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Anti-Corruption Policy in Armenia: Challenges and Setbacks

Aram TERZYAN*

Abstract

This paper explores the anti-corruption policy in post-Velvet Revolution Armenia with a focus on its challenges and setbacks. The question of whether the 2018 Velvet Revolution in Armenia produced significant reforms, goes into determining their implications for the fight against endemic corruption in the country. For former Soviet Union countries, corruption has represented a significant challenge, undermining their process of democratic consolidation. The study suggests that defeating rampant corruption involves addressing a series of issues, ranging from judicial independence to media freedom. The study enquires into the intricacies of anti-corruption policies in post-Soviet countries, amid constraining conditions stemming from deep-rooted authoritarian legacies.

Keywords: Armenia; Corruption; Judicial Corruption; Authoritarian Legacy; Media Freedom.

Introduction

The change in political leadership in Armenia instilled hope that the initial strive of new government toward democracy would help solve the deep-seated economic and political problems, including but not limited to fight against corruption. The newly incumbent Prime Minister Nikol Pashinyan put forward an ambitious reform agenda, focusing on such objectives as cutting up corruption, attracting foreign investment, ending political influence over the courts, etc. Yet, regardless of certain political reforms, no large-scale institutional changes ever took place. Later, the above-mentioned objectives have been overshadowed by the existential problems related to the Nagorno-Karabakh war of 2020 and its aftermath. The ceasefire agreement, which took many by surprise, undermined the government's legitimacy, exacerbated political divisions, and brought new challenges many of which still remain unaddressed.

Combined with the war and its aftermath, the COVID-19 pandemic has also invited challenges, which resulted in an increased human toll, slowdown of anti-corruption reforms, and intensified public anger and mistrust of the authorities. While Pashinyan's government initiated numerous sectoral reforms to fight against corruption, the effectiveness of these institutions has been questioned by several

* Aram Terzyan, PhD is Research Director of Center for East European and Russian Studies, Eurasia Institutes- California, USA., email: a.terzyan@eurasiainstitutes.org .

observers, pointing to the insufficiency of anti-corruption measures (Kucera and Mejlumyan, 2018). In effect, “reforms have been patchy and have had no serious impact” (BTI 2022).

This paper specifically addresses the following question: what are the main challenges to defeating corruption in post-Velvet Revolution Armenia.

On Pashinyan’s government’s anti-corruption strategy

Armenia has a legacy of systemic corruption in many areas, including construction, mining, public administration, parliament, the judiciary, procurement practices, and provision of state assistance (U.S. Department of State, 2022).

As a sign of moving the fight against corruption as high as possible on the policy agenda in April 2021, the Armenian National Assembly voted in favour of a bill that established a specialized anti-corruption court. The government also established the Anti-Corruption Committee (ACC) - a new agency to investigate cases of corruption. Moreover, Pashinyan’s government criminalized illicit enrichment (Bak, et al. 2022).

However, regardless of such developments, international agencies, including the UN Human Rights Committee (OHCHR) and the Council of Europe’s anticorruption monitoring unit, the Group of States against Corruption (GRECO), have found that serious shortcomings remain in the government’s anticorruption strategies; as of 2021, GRECO has deemed the Armenian government’s compliance with global corruption prevention standards unsatisfactory (Freedom House, 2022).

As an integral part of its anti-corruption policy, Pashinyan’s government pushed for a series of high-profile trials against former senior officials, most notably the ex-president Robert Kocharyan, former high-ranking officials Manvel Grigoryan, Aram Harutyunyan, Seyran Ohanyan and others. This extended to former defense minister and outstanding former ruling Republican party member, Vigen Sargsyan, who was charged with “abuse of power,” as well as to former chief of police Alik Sargsyan – charged with covering up an illegal post-election crackdown on opposition protesters in Yerevan in 2008 and with destroying evidence of the “overthrow of the constitutional order” led by then President Kocharyan (Terzyan, 2020).

However, these arrests and investigations have not yet led to court rulings. Essentially, Pashinyan’s fight against corruption has considerably focused on “punishing” members or associates of previous governments without any tangible results. Namely, the Armenian court dismissed the prosecution of former President Robert Kocharyan and former Defense Minister Seyran Ohanyan, who were charged with “overthrowing the constitutional order” (Interfax, 2021).

Some critics have been skeptical about the effectiveness of anti-corruption reforms in Armenia, positing that while governments embark on “crowd-pleasing

affairs,” much needs to be done to address the more systemic problems that the new governments inherited (Kucera and Mejlumyan, 2019).

Furthermore, there are concerns regarding the involvement of former officials in corruption investigations. Namely, the former officials, who were reportedly helping in corruption investigations, were found dead in unusual situations. In September 2019, the former chief of the Armenian police Hayk Harutyunyan was found dead. He was a witness in the March 1 case, concerning the dispersal of an opposition demonstration in 2008 which killed 10. Harutyunyan held the position of chief of police from 2003 to 2008- during the rallies of 2008. Two months later, the former police chief of Yerevan, Ashot Karapetyan, died in Russia because of a gas explosion in a private brewery in Pyatigorsk. Furthermore, Georgi Kutoyan- former head of Armenia’s National Security Service (NSS) was found dead with a gunshot wound on January 17, 2020, under mysterious circumstances (Mejlumyan, 2020). Remarkably, former Armenian intelligence officer Vladimir Poghosyan contends that such a chain of deaths is not an accident (Jam-News, 2020).

Overall, Pashinyan’s government’s anti-corruption has tended to focus more on the selective prosecution of the former officials, rather than on fundamental institutional issues.

Judicial corruption

The judicial corruption is one of the most harrowing challenges facing Pashinyan’s government. Following the controversial release of second President Robert Kocharyan in May 2019, Pashinyan contended that the judiciary is a remnant of the former corrupt system which would cook up conspiracies against the Armenian people (Terzyan, 2020). As a result, he called for a mandatory “vetting” of all judges to the all the courts in the country because of their ties to the previous regime (Asbarez, 2019). The tension between Pashinyan’s government and the “remnants” of the former regime reached a point, where the Armenian parliament adopted a bill on holding a referendum on suspending the powers of a majority members of the Constitutional Court. Pashinyan would largely treat the current Constitutional Court as an impediment to completing the revolution in Armenia. More specifically, it was regarded as an instrument that prevented the people from exercising their right to form a government in the country in the 1996, 1998, 2003, 2008, 2013 presidential elections (Pashinyan, 2020). Notably, Parliamentary Assembly of the Council of Europe (PACE) co-rapporteurs for the monitoring of Armenia, called on Armenian political players to refrain from actions and statements that could be perceived as exerting pressure on the judiciary (Asbarez, 2020). Essentially, Pashinyan threw his weight behind changing the Constitutional Court, contending that the latter represents the corrupt regime of Serzh Sargsyan, rather than the people of Armenia. Furthermore, he regarded the opponents of the referendum as “anti-state” forces (Eurasianet, 2020).

In 2021, the parliament adopted a new Criminal Code and a new Criminal Procedure Code aimed at ensuring the protection of citizens' human rights and improving trust in the judicial system (Freedom House, 2022).

Nevertheless, lack of judicial independence remains of serious concern. On June 20, 2022, the former head of Armenia's Supreme Judicial Council (SCJ), Ruben Vardazaryan released a secretly recorded conversation between him and two other men, Gagik Jhangiryan and Stepan Mikaelyan. The recording appears to show the government blackmailing him to resign to be replaced by a figure loyal to the prime minister (Mejlumyan, 2022). The case further undermined public trust in the judiciary. According to Freedom House (2022) "The courts face systemic political influence, and judicial institutions are undermined by corruption." Moreover, judges reportedly feel pressure to work with prosecutors to convict defendants (Freedom House, 2022).

In effect, "There is a general consensus that the courts are still somehow devoted to the previous political regime, and that they suffer as much from lack of independence as from ongoing petty corruption" (BTI, 2022). The courts are widely perceived as corrupt, among the least trusted institutions in the country (BTI, 2022).

Overall, the judicial reform remains as big challenge in Armenia, as its success is critical to breaking with the authoritarian legacy.

Media restrictions in the context of anti-corruption policy

The media has an important role in the fight against corruption as it can demand accountability and transparency from the public and private sectors.

Meanwhile, the restrictions imposed on the Armenian media, have engendered a lot of controversy. Indeed, simulated, unauthentic, and manipulative news content has been a growing problem in Armenia. Since 2018, it has been particularly manifested in social media, as Prime Minister Pashinyan chose Facebook posts and livestreams as his main communication tool with society. Much of online public discourse has been concentrated on Facebook, although Twitter and Telegram use among Armenians increased during the 2020 war (Freedom House, 2021, p. 8). Prior to the war, in April 2019, Pashinyan ordered the National Security Service, Armenia's intelligence agency, to crack down on social media users who spread "fake news" about the government. This move was heavily criticized by the opposition parties and the country's human rights ombudsman as a threat to the freedom of expression (BTI, 2022). The problem became even more acute during the war and its aftermath. Seemingly, wartime restrictions on media coverage and risky conditions in war zone limit the opportunities of independent journalism (Freedom House, 2021, p. 19). As such, the State Unified Information System became the only reliable source of getting

information. However, after the ceasefire announcement, the skepticism toward the state information system has significantly grown (Terzyan, 2022).

The government imposed several new restrictions on journalistic freedoms in 2021, including limiting the free movement of journalists in the parliament and in parts of the Syunik region. These measures have been widely criticized by local and international organizations, and local media organizations have called for an end to government obstruction of the media (Freedom House, 2022).

During the post-war period, there has also been a growing hate speech particularly on social media, which as former Ombudsman Arman Tatoyan aptly notes “has nothing to do with freedom of speech” (Public Radio of Armenia, 2021). Pro-government and opposition politicians have regularly accused each other of running troll factories to bully and discredit political rivals. On April 15, 2020, the Armenian parliament adopted amendments to the Criminal Code to criminalize public hate speech. According to the amendments, publicly calling for violence, threatening anyone’s life or health, and publicly justifying or inciting such violence, will be subject to penalties, from fines up to imprisonment (BTI, 2022).

On October 9, 2021 the Armenian Constitutional Court upheld recent legislation which substantially increased the penalties for insulting individuals for their “public activities”. In effect, the law is consistent with measures that non-democratic governments resort to in order to suppress anti-government dissent. Meanwhile, amongst the driving forces behind the 2018 Velvet Revolution was the Armenian people’s fervent desire to flourish in a more democratic country, where their political freedoms are protected (Terzyan, 2021).

Russian influence

Armenia’s huge economic and political dependence on Russia has been one of the biggest hindrances to defeating rampant corruption across the country.

While the European Union is largely viewed as a promoter of peace and democracy, Russia is seen as its ideological rival, that strives to produce autocracies in post-Soviet countries with the view to absorbing them into its ranks. The Russian policy towards its ‘near neighbourhood’ has been broadly associated with ‘authoritarian resistance’, ‘authoritarian diffusion’ and ‘democracy prevention’ (Ambrosio, 2016).

Some observers go even further, by contending that the chances of democratization across a vast swath of Eurasia seem slimmer now than ever before in the face of Vladimir Putin’s crackdown on liberal-democratic forces at home and abroad (Emerging Europe, 2020).

Looking back at now-prime minister Nikol Pashinyan’s discourse about Russia, one might expect the government to formulate policy changes and make overtures on membership to the EU. Just five years ago, in the autumn of 2017, his “Yelk”

parliamentary group presented a bill to parliament proposing Armenia's withdrawal from the Russia-dominated EAEU and referred to the Union as dormant and based on terms detrimental to the country's interests (Jam-News, 2017).

Pashinyan was in the habit of denouncing Russia's policy on Armenia, particularly referring to its "cynical interventions" in Armenia's domestic affairs. Further, he said the fear of severe threats to the sovereignty of Armenia if the country joins the EAEU has become more assertive (Aravot, 2017).

Yet, once in government, Pashinyan performed a complete volte face on his attitude to the EAEU and Armenian-Russian partnerships. At the beginning of his premiership, at his first meeting with the Russian president, he said, "I can assure you that in Armenia, there is a consensus, and nobody has ever doubted the importance of the strategic nature of Armenian-Russian relations" (The Moscow Times, 2018).

Going further, he confirmed Armenia's commitment to deepening its integration into the EAEU on the grounds that this was advantageous for the country, even proposing organizational structures to enable the transition (Premierminister, 2018).

The change in Pashinyan's dialogue has been dramatic indeed, negating any suggestion that the shift in power in Armenia would bring revision to Armenian-Russian relations and that Armenia would resign its membership of the Russia-led EAEU. Despite this, Pashinyan has since avowed that there would be no U-turns in Armenia's foreign policy and that the status of Russia as an "indispensable ally" would remain uncontested. In fact, Armenia would seek further rapprochement with its "big brother." Thus, the same Pashinyan who had raised the issue of withdrawal from the Russian-led Collective Security Treaty Organization (CSTO) would later suggest deploying Russian peacekeepers across Nagorno-Karabakh rather than the Scandinavian peacekeepers proposed by U.S. President Donald Trump (Terzyan, 2023).

Going even further, Pashinyan proposed that Russian border guards should be deployed along the entire Armenia-Azerbaijan border (Kucera, 2021).

These statements are very different from the avowed anti-Russian narratives voiced by Pashinyan when he was the opposition leader and whose fame and backing came from his pro-Western stance. Arguably, when on the job and forming his foreign strategy, Pashinyan found that structural constraints outweighed his beliefs. His action has provided material backing for contentions from some commentators that Armenia's pro-Russian policy is an unsurprising consequence of its geographic location and material weakness, leaving it vulnerable to Russian coercive policies (Terzyan, 2023).

Overall, Pashinyan has followed precisely the same line as his predecessor and supported even the most controversial Russian foreign action. This has included

sending troops to help squash anti-government demonstrations in Kazakhstan (Hetq, 2022).

Armenia's leadership has got itself into a position where it has little or no agency over the Kremlin's foreign policy agenda and cannot oppose it.

Meanwhile, the ever - growing Russian influence over Armenia is bound to adversely affect the Armenian government's fight against corruption, as it previously did (Roberts and Ziemer, 2018).

Not surprisingly, a recent public opinion survey shows mounting pessimism in Armenia about the country's political leadership and its policies. Overall, most respondents said they felt Armenia was heading in the wrong direction and that they would describe the prevailing mood in the country as either "insecurity, worry, fear for the future" or "total disappointment, disbelief in any improvement" (Civilnet, 2023).

Conclusion

Based on the previous discussion, there are three main concluding observations to make regarding the challenges to defeating corruption in Armenia.

Firstly: As an integral part of its anti-corruption policy, Pashinyan's government pushed for a series of high-profile trials against former senior officials, most notably the ex-president Robert Kocharyan, former high-ranking officials. While Pashinyan's fight against corruption has considerably focused on punishing members or associates of previous governments, there has been little to no progress in terms of bringing the corrupt officials to justice.

Secondly: While Pashinyan's government undertook measures to fight judicial corruption, the courts remain subject to immense political influence, with the judicial institutions undermined by corruption. The courts are still somehow loyal to the former regime, and suffer from lack of independence.

Thirdly: While the media has an important role in the fight against corruption the restrictions imposed on the Armenian media, remain of serious concern. On October 9, 2021 the Armenian Constitutional Court upheld recent legislation which substantially increased the penalties for insulting individuals for their "public activities". In effect, the law is consistent with measures that non-democratic governments resort to in order to suppress silence anti-corruption activists.

The other factors that adversely affect the anti-corruption efforts of Pashinyan's government, include but are not limited to the country's huge dependence on Russia, coupled with repercussions stemming from Armenia's troubled relations with neighboring countries.

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