POST ELECTION DEVELOPMENTS - THE WAY OUT

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MISSION STATEMENT
Policy Forum Armenia (PFA) is an independent professional non-profit association aimed at strengthening discourse on Armenia's economic development and national security and through that helping to shape public policy in Armenia. PFA has a hybrid mission, operating as a think tank as well as an advocacy group. Its main objective is to offer alternative views and professional analysis containing innovative and practical recommendations for public policy design and implementation. Through its activities, PFA aims to contribute to the creation of an informed public and more effective and accountable government. PFA's main asset is its worldwide network of professionals and leaders in their respective fields, with dedication to Armenia.

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Below is the conclusion of a thorough analysis dealing with the presidential election in Armenia. To view the report in its entirety visit the Policy Forum Armenia at http://www.pf-armenia.org/

POST-ELECTION DEVELOPMENTS—THE WAY OUT

A. On Post-Election Political Dynamics

The government's initial position following February 19 was to ignore the demonstrations. This position could have been encouraged by the fact that Serge Sargsyan received support from the international community in the form of early election monitoring reports as well as congratulatory messages from certain foreign and Diaspora leaders. More importantly, however, Sargsyan managed to win the support of some local opposition figures to be able to go forward. Specifically, he struck a deal with Arthur Bagdasaryan, a former Speaker of the House, who had earlier broken ranks with Sargsyan to run for president himself. Many analysts have argued that Bagdasaryan had always been Sargsyan's protégé and Bagdasaryan's attempt at the presidency was actually orchestrated by Sargsyan in order to detract votes from Ter-Petrossian. A day before riot police and internal security forces violently dispersed demonstrators in Yerevan, Bagdasaryan met with Sargsyan and announced that he recognized Sargsyan legitimacy and would be willing to cooperate with him to handle "domestic and external challenges."

The local news media then focused on a statement made by Bagdasaryan in which he mentioned that he had been offered and accepted the position of the Secretary of Armenia's National Security Council. Meanwhile, Vahan Hovannisyan (ARF-D) resigning as the deputy speaker of the National Assembly, expressed concerns that the elections were rigged and flawed announcing, "once again, the people's right to express their political will freely and the dignity of our citizens trampled underfoot." However, he fell short of criticizing the government and instead criticized Ter-Petrossian for "blatantly falsifying the 1996 presidential elections and setting in motion a vote-rigging machine which we cannot stop to this day."

A week after the election, ARF-D produced a statement recognizing Sargsyan's victory with an offer to withdraw from the cabinet in which they occupied three ministerial positions. The offer to withdraw, however, was soon overshadowed by press reports that ARF-D was considering Sargsyan's coalition government proposition. On March 21, Sargsyan announced the restoration and revival of the pre-election government coalition where the Republican Party along with Prosperous Armenia, ARF-D, and Country of Law

parties developed a power sharing agreement to "deepen democratic reform and speed economic development in the country."
The new coalition government was formed a month later (on April 21) under the leadership of Tigran Sargsyan, with 11 out of 17 ministers retaining their posts. This cabinet was then ratified by the parliament with only the opposition Heritage party voting against it.
While the new government was taking shape, the opposition pushed for a release of detainees as a precondition for negotiations. These demands, however, were dismissed instantly by the new coalition government which has until now resisted referring to the detainees as political prisoners, choosing instead to refer to them as coup plotters or as common criminals. This is not simply a semantic debate; the definition has legal and political ramifications. In a very odd twist, Armenia's Prosecutor General continues to maintain that the opposition used "psychological tricks" or "mass hypnosis" to gather support and that he has evidence from the criminal proceedings to show that some of the detainees were "delusional." This is reminiscent of Soviet era tactics of discrediting critics by questioning their mental fitness and capacity.
Meanwhile, the leader of the Heritage party, Raffi Hovannisian—who had supported Ter-Petrossian during the election—tried unsuccessfully to mediate between the government and the opposition. Amid this atmosphere, on May 2, Ter-Petrossian made a public appearance and expressed his willingness to negotiate with Sargsyan, although his more recent statements have been tougher, pledging to continue street protests, "seeking to achieve a maximum mobilization of the public." By end-June, the pro-government parties were functioning within the parameters of shared power. Calls by Ter-Petrossian to unite the opposition into a single larger entity—the Armenian National Congress (ANC)—were welcomed hesitantly by some opposition leaders, and the opposition is yet to give more specifics about the design and the functionality of the ANC. Beyond setting the political prisoners free, the opposition's demands are currently focused around getting early parliamentary elections. If done properly, this in their view will allow the formation of a parliament that better reflects the political reality on the ground and allows a non-trivial representation of the opposition in the country's legislative process. This is also likely to give the opposition a say in the formation of the new government.
However, the opposition's achievements have so far been largely in the realm of moral victories. Since April 2008, it has unsuccessfully tried to challenge the government within Armenia's legal and constitutional framework regarding the wrongful imprisonment of demonstrators and the ban on assembly. This was done simultaneously with legal pressure from various international agencies that have criticized Armenian government's handling of the post-election developments and its human rights record. The latest in these was a ruling by European Court of Human Rights criticizing the Armenian government for holding back freedom of expression by refusing to grant an opposition TV station a license for broadcasting. In an apparent failure to properly contain these external developments, the ruling was dismissed by the Armenian government as a technicality rather than a freedom of speech violation on the part of media regulatory authority.

B. Moving Forward

As of early-July, rapprochement between the government and the opposition looks unlikely. Political polarization remains strong and the new government has not addressed the election-related issues, focusing instead on economic reforms. Here too the future is uncertain. The coalition cabinet, led by a reform-minded prime minister, is comprised of individuals lacking shared vision, common convictions, professional record, and political experience. Some of the far-reaching proposals put forth by the prime minister arguably remain hostages to Armenia's oligarchic economy (where to a large extent old government and government-connected individuals still call the shots), serious human rights and civil liberties' shortcomings, as well as daunting social problems. Unless genuinely acknowledged and addressed, these factors are likely to critically undercut support for any economic

reform effort. But the pressure from the opposition since February 19 has already begun to bear fruit in this regard. Recent measures to cut down on corruption and reduce barriers to doing business undertaken by the new government would have been a stretch during Kocharyan's 10-year tenure when corruption in Armenia instead grew becoming more institutionalized and entrenched in everyday life.

While seen as necessary steps toward reconciliation, measures to improve business environment, however, may not be sufficient to get the process moving from a standstill. Despite international legal setbacks, the authorities are taking a "business as usual" approach in the area of civil liberties and political freedoms. The reality on the ground, however, is very different. A recent Gallup Survey conducted in Armenia showed that 70 percent of the respondents were afraid to express their political views. An atmosphere of fear and resentment toward the government could have serious repercussions for the Sargsyan administration for the months ahead.

Nearly six months after the elections there is a sense that the country is at an impasse. Although the situation remains quite fluid and dynamic, the prospects of negotiations remain distant. Small-scale street protests continue and a number of larger organized demonstrations have also been held. The latter drew large crowds and served as a platform for the opposition to lay out its positions and set forth its demands. This was an important factor in getting the opposition-minded public opinion informed given that the official media still is not accessible to them. In the background to these internal political developments, there have been efforts by some international actors to resolve both the internal crisis as well as to move ahead on the solution on the NK conflict. The negotiations around the latter will continue to have ramifications on local political developments including raising the question of suitability of a particular candidate to lead the country in a period of potential external treat.

While arguably not very effective in terms of directly influencing the course of political action in Armenia, the external pressure may have changed some of the authorities' tactics. A recent announcement by Serge Sargsyan about his willingness to allow a panel of Armenian and Turkish historians to determine whether the mass killings of Armenians during the 1915-18 constituted a genocide was seen by some as a signal of willingness to go along on issues of importance for the West but also an attempt to take the world's attention away from the domestic political crisis and the NK issue, which he is ultimately associated with. However, there are already signs that this may have implications on domestic political developments. In a clear sign of warning to Sargsyan, ARF-D's world-wide governing body, the Bureau, stated at a recent session that "the fact of the Armenian genocide is not a subject of discussion, and no high-ranking official representing Armenia may have a different approach."

Moreover, these political challenges are complicated by a growing social discontent over the rising prices, appreciating exchange rate, as well as high levels of inequality and corruption. These are serious challenges for any leader, but more so for one who appears to lack strong popular support, who came to power as a result of a fraudulent election, and who continues to rule by force. As we stated above, a serious change in action—one that encompasses wide-reaching political reforms and measures beyond those aimed at improving the business environment—is necessary to move from a standstill and toward reconciliation. Such a change, however, will not come about of its own accord. It will take continued civil society pressure, efforts of Armenia-based institutional players (e.g., the Ombudsman's office and the Heritage party's parliamentary fraction), as well as involvement of international stakeholders to make it happen. Unless the authorities undertake credible confidence-building measures and genuinely attempt a dialogue with the opposition, the current government is doomed to become the government of some Armenians rather than of Armenia as a whole. In the meantime, the tensions are likely to intensify and existing political polarization is likely to widen. The challenge for Serge Sargsyan is to reverse the polarizing policies of his predecessor. If successful, he may have an opportunity to unite the otherwise hugely divided country.

Chief among those confidence-building measures should be an independent inquiry into the February 19 and March 1-2 affairs.

This should result in credible and transparent legal cases against the perpetrators of the election fraud—including at the higher levels of the political pyramid—and subsequent crimes. This process should be preceded by the release of all political prisoners as a confidence-building measure to allow the society to heal. Once this is under way, a task force could be formed to look into the conduct of early parliamentary elections and into the design of measures to prevent any large-scale fraud from repeating itself. This process could perhaps be overseen by a credible joint body of local and Diaspora individuals with high social standing. To the extent that managing this process would require executive powers and ability to legislate (on a limited basis, to do away with any loopholes in the current election-related legislation that effectively allowed the fraud to take root), this joint body may be given status of provisional (election) administrators, with a clear mandate of securing a free and fair election within a fixed timetable. These administrators will then be certainly well advised to reverse the ban on the voting at the embassies abroad, allowing Armenia's sizable yet largely disenfranchised non-resident citizenry to participate in country's governance.

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The rhetoric of hate and the deepening of political polarization that followed March 1-2 continue to stunt democracy in Armenia and cast a pall over the current reality and prospects for future development. The reality is that election fraud—in the various forms it took throughout the modern history of Armenia, and particularly on February 19, 2008—is largely to blame for March 1-2. One important lesson from history is that refusing peoples' free will and replacing it with elusive benefits of short-term "stability" or, much worse, with personal gains for a well-connected few will backfire, as it did on March 1-2. Failing to understand this and take actions to address the underlying problems will have grave consequences for the country and the nation as a whole.