

AMERICAN UNIVERSITY OF ARMENIA

**THE IMPACT OF ELECTIONS ON DEMOCRATIC
PROCESSES IN ARMENIA**

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Abstract

This paper is based on the results of the Policy Internship Project conducted at the Center for Regional Development / Transparency International in Armenia.

There has been a global surge of democracy throughout the world. Democracy means the power of the people, by the people, for the people, but for having that power citizens must possess skills, embody the values, and manifest the behaviors that accord with democracy.

Armenia, as one of the former Soviet republics, had to face all the hardships of transition from the beginning of the reforms. Democratic processes started in Armenia after gaining independence in 1991, but they still do not ensure the full-fledged display of the key requisites of democracy.

This paper is aimed at studying the relationship between democratization process and the role of elections in that process, as well as seeing how the bribery and abuse of public office for personal gain can demolish the notion of having free and fair elections.

The results of the research revealed that it is not enough for the country to improve just one aspect of democratic governance without paying attention to others. For having a maximum impact all conditions need to be present, such as transparency, accountability and active public participation.

List of Abbreviations

| | |
|-------|---|
| ARF | Armenian Revolutionary Federation |
| BEEPS | Business Environment and Entrepreneurial Performance Study |
| CEC | Central Electoral Commission |
| CoE | Council of Europe |
| FH | Freedom House |
| GRECO | Group of the European Countries against Corruption |
| IDEA | Institute for Democracy and Electoral Assistance |
| IMF | International Monetary Fund |
| IYC | It's Your Choice NGO |
| HP | Heritage Party |
| MP | Member of Parliament |
| NA | National Assembly |
| NGO | Non-Governmental Organization |
| NDU | National Democratic Party (Union) |
| OSCE | Organization for Security and Cooperation in Europe |
| OYP | Orinac Yerkir Party |
| PACE | Parliamentary Assembly of the Council of Europe |
| RPA | Republican Party of Armenia |
| TACIS | Technical Assistance for Commonwealth of Independent States |
| TI | Transparency International |
| UNDP | United Nations Development Programme |

“The crucial moment in any passage from authoritarian to democratic rule is the crossing of the threshold beyond which no one can intervene to reverse the outcomes of the formal political process. Democratization is an act of subjecting all interests to competition, of institutionalizing uncertainty.

The decisive step toward democracy is the devolution of power from a group of people to a set of rules.”

Adam Przeworski

“A democracy cannot exist as a permanent form of government. It can only exist until a majority of voters discover that they can vote themselves largess out of the public treasury.”

Alexander Tytler

Introduction

With the widespread establishment or re-establishment of democratic forms of government in the 1990s, an issue on how well they are being implemented and how much progress has so far been made came to the stage. It is interesting to know what are the key problems faced by recently established democracies, and to see the distinctive features of democratic development in our country.

The purpose of this paper is to observe the impact of elections on democratic processes in Armenia based on official documents, reports, statistical data, publications, facts and in-depth interviews. Democratic processes have started in the country in the years after gaining independence in 1991, but they will stay incomplete unless the main components of democracy, such as transparency, accountability and citizen's participation are not guaranteed.

The paper tries to show the path of democratic reforms in the country, review elections in recent years and cases regarding those elections. Moreover it shows that unequal conditions for political parties and their candidates, bribing of voters, as well as of election commissions' members, pressure on voters (public employees), use of administrative resources by current authorities, manipulations with voter's lists, media control and other violations negatively influence on democracy building in Armenia.

As all recent elections showed, there is a gap between the voters' choice and outcomes of the elections, which is largely related with the corruption issue. According to Corruption Perception Index in Armenia (2006), the corruption is explained to be the abuse of power for private gain. Moreover, "according to the rule" corruption takes place while a state official receives personal gain for performing his/her duties defined by the law, on behalf of something that is necessary "according to the rules". In addition, it is mentioned that "against-the-law" corruption takes place while a state official gains profits for a service, which he/she has no legal right to give and thus violates the law. It is widely accepted that elections in Armenia are generally won or lost before the actual poll takes place. However, the mechanics of the poll itself are widely open to corrupt practices and results can be distorted in a variety of ways, such as voters can be prevented from voting, or intimidated as they go to the polling stations or election officials can miss-mark ballot papers for voters with disabilities.

The focus of this study is the active public participation in elections, as it is the core of democratic reformation of Armenia and plays crucial role in promoting democracy and driving forward change. It has the aim to answer the question: "How elections impact democratic processes in Armenia?"

Based on the above-mentioned considerations this paper will try to address the following Research Questions.

Research Questions:

1. *Why elections are the key insuring democracy?*
2. *What are the past experiences with elections in Armenia?*
3. *What is the impact of unfree and falsified elections on the country's democratization?*
4. *What are the solutions?*

Literature Review

The Essence of Democracy

The process of global democratization during 70s, stated by Samuel Huntington (1991) as “the third wave of democratization”, regained its momentum in late 80s and early 90s with unprecedented changes in the post-communist world and emergence of new democracies.

Armenia, as one of the former Soviet republics, had to face all the hardships of transition to democracy, aggravated with consequences of the 1989 earthquake, the military conflict around Nagorno Kharabagh, and the transport blockade by Turkey and Azerbaijan from the very beginning of reforms. Democratic processes started in Armenia after gaining independence in 1991, but they still do not ensure the full-fledged display of the key requisites of democratic governance, such as transparency, accountability and public participation.

According to Abraham Lincoln (Diane Ravitch, 1992, p.164), democracy is the government of the people, by the people, for the people. It seems to be a word familiar to most, but this is a concept still misunderstood and misused in a time when totalitarian regimes and military dictatorships alike attempt to claim popular support by pinning democratic labels upon themselves. Meanwhile, democracy is the institutionalization of freedom.

As underlined by Sartori (1987), democracy exists when the relationships between the governed and the government act in accordance with the principle that the state is at the service of the citizens and that the government exists for the people, and not vice versa. He mentions, “Politics ultimately hinges on the relationship between the governors and the governed and the fact that a democratic decision-making process blurs the dividing line

between the governors and the governed does not entail that governing and being governed become mingled...” (Sartori, 1987, 86). Therefore, the capacity of a political system to respond to the preferences of its citizens is the main point of democratic theory, which cannot be separated from what democracy should be.

The most important part of democracy is that democracy is not pure and simple majority rights. Minority rights according to Sartori (1987) are necessary condition of the democratic processes. To maintain democracy as an ongoing process requires ensuring that all citizens possess the rights, such as to be aware of electoral regulations, as well as be informed of their rights to complain, that are necessary to the method by which democracy operates.

Where a political system falls on the scale of democracy largely depends on the extent to which it recognizes and enforces civil and political rights. Thus, in the presence of democratic structures, the more strongly civil and political rights are reinforced in a society, the more democratic it becomes (Zehra F. Arat, 1991, p4).

As Dahl (1989) mentions, a concept of representation is the key to democracy. Representative democracy is about controlled transmission of power. Elections are important, but not the permanent and he who elected can be replaced. We need the representative techniques of controlled transmission of power as the means for minimizing the external risks.

Representative democracy can be defined as indirect democracies in which the people do not themselves govern but elect representatives who govern them (Sartori, 1987, p 111). As for the relation between electoral and representative democracy, the former is a necessary, though not sufficient condition of the latter. This is also to say that the concept of representative democracy comprehends electoral democracy; but the reverse is not true.

Moreover, if democracy is interpreted as rule of the people, then question of who participates in political decisions becomes the question of the nature of democracy. When few take part in decisions there is little democracy; the more participation there is in decisions, the more democracy there is (Verba S. and Norman H. Nie, 1987, p 1).

Therefore, democratic theory is premised upon citizens playing an active and informed role in the governance system. The value of an active citizenry in promoting the health of the polity, of course, was recognized in ancient times. Aristotle, for example, placed greater faith in the collective wisdom of citizens than in the sagacity of any individual (Joseph F. Zimmerman, 1986).

The Role of Elections in Democracy

Democracy allows all members of a society to participate and to be involved in governance. The aim of democracy is to provide conditions for free development of human capacities and to do this equally for all the members of the society. The electoral process lies in the heart of democratic government, and the critical difference between democratic and non-democratic regimes is to be found in whether or not they hold elections, and if they do, what kind of elections are these (David Butler, Howard R. Penniman, 1994).

If there is one area in which the theory of democracy disposes of hard and plentiful evidence it is the voter's choice. Elections are the central institution of democratic representative governments, as in democracy the authority of the government derives solely from the consent of the governed. The principal mechanism for translating that consent into governmental authority is the holding of free and fair elections. The vertical construction of democracy hinges on electing and elections – free, recurrent, and competitive. And it is at

elections that we have not only the decisive but also the full application of “majority rule” both as a concrete ruling and as a rule of the game (Sartori, 1987). Elections have been conceived, as an instrument of selection. In democracies, elections were advocated and instituted as a quantitative instrument designed to make a qualitative choice.

Elections do not enact policies; elections establish rather who will enact them. Elections do not decide issues; they rather decide, who will decide issues. As Dahl (1989) neatly puts it, “all an election reveals is the first preferences of some citizens among the candidates standing for office”. In real democracy, voters make their choices based on political platforms of the candidates representing certain approaches to important social and economic issues.

A democratic electoral process entails not only fair and transparent procedures on the voting day. It touches on all civil and political rights, particularly, on freedom of opinion and speech, and freedom of association and assembly, as well as access to media, etc. Only when these rights are guaranteed in practice will both the confidence of the voter and the voter's choice at the ballot be ensured. The highest measure of democracy is neither the 'extent of freedom' nor the 'extent of equality', but rather the highest measure of participation.

As to Geraint Parry and Michael Moran (1994), the problem of democracy rises when it becomes “the rule of the politician” rather than of the people in any direct sense, when politicians make possible some significant choices between packages of policies and gain from the election the authority to govern for a period of years.

Citizens' Participation

As it was mentioned above, public participation is the key to electoral process. According to The Universal Declaration of Human Rights provides that the “will of the people shall be the basis of the authority of government” as “expressed in periodic and genuine elections.” (Donnelly Jack, 1989).

People should have a right to vote to be represented and to have freedom of choice. As public policy should be made openly, and not secretly, people are motivated and able to play the role of citizens who ought to have chances to influence decisions, concerning both economic and social conditions. Citizens' activism provides the mechanism through which people can provide information about their interests, preferences and needs and call pressure to respond (Dahl 1989). Moreover, as Zimmerman (1986) claims, voting in elections and referenda is only one of the main forms of citizen participation among the others.

Methodology

For the purpose of the internship project the major methodology used for this research was content analysis of the respective legal acts and documents, reports, research and other publications and etc. Particularly, the information were explored via various sources including official reports of OSCE, Its Your Choice, Yerevan Press Club, Transparency International and etc, on elections in Armenia. Sources for analysis were also the Constitution of the Republic of Armenia, the laws of RA, including Electoral Code, and various monitoring reports produced by different organizations based on elections' observation. In-depth interviews with political party members and MPs and media coverage were also conducted, to get better understanding on the relationship between election processes and democracy.

Current Situation in Armenia

Democratic Governance Reform

Democratic reforms are very important for newly independent countries. Armenia underwent a long and painful path to democracy starting from 1991. The first and positive experience was referendum on independence conducted on September 21, 1991, which unanimously and fairly expressed the will of the people to secede from the Soviet Union and establish statehood. This was succeeded by several presidential and parliamentary elections with various levels of fairness and transparency.

Among the economic reforms in Armenia were privatization of agricultural land, introduction of national currency, liberalization of prices, liberal trade and foreign exchange regime and etc.

In the last decade Armenia's economy continued to perform strongly, despite the challenges of closed borders with Turkey and Azerbaijan and high transportation costs for imported and exported goods. Double-digit growth, low inflation, declining poverty rates, and some other macroeconomic indices were evidence of Armenia's economic progress in 2005. Real GDP grew by approximately 10 percent in 2004 and by approximately 13.5 percent in the first eleven months of 2005¹. As important tradable sectors have become more productive in recent years, the dram's recent appreciation has not had a significant negative impact on Armenian exports. Economic growth in 2005 was lead by the construction and agricultural sectors, as well as by significant growth in the mining sector. Armenia continues to be import dependent, with the value of imports almost double that of exports (\$1,351 million vs. \$715 million, in 2004). Approximately 46 percent of exports are precious stones

¹The statement is taken from the U.S. Government "Assistance to and Cooperative Activities with Eurasia" assessments, released by the Bureau of European and Eurasian Affairs, January 2006 Webpage: <http://www.state.gov/p/eur/rls/rpt/63171.htm>

and metals, a sector, which only employs approximately 12,000 people and pays little to no taxes.

Armenia is also heading towards decentralization of powers reflected in establishing and subsequent strengthening of local self-governance in the country. The new Law on Local Self-Governance adopted in 2002 provided some additional powers to local governments, increased degree of their autonomy. As an example, starting in the summer of 2003, Yerevan district communities began to assume responsibility for administration and collection of the property tax, with the urban communities to follow later that year and next year.² Even though the process is underway, many of the issues associated with administrative decentralization have not yet been resolved.

Armenia is moving in the right direction but there are serious concerns whether progress is fast enough to reduce emigration and support sustainable economic growth. Economic reforms are very important for every country building a democracy, but far more important are the reforms implemented in political arena, such as political parties, without them, democratic elections, effective governance, or political freedoms are inconceivable. Democratization of the political system and individual freedoms are impossible without civilized political struggles and cooperation of parties. In a state based on the rule of law, specific laws and regulations establish a multiparty system. Although a multiparty system in Armenia de facto evolved in 1988-1989, a legal framework for it was not put in place until 1991.

The above-mentioned reforms and issues considered being important aspects of democracy building in Armenia, but the paper will mostly concentrate on electoral reforms.

Armenia's political stability in 2005 continued to be tested by the weak governance and ongoing disputes between the authorities and the opposition. The most significant event

²The statement is taken from Periodical on "Economic Policy and Poverty" by Mushegh Tumasyan

for Armenia in 2005 was finally finishing the draft Amendments to the Constitution of Armenia³, which was then adopted in the Referendum. The authorities, the opposition, and international organizations equally viewed the Constitution prior to amendment as an obstacle to democratic reform in Armenia, and the amendments as the key to the promotion of such reform.

Moreover the same study, initiated by the Yerevan Press Club (in collaboration with several non-governmental organizations that are members of the “Partnership for Open Society” initiative) in 2005, revealed that though the Amended Constitution, on the whole, represents progress compared to the Constitution prior to amendment (replacing hyper-concentration of power with an effectively semi-presidential system, and enhancing institutional safeguards of judicial independence and respect for human rights), the Amendments have addressed only a part of the obstacles to Armenia’s democratic development and the construction of a state based on the rule of law.

In addition, OSCE Office for Democratic Institutions and Human Rights⁴ has expressed its opinion on the amendments to the Electoral Code which focused on three main points: *electoral administration, electoral complaints, and mechanisms for ensuring the integrity of the election process.*⁵ The amendments adopted in December 2006 constitute improvement over previous draft amendments, particularly concerning issues such as distribution of tasks within election commissions, electoral deposits for candidacy, voting and counting procedures. However, according to the Freedom House data,⁶ in this particular part

³The statement is taken from the Yerevan Press Club’s Report 2005 on “Monitoring of democratic reforms in Armenia” Webpage: <http://www.ypc.am/Old/Downloads/monitoring-eng>

⁴ OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) adopted by the Venice Commission at its 70th plenary session (Venice, 16-17 March 2007)

⁵ The statement is taken from the Report on the 26 February 2007 Amendments to the Electoral Code of the RA by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Webpage: <http://venice.coe.int>

⁶The table is taken from Nations in Transit 2006. Armenia. Nations in Transit Ratings and Averaged Scores for 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006 Webpage: [http:// www.freedomhouse.org/uploads/](http://www.freedomhouse.org/uploads/)

Armenia's rating for national democratic governance remains at 5.00.⁷ Although the changes to the Constitution endorsed by a nationwide referendum will usher in a more even distribution of powers, the conduct of the referendum, in particular doubts over the official turnout figures, prevents an improvement in the rating.

Another improvement was that of relating to the Parliament, which approved revisions to the electoral code in May 2005, with the aim of addressing some of the flaws that have characterized Armenia's elections.⁸ These include a reduction in the number of presidential appointees on election commissions and an increase in the number of parliamentary seats allocated by proportional representation at the expense of those contested under the single-mandate system, with a view to reducing opportunities for vote buying. A new national voter's register has also been compiled. Armenia's rating for electoral process remains unchanged at 5.75.⁹ Although the revised electoral code improves the legal framework for elections, its success will depend on its implementation, particularly with regard to the authorities' commitment to identify and take measures against those guilty of electoral violations.

Based on provided data, which again lacks the reality, fewer attacks on journalists were reported in 2005,¹⁰ but self-censorship from fear of prosecution remains widespread. Therefore, Armenia's rating for independent media remains at 5.50¹¹ owing to the absence of reform efforts.

According to the Freedom House data, although the Constitution and national legislation provide a framework for local self-government, there has been little real decentralization of authority. Scarce financial resources limit the autonomy of local

⁷ See Table 1 (page 43)

⁸The statement is taken from Nations in Transit 2006. Armenia. Nations in Transit Ratings and Averaged Scores for 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006, (Webpage: [http:// www.freedomhouse.org/uploads/](http://www.freedomhouse.org/uploads/)
⁹ See Table 1 (page 42)

¹⁰

¹¹

governments, and they remain reliant on the national budget, with roughly 40% of municipal revenues having been transferred by the central government.

Quite often the reality and legal provisions in Armenia have little in common; typical example are human rights, despite constitutional provisions guaranteeing a full range of basic human rights, in practice there remain substantial barriers to effective protection of said rights. The judiciary enjoys little independence and has been unable to fulfill its role as a guarantor of law and justice. The constitutional amendments go some way toward increasing the impartiality of the judiciary, as the right to appoint the Council of Justice passes from the president to the General Assembly of Judges. Similarly, the Office of the Human Rights Ombudsman becomes a parliamentary rather than a presidential appointment.¹² However, the executive has reduced the legal powers of the ombudsman to request documents from the courts. Armenia's rating for judicial framework and independence improves to 5.00.¹³

Government is working hard to cope with the issues of corruption, which are addressed by the anticorruption strategy adopted in late 2003. However, although the number of corruption crimes solved by law enforcement structures increased in 2005, prosecutions remained rare. Armenia's rating for corruption remains unchanged at 5.75.¹⁴

In 2004, the Law on Holding Meetings, Demonstrations, Rallies, and Protests was adopted:¹⁵ this Law allowed the authorities to prohibit the holding of demonstrations near administrative buildings located in downtown Yerevan. At the requirement of the Council of Europe, this Law was amended.¹⁶ However, it conceptually remains a law that restricts the freedom to organize and hold public events. During political tension both prior and after the

¹²The statement is taken from Nations in Transit 2006. Armenia. Nations in Transit Ratings and Averaged Scores for 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006, (Webpage: <http://www.freedomhouse.org/uploads/>)

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¹⁴ See Table 1 (page 42)

¹⁵ Source: (Webpage: <http://parliament.am>)

¹⁶ The statement is taken from the Report on 'Monitoring of Democratic Reforms in Armenia' (Webpage: <http://tinyurl.co.uk/0w8>)

adoption of this Law, the authorities have obstructed the holding of public events (prohibiting such events on the alleged ground of their failure to comply with the Law, or restricting the provision of buildings for meetings); moreover, the police arbitrarily prosecuted participants of demonstrations.

Latest changes to the Electoral Code occurred in February 2007 as part of a legislative package related to the issue of dual citizenship. The main amendments to the Code were those which affected voting by citizens abroad, as well as voting and candidacy rights of dual citizens located in Armenia.¹⁷

To conclude, during the past year, democratic reform in Armenia has progressed at an uneven pace. Overall, the political environment remains restrictive, particularly in light of the 2004 government crackdown against demonstrators and the seriously flawed November 2005 referendum that led to the ratification of constitutional amendments.¹⁸ While these amendments were designed to strengthen democracy, executive branch dominance of the political system continues to pose a significant challenge to Armenia's transition to democracy, resulting in reduced political and economic competition and providing little recourse for citizens to challenge the use of public office for personal gain.

While there have been noticeable gains on several fronts, such as reforms in the National Assembly and a mandatory code of conduct for judges, impediments to democratic development remain systemic. Democratic institutions in Armenia are still relatively young. While there have been many developments that suggest reforms are taking hold, a relatively weak judiciary, dominant executive, and inexperienced legislature require deeper reforms and high-level political commitment to democratization. Lack of transparency and accountability

¹⁷The statement is taken from the Report on the 26 February 2007 Amendments to the Electoral Code of the RA by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (Webpage: <http://venice.coe.int>)

¹⁸ The statement is taken from the U.S. Government "Assistance to and Cooperative Activities with Eurasia" assessments, released by the Bureau of European and Eurasian Affairs, January 2006 (Webpage: <http://www.state.gov/p/eur/rls/rpt/63171.htm>)

in the public sector has created an environment in which corruption flourishes and public confidence in democratic institutions suffers.

Election Processes in Last Decade

Since Armenia gained independence in 1991, elections and political participation have been among the most important issues of democratic development in the country. Despite the fact that the Election Law and Codes has been amended several times (the latest changes were adopted in Jan. 2007), Armenian and international experts/actors and observers have frequently identified the main political problem in Armenia as connected with weak political will and, more importantly, the low level of democratic culture of elections and citizen participation.

Armenia held elections that were characterized by serious flaws in both 1995 and 1996. The Extraordinary Presidential Election of March 16 and 30 1998 did not meet the OSCE standards to which Armenia has committed itself in the Copenhagen Document of 1990. This election showed improvement in some respects over the 1996 election, but the 1996 election is not an appropriate standard for assessing a meaningful election process in line with OSCE commitments.¹⁹

The 2003 presidential election was the fourth since declaration of independence in September 1991 and the first since Armenia joined the Council of Europe in January 2001. Significantly, it was also the first national contest to be held in the wake of the assassinations

¹⁹ Source: Office for Democratic Institutions and Human Rights, RA Presidential Election March 16 and 30, 1998, Final report, (Webpage: <http://www.osceprag.cz/inst/odhr/news/finarm98.htm>)

of leading figures in Armenia's political establishment during a 27 October 1999 attack on the parliament building.

Based on OSCE Missions' official report,²⁰ voting was generally calm and well administered, but the counting process was flawed and the long-term election process fell short of international standards in several key respects, as well as a lot of issues of concerns, such as inaccuracy of voter lists, media bias, abuse of state resources, etc. The election seemed to provide an important test of the progress of democratic practices in Armenia, since previous presidential elections were characterized by serious flaws and generally failed to meet international standards, because there were a lot of issues of concern at the two previous presidential elections observed by the OSCE/ODIHR (1996 and 1998) included inaccuracy of voter lists, shortcomings in the election administration, media bias, abuse of State resources, flawed voting by military personnel, the presence of unauthorized persons during polling and counting and discrepancies in the vote count. The things following the other two elections of 1996 and 1998 were not the perfect pictures of the future either. Thus, as OSCE reports, the 19 February and 5 March 2003 presidential election in the Republic of Armenia fell short of international standards for democratic elections too.

In all these negative aspects, there was also a positive development, which was the presence of a large number of domestic observers. However, the failure of the 2003 presidential election to meet international standards lay not in technical or procedural lapses, but in a lack of sufficient political determination by the authorities to ensure a fair and honest process.

²⁰Source: Office for Democratic Institutions and Human Rights, RA, Presidential election 19 February and 5 March 2003, Final Report (Webpage: www.osce.org/item/1374.html)

The 2003 Parliamentary Elections revealed to be the violated ones too. As NDI reports²¹, despite improvements in certain areas of the electoral process over the last two months, Armenia's May 25 elections and referendum failed to cross the threshold for democratic elections. It is written in the report that there was an atmosphere of cynicism, frustration and anxiety surrounding Armenia's electoral processes, evidenced by low voter turnout, lack of confidence in the ability of election authorities to act impartially and the absence of processes to effectively redress electoral disputes. Nonetheless, political parties campaigned actively in these elections; domestic civic organizations mobilized to monitor the election process, and voting proceeded with fewer incidents than in past elections.

In addition to this atmosphere, after the 2003 elections, during the local government elections in September and October 2005, a local organization called "It's The Choice" reported that this amendment was almost massively the reason for violating the secrecy of the vote, because the commission members sealing ballots also check how the ballot was voted when they seal the ballot. This was done mainly because of the 2005 May 19 Law on Amending the Electoral Code concerning the procedure of filling in the ballot and sealing it (Article 57).²²

The election followed 2003, were the Parliamentary Elections of May 14 of 2007, which were no better than the previous one, monitored by "It's Your Choice"²³, which stated that on the Election Day the electoral procedures and vote counting process were organized in a comparatively quieter environment. However, outside the polling stations there were numerous shortcomings and violations that didn't comply with the standards of democratic elections.

²¹ Preliminary Statement of the NDI International Election Observer delegation to Armenia's May 25, 2003 Elections, Yerevan, May 27, 2003, (Webpage: http://www.accessdemocracy.org/library/1590_am_statement_052703.pdf)

²² The statement is taken from the Report on 'Monitoring of Democratic Reforms in Armenia' Webpage: <http://tinyurl.co.uk/0w8>

²³ The statement is taken from the Yerevan Press Club's Report 2005 on "Monitoring of democratic reforms in Armenia" (Webpage: <http://www.ypc.am/Old/Downlowds/monitoring-eng>)

Indeed, as it was said in the Report, during the pre-election monitoring mission IYC observed a number of positive changes and developments in the electoral procedures, which inspired hope that the participants of the electoral procedures would organize democratic elections on the Election Day, but it was just dream, which did not appear to be the true. The violations of electoral procedures,²⁴ such as cases of illegal voting, illegal intimidation on voters' free will, illegal campaign, gatherings of voters and artificially created lines, presence of unauthorized people in polling stations, abuse of proxies' rights, violation of proxies' and monitors' rights, inadequacy of polling stations, shortcomings in final voter lists, hardly one can name to be even a little democratic.

Moreover, as the Center for Regional Development / Transparency International Armenia stated,²⁵ during the project implementation, there were many people reporting instances of vote-bribes throughout the country to the monitoring team. However, citizens were scared to be a witness of such crimes and it was not possible to record the reported bribery cases and calculate how much was spent by parties for those "expenses". Evidence of the existing fear was the fact that a week before the elections, respondents refused to answer phone survey questions related to vote-bribes.

Since Armenia accession to the Council of Europe, none of the elections (as well as the November 27, 2005 Referendum) conducted in Armenia have been assessed by observers as fully free and fair. In effect, the Republic of Armenia lacks three conditions necessary to organize and conduct free and fair elections and referenda, including: electoral legislation in line with democratic standards, certain level of the culture of elections, and political will of authorities to conduct proper elections, respect for and protection of other rights and

²⁴"It's Your Choice" NGO monitoring mission carried out during the RA National Assembly elections on May 12, 2007. (Webpage <http://www.ypc.am/Old/Downlowds/monitoring-eng-05.pdf>)

²⁵ Center For Regional Development / Transparency International Armenia, Press Release, May 31 2007, (Webpage: <http://www.transparency.am>)

freedoms (freedom of expression, freedom of assembly, right to free movement, etc.) supporting free and fair elections.²⁶

However, beyond simply being free and fair, elections must also be seen by the people to be making a tangible difference in improving the community and the society by raising vital issues and finding solutions for them through a public discourse. Democratic government needs to be accountable and trustworthy to be effective, and this can only occur through regular elections that citizens appreciate as being important and relevant to the issues that matter most to them. Citizens must feel confident that their vote counts and that they have the power to make choices in the governance of their own communities and state.

Corruption Issue

Corruption is not a new phenomenon in Armenia. It has existed for centuries in various forms throughout its history. After the fall of the Soviet Union, the classical forms of corruption, such as bribery and forgery, were supplemented by additional forms, which are typical of a market economy and multi-party political system-political corruption. As to Anti-Corruption Policy in Armenia (2006), the fight against corruption was declared in Armenia in the early 2000s, when in the course of the implementation of economic, political and social reforms, corruption was revealed as an extremely serious obstacle. The issues, such as violations of human rights every day, restriction of freedom of speech, unfair market competition, flourishing shadow economy, as well as falsified and criminalized political arena, emigration of people, deterioration of environment because of illegal construction,

²⁶ The statement is taken from the Report on 'Monitoring of Democratic Reforms in Armenia' (Webpage: <http://tinyurl.co.uk/0w8>)

cynicism and indifference within the society, the fear of citizens' to resist authorities, oligarchs and the brutal forces around them, were arisen.

The ways of corruption are different, such as corruption in tax and customs services, education and public health systems, state finances, real property and privatization, but bribing voters and members of electoral commissions, using the administrative resources during elections, as well as appointments to high-rank non-political positions based on personal interests are classical examples of political corruption, which has a destructive effect on economic, social and political developments of a country.

The causes for this fast spread of corruption resulted, as it is mentioned in *Anti-Corruption Policy in Armenia (2006)*, because of difficult social conditions (low incomes), imperfect legislation, poor law enforcement, absence of political will to fight corruption, an atmosphere of impunity, a lack of freedom of speech and press, as well as tolerance towards corruption within the society, national mentality, limited access to information and misadministration, etc.

According to the results of the study published by *Freedom House in 2006* ²⁷, corruption at all levels of government has not changed in Armenia since 1999, with the index of corruption equal to 5.75 (on a "1-7" scale, where "7" means absolutely corrupt and "1"-absolutely "clean").

Moreover, according to *Corruption Perception in Armenia (2006)* the 2005 *Business Environment and Entrepreneurial Performance Study* revealed that, compared with 2002, corruption became a more serious problem impeding business activities in Armenia. The respondents stated that in 2005 the total volume of bribery substantially increased in comparison with 2002. The situation became worse in the legal environment, where the

²⁷ See Table 1 (page 42), Source: Nations in Transit Ratings and Averaged Scores for 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006, (Webpage: [http:// www.freedomhouse.org/uploads/](http://www.freedomhouse.org/uploads/))

“rules of the game” are persistently and fundamentally distorted in favor of a small number of privileged businessmen.

Corruption at all levels of government continues to impede the country’s political and economic development. Not only has this fostered public cynicism toward the authorities, it has impeded the development of a competitive business environment.

According to Transparency International (TI) 2007 Corruption Perception Index (CPI) among 179 examined countries Armenia is placed in the group of countries with a score equal to 3.0²⁸, which implies that corruption is perceived as rampant. No progress has been made during the last 3 years, with the Armenia’s CPI equal to 3.1, 2.9 and 2.9 in 2004, 2005 and 2006, respectively.

Based on the survey conducted in August 2006, once more free and fair elections, along with a new anti-corruption agency, were chosen by all the demographic groups as the major solution for reducing corruption. The youngest group of respondents more emphasized creation of a new anticorruption agency, whereas those above 46 rather prioritized free and fair elections.

As it is mentioned in Corruption Perception in Armenia (2006) although a number of international anti-corruption instruments were developed and Armenia has signed and ratified some of them, such as CoE Conventions and became a member of the Group of the European Countries against Corruption (GRECO) in January 2004, and also involved in the ORCD Istanbul Anti-Corruption Action Plan developed for 8 former Soviet republics, as well as Armenia sign the UN Convention against Corruption, but has not ratified it yet, not much progress, however, has been made through the use of the above international instruments. Moreover, there were also cases conducted to stop the flow of open information regarding

²⁸ A country or territory’s **CPI Score** indicates the degree of public sector corruption as perceived by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt)

this issue, such as the case, when the web sites containing information on corruption were damaged.²⁹

Thus, as it is mentioned in the TI Anti-Corruption Handbook, (2006) “the extent to which political will exists and is maintained throughout the reform process both among representatives of the political and administrative establishment and among civil society and the private sector, will ultimately determine the success or failure of anti-corruption reforms”.

The absence of the desire of the civil society to support reforms also affects their effectiveness. If the society does not trust the authorities, then it will be difficult to expect any public support in this issue.

During the years from the moment the fight against corruption was officially declared, the level of corruption in the country has not in any way decreased, but has even increased according to numerous media publications and research findings.

Summary of Interviews

As it was mentioned above, with the purpose of getting necessary information for the internship policy project, in-depth interviews with the experts from relevant fields were conducted. In order to have a variety of opinions, it was decided to conduct interviews with experts from five political parties, reflecting the whole spectrum of political picture in Armenia. Interviews were taken from the leader of the National Democratic Party *Vazgen Manukyan*, deputy leader of the Orinats Yerkir Party *Mher Shahgeldyan*, the NA Deputy Chairman and member of the “Armenian Revolutionary Federation-Dashnaktsutyun” *Vahan Hovhannisyan*, member of Heritage (Zharangutiun) Party and former Armenia's

²⁹ *Aravot* newspaper, July 30, 2006, and *Chorrord Ishkhanutyun* newspaper, July 19, 2006

Ombudswoman *Larisa Alaverdyan*, and the widow of the late leader of the Republican Party Ashot Navasardyan *Hasmik Navasardyan*. The issues, discussed during the interviews touched various aspects of democracy and elections in Armenia, namely concerning how would they evaluate democratic reforms in Armenia, how would they evaluate elections during last ten years and their opinion on an impact of elections-related problems on democratic processes in Armenia.

Below, the summary of the interviews is presented.

The opinions and remarks of the interviewees were closely related and as they mentioned that democratization is one of the key aspects for overall development of Armenia and that the elections are the key instruments providing it. The respondents also emphasized the problems, such as violation of human rights and freedoms, destroyed electoral mechanism from 1995s, meaning bribery, incorrect voters' list, counting, use of administrative resources by the authorities, media control and etc., that Armenia faces currently on its way to prosperity and democratic governance and underlined the necessity of integrating the society for the solution of these problems with an active assistance of political parties and NGOs. The respondents also mentioned some positive developments. For example Mr. Manukyan mentioned; "positive change can be noticed in freedom of press, rather than print media." Mr. Shahgeldyan noted the positive reforms in post-independence period in legal sphere, judicial sphere, which are institutional changes.

All five interviewees claimed that, the serious problem is that the regulations and practice do not correspond to each other and this creates a big gap in democracy building. Regarding the public participation, Mrs. Alaverdyan mentioned that; "people don't participate in elections, as they have lost their faith and beliefs regarding the changes." Moreover, "our elections, as she added in the end, can not be called "elections".

As David Butler (1981) mentions, elections are really clumsy instruments of choice. They are means of translating popular will into an elected assembly. And the idea of “one man, one vote” is important in it. But in contrast to this idea, as Mr. Hovhannisyan underlined; “in Armenia the elections are passing by double-voting mechanism.”

Elections provide a way for the people to intervene effectively in the affairs of state, especially by saying that should govern. Thus, in conclusion, it is worth to mention Vazgen Manukyan’s words, who said that; “...*our problem is that these falsifications change the whole picture to 180°, that is if one should become a president, the other becomes instead.*”

Analysis and Recommendations

As a result of this study, the following responses to the research questions are developed.

A government gains its legitimacy by winning a mandate from the people to govern. The way in which this mandate is won is crucial for the quality of that legitimacy and to the readiness of the constituency and the external world to acknowledge it. Elections that lack legitimacy breed instability and an environment in which corruption can quickly breed (Jeremy Pope, 2000). Authorities lacking adequate legitimacy also diminish international positions of the nation, ability to promote its agenda in international fora and bi-lateral relations with other countries. This is why elections are the key insuring democracy.

The analysis of various official reports, publications, and media coverage revealed both negative and positive findings regarding the elections in recent years. Among the positive ones were more diverse choice of candidates and parties in the proportional contest recent years, the generally balanced electoral coverage by state-run television, some

improvement of voters' registers, as well as the increased number of international and domestic observers and the improved electoral legislation. Among the negative ones were the shortcomings in the election administration, abuse of state resources, media bias, voter's bribery, and unequal conditions for the candidates, and ineffective complaining process.

Summarizing all the above mentioned, it appeared that the government of Armenia has somewhat succeeded in creating appropriate legislative framework and establishing the basic democratic institutions. Nevertheless, the implementation of democratic practices yet remains weak in the country. Democratic principles fixed in the legislation often do not work in reality. This observation is based on the remarks of the experts, the reports of observation missions in Armenia. Moreover, according to the index of Freedom House³⁰, Armenia has very low democratic progress and is categorized to be a country with semi-consolidated authoritarian regime. Concerning the correlation between the democratization processes and the impact of elections on them in Armenia, there can be found a direct correlation; because of lack of free and fair electoral systems in practice Armenia has a very low level of democracy building in the country, which creates distrust among the voters and decreases the level of public participation in decision-making.

Regarding the the issue of the impact of unfree and falsified elections on the country's democratization, it is worth to mention that the failure of authorities to ensure democratic elections has contributed to a lack of public confidence in the electoral process and slowed down Armenia's progress toward a functioning democracy. In accordance with the Constitution of the Republic of Armenia, elections of the President, elections to the National Assembly and to the local self-governing bodies of the Republic of Armenia are held through universal, equal, direct suffrage, by secret ballot. Nonetheless due to the bribery, corruption, incorrect calculations and discrepancies in initial data, media control (the closure of "A1+"

³⁰ The source is taken from Nations in Transit 2006. Armenia. Nations in Transit Ratings and Averaged Scores for 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006(Webpage: [http:// www.freedomhouse.org/uploads/](http://www.freedomhouse.org/uploads/))

TV Channel during the officiate of current authorities) violate these principles for the voters and deprive candidates to run for the offices on equal basis.

During the interviews conducted with five party representatives, the most frequently stressed issue was related to independence of the Armenia's press, which has no actual freedom, guaranteed in Article 27 of the Constitution.³¹ In addition, in practice, freedom of press is continuously challenged in recent years, prompting Freedom House to downgrade Armenia's press rating in its annual survey of press freedom from "Partly Free" in 2002 to "Not Free" in 2003. This rating remained unchanged in 2004, a year in which several assaults on journalists highlighted the dangerous working conditions faced by the independent media, and in 2005. In that year, independent journalists continued to come under attack, although there were fewer incidents than in earlier years. For example, in April 2005 a car belonging to the editor of a regional newspaper was vandalized, an incident he attributed to the paper's critical coverage of local government issues.³²

As the results of October 23, 2007 showed, when in one of the central streets of Yerevan the police applied force against several dozens of march participants, who disseminated leaflets and informed with loudspeaker the citizens about the opposition rally, scheduled for October 26, the freedom of speech and expression has a long way to be reached. According to the Chief Editor of "Chorrord Ishkhanutium" newspaper Shogher Matevosian, who took part in the march, their way was first blocked by the police, later joined by the "red berets" - the special troops. The representatives of law enforcement bodies demanded not to use loudspeaker and then applied force and tear gas, Shogher Matevosian said.³³ Over a dozen of march participants were detained and taken to the Police of Center

³¹Constitution of RA, official handbook, adopted in 27 of November 2005

³²The source is taken from Nations in Transit 2006. Armenia. Nations in Transit Ratings and Averaged Scores for 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, 2006(Webpage: [http:// www.freedomhouse.org/uploads/](http://www.freedomhouse.org/uploads/))

³³ Source: From the interview of Editors of "Chorrord Ishkhanutyun" and "Haykakan Zhamanak" Shogher Matevosian and Nikol Pashinian, detained during the crackdown on the March, Yerevan Press Club, 2007, (Webpage: http://www.ypc.am/eng/?go=newsletter/2007/october_eng/19_25)

community of Yerevan, including journalists - Shogher Matevosian herself and the Chief Editor of “Haikakan Zhamanak” daily Nikol Pashinian.

Though Armenia has adopted a number of progressive laws regulating the freedom of expression and information (such as the Law on the Freedom of Information and the Law on Mass Media), there still remain numerous negative phenomena in this sphere. The Republic of Armenia Law on Television and the Radio continues to obstruct broadcast media progress and development. The Public Television Company of Armenia remains the microphone of the authorities.

The amendments adopted in December 2006 constitute improvement over previous draft amendments to the Electoral Code, particularly concerning issues such as distribution of tasks within election commissions, electoral deposits for candidacy, voting and counting procedures, but do these amendments had a positive impact on 2007 Parliamentary elections, regarding for example the counting procedures when certain problems were also revealed with regard to the ballot stubs while reviewing the preliminary results of the proportional votes posted on the CEC website.

Therefore, one of the most viable solutions is to ensure proper compliance with the acting legislation. Continuing neglect of constitutional and legislative requirements will not only slow down the democratic processes, but also will delay them for next ten years. Corruption and weak governance should be addressed immediately as they pose serious threats to Armenia’s democratic and economic development.

The issues discussed in this paper and the results of in-depth interviews allowed developing **the following policy recommendations**:

- Develop effectively working procedures and mechanisms preventing the use of administrative resources in the electoral processes and the practice of abuses connected with political party finance.

- Suggest measures aimed at the efficient implementation of the Law on Freedom of Information, and, in particular, making the application of sanctions for hiding information or providing incomplete information stricter.
- Guarantee equal opportunities for political parties, which will help the voters have much proper knowledge of the candidates during the elections.
- Increase citizens' capacity to use their rights, as well as increase the level of information to citizens about their rights and responsibilities
- Ensure increased awareness of citizens of electoral regulations
- Ensure effective complaint mechanisms (courts, CEC, etc.).
- Guarantee better control over the voting procedures
- Organize regular and broad discussions on the results of the public and expert monitoring.

Conclusion

The present study examined the impact of elections on democratic processes in Armenia. The aim was to see and find the correlation between the two processes, which was revealed and demonstrated above. The major conclusions made as a result of the analysis of the case study's findings are presented below.

Seventeen years since declaring independence from the Soviet Union, Armenia's democratic transition remains incomplete. Democratic reform efforts have slowed down, and corrupt and undemocratic practices find their way through. Though Armenia has adopted some electoral legislation and regulations that meet Western standards, the implementation and enforcement of these regulations is yet behind. Authorities often times find the ways around these laws, abuse administrative resources, use corrupt practices and fraudulent mechanisms during the elections. Starting from 1995, Armenia held presidential and parliamentary elections with widely disputed results. These elections have generally failed to

meet international standards, contributing to public cynicism toward the authorities and skepticism about the value of participating in political and civic activities. They have become an instrument that serves the narrow groups of individuals or economic entities instead of delegation of power of the people, by the people themselves, to those who are supposed to be freely and fairly elected in order to represent and protect public interests. Simultaneously with this the situation with human rights and democracy in Armenia also deteriorated in the past five years resulting in the decline of freedom of speech, freedom of press, diminishing voters' choice, corruption.

To sum up, the failure of authorities to ensure free and fair elections has contributed to a lack of public confidence in the electoral process and overall deterioration of democratic process. The situation will change only if the ruling elite manifests political will to continue democratic reforms, base its policies on widespread electoral support and public participation in decision-making.

Finally, as Stuart Nagel underlined in his book (2003), it is important to remember that the greater the degree of autonomy of the participants in the decision unit, the greater the likelihood of consensus will be, as the participants (citizens) have right to be in the center of decision processes through the elections, and this will ensure the consensus and democracy in the country.

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| Table 1 | | | | | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Nations in Transit Ratings and Averaged Scores ³⁴ | | | | | | | | | |
| | 1997 | 1998 | 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| Electoral Process | 5.50 | 5.75 | 5.25 | 5.50 | 5.50 | 5.50 | 5.75 | 5.75 | 5.75 |
| Civil Society | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 | 3.50 |
| Independent Media | 5.25 | 5.25 | 4.75 | 4.75 | 4.75 | 5.00 | 5.25 | 5.50 | 5.50 |
| Governance | 4.50 | 4.50 | 4.50 | 4.50 | 4.50 | 4.75 | 4.75 | n/a | n/a |
| National Democratic Governance | n/a | n/a | n/a | n/a | n/a | n/a | n/a | 5.00 | 5.00 |
| Local Democratic Governance | n/a | n/a | n/a | n/a | n/a | n/a | n/a | 5.50 | 5.50 |
| Judicial Framework and Independence | 4.75 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 5.25 | 5.00 |
| Corruption | n/a | n/a | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 |
| Democracy Score | 4.70 | 4.80 | 4.79 | 4.83 | 4.83 | 4.92 | 5.00 | 5.18 | 5.14 |

**Starting with the 2005 edition, Freedom House³⁵ introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.*

³⁴ Note: The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

³⁵ Freedom House, <http://www.freedomhouse.org/uploads/.../NIT06/NIT06ArmeniaDISTRIBUTION>