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## The OSCE's Support for the Reform Process in Armenia<sup>1</sup>

### *Introduction*

Armenia became a member of the OSCE in 1992 alongside the other Soviet successor states. In 1999, the government of Armenia agreed to host an OSCE Office in Yerevan (hereafter referred to as the "OSCE Office"). This was a major milestone in Armenia's relationship with the OSCE, as it enabled the co-operation between them to take on a whole new dimension. The Permanent Council Decision to open the OSCE Office was taken on 22 July 1999, and arrangements were progressing when the shocking assassinations of the prime minister, the speaker of parliament, the two deputy speakers, one minister, and three other members of parliament took place in the session hall of the Armenian National Assembly on 27 October 1999. These shootings shook the Armenian nation. For the next few years, the prosecution and trial of the accused was to be a major subject of internal political debate in Armenia. While public discussion on the assassinations subsided following the conclusion of the trial in December 2003, they continue to reverberate in Armenian political life. The tragic events also delayed the opening of the OSCE Office, which finally took place in February 2000.

### *Armenia's Relationship with the OSCE*

Armenia has played an active role within the structures of the OSCE, particularly in recent years. Since the OSCE Office in Yerevan opened in 2000, increased information exchange and more intensive dialogue have helped relations between the OSCE and Armenia to grow even closer. The first Head of Office, Ambassador Roy Reeve from the UK, contributed a great deal to this process. From the time of the OSCE Office's establishment, Armenia has welcomed the OSCE's full range of activities in the country wholeheartedly. This is a unique relationship between a host state and the OSCE, which should not be taken for granted: Not all the countries hosting an OSCE presence have the same approach. This relationship can only be described as highly co-operative, truly in the spirit of the OSCE's *raison d'être*.

Because the OSCE is a political organization with no legally binding attributes (in contrast to the Council of Europe), there is a unique relationship

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<sup>1</sup> The views represented in this article are solely those of the author and do not reflect any position of the OSCE.

between the Organization and its participating States. Armenia has taken this particularly to heart and has tried to make the most out of its membership in the Organization. It co-operates very openly with all the Organization's structures and is an highly active participant in OSCE meetings, especially Permanent Council meetings in Vienna. Despite the limited size of its representation in Vienna (and the fact that its representation is not only responsible for the OSCE but also for relations with Austria and neighbouring countries, and for the United Nations in Vienna), the Armenian Delegation participates in a great number of side meetings, *ad hoc* committees, and other working-level discussions.

The mandate of the OSCE Office as stated in the Decision of the Permanent Council is to promote the implementation of OSCE principles and commitments in the three OSCE dimensions, thereby fostering stability and security in Armenia. However, the mandate can be interpreted as implicitly signalling the potential for an early-warning or conflict-prevention function, as these are two of the main goals of the Organization. Unlike some other missions, which deal with open or frozen conflicts, the OSCE Office in Yerevan has no such mandate. The conflict dealt with by the Minsk Conference (Nagorno-Karabakh) is being treated by other OSCE bodies (the Minsk Group, the Personal Representative of the OSCE Chairman-in-Office, and the High Level Planning Group) and will therefore not be touched upon in this contribution.

#### *Security Co-operation*

As Armenia continues on its journey of reform, the OSCE is continually listening and responding to new developments in the country. Despite Armenia's progress, it nonetheless suffers from a number of internal security threats as a result of its geographic location, lack of natural resources, weak democratic institutions, weak economy, the blockade of two of its four borders, and a polluted environment. The OSCE, with its comprehensive, multi-dimensional approach to security, attempts to contribute to general security and stability building via its field presence by actively working in a number of directions, such as promoting co-operation among different sections of society. At the same time, the OSCE Office in Yerevan helps to establish links at the international level.

The OSCE Office monitors the situation in the country day in, day out and reports fortnightly to the participating States in Vienna. These reports make it possible to establish dialogue with the participating States and allow them to respond in a timely fashion to developments in the country. Reporting is made possible by the efforts of the OSCE Office to remain in constant contact with all the relevant actors in the country. While the most important point of contact is the ministry of foreign affairs, the OSCE Office has open

and unhindered access to key ministries, government bodies, and institutions. In addition, the OSCE Office has equally regular contacts with civil society entities (e.g. NGOs) and the Armenian media. In sum, the OSCE Office has a very free and open relationship with all the key actors in the country. This is of particular significance in times of accelerated political change in the country, such as around election periods. It is then that the unwritten part of the OSCE Office mandate relating to early warning and conflict prevention becomes clearly perceptible. Equally important, however, is the role of the OSCE Office on the ground when political circumstances change unexpectedly or not in line with regularly scheduled events such as elections. It is in these critical moments of potential change that the OSCE, particularly through its field presence, co-operates most intensely with Armenia. Frequent consultations, information sharing, monitoring, and reporting serve to assist Armenia in following the path of democratic reform in a peaceful, secure way. As stated above, all Armenian interlocutors have great trust in the OSCE and are truly convinced that it is well placed to assist Armenia in achieving its objectives.

### *Relations with International Organizations*

As it navigates its way towards the future, Armenia, like other evolving democracies, finds itself experiencing new economic, social, and, particularly, political circumstances. Its location in the South Caucasus means it enjoys a unique position between Europe and Asia. The reform process is driven by the desire to be a part of Europe. This became particularly clear when Armenia entered discussions with the European Union on joining the “Wider Europe” programme. Since 2003, the EU has taken an increasing interest in the South Caucasus, as illustrated by its appointment of a Special Representative for the region as well as Armenia’s June 2004 accession to the Wider Europe programme. Armenia became a member of the Council of Europe in January 2001, and this has also had a direct impact on the domestic reform process. In addition, Armenia is a member of the United Nations, whose programmes are implemented with the direct participation of the Armenian government. Armenia also participates in NATO’s Partnership for Peace programme (PfP), is a member of the Euro-Atlantic Partnership Council (EAPC), and has welcomed NATO’s initiatives in the sphere of military security. Armenia has hosted NATO training exercises and has actively participated in NATO activities outside the country. Unfortunately, this willingness to participate has not always been reciprocated by all host countries, which, on one occasion, led to a tragic outcome.<sup>2</sup>

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2 This refers to the refusal to allow Armenia’s representatives to enter Azerbaijan for NATO exercises, and to the murder of an Armenian soldier by an Azerbaijani one during a NATO language course in Budapest, both in 2004.

### *Recent Political Developments*

Since its opening, the OSCE Office has followed political developments in the country in depth. In the development of Armenia's political life, 2003 was a significant year, as it saw presidential elections in February/March and parliamentary elections held simultaneously with a referendum on constitutional amendments in May. Indeed, 2003 was to be a year of frenzied electoral activity not just for Armenia but also for the other countries of the South Caucasus, with presidential elections being held in October in Azerbaijan and parliamentary elections in Georgia in November (which later resulted in early presidential elections).

Much attention was focused on the 2003 elections in Armenia, as there were hopes that these elections might finally meet international standards. However, all elections held in Armenia in 2003 were assessed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe observation missions as falling short of meeting international standards for democratic elections. Unfortunately, the types of problems and violations witnessed in Armenia's previous elections continued to be present throughout this election cycle. There were, however, several noteworthy features in these elections: For the first time in a CIS country, an incumbent president was not re-elected in the first round of elections. Armenia was also the first country in the CIS to use transparent ballot boxes. For the first time in 80 years, no communist party made it into the parliament. And, also for the first time in a CIS country, a referendum proposed by the president failed to be accepted by the voters.

While the number and type of violations that occurred during the elections were of particular concern to the international community, it is worth noting that the Constitutional Court of Armenia also took up a number of cases in connection with both rounds of the presidential elections and the parliamentary elections. While the Court ruled that there had been violations in both rounds of the presidential elections, it nonetheless stated that they were not significant enough to call the results of the elections into question. The final decision of the Constitutional Court with regard to the second round of presidential elections is still reverberating in Armenian society today. It includes a provision recommending "within one year, in consonance with democracy and the rule of law, to bring the Law on Referendum in compliance with the requirements of the Armenian constitution and to proceed with organizing a referendum of confidence as an effective measure to overcome the social resistance deepened during the presidential elections."<sup>3</sup> This was a clarion call for the opposition, which maintains that the results of the elections were falsified and the current government is thus illegitimate. The opposition factions in parliament insist that the Law on Referendum be

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3 Decision of the Constitutional Court of Armenia dated 16 April 2003 (unofficial translation).

amended to allow for the recommended referendum of confidence in the president to be held. However, the government does not intend to follow the recommendation contained in the Constitutional Court decision, which it maintains is not a legal obligation. Faced with this situation, the opposition factions in parliament decided to begin their protest actions by boycotting the spring 2004 session of parliament, which began in the first week of February. This was followed by a number of rallies and demonstrations in the provinces and later in Yerevan. The arrest and detention of a number of opposition supporters and violence against protestors and journalists covering the events have raised deep concerns within the OSCE and the international community. Tensions peaked at a rally held in front of the National Assembly on the night of 12-13 April, but waned over the summer. While the opposition largely maintains its boycott of parliament, it has held no more rallies, despite declaring its intention to carry on its public protest.

The May 2003 parliamentary elections also saw various violations of electoral procedures. A number of re-runs were ordered by both territorial electoral commissions and the Constitutional Court. Particular concern was raised with regard to several of the majoritarian races, where it is commonly accepted that a number of wealthy businessmen used their resources to buy victory.

A referendum on constitutional amendments proposed by the president was held on the same day as the parliamentary elections. Several of the proposed amendments related to Armenia's obligations before the Council of Europe. The authorities made little effort to publicize the fact that a referendum was being held, let alone the contents of the proposed amendments, and it was thus no great surprise that they did not receive the required number of votes, even though there was a slight majority in favour of the amendments.

Following these events, Armenia finds itself once again having to review and amend its electoral legislation and to redraft constitutional amendments and re-propose them to the population. It is hoped that an amended Electoral Code will be passed by the National Assembly by the end of 2004; however, this may slip over into 2005. Both the OSCE and the Council of Europe are heavily engaged in providing support and expertise for electoral reform. As for the constitutional amendments, the Council of Europe "expects [...] that a referendum can be held as soon as possible and in any case not later than June 2005", according to a Parliamentary Assembly resolution of January 2004.<sup>4</sup>

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4 Council of Europe Parliamentary Assembly Resolution 1361 (2004) [1] "Honouring of obligations and commitments by Armenia".

### *The OSCE Office in Yerevan Assists Armenia*

In light of these and other developments, the OSCE Office has determined the priorities of its work on a year-by-year basis. Within its overall mandate of promoting security and stability, the OSCE Office focuses on advancing good governance; comprehensive legislative reform; raising awareness, for example in the field of human rights; promoting civil society; and organizing discussions on key issues, such as anti-corruption, among a range of social actors. In recent years, the OSCE has increasingly assisted Armenia in promoting its goals and objectives through concrete activities or projects. This is true for each of the OSCE's three dimensions, with expanding activities in the politico-military and economic and environmental dimensions growing in importance since 2003 in particular. The OSCE participating States decided late in 2002 to allocate additional financial and human resources to the OSCE Office's 2003 budget specifically earmarked for activities in these dimensions. Subsequently, in 2004 the OSCE Office requested that participating States fund follow-up activities directly through its core budget. This has been repeated in the Office's budget proposal for 2005, thus ensuring that there is now a solid base for OSCE activities in these two dimensions in Armenia to complement the already well established work in the human dimension.<sup>5</sup> The human dimension, which has been the bedrock of the Organization since its inception, remains one of the foundations upon which the OSCE's work in Armenia is based. As the Organization as a whole evolves over the years, balancing the three dimensions is becoming more important, and this is increasingly reflected in the work of the field missions.

#### *Politico-Military Dimension*

In the politico-military dimension, new political priorities have led to the availability of additional resources both in the field and at the OSCE Secretariat. As a result, the OSCE has become active in Armenia in two new areas in particular: police reform and counter terrorism. In the former, working together with the Strategic Police Matters Unit (SPMU) in the OSCE Secretariat, the Office signed a memorandum of co-operation with the Armenian police service in 2003. The goal of the Police Assistance Programme is to promote confidence between the police and the population. Following detailed assessment, three co-operation projects were selected: a pilot project to develop community policing in one Yerevan district, a project to improve the

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5 On 3 July 2004, the presidents of nine CIS countries signed a joint declaration containing several proposals for reform of the OSCE. The declaration devotes much attention to the work in the three OSCE dimensions, calling in particular for the "elimination of the imbalance between the three dimensions [...] as soon as possible". PC.DEL/630/04, 8 July 2004, Statement by Mr. Alexey N. Borodavkin, Permanent Representative of the Russian Federation, at the meeting of the OSCE Permanent Council.

Police Training Centre, and a project to strengthen Yerevan's emergency response system.

The field of anti-terrorism is of course, by nature, much more difficult to tackle, and it is understandable that the Armenian authorities are less open to offers of assistance in this area. Nonetheless, the OSCE, through its Action against Terrorism Unit (ATU) in the Secretariat and the OSCE Office, is pursuing initiatives that aim at accelerating the adoption of counter-terrorism conventions (e.g. in relation to UN Security Council Resolution 1373), countering terrorist scenarios (e.g. hijackings), implementing measures to combat false travel documents, and combating money laundering and the financing of terrorism.

Another area of engagement is the fight against corruption, a scourge of many transition states. In recognition of the danger that corruption poses for the effective social, economic, and political development of Armenia, the OSCE Office has been heavily involved in trying to assist the Armenian authorities in developing an anti-corruption strategy. It has also been promoting the role of civil society in these efforts. The government of Armenia finally published an anti-corruption strategy in January 2004. It had been several years in the making, during which time the Armenian authorities were not only assisted by the international community, and the OSCE Office in particular, but also prodded in the right direction by them. Unfortunately, however, the final result does still seem to be rather thin on substance. Nonetheless, this aside, the real measure by which to judge the government's efforts will be the implementation of serious anti-corruption measures, which are yet to be seen.<sup>6</sup>

Corruption in Armenia did not arise overnight with independence, rather it is a phenomenon whose historic roots stem mainly from the Soviet system under which Armenia existed for seven decades. However, independence and the transition to democracy have left Armenia facing a huge struggle to tackle corruption, which in Armenia's case is particularly engrained, both in government and in society. Due to its small size and the close-knit nature of Armenian society, Armenia has and will continue to have a harder task of combating this vice than other larger and more diverse countries. Not only is corruption widespread throughout government and the civil authorities, but the general population in Armenia has become so accustomed to making use of personal connections, under-the-table payments, bribes, and the like in carrying out their daily business that it is difficult to really know where to begin.

Since its inception, the OSCE Office has worked extensively with the National Assembly of Armenia to assist and provide expertise on a number of pieces of draft legislation. In 2004, the OSCE Office initiated two new projects, specifically geared to improving the functioning of the parliament. The

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6 According to Transparency International's Corruption Perception Index for 2004, Armenia is less corrupt than other CIS countries, for example, Georgia, Azerbaijan, and Russia.

first was an advanced three week training programme for experts from three of the parliament's standing committees, followed by a week-long visit to the Hungarian parliament for some participants. The second consists in assisting the parliament to develop a code of conduct for its members. It is hoped that these two new initiatives will raise the parliament's level of professionalism, improving not only its law-making capabilities but also its relationship with Armenian society. These OSCE Office projects are carried out with the co-operation and assistance of the OSCE Parliamentary Assembly.

#### *Economic and Environmental Dimension*

In recent years, the Organization has struggled to define a niche for itself in the economic and environmental dimension. As a result, the OSCE has determined that it should function as a catalyst to promote economic and environmental aspects of security while not duplicating the efforts of other more specialized organizations or agencies in these fields. This policy adjustment has also trickled down to affect the work of the field presences, whose activities in this dimension have been better defined and more purposeful in recent years. Priorities in this dimension are determined in large part each year by the topic of the annual OSCE Economic Forum and its preparatory seminars. In 2004, the focus is on the development of small and medium-sized enterprises (SMEs). In recent years, the OSCE has also expanded into other security-related economic issues. For instance, the OSCE Office, together with the Co-ordinator of OSCE Economic and Environmental Activities (CEEAA), has become involved in areas such as trade facilitation, the promotion of foreign investment, and local economic development in Armenia's southernmost region.

The OSCE's involvement in the environmental field, which is also undertaken in co-operation with the CEEAA, has picked up even more strongly during the last few years. The greatest successes of the OSCE Office in this area are the promotion of Armenia's accession to the 1998 ("Århus") Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, and the subsequent establishment of an Armenian Public Environmental-Information Centre to serve as a tool for implementing the three pillars of the convention. The OSCE Office has also become increasingly involved in supporting the OSCE/UNEP/UNDP Environmental Security Initiative, which is primarily focused on identifying and addressing major environmental risks to security, and in promoting water management issues within the framework of the OSCE/NATO river monitoring project in the South Caucasus. The latter is a unique regional project involving all three of the South Caucasus countries.

### *Human Dimension*

As for the human dimension, the OSCE's assistance to Armenia has been primarily undertaken by ODIHR. ODIHR began to operate programmes in Armenia on the basis of a memorandum of understanding signed with Armenia in 1998, i.e. before the field presence opened in 2000. The activities of the OSCE Office in this dimension stem from these original projects, and a relationship of close co-operation has evolved over the years. Together with ODIHR, the OSCE Office develops human dimension projects for implementation in the country each year in line with Armenia's current needs and developments. The areas currently in focus include penitentiary reform, countering trafficking in human beings, promoting gender equality, facilitating democratic institution building (e.g. establishing an ombudsman institution), promoting free and fair elections, developing a civil register, promoting religious freedom and alternatives to military service, and assisting the development of civil society by providing training and other support.

A vital area of co-operation is the extensive assistance provided by ODIHR in the form of expertise for the drafting of Armenian legislation. This work of legislative assistance has increased in recent years due to the obligations resulting from Armenia's accession to the Council of Europe. Virtually all of the expertise provided by ODIHR in recent years has been co-ordinated closely with the Council of Europe in order to present a common front to the Armenian authorities. By the end of 2003, Armenia considered that it had met most of its Council of Europe commitments by drafting and passing relevant legislation. As far as the OSCE is concerned, however, there remain areas where legislation needs to be improved – even in areas where statutes have recently been developed or amended (e.g. the Law on Rallies and Demonstrations and the Law on Elections). Unfortunately, a single legislative act did not suffice in several areas: Some laws were only passed to meet deadlines, others in response to political exigencies, all of which makes it necessary to repeat the effort of redrafting or amending certain laws after a relatively short time. In addition, there are also cases of laws whose adopted version is acceptable to the international community, including the OSCE, but which certain Armenian authorities wish to have amended before they come into effect (e.g. the Law on Freedom of Information). In summary, the legislative reform process in Armenia will continue for some years to come and the OSCE will try patiently to assist with it. It must be borne in mind, however, that the resources are not always readily available and may become less so when repeat work is to be done.

Last but not least, in connection with the human dimension, it is important not to omit one of ODIHR's main activities (and not only in Armenia): its election observation work. In the first half of 2003, ODIHR observed the two rounds of presidential elections and the parliamentary elections. While none of these were found by ODIHR to meet international standards, the

process of observation and the related follow-up activities are significant for Armenia's improvement in the electoral sphere. The observation, carried out over several weeks as usual, took an in-depth look at all aspects of the electoral framework in Armenia, and pointed out a number of areas where improvements need to be made. This will guide the work of the OSCE Office and the Armenian authorities well into 2004 and beyond. Although the OSCE provided Armenia with expertise to help reform its electoral legislation in the years leading up to the 2002 amendments to the Electoral Code, the 2003 elections showed that further improvements to the legislation – and, even more critically, to the administration of elections – are needed. The OSCE can help with the former. The latter is more an issue of political will – and that must be provided by Armenians themselves, although the OSCE has certainly tried to convince the Armenian authorities that improving their electoral administration can only bring about positive change in the country.

Media freedom is another area in which the OSCE has become increasingly involved in Armenia over the last few years. The elaboration of media-related laws (in particular the Law on Mass Information and the Law on Freedom of Information) and, more recently, encouraging changes to the Law on TV and Radio have raised the profile of this field of activity considerably. In this connection, co-operation with the OSCE's Representative on Freedom of the Media has also increased in recent years, as his institution has been relied upon to provide expertise for draft legislation and to comment upon and be available for consultation on media-related developments in Armenia.

The last two years in Armenia have not been particularly positive for media freedom. This has led the OSCE Office to become more involved in this field. In April 2002, the broadcasting licences of two television stations generally regarded as independent were not renewed in the newly established tender process, which had come into force after the adoption of the Law on TV and Radio – a law that, in the view of international experts, contains a number of shortcomings. After losing their initial bids to renew their frequency licences, the affected broadcasters have participated in numerous tenders in the two years since – to no avail. Since television is the main source of information for most Armenians, it is a matter of real concern that television stations wishing to present alternative views cannot succeed in obtaining broadcast licences. The lack of breadth of views available to the public was also noted by the 2003 election observation missions.

In a country where levels of violence are generally very low – the one major exception being the assassinations in parliament on 27 October 1999 – the last few years have seen some severe, albeit isolated, incidents of violence against the journalistic community. In 2002, one journalist suffered injuries from a hand-grenade attack, while the head of the state television channel was murdered. Most recently, the violence against journalists covering opposition demonstrations in April 2004 has also drawn much criticism from the OSCE and the international community.

### *Conclusion*

Seen narrowly, Armenia still has much to achieve on its path of democratic reform. However, taking a broader perspective and looking at where Armenia has come from and the context in which it finds itself, the country has made significant strides forward. The main task now is to keep up this progress while not letting the pace slacken.

In this context, the co-operation between Armenia and the OSCE, especially through the work of its field presence, the OSCE Office in Yerevan, is thriving in several directions, all of which promote security and stability in Armenia. Through its field presence, the OSCE is a forum for raising, discussing, and addressing issues co-operatively at all levels. Political and diplomatic tools are one part of this work. Concrete activities and projects in each of the three dimensions of the OSCE's comprehensive approach to security are another. Through monitoring and advising and promoting good governance and democratic institution building, the OSCE contributes to the development of a stable and secure Armenian state – one that is on the path to European integration.