

Helsinki Commission Hearing, “Reform in Armenia: Assessing Progress and Opportunities for US Policy”

October 22, 2019

Miriam Lansky

Director, Russia and Eurasia, National Endowment for Democracy

I am grateful to the Helsinki Commission for holding this very important hearing and for giving me the opportunity to speak about the state of reform efforts in Armenia.

The National Endowment for Democracy (NED) is a private, nonprofit foundation dedicated to the growth and strengthening of democratic institutions around the world. NED has been supporting civil society in Armenia continuously since the mid-1990s, and maintains a large portfolio of projects. NED’s programs in Armenia include support for foreign policy think tanks, human rights organizations, vote monitoring coalitions, provision of legal expertise, conflict resolution, and media assistance. Supporting the democratic transition in Armenia is a major priority for NED and we have substantially expanded funding for Armenian organizations.

Armenia’s Velvet Revolution is an authentic democratic breakthrough, a historic opportunity to build a more just system. No event since Armenia acquired its independence in 1991 is of similar significance. Beyond transforming the relationship between citizen and government in Armenia, it stands as an example of peaceful transition for the post-Soviet space. That Armenia has not altered its geopolitical alignments and remains dependent on Russia for security and energy does not diminish the significance of the opening or the opportunity it presents for deepening relations with the US.

Reform plans have been slow to materialize, raising concerns that the momentum for change could dissipate. Nikol Pashinyan has been Prime Minister since May 2018 and the new democratically elected parliament convened in January 2019. What are the obstacles to reform? This is not entirely clear and is subject to considerable debate. The philosophy of the new leadership is to avoid dramatic change and they point correctly to mistakes and abuses during transitions elsewhere. Instead, they believe that they can make the existing system work better through better practices. No serious analyst questions their motives or their values -- this debate is largely about the strategy and speed of reform. Other factors at play may be the lack of qualified and motivated professionals within the ministries as well as over-centralization of power in the office of the Prime Minister. The Prime Minister has vast responsibility for foreign and domestic policy and is a charismatic leader— a journalist, a former political prisoner, and parliamentarian— but lacking executive experience.

The fundamental approach is to start with reforms that would support rule of law and eventually make Armenia more attractive to investment. A program for anti-corruption reform, which would include an anti-corruption court, freedom of information mechanisms, and asset declarations for office holders, is being drafted, as is a program for judicial reform. The existing proposals represent a positive step, particularly by the new Minister of Justice, to move forward with reforms under challenging and imperfect circumstances, but they fail to answer several key, big picture questions about what justice will look like in a new Armenia, and at the micro-level need increased detail and a plan for implementation. Despite these flaws, putting these reforms forward, as with similar proposals for reforms in the tax code, in education, and in healthcare, generates momentum for important conversations which need to happen if the revolution is to deliver on its promises.

While some progress has been made within the ministries towards putting forward a reform agenda, parliament has, so far, taken less of a leading role. The parliamentary elections in December 2018 were free and fair and produced a parliament with three parties where Pashinyan's My Step won with 70% of the vote and has 88 out of 132 seats. The median age of a parliamentarian is 40, and 101 members are freshmen. The parliamentarians are young and new to politics. Moreover, the parliament as an institution has never had a meaningful role, power has always been concentrated in the executive. However, over time the very talented young people in parliament may start to take greater initiative. A strong parliament is a key pillar of democracy and various forms of assistance, notably from NDI and IRI, are already underway. Additional new initiatives could include building up professional committee staff and creating a parliamentary research service.

NED has prioritized its media assistance and countering disinformation. Armenia has a real problem with disinformation coming from Russian state media as well as domestic disinformation. The main television stations are controlled by oligarchs close to the old regime and are a continuously divisive, scandalous, and distracting. New broadcast licenses will not be available for at least a year although there are some reforms at the state broadcaster. NED is focusing on building capacity of independent online outlets who have a strong audience and a strong editorial line and can in the future transition to producing television programs when that opportunity becomes available. Other programs uncover disinformation, support Russian language coverage of events in Armenia, provide journalism trainings, and conduct analysis of audiences and viewership trends. More could be done to provide training, to support the emergence of independent media, particularly television, and to help different government entities develop communication strategies.

Perhaps the most significant process underway is the trial of former President Robert Kocharian. This is the first time that any former president of a post-Soviet state has been brought to trial. Kocharian is a friend of Putin and few would have expected that Armenia would risk antagonizing Putin by prosecuting him. Kocharian is charged with abusing his authority by imposing martial law and authorizing use of deadly force to disperse protests leading to the deaths of ten people in 2008. This pivotal case is being handled by an unreformed police, prosecutors, and judiciary. The Constitutional Court made up almost entirely of Kocharian's appointees has ruled that he enjoys immunity, yet the case is proceeding to trial over their objections. Kocharian's defense argues that he had legal authority to call martial law. It is not at clear that the constitution, the law, the judiciary—all produced by an authoritarian system designed to shield the president from accountability-- can deliver justice in this case. This is the central dilemma of today's Armenia – can the good people now in government achieve their admirable goals without first undertaking systematic institutional restructuring?

Pashinyan and My Step remain very popular and are only one year into a five-year term. Armenians understand that this government is trying to solve problems that it did not create, that have accumulated over two decades of authoritarianism and kleptocracy. However, the oligarchic disinformation machine is waiting patiently for the new government will fail to deliver so that at some future point they might exploit this government's mistakes or unfulfilled promises to engineer a comeback. The lessons from attempted democratic transitions elsewhere in Eurasia are clear, backsliding has occurred frequently, and to ward off that possibility tangible improvements must materialize rapidly lest public trust erodes and authoritarians return to power.