

# The Remarkable 2018 “Velvet Revolution”: Armenia’s Experiment Against Government Corruption

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In 2018, massive street protests against its corruption forced the long-dominant political party in Armenia to relinquish power to its nemesis, who himself had been imprisoned for leading protests ten years earlier. The peaceful transition earned the name the “Velvet Revolution.” The new Armenian government hosted the principal author of this essay at a week-long conference on anticorruption policy in Yerevan, its capital, with judges, prosecutors, and investigators selected for their integrity and competence. Based on the attitudes and concerns they expressed, publicly available documents reflecting years of research on the Armenian government and corruption and the circumstances of the Velvet Revolution, the authors sought to determine whether particular background conditions and/or characteristics of the peaceful rebellion were especially conducive to the successful implementation of a more fully democratic leadership, opposed to corruption and committed to the rule of law. In the literature addressing such questions in other national contexts, the authors found a similar pattern of background conditions and characteristics, leading to their conclusion that such elements can indeed foster successful transitions. Further research should assess future developments in Armenia, and determine how widely the lessons of its experience can be applied.

**Keywords:** Armenia; corruption; democratization; rule of law; transition

Tens of thousands of Armenians throughout their country in April 2018 took to the streets to protest, infuriated by two decades of systematic corruption in their government, dominated during that period by their nation’s Republican Party. As both the protests and the government response were nonviolent, the bloodless transition was dubbed the Velvet Revolution (Edwards, 2018). The protests brought down the Prime Minister and forced the National Assembly in May to select the protest leader, a long-time advocate of reform, Nikol Pashinyan, as acting Prime Minister. Under Article 149 of the Armenian Constitution, the leader of the winning political party or coalition in the national legislative election becomes Prime Minister (Constitution of the Republic of Armenia, 2015). Given the emergency selection process, Pashinyan remained “acting” until December 2018, when his coalition won

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over 70% of the vote, with the Republican Party failing to qualify for any legislative representation as it fell below the requisite 5% threshold (Franz, 2018).

In a world in which corruption is widely perceived to be on the rise, per Transparency International (2018)—and a careful study by Charron (2016) indicates that perceptions track expert assessment and experience of corruption fairly well—the Armenian experience offers an intriguing model of reform. Approaching its first anniversary, its achievements have already signaled the likelihood of long-term stability (Armbanks 2019; Armenpress 2019). While unusual circumstances fostered the success of the Velvet Revolution, its provenance and administration provide some guidance for those seeking similar success in other national contexts.

## DEFINITIONS

Of the several concepts relevant to the Armenian experience—democratization; rule of law; regime change; corruption—each commands a substantial literature, too substantial for an extended discussion of any. For example, innumerable scholars have parsed alternative definitions of corruption. At least one recent scholar has questioned even the existence of a clear boundary between acceptable and unacceptable exchanges between public and private interests (Dawood, 2014). However, this essay will adopt the standard definition of corruption in the context of government and public administration: the exchange or use of governing power for private gain (Thompson, 2005).

Debates over definitions of democracy and democratization have been comparably controversial (Schmitter & Karl, 1991; Sørensen, 2007). Central to the meaning of the Velvet Revolution was a reification of certain aspects of Armenian democracy. There are degrees of democracy (Sørensen, 2007). That is, as will be clear from the discussion below, Armenians already had the right to vote, although the ruling party engaged in a substantial measure of election fraud and manipulation to retain power. Armenian media operated under a considerable degree of freedom. The Armenian Constitution guaranteed, on paper, although not so much in practice, a lengthy and comprehensive list of individual freedoms. Opposition political parties were permitted representation in the national legislature. However, the Republican Party's dominance led some scholars to offer little hope that Armenia would develop a more democratic government (Caruthers, 2002). Surprisingly, the Velvet Revolution patently expressed the will of the public, ratified by the overwhelming victory of Pashinyan's coalition in the December 2018 elections. As with our definition of corruption, the simple intuitive notion of democracy—here, government reflecting the preferences of the public (Sørensen, 2007)—should suffice. In this context, then, “democratization” must mean transition to a more fully realized democracy, rather than a stark shift from autocracy to democracy.

As corruption, for the most part, involves illegality, rule of law violations include corruption. Some degree of democracy is compatible with significant deviations from the rule of law. However, at a certain point, corruption and rule of law violations render a nation undemocratic. Reductions of those ills signal democratization—transition to a more fully realized democracy (Diamond, 2003). While some have argued for the conceptual

independence of democracy and rule of law, this essay follows Diamond (2003) in positing a fuller concept of democracy as incorporating rule of law, especially in that corruption plays a different role in undemocratic or weakly democratic societies than in more realized democracies. In the former, the political leadership uses its power to benefit from systematic corruption, while in the latter, corruption tends to be ad hoc, and usually independent of top political leadership (Mungiu-Pippidi, 2006).

It is somewhat unclear whether the Velvet Revolution constituted regime change. The process of filling the most powerful offices in a nation's government underwent a temporary change when the Assembly first chose another Republican as acting Prime Minister after the first weeks of protest forced Serzh Sargsyan's resignation; it used the same process to install Pashinyan. But Pashinyan immediately pledged to hold regular elections before the year was out, reinstating what was officially the usual process—although now presumably without election fraud. Did the temporary change constitute a significant enough revision in the method of filling the highest office to qualify as regime change as per Schmitter and Karl (1991), or did the presumptive change lead to more honest elections? As the answer remains unclear, this essay uses the more generic term, reform, and the somewhat more neutral term, transition, to describe the change, notwithstanding some scholarly skepticism as to that use of the latter term (Caruthers, 2002).

## CORRUPTION IN ARMENIA

In 1994, an Armenian student at a lecture by a high-ranking American government official stressing importance of integrity and efforts to eradicate corruption asked in all seriousness, "If you can't pay bribes in America, then how do you get electricity?" (Rosenstein, 2018). Corruption was so endemic that the student could not even imagine how society could work in its absence; it is not gone from Armenia. One of the authors heard a Yerevan hotel desk clerk boast that the tourism department at the Armenian university at which she studied was free of corruption, in contrast to most of the other academic departments, where students paid bribes for their grades.

Serious research supplements the foregoing anecdotal evidence. Of 42 European and Central Asian countries surveyed by Transparency International, Armenia scored among the seven with the worst corruption problems (Pring, 2016). Almost a quarter of those who had interacted within the past year with any of eight typical types of government agencies (traffic police; schools; public medical services; etc.) had paid a bribe (Pring, 2016). Sixty-seven percent would not report corruption if they saw it, primarily from fear of retaliation (Transparency International Anticorruption Center, 2018). Almost 70% of the sample polled in 2010 believed that people justified their own participation in corruption because it was the only way for their needs to be met (Policy Forum Armenia, 2013).

Government officials prey on ordinary business people in Armenia: government requires businesses to obtain official permission for activities far more than is customary, so two thirds of Armenian businesses had to obtain some kind of permission annually, and more than half of those came with demands for bribes (Policy Forum Armenia, 2013).

However widespread among petty government officials corruption may have been, it pales into insignificance compared with the wholesale looting at the highest levels of Armenian government where top leaders acquired multimillion dollar mining licenses, legal monopolies on the supply of certain goods, and major telecommunications services among other assets (Policy Forum Armenia, 2013).

Armenian government agencies with the largest budgets—health, military, and education—avoided competitive bidding for more than 80% of their procurement, when competitive bidding is far less vulnerable to opportunity loss (due to corruption and fraud as well as incompetence), and thus good practice recommends the use of sole source and other noncompetitive bidding methods for no more than 5% of procurement needs (Policy Forum Armenia, 2013). When combined with revenue losses also attributable to corruption and mismanagement, these losses on the expenditure side were said to cost Armenia more than \$750 million annually, exceeding 7% of its gross domestic product in 2012 (Policy Forum Armenia, 2013).

Corruption extended to the political process. As noted by European Friends of Armenia (EuFoA) (2012), the Republican Party had dominated Armenian politics since 1999, with the practiced and effective use of election fraud (Policy Forum Armenia, 2013). A former Prime Minister of Armenia, when that position had relatively little power in 1999, had identified political patronage and bribery as key elements of Armenian corruption, and was assassinated later that year (Hovhannes, 2001). Even the Chamber of Advocates, the national attorneys' organization, by statute an independent organization which includes the official Public Defender, was credibly accused of having been coopted by the government, compromising its independence contrary to constitutional protections (Grigoryan, 2018). Police brutality, especially against journalists, seems to have been encouraged by previous administrations (Human Rights Watch, 2017).

Until 2015, Armenia had a presidential system, with the president elected independently of the Assembly (the national legislature) (Weise, 2018). Presidents had been limited to one seven-year term (Radio Free Europe/Radio Liberty, 2018a). A referendum that year resulted in amendments to the Armenian constitution, stripping the President of power and establishing a parliamentary system giving real authority to the Prime Minister elected by the Assembly (i.e., the parliament, the legislature). The executive authority, headed by the Prime Minister and a Council of Ministers selected by the Prime Minister, is the "Government."

The former President, Serzh Sargsyan, took the position of Prime Minister on April 17, 2018. This was the spark that set off massive protests. The public saw this entire process as his Republican Party's ploy to bypass term limits and retain power and distrusted the results of the referendum amid accusations of vote tampering (Weise, 2018).

## RULE OF LAW?

On paper, Armenia has long adopted principles of equality before the law that seem to outlaw corruption. It signed international anticorruption treaties; Article 97 of its Constitution guaranteed the independence of judges; and Article 311 of its Criminal Code penalized both

parties to bribery of a government official (Moore, 2013). Its regulations seemed to prohibit conflicts of interest among civil servants, protect whistleblowers, and penalize illegal enrichment and influence trading (OECD, 2018). However, there was little effective enforcement.

Previous administrations—and, indeed, the Armenian Constitution implicitly via Article 6—had paid lip service to reform (United Nations Office on Drugs and Crime, 2015). An Anti-Corruption Council was established in 2004 by presidential decree (Center for Regional Development/Transparency International Armenia, 2006). It had little power and, by 2006, rarely met (Center for Regional Development/Transparency International Armenia, 2006; Policy Forum Armenia, 2013). Reestablished in 2014, its record remained unimpressive (Government of the Republic of Armenia, 2018). Within a month of the official start of its efforts in July 2015, its chair, the Prime Minister, was shown to have taken private flights to Paris and Moscow at, respectively, about sixteen and one hundred times the cost of commercial flights (Grigoryan, 2015). Other leading government and parliamentary officials appointed to the Council had conflicts of interests: the Finance Minister, when asked whether his family's vast and various financial interests posed conflicts of interests for him, he simply called the accusation irrelevant to the anticorruption effort (Grigoryan, 2015).

While such Council members, including the chair of the Assembly Ethics Committee, and some nongovernmental members, set policy, the Program Monitoring Division of the Government provided staffing (Government of the Republic of Armenia, 2016). Its meeting of October 13, 2017, the last for which minutes appear to be available, included 69 participants, making individual accountability challenging. It approved, subject to final approval by the Government, an action *plan* to combat corruption in the healthcare sector and in revenue collections. The only details in the minutes concerned the latter, noting the exclusion of points 8 and 18 of the plan, respectively recommending a particular method to determine the value of certain goods and the creation of an organization for private detectives (Government of the Republic of Armenia, 2017). Four reports of the Anti-Corruption Council are available online. One from 2016, as a further example of its innocuousness, concerns the provision of electronic data services, notes that the Independent Expert Task Force for this issue studied anticorruption practices in this field in other countries, especially four from the former Soviet Union, and made various recommendations. Nowhere can be found any indictments of existing people or practices. It offered a similar treatment of tax collection practices, noting that a modernizing project to allow taxpayers to register complaints has received funding from the World Bank. Then, it discussed plans to explore other issues (Government of the Republic of Armenia, n.d.).

The Council improved its performance in 2017, holding five meetings that year, pressing successfully for more aggressive anticorruption legislation and corruption prevention measures at government agencies (OECD, 2018). However, with limited resources and little enthusiasm for reform by the Republican Party leadership, the Council remained largely unable to effectuate any significant reduction in corruption. Thus, despite new legislation, the problem remained as it was described in 2006: not so much an absence of appropriate statutory authority, but an absence of political will to prosecute perpetrators under existing law (Center for Regional Development/Transparency International Armenia, 2006).

## ANTICORRUPTION HOPE

Nikol Pashinyan was a journalist. He spent two years in jail, from 2009 to 2011, for his role in protesting the conduct of Armenia's 2008 elections. Thereafter, under Armenia's system of proportional representation (awarding seats in the Assembly to representatives of parties polling at least 5% of the vote), he was elected as the leader of the tiny "Civil Contract" party, and managed to get reelected over a ten-year period, despite his persistent opposition to the Russian influence over Armenia, which remains considerable. When the Republican Party allowed Serzh Sargsyan to remain in power by switching his role from President to Prime Minister, Pashinyan began his protest walk across the country, sparking increasingly large marches, strikes, and civil disobedience, enlisting tens of thousands of Armenians infuriated by dishonesty and inequality under the long-dominant Republic Party (Ayres, 2018).

Sargsyan, facing overwhelming public anger, resigned as Prime Minister on April 23, 2018. His deputy, Karen Karapetyan, also of the Republican Party, a former Prime Minister, replaced Sargsyan as acting Prime Minister. The protests forced the Assembly to install Pashinyan as acting Prime Minister on May 8, despite the fact that no national election had taken place. Pashinyan, acknowledging the technical and legal illegitimacy of this process, pledged to hold elections in a year, and to step down if he did not win the proper way at that time, i.e., by the majority of the vote of a newly elected Assembly. As it was, Pashinyan's core support in the Assembly came from the Yelk Alliance, also called "Way Out," consisting of three small parties—his own Civil Contract, Bright, and Republic (Post, 2018). The latter was distinguished from the Republican Party, which remained in the majority at that time, with 58 seats of the total of 105 (Radio Free Europe/Radio Liberty, 2018a). However, in the face of the protests, the Republican Party and others, as well, acceded to Pashinyan's ascension on May 8 (Post, 2018).

Pashinyan pledged to end monopoly control by businesses and corruption in government, pledging personal enmity and severe punishments against government employees demanding bribes or "partnerships" from any business (Armenian Weekly, 2018). Moreover, Pashinyan submitted a policy program to the Assembly reflecting such priorities. Rejection would have triggered national elections in July 2018; the program itself, as noted earlier, requires national elections within a year, giving Pashinyan time to achieve some goals. The Assembly approved it on June 7 by a vote of 62 to 39, with most, but not all, Republic deputies voting against it. It appears that the Republican Party leadership made sure to release enough deputies for it to pass. (Armenian Weekly, 2018).

## FREE PRESS

In July 2018, the primary author of this article, as a Fellow of the National Academy of Public Administration (NAPA), visited in a consulting role with Armenian judges, prosecutors, and investigators who are interested in combating the government corruption that has plagued Armenia for decades. NAPA paired the author with its staffer, Larry Novey, creating a two-person American delegation to Armenia's Justice Academy in Yerevan, the country's capital.

The conferees, selected for this training on the basis of their perceived integrity and professionalism, made it clear that they felt themselves under great pressure from the public and the press to punish the many “oligarchs” seen as quite ostentatious perpetrators and beneficiaries of corruption at public expense and to punish them, that is, without necessarily engaging in the niceties of due process. The judges especially feared that the intensity of public rage posed a threat to support and legitimacy that the judiciary—indeed, the rule of law—required for survival. Their concerns demonstrated commitment to due process and the rule of law.

A statute enacted by the Armenian Assembly in 2016, under which the former president’s brother and his family were being prosecuted as reported by Arka News Agency (2018b), offered a more specific illustration of the possible tension between the judicial commitment to fairness and retention of public confidence in the judiciary. This unjust enrichment statute, from Article 310.1 of the Armenian Criminal Code, requires defendants to provide a reasonable justification for enrichment in excess of their official income in order to escape punishment. The Armenians sought opinion as to whether such provisions violate the presumption of innocence by shifting the burden of proof to the defendant. The Americans concluded that as the prosecutor first had to show that the defendant’s increase in wealth did indeed exceed “legitimate returns” (i.e., legitimate income), it did shift the burden, but whether that shift was *justified* by the initial showing by the prosecutor depended on the nature of proof required for that initial showing.

The statute does not have retroactive effect, so some prosecutors were under pressure to convict “obvious” perpetrators in the absence of actual proof of criminality, when their unjust enrichment preceded the effective date of the statute. The Americans had no solution to that problem, but reiterated the view that the rule of law must prevail. Even at best, current efforts to enforce the statute reflect the harsh mood of the public: a defendant might well refuse to explain embarrassing but legal sources of income, so the mere possibility of a criminal penalty under such circumstances presents issues.

Similarly, the availability of criminal penalties for tax evasion of any kind as per Article 205 of the Armenian Criminal Code, under which a prominent company was prosecuted, as reported by Arka News Agency (2018a), may constitute a degree of over-criminalization, although apparently not in the matter in question: minor or incidental underpayments might be better addressed by a warning, compliance, and perhaps a surcharge, which—in contrast to a prison term—would not likely impair the citizen’s ability to earn enough income to pay tax in the future. In general, the discussions reflected a concern about going from one extreme to another—from rampant unchecked illegality and corruption to draconian responses.

## FAVORABLE CIRCUMSTANCES: RUSSIA’S ACQUIESCENCE

Russia’s economic and political burdens made 2018 a special time. Had Russia felt capable of treating Armenia as it treated Ukraine, with the Crimean annexation and subsequent hostilities, it might well have signaled its henchmen in the previous Armenian government to suppress Pashinyan’s protest with brutal force, as was the response to Armenian antigovernment protests in 2008 (Human Rights Watch, 2009). The timing may have indicated that Russia

was reluctant to add to its current burden of military commitments in the Ukraine and Syria (Baev, 2018).

On May 14, just six days after taking office, Pashinyan met with Vladimir Putin and agreed to a modus vivendi pledging closer ties. Russian news reports claimed that this agreement helped Pashinyan domestically as well as internationally, claiming that Armenians were very fond of Putin (Moscow Times, 2018). Russia is Armenia's chief trading partner (Shirmammadov, 2018). For practical purposes, Armenia must remain within Russia's sphere of influence. Nevertheless, to claim Armenian popularity for Putin, or Russia, was certainly a "stretch," at best (Baev, 2018). As noted by Shirmammadov (2018), Armenians were aware and resentful of Putin's support for the Republican Party kleptocrats in their maneuvers to remain in charge, as demonstrated by their support of Pashinyan, who throughout his career had consistently expressed strong hostility to Russia. Ostensibly independent sources that actually serve as Russian propaganda operatives claim that Armenian hostility to Russia is a fiction promulgated by Western propaganda (Harding, 2014). Personal experience in Armenia quickly disabuses any such notion. While Armenia, as many other former Soviet republics, remains within the strong sphere of Russian influence, this does not accrue to Russian popularity.

Of course, had Pashinyan not issued his official statement pledging continued friendship with Russia, Putin might have felt obliged to take on the additional burden of suppressing the Armenian uprising. Pashinyan had little choice but to temper his previous outspoken animosity to Russia, but no one expected him to continue the collusion with Russian domination practiced by his predecessors at the expense of Armenia. Pashinyan met twice more with Putin in 2018, but given Pashinyan's history of opposition to Russia and role in unseating its allies, the Russians doubt his loyalty to them as well, it seems, they should (Atanesian, 2018; Kucera, 2018).

### Favorable Circumstances: Free Press and Legal Structure

Armenians were quite aware of the corruption prevalent under Republican Party rule. The Armenian media frequently published reports of corruption and abuse of power by powerful officials and well-connected individuals (Center for Regional Development/Transparency International Armenia, 2006). The public was also aware that perpetrators remained unpunished. Thus, it was possible for frustration to reach a level of "critical mass." When it did so, even the Armenian military, which might otherwise have been employed to suppress protest, had been sufficiently outraged that many, instead, very visibly joined in the protests (Toghradjian, 2018). Clergy of the Armenian Apostolic Church, quite influential in Armenia with approximately 93% of the Armenian population as adherents as of the last census in 2011, did likewise (Republic of Armenia, 2011; Toghradjian, 2018).

## MODERATION AND COMPROMISE

Disbanding the entire Iraqi army in 2003, rather than eliminating only those truly loyal to Saddam Hussein, cost the American side the services of many skilled allies and added many

of those former soldiers to the anti-American forces (Thompson, 2015). Pashinyan, by comparison, removed the previous Armenian police chief, but far from removing low-level officers, he even promoted a high-level officer, the previous chief's deputy, to the top spot, having found him to have dealt honorably in negotiating Pashinyan's release from detention the day before Serzh Sargsyan resigned (Radio Free Europe/Radio Liberty, 2018b). Pashinyan included in his new Cabinet (the Council of Ministers, or "Government") technical experts as well as allies in his political reform campaign (Post, 2018). Pashinyan's approach seems to offer more stability.

## PRECONDITIONS FOR EFFECTIVE DEMOCRATIZATION

Considerable controversy surrounds analyses of the preconditions for effective democratization (Sørensen, 2007). High hopes for better government, raised by the 2011 Arab Spring protests against abusive and oppressive government, were quickly dashed. Some scholars have found parallels in the wave of revolutionary protests in Europe and beyond in 1848, likewise quickly smothered (Weyland, 2012). Uprisings in political contexts deeply hostile to competition, where recourse to lawless suppression is accepted as normal, stand little chance of success (Weyland, 2012).

Armenia seems to fit a different pattern. Despite the corruption of Armenia's previous regime, its legal structure offered some room for competitive politics. This was one important factor in Pashinyan's success to date in overturning Armenia's corrupt government and a basis for optimism that his success may endure.

Transitions in the 1990s toward democratic governance and the rule of law achieved considerable measures of success in certain South American nations (Argentina; Brazil; Chile; and others), which have mostly lasted until the time of this writing, despite current threats (Schenoni & Mainwaring, 2018). The culture and experience of those nations in some ways paralleled those of Armenia (Ohanyan, 2018).

The press, partisan though it was in those South American nations, included a wide variety of viewpoints, including a degree of "watchdog" journalism (Waisbord, 2000). As noted above, the Armenian press was free enough to remind its audience—regularly—of serious corruption among high officials.

The way transition occurred mattered greatly. The South American experience showed that transitions to democratic governance more likely succeed through moderation and peaceful compromise rather than based on brute force (Karl, 1990; Munck & Leff, 1997). Pashinyan's rebellion renounced force entirely, and when he took control, as noted above, he retained government officials and employees from the previous administration regarded as honest and competent.

The establishment and the opposition shared some degree of acceptance of ground rules in the South American examples discussed by Karl (1990) under laws regulating procedure reported by Munck and Leff (1997). Armenia's previous rulers gave consistent lip service, at least, to constitutional guarantees of democratic governance, so they could not easily violate them in the face of agreement across wide sectors of public opinion. The judges, prosecutors, and investigators at the July 2018 conference described above had served under the previous

administration. Chosen on the basis of their integrity and competence, they may not have been entirely representative of their respective professions under that administration. Still, that such professionals, with clear commitments to due process and the rule of law, had served under the old regime offered further evidence of the persistent strength of such “ground rules” in Armenia.

The military, or at least significant parts of it, acquiesced in the successful South American examples (Munck & Leff, 1997). As noted above, in Armenia some military units marched with the protesters and Russia, also potentially a military factor, was otherwise engaged.

## CONCLUSION

More generally, when various elements of civil society—cultural; economic; professional; civic—share values and goals for the restructuring of the state, they not only provide the basis for successful transitions to greater democracy and rule of law, they also confer legitimacy that helps to secure such transitions (Diamond, 1994).

The Republic of Georgia appears to have taken inspiration from “Armenia’s Velvet Revolution.” Only weeks later, protests there similarly led to the resignation of its Prime Minister, in June 2018, and his replacement by its former finance minister, Mamuka Bakhtadze, for whom the fight against corruption was also a mainstay of his campaign (Cecire, 2018; Transparency International Georgia, 2018).

The conditions, elucidated above, conducive to a transition to a government more democratic and respectful of the rule of law may or may not be available to potential reformers in other national contexts. Nevertheless, Armenia’s example, as a nation that could and did take advantage of such conditions, offers some guidance as to the boundaries of the possible. Every recent indication supports the expectation of its continued success. The Velvet Revolution, therefore, may bring value beyond Armenia’s borders.

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