

## Armenia's emptying democracy

By Sabine Freizer,  
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November 2005 has proved to be a bad month for democracy in the south Caucasus. After the fraudulent election in [Azerbaijan](#) [0] on 6 November, where international attention on the region remain focused after the vote in the light of protests over the results, Armenians went to the polls on 27 November in a government-sponsored national referendum on amendments to the [1995 constitution](#) [1]. There were only a handful of international monitors, but they and local observer groups reported large-scale fraud – particularly inflation of turnout numbers, ballot-stuffing and intimidation of observers.

**Sabine Freizer wishes to acknowledge the contributions made by the International Crisis Group analysts [Levon Zourabian](#) [2] and [Giorgi Gogia](#) [3] to this article**

The Central Election Commission [reported](#) [4] a 65% turnout amongst the 2.4 million registered voters, with over 93% – 1.4 million people – voting "yes". This official figure, similar to the one reported after the hotly contested second round of the [2003 presidential poll](#) [5], suggests bustling voter activity. Yet NGO and media observers walked into eerily deserted polling stations; International Crisis Group observers, visiting three separate Yerevan polling stations, each time for forty-five-minute periods, saw no more than thirty people in total voting. Council of Europe observers stated that the "extremely low voting activity did not correspond to the high figures provided by the elections commission."

The [turnout figure](#) [6] is key, because the referendum's result is valid only if more than one-third of eligible voters (currently 800,000 people) vote, and the majority of these vote "yes". Armenia's authorities were aware of the dangers of a repeat of 2003, when an earlier attempt at constitutional reform fell because the referendum didn't gain a [sufficient quorum](#) [7]. Another failure would have been embarrassing for the government, and could negatively have effected the country's further European integration. Yet citizens remained largely oblivious to the government's extensive awareness-raising campaign, and widespread apathy seemed evident in the weeks before the vote.

The opposition (which [claimed](#) [8] that only 16.3% participated) is now calling people to the streets to protest a rigged vote and initiate a revolution – a strategy that may lead to a violent confrontation with police and further instability. There is an echo here of developments in neighbouring Azerbaijan, where evidence of electoral fraud pushed the opposition onto the streets as well as into the courts to voice its complaints. On 26 November, police used brutal force against around 10,000 peaceful demonstrators congregating in [central Baku](#) [9].

[Armenia](#) [10] shared with its larger, wealthier neighbour the chance this month to show its commitment to democracy and reform after a series of rigged elections that since 1995 have sown political unrest and violence. The most recent nationwide polls in [2003](#) [11] "fell short of international standards for democratic elections in a number of key respects, in particular the counting and tabulation of votes ... showed serious irregularities, including widespread ballot

stuffing.” Armenia urgently needs to improve its election system before the next parliamentary contest in 2007; the referendum was an opportunity for the country to show that it is ready to take a step forward towards becoming a democracy based on the rule of law. All the evidence so far is that Armenia has failed [12] to take that step.

### **The referendum’s proposals**

The draft amendments supposedly endorsed by Armenia’s people on 27 November do, on paper at least, ensure that Armenia meets important commitments it made to the Council of Europe when it joined in 2000. Among the measures [13] proposed, there are four that if implemented would have some effect in redistributing power in the Armenian constitutional and political system:

- the president remains head of state and commander-in-chief, and the barriers to his impeachment or prosecution are raised or lifted; but his powers to dismiss the national assembly, to oversee the judiciary and media, and to make ministerial appointments are to some degree weakened. The president will appoint as prime minister the person who "enjoys the confidence of the majority of deputies."
- the independence of the judiciary is strengthened
- the powers and financial resources of local government are in some respects increased
- dual citizenship, previously banned, is permitted. It is estimated that some 7 million ethnic Armenians live outside the country, compared with only 3.5 million inside; many in the diaspora have since independence in 1991 invested substantial resources in their ancestral homeland, and are interested in becoming Armenian citizens in addition to being Russian, American, French, Iranian, Syrian, Lebanese, or Greek predominantly. Dual citizenship may also make it possible for around 120,000 persons living in the disputed territory of Nagorno-Karabakh [14] (part of Azerbaijan now under Armenian control) to adopt Armenian citizenship.

### **A question of confidence**

Armenians were being asked to choose “yes” or “no” to a package of constitutional amendments that the Council of Europe, the European Union and the United States had all welcomed. In a misplaced attempt to influence the vote on 27 November, the president of the Parliamentary Assembly of the Council of Europe (Pace), Rene van der Linden [15], warned that the “failure of this referendum...would be a major setback for Armenia's progress in fulfilling some of the most important commitments the country made when joining the Council of Europe."

The amendments in the draft constitution make some important modifications to the existing constitution. However, even assuming that they were properly implemented, Armenia’s governmental system would remain semi-presidential and decision-making largely centralised. The amendments do little to move the country closer to a parliamentary system of government, which could reduce tendencies to authoritarianism and impediments to a peaceful transition of leadership. In short, they do not offer sweeping changes but rather appear to be based on the lowest common denominator for the country to meet its Council of Europe commitments.

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If indeed as few voters turned out for the referendum as it appeared, this is likely to be not just because (as the opposition claims) Armenian citizens believe that the current authorities lack legitimacy but because the proposed amendments were so limited in scope. It was difficult for them to understand how the changes would affect governance or their everyday lives; moreover, they were not given the option to accept some and reject others.

Indeed, for the Armenian opposition this referendum was not about constitutional amendments; it was a vote of confidence in the current administration led by [President Robert Kocharian](#) [17]. The lingering bitterness over the fraudulent March 2003 presidential and parliamentary elections made the opposition determined to transform the nature of the vote. On 16 April 2003, Armenia’s constitutional court [recommended](#) [18] that a “referendum of confidence” in the president should be held, a decision subsequently reversed by the court’s chairman.

The issue dominated Armenia’s political life for more than a year: the opposition continued to press for a national vote of confidence, opposition MPs largely boycotted parliament after February 2004 when it refused to discuss the matter, street demonstrations were violently broken up by police in April, and a new law limiting freedom of assembly in central Yerevan was passed in summer 2004.

In the 2005 referendum, most of the opposition continued the [boycott](#) [19] tactics by recommending its supporters not to vote. It calculated that one of two possible outcomes – an insufficient turnout or falsified results – would boost the longstanding campaign for a national vote on the authority of Robert Kocharian. Its small pre-referendum rallies were but part of a plan to impede the “regime’s attempts to falsify the will of the people and to finish with these unconstitutional authorities.”

The opposition is particularly concerned that President Kocharian’s real intention in amending the 1995 Armenian constitution – which limits presidents to no more than two consecutive terms in office – is to enable him to run for a third term in 2007. This tactic would draw on the precedent of presidents in post-Soviet central Asia (including [Tajikistan](#) [20]) who argue that the passage of constitutional amendments gives them the right to seek office again on the grounds that they have not served consecutively under the “same” constitution.

## **A landscape of losers**

The absence of a large-scale international observation in Armenia – the only international observer mission was an fourteen-strong team from two [Council of Europe bodies](#) [21] – suggests that the international community lacked interest in measuring the integrity of the process. This has complicated efforts to assess the extent of fraud. As recently as 9 November, the head of the Organisation of Security and Cooperation in Europe (OSCE) parliamentary assembly, [Alcee Hastings](#) [22], claimed that his organisation was interested in observing the process (for which it had carried out a [needs assessment](#) [23]).

Yet the OSCE Office for Democratic Institutions and Human Rights ([ODIHR](#) [24]) spokesperson later said that it was ultimately not invited to Armenia; international NGOs such as the National Democratic Institute ([NDI](#) [25]) and the International Foundation for Election Systems ([Ifes](#) [26]) were denied accreditation. Local NGOs, the largest of which is *The Choice is Yours* [27], deployed several thousand observers.

The referendum campaign was played out on an uneven field, with free airtime for and marked bias towards the “yes” camp on official media; Armenian authorities apparently encouraged state employees, especially teachers, to disseminate information favourable to the proposed amendments. Some regional roadshows organised by advocates of a “no” vote were surrounded by a strong [police presence](#) [28]. The vote itself was marred by the intimidation and expulsion of opposition party observers from polling stations, and reports of ballot-tampering, multiple voting, violation of voter secrecy, and harassment of opposition election commission members.

It remains unclear whether the required numbers voted in Armenia on 27 November in favour of a legal text that will determine Armenia’s short-to-mid-term political future. In any case, it is essential that the constitution – representing Armenia’s fundamental law – is based on popular consensus rather than being identified with the party in power. This is difficult to establish while the government and the opposition remain deeply polarised, and dialogue between the two officially non-existent.

Whatever the true result, both government and opposition appear to be losers. The referendum’s validity is seriously tainted by allegations of fraud, and insufficient numbers have taken to the streets in support of the opposition’s calls to pressure the regime. The international community – and particularly the Council of Europe – has also lost significant popular standing by sponsoring a series of constitutional amendments yet not seriously monitoring the attempt to ratify them. It must [react](#) [29] to the evidence of fraud, and – particularly if there is a violent police crackdown on opposition demonstrators – consider imposing penalties on Armenia’s government.

But ultimately, the greatest losers of all may be Armenia’s citizens: indifferent to electoral processes that do not reflect their will, deprived of their belief in their ability to effect change, their trust in the power of western-sponsored democracy itself may be eroding.

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