produce a fundamental document driving comprehensive reform and lay down a foundation for spiritual and material progress. Indeed countries throughout the world have held Constituent Assemblies to adopt new constitutions at the most critical junctures of their histories.³¹

Armenia's new authorities have nevertheless preferred to take an incremental approach through constitutional amendment, which is based not on principle, but used an instrument to expand power. The decision to get rid of the Constitutional Court judges is a clear example.

Judicial reform motivated further attempts to modify the constitution. On December 30, 2019, the Prime Minister signed a decree to form a 15-member specialized commission on constitutional amendments, which included the Minister of Justice, the Ombudsman, one representative from each of the three parliamentary factions, a judge, two representatives of civil society organizations, as well as six academics with a minimum of seven years of experience and PhD degree in law.³² The decree has neither specified the commission's agenda, nor the time-frame for its activities. Commission members have stated that the body will study amendments concerning the judicial branch, elections, and political parties in time for a referendum held either at the end of 2020, (according to Minister of Justice) or coinciding with parliamentary elections in 2023 (according to the Prime Minister).

A new constitution is clearly not in store. During the April 5 referendum campaign, the Prime Minister stated that the process for adopting a new, legitimate "renewed" constitution would begin following the referendum, but that the parliamentary system would remain unaltered so that the people would not think of him as the one who desired to become President. Thus, concerns about public image and popularity took precedence over the selection of a political system to best suit state and national

³¹ Suffice to mention the 1787 Constitutional Convention (otherwise known as Philadelphia or Federal Convention) in USA; the 1789-91 Constituent Assembly in France, initially convened as General States (*Etats généraux*); the 1993-1996 Constitutional Assembly of South Africa; the 2011-2014 National Constituent Assembly in Tunisia.

³² "Decree of the Prime Minister of Armenia No. 1986-A," December 30, 2019, <https://www.e-gov.am/decrees/item/21648/>

interests.³³ A “renewed” constitution is unlikely to fundamentally differ from the current one, especially if amendments are determined by a narrow group primarily appointed by the authorities. Even though the amendments will be subject to popular approval, the government will spare no effort to “persuade” the people that its decisions will uniquely advance their well-being and happiness.³⁴

Foreign Policy

No analysis of conditions under Armenia’s new leadership can be complete without examining recent geopolitical and security developments. The country’s major foreign policy challenges include a) the overall geopolitical environment, and b) settlement of the Nagorno-Karabakh conflict.

The Geopolitical Environment

In terms of geopolitics, Armenia must balance between two poles, namely, Russia which seeks to restore its former influence in world affairs, and the Euro-Atlantic alliance interested in enlargement and in countering Russia’s political agenda. In that context, Armenia has formalized relations with both, to different degree.

Armenia has legally binding agreements with Russia and a number of post-Soviet States. The country joined the Treaty on Collective Security following the Soviet collapse and since 2003 has been a member of the Collective Security Treaty Organization (CSTO). Article 7 of the CSTO’s Charter, in particular, specifies that the Organization will provide: “[c]ollective protection in case of menace to safety, stability, territorial integrity and sovereignty and exercise of the right to collective defence, including creation of coalition (collective) forces of the Organization....”³⁵ Armenia signed the

³³ Nikol Pashinyan, “Public Rally in Goris,” Speech, March 11, 2020 (in Armenian), <https://www.youtube.com/watch?v=f5kPEqf526A>.

³⁴ While the Prime Minister later called for adopting a new constitution at a session of the specialized commission on constitutional amendment, he insisted on retaining the parliamentary system with changes confined to improving functionality, reforming the judiciary and promoting foreign investment. The Prime Minister’s suggestion to broaden participation by eliciting citizen recommendations cannot compare to the broad authority vested in a Constituent Assembly. See Nikol Pashinyan, “RA Citizens Must Consider the Constitution as theirs.” Speech. Professional Committee on Constitutional Reform, June 15, 2020.” <https://www.primeminister.am/en/statements-and-messages/item/2020/06/15/Nikol-Pashinyan-meeting/>

³⁵ See “Article 7 of the Charter of the Collective Security Treaty Organization,” *Collective Security Treaty Organization*, October, 7, 2002, https://en.odkb-csto.org/documents/documents/ustav_organizatsii_dogovora_o_kollektivnoy_bezopasnosti/

Russian led Treaty on Eurasian Economic Union in October 2014 which promoted economic policy coordination and facilitated the free movement of goods, services, capital and labour between members.³⁶

The bilateral Treaty on Friendship, Cooperation, and Mutual Assistance signed with Russia in 1997 and the presence of the Russian 102nd's military base in the town of Gyumri near the Turkish border provides for military assistance and close political, economic and cultural ties. Armenia's relations with the Euro-Atlantic alliance is more modest. In the 1990s, Armenia joined the North-Atlantic Cooperation Council and the PfP (Partnership for Peace) programme, and NATO has provided assistance related to military education and reform, infrastructure, and conducted joint military exercises. Armenia has participated in peacekeeping operations in Kosovo and Afghanistan. While Armenia signed the Comprehensive and Enhanced Partnership Agreement (CEPA) with the European Union in 2017 as a basis for furthering political and economic ties, the effects remain to be seen.

In a statement at the 74th session of the UN General Assembly, Prime Minister Pashinyan underlined the major challenges the country has faced since independence: "[T]he various degree of tension existing in the relations among our neighbours and strategic partners puts us in a very challenging condition. Russia is our key strategic partner and ally, Georgia and Iran are our strategic neighbours, and we have strategically significant agenda and partnerships with the United States and the European Union and its member states."³⁷

Ideally, Armenia should seek to balance between the West and Russia, as under Kocharyan's foreign political doctrine of complementarity with pro-Western and pro-Russian vectors augmenting one other. The Prime Minister has stated that he seeks to developing trustworthy, working, respectful relations with those poles, i.e., the USA, the European Union, and the Russian Federation to advance the interests of Armenia and the Armenian people.³⁸ A number of regional and global issues complicate such a "tightrope walker" balancing policy. Armenia's relations with Georgia, Turkey and Azerbaijan have suffered from Georgia's aspiration to join NATO and the E.U. and conflict with Russia, and Turkey's close relations and support for Azerbaijan over Nagorno Karabagh. Armenia has thus been excluded from regional economic cooperative projects such as the Baku-Tbilisi-Ceyhan pipeline or the Baku-Tbilisi-Kars

³⁶ Apart from Armenia - Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation. It is worth mentioning that these states are also CSTO members together with Tajikistan.

³⁷ Nikol Pashinyan, "Statement at UN General Assembly's 74th Session." Speech. <https://www.primeminister.am/en/press-release/item/2019/09/26/Nikol-Pashinyan-74th-session-of-UN-General-Assembly/>

³⁸ Armenian Public TV Broadcast. April 6, 2020, https://www.youtube.com/watch?v=_LzrJnQx3qI

railway. The three-decade closure of the border with Turkey and Azerbaijan makes political and economic relations with Iran critically important. Armenia's leadership must remain vigilant and adaptable in the wake of U.S. withdrawal from the Iran nuclear deal and the controversy over ongoing sanctions.

Settlement of the Nagorno-Karabakh Conflict

Armenia's greatest challenge remains the problem of Nagorno Karabagh, a disputed territory, that while internationally recognized as part of Azerbaijan, has functioned as a de facto independent state run by its Armenian ethnic majority since 1988. The Prime Minister dedicated a considerable portion of his address at the UN General Assembly to outline his policy of "invention" – a magical negotiation formula that will pave the way towards mutual understanding and long-lasting agreement: "[I] publicly stated that any solution to the Nagorno-Karabakh conflict must be acceptable for the people of Armenia, Nagorno-Karabakh and Azerbaijan", and, as if competing with his predecessors, added: "[I]t is noteworthy that I was the first Armenian leader to voice such position about the settlement of the conflict. I was heavily criticised in my country a formula for a solution which places the three parties of the conflict on an equal footing. Nevertheless, I strongly believe that this is the only way to a peaceful and lasting settlement of the conflict, because it offers a possibility of compromise, mutual respect, and balance."³⁹

Indeed, Pashinyan has been heavily criticized by his opponents, who apparently are unable to find a solution equally acceptable to Armenia, Nagorno Karabagh, and Azerbaijan. Moreover, Pashinyan's unremarkable formula is common sense, since any conflict resolution in any part of the world requires a mutually acceptable solution.

Expectations were high that new leadership with fresh concepts and proposals could revive deadlocked negotiations, but apart from a determination to find a mutually acceptable solution, the authorities failed to undertake new public initiatives. While effective negotiations must often be kept confidential, the public has a right to be informed of principles, approaches, and core interests involved in consultations. The Armenian public has had to rely on outside sources such as the OSCE Minsk Group, however, for any information concerning the Nagorno-Karabagh conflict.

The Minsk Group revealed the general principles for a settlement in a recent Joint Statement at the 26th OSCE Ministerial Meeting in Bratislava in December 2019: "[T]he Co-Chair Heads of Delegation reiterate that a fair and lasting settlement must be based, in particular, upon the principles of the Helsinki Final Act of non-use of force or threat

³⁹ Ibid.

of force, territorial integrity, and the equal rights and self-determination of peoples.”⁴⁰

Given the two party’s diametrically opposed positions it’s little wonder that the international community’s calls for a “lasting and peaceful settlement to the Nagorno-Karabagh conflict” have gone unheeded. Intensified negotiations could bring about compromise or military escalation. A way out of uncertainty will only be found when the leadership of Armenia, Azerbaijan, and Nagorno Karabakh can strike the right balance between the two, ostensibly contradictory principles of territorial integrity and self-determination. Only wise and broadminded leadership can produce a mutually acceptable, long-lasting agreement.

Fighting the Invisible Enemy

Recent protests and crackdowns stemming from the government’s inability to effectively manage the Coronavirus pandemic have further exposed Pashinyan’s tenuous commitment to democratic norms. Prime Minister Pashinyan kicked off the April 5 referendum campaign on February 17 with public appearances in Yerevan to disseminate the “Passport of the Proud Citizen,” a propaganda booklet explaining the historic significance of an affirmative vote and the need to remove undesirable judges from the Constitutional Court. The campaign got fully underway during the holidays, with Prime Minister Pashinyan planning to cover all ten provinces of Armenia, beginning in the south. Pashinyan’s speeches dealt little with the referendum, however, focusing instead on the administration’s tremendous achievements in contrast to the “crimes and betrayal” of former leaders.

The coronavirus pandemic had already spread throughout the world, with a small but growing number of cases in Armenia. Nevertheless, the Prime Minister continued the campaign unabated, and with the Minister of Health, expressed scorn towards the danger posed by the virus, dismissing calls from the opposition and independent experts to take urgent measures as an attempt to undermine the referendum. While much remains unknown about the novel coronavirus, government critics may be correct that earlier measures could have helped slow the disease’s spread throughout the country.

Two weeks following the first case of coronavirus, the government declared a State of Emergency on March 16th, terminated preparations for the referendum, and passed a restrictive decree on media publications. The authorities quickly responded with corrective action to criticism from media representatives, civil society, and the OSCE

⁴⁰ “Joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair Countries, Bratislava,” OSCE website, December 5, 2019, <https://www.osce.org/minsk-group/441242>

Representative on Freedom of the Media.⁴¹

In a further controversial motion, the National Assembly convened on March 31 to amend the Law on Electronic Communication to use information from smartphones to find and quarantine those who had come into contact with coronavirus infections. Following an initial failure to adopt the amendments, the law was adopted at a second gathering that evening in which only MPs from the ruling My Step faction were present. While the authorities may have been justified in taking hasty measures to slow the pandemic, the opposition's goal of preserving individual rights and freedoms through alternative measures is equally valid. The number of coronavirus cases then exponentially increased from 532 on March 31 to 18,033 by June 17 (at the time of writing) demonstrating either that the measures were ineffective or had been implemented for ulterior motives.⁴²

The uncivil deliberations in the March 31st parliamentary session demonstrated the ruling faction's disregard for democratic procedures and norms. Ruling faction MPs framed the opposition's criticism as manipulation and their boycott of the vote as a show of disrespect towards the people. The ruling faction whip accused the opposition of failing to conform to the State of Emergency and of pursuing private political gain over state interests.⁴³ These charges are part of Prime Minister Pashinyan and his cronies' repeated attempts to use the former authorities as scapegoats for a two-year absence of progress and the authorities' failure to live up to its "revolutionary" promises.

The government's inability to manage the pandemic, worsening socio-economic conditions, and heightened animosity drastically escalated the confrontation between the ruling party and the opposition. At an extraordinary meeting of the Prosperous Armenia Party's political council on June 5th the party's Chair and parliamentary faction whip Gagik Tsarukyan, also one of the country's richest businessmen, harshly criticized the government's failure to realize the promised "revolutionary" reforms, manage the pandemic and avoid economic collapse. He called for the cabinet's complete replacement, an unmistakable appeal to topple the Prime Minister.

Pashinyan's reaction was harsh and immediate. He replaced the Chief of National Security Service (NSS), the Head of the Army's General Staff and the Police Chief with

⁴¹ "Coronavirus Response Should not Impede the Work of the Media in Armenia, says OSCE Media Freedom Representative," OSCE website, March 24, 2020, <https://www.osce.org/representative-on-freedom-of-media/449098> and "OSCE Media Freedom Representative welcomes swift reaction of Armenian Government in addressing his concerns on State of Emergency Decree," OSCE website, March 27, 2020, <https://www.osce.org/representative-on-freedom-of-media/449290>

⁴² See Worldometers. <https://www.worldometers.info/coronavirus/country/armenia/>

⁴³ "Interview of the Whip of My Step faction Lilit Makunts with 1in TV," April 1, 2020 (in Armenian). <https://www.youtube.com/watch?v=DnKHnUF-eW0&feature=youtu.be>

loyalists, including an inexperienced 29-year old man as Chief of the NSS. The NSS accused Tsarukyan of tens of millions of dollars in damage to the state and massive vote-buying during 2017 parliamentary elections. A parliamentary majority, without the presence of boycotting opposition factions, voted on June 16 to lift Tsarukyan's parliamentary immunity. Tsarukyan's supporters rallied in front of the NSS building despite the State of Emergency ban of public gatherings which had been extended on June 12 for the third time. Law enforcement responded with brutal force, including against female protesters, and carried out massive, temporary detentions of several hundreds of protestors.⁴⁴

While the authorities accuse the opposition of subversion,⁴⁵ the opposition charges the Prime Minister with authoritarianism and with using the pandemic and extensions of the State of Emergency as a pretext to restrict fundamental human rights and crack down on dissent against the regime.⁴⁶ While this paper withholds comment on the current standoff, the final section of the article will help elucidate the deeply-rooted motives and logic of political protagonists in Armenia.

The Velvet Chessboard

One of Pashinyan's closest allies, the present Mayor of Yerevan, stated during the September 2018 municipal election campaign that "the situation in Armenia is very clear: there are white forces and there are black forces, period. I want to officially announce... we are the white forces, and all others who don't want us to succeed... are the black forces."⁴⁷

When the future mayor pronounced these words, no one could have supposed that Pashinyan would borrow them as a motto or a dogma to shape his political mentality and behaviour. No one could have guessed that this would become a new instrument of propaganda, used to justify the new authorities' absence of vision, lack of strategy, and poor performance. While the "whites," the forces of the "velvet revolution," are

⁴⁴ When asked for comment about the brutal treatment of female protesters, women MPs from the My Step ruling faction feigned ignorance or found police actions commensurate.

⁴⁵ Prime minister Pashinyan suggested that after the end of the pandemic an investigation should be initiated against those who have acted against state interests during the ordeal. See Nikol Pashinyan, Press Conference. News.am (in Armenian). June 11, 2020, <https://www.youtube.com/watch?v=AFuxnKtrNmM>

⁴⁶ See for instance "Statement of Political Opposition Forces adopted by Homeland, Armenian Revolutionary Federation and One Armenia political parties." June 16, 2020. (in Armenian), <https://www.arfd.am/news/27302/>.

⁴⁷ "PM weighs in on Scandalous Statement of Yerevan Mayoral Candidate Hayk Marutyun." *Armenpress*, September 4, 2018, <https://armenpress.am/eng/news/945967.html>

determined to live up to the people's expectations, the "blacks," the "former elite," are doing everything possible to put hurdles in their way. It is as simple as that.

In other words, in the imagination of the new authorities, Armenia has become a chessboard, with the white pieces fighting the black under the command of the grandmaster, Pashinyan. Unlike the great chess masters, however, the Prime Minister employs neither strategy nor tactics. His ability as a political leader is limited to calculating only two to three moves ahead, just enough to meet imminent challenges, which is why his statements are often contradictory, his decisions are situational, and his hope is to win the game by chance or through an opponent's blunder, rather than with wisdom or a winning strategy.

This is a dangerous, adventurous course, which, again through analogy with chess, is similar to a gambit, with a risky opening move, an initial sacrifice to set up the prospect of a spectacular checkmate. When Pashinyan began his march with a handful of likeminded people from Gyumri to Yerevan in March 2018, he embarked on a very risky undertaking with an unpredictable outcome. So far, "success" has been on his side. But if Pashinyan's gambit at the game's outset was promising, the midgame seems not to bode well and the endgame is shrouded in mist.

Once again we return to the concept of nature of power in an attempt to understand what type of political leader Nikol Pashinyan is. The facts and analysis indicate that he is clearly a populist. However, the Armenian Prime Minister's populism has a number of particular features that make him unique in comparison to the world's well-known populist leaders.

Pashinyan does not pursue a nationalist ideology as is typical of populists. Indeed, the ruling Civil Contract party claims not to have any ideology at all and has flatly rejected any ideological label. In his speech at the party's 5th conference, held in June 2019, the Prime Minister underlined: "[W]e are neither liberals, nor centrists, nor social-democrats, we are a citizens' party, which means that we place ourselves beyond ideological standards."⁴⁸

In reality, this lack of ideology, which in practical terms means the absence of any vision or conceptual approach, may well be responsible for the failure to pursue genuine political and legal reform, or long-term socio-economic development programmes. Politics deprived of ideology leads to situational and non-productive decision making and is unable to offer valuable solutions to the problems facing countries and societies at a given historical juncture.

Another paradoxical feature of Pashinyan's populism is the considerable share of his support derived from civil society organizations that advocate and implement liberal

⁴⁸ Nikol Pashinyan, "Civic Contract," Speech. June 16, 2019: <https://www.civilnet.am/news/2019/06/17/>

democratic ideas. While modern populism is considered as a major challenge to liberal democracy,⁴⁹ “Open Societies Foundations” and other CSOs - recipients of Soros grants, widely known in Armenia as “sorosakan” (“Soros people” in Armenian – VA), actively participated in the 2018 upheaval and presently exert a considerable influence on the ruling party’s and the Prime Minister’s decision making.

The opposition and segments of society have frequently criticized these Soros-supported CSOs for undermining national traditions and Christian morality. These critics ought to accept that, in the absence of an original ideology, the vacuum should be filled by an “imported” one, and that the principles of liberal democracy establish commonly recognized standards and norms that allow democratic societies to function.

Soros grantees have also been considered by many critics as “agents of influence” sent by “Western powers” to topple President Sargsyan, who had proven loyal to Russian interests. Here, one must be clear that the 2018 massive protests were triggered, not by external factors, but, first and foremost, by the kakistocratic politics of all three presidents, and especially the third one. True, external actors may seek to advance their own interests by influencing events in Armenia or elsewhere, but their attempts play only a complementary role next to the prevailing power of internal factors and developments. The so-called ‘Orange Revolution’ in Ukraine and ‘Rose Revolution’ in Georgia are no exception. They began as large protest movements against corrupt regimes established after the disintegration of the Soviet Union, and the “conspiracy theory,” at least in these cases, simply doesn’t work.

Given the growing confrontation between the West and Russia, though, some foreign powers have sought to influence developments to their advantage and prepared the way for upheaval by spreading ideas of liberal democracy, including through the Open Society Foundations. The West or liberal democracy should take responsibility for developments in Armenia, Ukraine, Georgia, as well as in Poland, the Czech Republic, Serbia, and Montenegro and a number of other post-communist countries, as scholars from the Russian side claim.⁵⁰ The main difference between Armenia and the ‘colored revolutions’ is the proportion of internal and external influence, with external factors playing a lesser role in Armenia, due not only to the overall geopolitical situation but to historical and cultural factors as well.

Pashinyan’s populism is also characterized by a lack of personal integrity. Prime Minister Pashinyan’s behaviour includes contradictory statements, spectacular selfies,

⁴⁹ See, for instance, Jan Werner Muller, “History’s Postscript: The Populist Threat to Liberal Democracy,” in *The Global Rise of Populism*, World Politics Review, September 2019, p.12, <https://www.worldpoliticsreview.com/reports/28252/the-global-rise-of-populism>

⁵⁰ See, for instance, Natalia Narochmitskaya, ed. *Orange Nets: from Belgrade to Bishkek* (in Russian). “Sankt-Petersburg: Aleteya, 2008.

endless live Facebook broadcasts, exaggeration of minor successes as major achievements, and a dubious record of socio-economic progress. It's difficult to find another populist leader able to hone the "culture" of hate speech to Pashinyan's degree of perfection. In Pashinyan's April 19 live broadcast, he exceeded himself with statements that included "Constitutional Court of Coronavirus," "whimpering judges," "lynch them in the streets," and "slaying Serge's descendants." He finished with a eulogy to the people, stating, "The people are our chief, the people are our director, the people are our king, the people are the supreme power in Armenia."⁵¹

Conclusion

Like any populist leader Pashinyan likes to repeat that the source of power is the people and that he and his Civic Contract Party enjoy overwhelming popular support. This is only half true since the turnout at the December 9, 2019 early parliamentary elections was 48% and the My Step Alliance garnered 70.4% of ballots cast.⁵² One and a half years have since elapsed, and the coalition does not likely to enjoy similar popularity levels today, bearing in mind their failure to achieve the bulk of their "revolutionary" promises and the absence of domestic or foreign policy revolutionary breakthroughs.

Populists rely on a well-known rationalization to justify a lack of progress, according to Muller: "[p]opulists can still blame their failures in government on elites acting behind the scenes, whether at home or abroad, so protest can continue even when populists are nominally in charge."⁵³ By dividing society into "whites" and "blacks", shifting blame for failures onto former regimes, introducing the concept of "revolutionary" and "counter-revolutionary" forces, and vehemently fighting against the shadows of the not so distant past, Pashinyan's actions perfectly fit into that formulation.

The Prime Minister is nevertheless fully determined to push through his political agenda, and if he manages to achieve another "breakthrough" by replacing the current Constitutional Court justices with loyalists, he could concentrate absolute power within his hands. Several potentially restrictive laws, such as the above-mentioned Law on Electronic Communication or the Law on Confiscation of Property of Illegal Origin,⁵⁴

⁵¹ Nikol Pashinyan, "Pashinyan's Life" Facebook. April 19, 2020. <https://www.youtube.com/watch?v=twmeYLultBE>

⁵² See Republic of Armenia Early Parliamentary Elections, December 9, 2018; ODIHR Election Observation Mission Final Report, Warsaw, March 7, 2019, p. 26.

⁵³ Jean Werner Muller, op-cit., p.10

⁵⁴ If adopted, the Law will provide for confiscation of any property, whose market value exceeds AMD 50 million (US\$ 105,000), when the owner is not able to justify property's acquisition from sources of legal

also increase the probability that Armenia's popular, so-called "velvet revolution" will culminate in the establishment of an Orbán-style illiberal democracy.

Although it is premature at this juncture to liken the Armenian situation to Hungary, several similarities are apparent: the ruling parties' overwhelming parliamentary majority, the leader's continued popular support and the lack of unity among the opposition parties. One could mention another similarity, but this time with Poland: the authorities' attitude towards the judiciary. Similar to Pashinyan's approach towards the Constitutional Court the Polish ruling party PiS (Polish acronym for Right and Justice) claimed that judges appointed by the previous centrist Civic Platform government were illegitimate and severely curtailed the Constitutional Tribunal's authority.⁵⁵

One essential difference separates Armenian populism from that of Hungary and Poland whose leaders possess ideology and values. One can agree or disagree with them, but the authoritarian leadership's policy guidelines are clear and understandable. They constitute another game in town, but a game with its own rules and logic. Armenian populism's game, on the other hand, doesn't fit into any rules or logic imposed by ideology or vision.

Indeed, as earlier mentioned, the Civil Contract ruling party has no ideology, no left-right designation, not even a societal support base, since "the people" is too broad a notion to be linked to a distinct political force. The party ascended to power without a clearly articulated vision or goals, and consequently without a programme describing the concrete steps to achieve those goals. A great wave of popular resentment against the regime of kakistocrats thrust Civil Contract into power.

Therefore, the party is neither institutionalized nor programmatic as in countries with established democracies.⁵⁶ In such circumstances, the personality of the leader compensates for the absence of vision or a party programme. In Armenia, as in many post-authoritarian countries, the party serves as the 'personalistic vehicles of charismatic leaders', in a "fluid or weakly institutionalized" party system.⁵⁷

revenue. In such cases, the court will apply the principle of presumption of illegality of property. See Government of Armenia. Law on Confiscation of Property of Illegal Origin, <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=11232&Reading=1>

⁵⁵ Annabelle Chapman, "Why Poland's Populist Law and Justice Party keeps winning," in *The Global Rise of Populism*, World Politics Review, September 2019, p.61, available at: <https://www.worldpoliticsreview.com/reports/28252/the-global-rise-of-populism>

⁵⁶ Reference is made to the following definition. "...a political party is thought to act programmatically when it exhibits well-structured and stable ideological commitments that constitute the basis for the link between the party and its constituency, electoral competition among parties and policymaking processes". See International Institute for Democracy and Electoral Assistance (IIDEA), *Politics Meets Policies: The Emergence of Programmatic Political Parties* (Stockholm: IIDEA, 2014), p. XI, available at: <https://nimd.org/wp-content/uploads/2017/02/politics-meets-policies.pdf>

⁵⁷ "Party systems characterized by a low degree of institutionalization can be called fluid or weakly

Other Armenian parties are no exception. Thus, the second largest Prosperous Armenia party was founded and is totally dependent on one of the country's wealthiest men or "oligarchs." The party of the first president Levon Ter-Petrosyan, the Armenian National Congress has been marginalized despite its leader's occasional statements in support of the Prime Minister. The leadership of the former ruling Armenian Republican Party, which actively engages in public debates and in criticism of Pashinyan, has been discredited and at best serves an opposition.

That is not to say that neither Civil Contract nor the other political parties lack programmes or written plans of actions for the country's development. Nevertheless, the impression is that those programmes were adopted for the purpose of legislation, rather than to serve as guidelines for political engagement.

One rare exception is the Armenian Revolutionary Federation, a traditional party founded in 1890, with a sound ideology oriented toward national and socialist values. Over the past two years, the party's leadership has actively opposed the Prime Minister, yet they have been discredited as a member of the former ruling coalition and are largely considered "collaborators."

Armenian political parties are disconnected from the population and have lost two important functions within genuine democracy: representation and electoral accountability. To be elected doesn't necessarily mean to represent. Political action becomes either meaningless or self-serving when divorced from ideological, target-oriented programmes meant to serve the country's national interests and the people's well-being. As scholars pointed out: "Representation devoid of programmatic content is meaningless; representation exists only because of a programmatic/ideological match between the views of representatives and citizens."⁵⁸

To meet Armenia's tremendous challenges, it is imperative that programmatic, rather than clientelistic, parties dominate the political scene. Paradoxically, the present overall political and socio-economic crisis may engender the emergence, consolidation, and increased role of programmatic parties in strategic decision-making. As scholars at the International Institute for Democracy and Electoral Assistance point out: "[P]eriods of rapid economic downturn or crisis may present opportunities for more programme-based parties to increase their relevance and become the main competitors in the political arena."⁵⁹

institutionalized." See Scott Mainwaring and Mariano Torcal, "Party System Institutionalization and Party System Theory after the Third Wave of Democratization," p.6.

⁵⁸ This subject has been elaborated by a number of scholars, such as: Samuel Barnes, Philip Converse, Juan Luna, and others. Scott Mainwaring and Mariano Torcal, "Party System Institutionalization and Party System Theory after the Third Wave of Democratization," *Op.cit.*, p. 218.

⁵⁹ International Institute for Democracy and Electoral Assistance, *Op.cit.*, p. 106.

There are many individuals, politicians, and civil society representatives in Armenia able to formulate and implement sound conceptual approaches to solve complex problems, but also to contribute to the country's progress. The question is whether or not these forces will possess the wisdom, broadmindedness, and perseverance needed to unite and advance an ideological and programmatic agenda of action.

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