



POLICY BRIEF

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POLITICAL AND SOCIETAL POLARIZATION IN POST-ELECTORAL ARMENIA AND ITS DETRIMENTAL EFFECT ON GOOD GOVERNANCE AND DEMOCRATIC PROCESS

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The scope and purpose of this brief is limited: it is aimed to spotlight how societal and political polarization derails the democratic reform, resulting in consolidation of power through undemocratic means. We try to illustrate that further dragging an inconclusive “evolutionary” justice and anti-corruption reforms amidst increased mistrust towards political process and institutions are insufficient to transform a decade-built kleptocracy into a democratic state. The brief tries to map the main drivers for continuing crisis of public trust and, thus, increasing polarization, analyze potential scenarios as well as to outline measures to increase public trust in political process and democratic institutions. It is our conclusion that the absence of defined and articulated vision for the country’s accountable security guarantees and for the purpose and outcome of the systemic transformation of the justice and governance systems, an undemocratic power monopolization through over-reliance on law enforcement and security services is likely.

For almost a decade prior to Velvet Revolution, Armenian society was deeply distrustful of the government and its systemically corrupt institutions. The state capture by the former regime had effectively alienated the citizenry from public life, undermined people’s voice and their meaningful participation in the process. The Velvet Revolution was, thus, an unexpected and unprecedented for its resolute and overwhelming participation of a citizenry that came mobilized around the quest for justice and accountability.

The driving force of the 2018 revolution was people’s demand for respect, justice, and ending the endemic corruption, i.e., the kleptocratic state capture. Obviously, the task of transforming dysfunctional and corrupt institutions, and particularly, the captured justice system, into a transparent and accountable rule-of-law state was a professionally difficult, financially and politically costly work, even with unconditional support of citizens and a generous support of the European Union that the government had back in 2018. Unfortunately, the government chose to refrain from resolute and methodical investigation into the roots of the kleptocratic capture and engaged in superficial and half-measured reforms that could not get rid of capture in the entire justice system, including investigative, prosecutorial and judicial, and security institutions. Instead of designing and instituting credible and transparent means to fight the endemic corruption, the government relied on the captured law enforcement, prosecution and judiciary

to deliver justice and return stolen assets. Not only did this prolong the capture and allowed it migrate into the post-revolutionary realities, but it greatly undermined people's trust in justice and in the efficiency and success of the lengthy reforms. The defeat and tragic loss of life in the war have exacerbated the gravity of a dysfunctional governance.

The 44-Day war plunged Armenia into a deep political crisis that the snap elections in June 2021 were meant to resolve. However, the election has not solved the governance crisis. Nor has it mitigated the increasing polarization within the Armenian society. Despite competitive and fairly clean elections and a conclusive vote, sufficient to form a government, the rhetoric, actions, and attitude of the government raises concerns over its capacity to not only face but also adequately acknowledge the multitude of crises at hand and formulate a vision that would sustain the public support reflected in the vote. Thus, since the parliament has been in session, it proved incapable to articulate, let alone, put forward and debate possible solutions to multiple crises, including existential ones posed by security threats. Instead, both the ruling fraction and the opposition willingly engage in meaningless accusation and insult trading, undermining people's reaffirmed trust in the political process. There has been no substantive discussion of the government program. Moreover, the attitude of both sides revealed deep misunderstanding of their respective responsibilities: purely demagogical and destructive "critique" of the program by the opposition shows its dismissive and negligent approach to the country's future, while the dismissive and defensive responses of the government members and ruling party MPs demonstrated their arrogance and rejection of accountability. It is obvious that the opposition's sole purpose is to undermine all and any efforts to govern at all cost, while the ruling party considers the people's vote not as a repeated rejection of the formers' kleptocracy and as an urge to attend to problems and threats resolutely and consistently but rather as a card-blanc to unaccountable and un-participatory rule.

In foreign policy, the new government's reliance on Russia for addressing increasingly worsening security crisis or conducting negotiations is as unconditional as before the elections. There is no articulate commitment or adequate steps to internationalize the conflict and/or become a responsible side in the negotiations. Instead, even in view of clear violations of Armenia's sovereignty and Russia's incapacity or unwillingness to uphold the brokered ceasefire conditions, the Armenian government is refraining from any independent steps to defend its people and territorial integrity. This yielding of sovereign functions and dismissing the mechanisms and means of international justice is incompatible with the gravity of the security situation and the threats of a new aggression. Official statements of the government and voting in different international fora prove that despite government's assurances of "working with international community and organizations", Russia's dominance in foreign policy takes precedent over value- and international justice-based approaches. This is detrimental to Armenia's international standing at a time when it is of existential importance for the country. Obviously, this is greatly exploited by the propaganda narrative featuring democracy, particularly a liberal democracy, as an intrinsically weak and unsustainable governance system to guarantee security and Russia's not only indispensable but unique capacity to provide it. Trust in the government is further undermined. Security concerns of the population were abused by the former authorities as the excuse for corruption as it was

juxtaposed with accountable governance and adherence to human rights norms. Post-war vulnerability and serious deterioration of security guarantees are further and much more intensively exploited by the opposition to undermine democracy and liberal values and present it as a zero-sum game. Consequently, Russia's increased role comes in a way at expense of the actors supporting democratic reforms, driving public polarization deeper.

The recent long-expected applicationⁱ of the Armenian government to The International Court of Justice with a consistent and widely supported claim can be a catalyst to both a more systematic quest for justice in the international arena, but also a new impetus for support of justice and accountability causes domestically.

Domestically, contrary to its foreign policy paradigm to yield its authorities and responsibility to a third party, the government is desperate to consolidate its control. Since the revolution, the government faces inefficiency or outright sabotage of unreformed institutions, captured justice system designed and legislatively backed to suit the kleptocratic regime of the last decade. The authorities do realize that the promise of the elections to address security and social crises and deliver justice may not be fulfilled with the current dysfunctional or captured institutions.

However, since the elections, for the most part, the government's rhetoric as well as the actions in this direction are not aimed at consolidating democratic governance, but rather at consolidating the control with questionable or anti-democratic methods. In the post-electoral months, we see growing reliance of the authorities on the security forces and the law enforcement in cases where they do not belong in. The anti-corruption institutional architecture that started to be developed after the revolution, is still in nascent stage and the fight against corruption and return of stolen assets are largely conducted in the old opaque and unaccountable manner. The transfer of the shares of the Zangezur Copper-Molybdenum giant by the Russian company to the Armenian government is one such caseⁱⁱ.

The security forces and the law enforcement are more present and visible in the public domain, including the parliament where the ruling party appears resolved to call them to action as it deems necessary.

Disproportional force application during "violations of public order" have once again become routine; in all such cases the police and security forces acted with impunity. No investigation, let alone conviction, followed alleged ill-treatment at police precincts. Most alarming is the latest blatantly fabricated case against a human rights defender by the NSSⁱⁱⁱ. Apart from the obvious violations of the activist's rights, through this case the NSS aims to legitimize curtailing free speech and subordinating human rights to "national security needs". Once again, we see abuse of vital security concerns to excuse human rights and civil liberty curtailing.

Obvious violations of free speech have not only taken place but have taken grotesquely undemocratic form. Thus, criminal investigation was reportedly started into posting a disrespectful comment in Pashinyan's address in social media, silencing even a single call to oust the Prime Minister^{iv}. Curtailing of free speech is not limited to single cases but has taken a systemic turn: recently the parliament adopted a piece of legislation that criminalizes defamation and insulting certain groups, which goes against the norms of regulating free speech. This move has been much criticized both domestically and internationally^v.

The government's decision-making has become even more partisan and unaccountable. The 2015 Constitutional amendments allow for such “usurpation” of the political process as they have provided for essentially one-party rule with no real parliamentary or independent mechanisms of accountability for the government. Unfortunately, the government has chosen to fully utilize these provisions and prioritize loyalty and partisan expediency over professionalism and consultative participatory governance. Obviously, the current opposition makes this undue monopolization of power quite easily justifiable by its deconstructive, if not bluntly sabotaging behavior.

Conclusion

Making governance functional and accountable is of paramount importance for a war-devastated country. However, there is no democratic alternative to a robust systemic change-targeted transformation of governance and justice systems. Over-reliance on security and law enforcement, trading professionalism and transparency for partisan expediency and loyalty are deadly for any democratic state. However, for Armenia where the institutions and particularly the security services and law enforcement still bear the legacy of the totalitarian culture, practice, and even cadre, this is a step towards reinstating the pre-revolution order. It will necessarily further undermine public trust in the democratic institutions and accountable governance, plunging it into political cynicism that can be easily exploited by illiberal forces. Articulated and decisive roadmap to transformation is also the only way to regain public trust towards governance and support for difficult decisions.

Lack of political discourse that is filled with low-quality meaningless and irresponsible noise-making of the parliament combined with equally meaningless “directive throwing” at televised government sessions undermines any validity of a political process and creates fertile ground for increasing disempowering manipulative narratives. In the course of past years government's prioritization of human rights, justice and accountability and support for the civil society that advocates has diminished in the face of the opposition attacks and smear campaigns.

Armenian civil society and independent media have repeatedly voiced concerns over the negative trends flagged above. However, in the midst of increasing volatility and manipulated and polarized public discourse, these voices are effectively ignored by the authorities and manipulated by the revanchists. There needs to be more comprehensive and united protection of democratic gains and aspirations for the people who rejected the kleptocratic and autocratic rule in such difficult circumstances.

However, it shall be underscored that a factor that the utmost vulnerability and volatility of the security situation undercuts the mere potential for positive trend for development. It exhausts public support for the authorities as the local elections clearly demonstrated only four months after the national elections. For that matter, accountable international guarantees for security and justice in the conflict resolution is a precondition for possible democratic transformation and excluding authoritarian return. It is also the only way to secure against a new war or a protracted simmering conflict when people are abducted or killed on the border and territorial disputes are resolved in hostage-taking modality.

Recommendations

- Deep and systemic transformative reform agenda shall take precedent over the evolutionary approach: government's approach towards reforms and the financial and technical support of the West shall be more effectively targeted towards a deep and systemic institutional transformation with application of accountable mechanisms of transitional justice rather than to the current step-by-step "comprehensive reform" to improve.

Transparency and accountability of the process

- Well-articulated vision for the country's development paradigm shall be put forward to public discourse and protected by the authorities in public arena
- A rigorous communication and public education component shall be designed to build understanding and consensus of the difficult and lengthy process, the need of justice over simple "asset recovery" by murky and unaccountable means that have been used to date.
- Robust public discourse and amplified civil society voice Intensive support to civil society, think tanks, and independent media shall be designed to conduct meaningful political debate and discussion of all the urgent problems and proposed solutions with mandatory participation of the MPs and high-ranking government members.
- Continuous and empowered civil society watchdogging of the integrity of the transformation shall be supported to ensure its adherence to human rights and justice and accountability standards.

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i <https://apnews.com/article/business-azerbaijan-netherlands-the-hague-united-nations-adc707411d3c92defad4e188f39caaf5>

ii <https://www.azatutyun.am/a/31488318.html>

iii <https://www.hrw.org/news/2021/06/16/armenia-malicious-prosecution-activist>

iv <https://news.am/eng/news/664150.html>

v <https://freedomhouse.org/article/armenia-new-amendments-threaten-stifle-media-freedom-and-freedom-expression>