

# Combating Political Corruption: The Case of Armenia in the Context of the United Nations Convention Against Corruption



Syuzanna Galstyan

## Introduction

The United Nations Convention against Corruption (UNCAC)<sup>2</sup> (2003: III) describes corruption as an insidious plague which hinders the economic development of countries, undermines democracy, cripples prosperity, and poses other threats to human security to flourish. Corruption has always existed in every society, and it has been characterized by different connotations in various historic periods. In the post-Cold War era, it has emerged as a core policy concern; therefore, the phenomenon has received wide academic attention. As Heywood (1997, p. 418) notes, in the mid-1990s, it became apparent that “no nation was immune to the corrosive impact of political corruption.”

Though there is a vast amount of literature on corruption, there is no universally accepted clear-cut definition. Instead, there are numerous definitions of corruption proposed by known institutions, which try to describe the essence of a corrupt act. The [World Bank](#) defines a corrupt act as offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party. [Transparency International](#) (TI) defines it as the abuse of entrusted power for private gain. As to classical definitions of corruption in literature, the one by Joseph S. Nye (1967, p. 966) is worth mentioning here: “behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private gaining influence.” This definition encompasses behaviors such as “bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses) (Nye, 1967, p. 966).” The definition resembles

---

S. Galstyan (✉)

Theodor-Heuss-Kolleg, the Robert Bosch Stiftung and MitOst Association, Berlin, Germany

the one by Dwivedi (1967) which besides abovementioned behaviors also covers other unfair means adopted by government employees and the public alike in order to extract some socially and legally prohibited favors. Most of the definitions indicate that there are two sides involved in a corrupt act, namely, the public and the private sectors. As the emphasis of this chapter is on political corruption, attention is therefore primarily devoted to the public sphere.

A considerable amount of literature on corruption highlights that in developing and post-Soviet countries it has destructive effects. Scholars, such as Tanzi (1998), Amundsen (1999), Stefes (2006, 2008), and Olken and Pande (2011), consider corruption as something endemic primarily in former communist states and in the developing world. As Tanzi (1998, p. 586) notes, “corruption tends to be more common in poorer countries and in economies in transition than in rich countries,” and as Johnson (2005, p. 4) points out, “the post-Soviet states are heirs to the deeply entrenched political corruption that dominated the Soviet Union in its initial decades.” Moreover, according to Amundsen (1999, p. 1) in several of the postcommunist countries, it is reaching alarming proportions. Given the scores of the Corruption Perception Index (CPI) 2016, these statements prove to be well grounded. Corruption still remains a challenging problem for many postcommunist countries undergoing sociopolitical transition processes. It can be considered as a carryover from the communist era; some are culturally indigenous, and others are a product of poverty and poor pay or lax rules and enforcement (Liebert et al., 2013). The following paragraph discloses why corruption is a widespread phenomenon in the post-Soviet space.

According to many scholars and experts in the field like Martirosyan (2009, p. 3), the post-Soviet transition process formed the initial setting for a rapid rise in corruption in most of the post-Soviet countries. Following the collapse of the SU, the sociopolitical vacuum and disorderliness allowed for lawlessness increase in crime and corruption in the post-Soviet space (ibid). According to the Bertelsmann Transformation Index’s (BTI) reports, most of the post-Soviet countries in transition have fallen victim to corruption because of the breakdown of the rule of law and the pattern of “weak states.” Besides, a historic legacy of illegal economic activity or black market in the post-Soviet states has also encouraged corrupt behaviors. As noted in the BTI report (2013:26), the lack of good governance is another shared trait among most of the post-Soviet states encouraging corruption. Despite all of these obstacles, some post-Soviet states have managed to significantly reduce corruption, whereas others are still among the worst performing countries in this regard. For instance, Lithuania, Estonia, and Latvia rank much better in corruption perception indexes rather than Armenia, Azerbaijan, Moldova, Ukraine, and Russia *where corruption still remains a major problem*.

Corruption is not a new phenomenon in Armenia and it is largely widespread. As reported in the United Nations Development Programme (UNDP) (Bailey, 2008, p. 6), extensive scale of corruption in Armenia is a serious challenge to its further development. Different manifestations of corruption pervading all levels of society make it difficult to achieve high development in the country (Wickberg, 2013).

In 2016 according to the CPI, Armenia was ranked 113rd out of 176 countries with a score of 33, which was down by two scores from the previous year.

Armenia acceded to the only legally binding universal anti-corruption instrument, namely, UNCAC in 2007, and a number of international schemes of cooperation, including the Istanbul Anti-Corruption Action Plan of the Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Network for Eastern Europe and Central Asia, the Group of States against Corruption (GRECO), and the Open Government Partnership (OGP), have joined. Armenia is also a member of Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). UNCAC became an integral part of the country's domestic law following ratification of the Convention Parliament on 8 March 2007 and entered into force on 7 April 2007 in accordance with Article 68 of the Convention. Although Armenia has taken the very first steps in aligning domestic legislation in compliance with the provisions of the UNCAC, the studies indicate that there are still gaps to overcome for successful implementation of the UNCAC.

The success of anti-corruption activities largely depends on legal and financial institutions—judiciary, police, and financial auditors—which are of crucial importance in order to enforce and strengthen accountability in the public sector (Svenssen 2005). The assumption by Svenssen is that more and better enforcement of rules and regulations will reduce corruption. One more important actor in the fight against corruption is civil society. Its role is recognized and emphasized by a number of international documents and institutions, e.g., in the UNCAC. In the Armenian context, civil society is characterized as a typical case of the so-called post-Soviet society, i.e., weak. However, recent studies (e.g., Iskandaryan, 2016) demonstrate that the Armenian civil society is getting stronger and there are a number of nongovernmental organizations (NGO) actively involved in anti-corruption activities.

The overall purpose of this research paper is to explore the extent and effect of corruption in Armenia with a primary focus on political corruption and the role of civil society in combating it. The chapter also reflects on the implementation of the UNCAC in Armenia, reveals existing gaps, and develops recommendations for Armenia's enforcement of some articles of the convention which are particularly important for crippling political corruption. Another reason why UNCAC is of special interest for this paper is that though it signifies the role of civil society in combating corruption, at the same time the guidelines for the participation of the NGO representatives at sessions of the Conference of the States Parties (COSP; it is the main policy-making body to the UNCAC) to the UNCAC put many restrictions on its active participation in the field. Eventually, the chapter suggests some recommendations on how to make the engagement of civil society in the frame of the UNCAC in the anti-corruption fight more effectively.

The choice of Armenia as the case study country has been preconditioned by several factors. First, as already mentioned above, corruption still remains one of the main problems impeding good governance in Armenia. Second, it has been assumed that recommendations developed in the Armenian context could be applicable with necessary amendments to some countries which are going through the same sociopolitical transition, especially in terms of post-Soviet region (excluding

the Baltic states)<sup>3</sup>. This professional interest has been merged with the personal ones since the author comes from Armenia, and it has given the project the privilege to gain empirical data through interviews conducted in Armenia.

Structurally, this chapter can be divided into two parts. First, it starts with discussions on the conceptual frame of corruption, investigating its origins and current state in Armenia. Further, it assesses the role of some key actors in tackling the problem of corruption with a primary focus on the role of civil society. The second part of the chapter starts with the introduction of the UNCAC which is followed by discussions on the restrictions hindering civil society's active participation in the anti-corruption activities within the frame of the UNCAC and offers recommendations. Further, the chapter introduces the analysis of the following articles of UNCAC, Article 6, Article 20, Article 26, and Article 33, and offers recommendations in the Armenian context.

## *Methodology*

The methodological base of the paper is qualitative covering literature review and interviews. The research collected information from both primary and secondary sources. Regarding the method of interview, it is partly characterized by open-ended strategy of data collection which according to Robert Elliott and Ladislav Timulak (2005, p. 150) “means that inquiry is flexible and carefully adapted to the problem at hand and to the individual informant’s particular experiences and abilities to communicate those experiences, making each interview unique.” Semi-structured interviews are characterized by the flexibility and the primary advantage of allowing not only for the elaboration of detailed information but also for some discoveries which have not been thought about previously. For these reasons, the semi-structured type of interview has been considered as the most relevant one for the research project. This approach has also allowed adding or reformulating of some questions or even the dropping of questions in case the answer had already been provided by the interviewee. The questions have been framed in such a way as to encourage the explanation of the answers to the questions with as much information as it was possible. In general interviewing has been thought of as one of the most appropriate ways to get firsthand information on the issue from the experts actively involved in the field. The answers obtained during the interviews and findings elaborated from the literature research gradually contributed to a better understanding of the issues at the core of the project and to obtaining some practical hints for the solutions to identified problems. All this formed the basis for the recommendations developed at the end of the research project.

The paper follows Graneheim and Lundman (2004)<sup>4</sup> and takes the whole interviews as the most suitable unit of analysis for the research. In order to analyze the obtained answers to the open-ended questions, this research does not turn to any classical way of interview analyses but rather to the inductive content analyses developed by Elo and Kyngas which refers to “an approach based on inductive data

moves from the specific to the general, so that particular instances are observed and then combined into a larger whole or general statement” (Chinn & Kramer, 1999 cited In Elo and Kyngas, 2008, p. 109).

The choice of the NGOs was preconditioned first of all by their active involvement in the fight against corruption in Armenia, and secondly by their engagement in the preparation of the report on the implementation of selected articles of International Covenant on Civil and Political Rights (ICCPR) and UNCAC in Armenia between 2014 and 2015.<sup>5</sup> Altogether, five NGOs had been requested to give an interview. However, only two of them have been responsive to the request. These NGOs are the Transparency International Anti-corruption Center in Armenia and [Open Society Foundations-Armenia](#). The interviewees were Khachik Harutyunyan, an anti-corruption expert at Transparency International Anti-Corruption Center in Armenia, and Gayane Mamikonyan, a program coordinator for anti-corruption programs at Open Society Foundations-Armenia<sup>6</sup>. One of the interviews conducted in Armenian was directly transcribed into English. The resulting data comprises around 14 pages of interview transcripts. Thus, these transcripts have served as the main primary sources of data for content analysis.

## *Corruption in Armenia*

The chapter continues by laying the conceptual and theoretical foundation for understanding political corruption in general and the nature of the systemic corruption in the Armenian context in particular. Carl J. Friedrich (1972) considers the concept of political corruption as a specific pathology characterized by a set of behaviors constituting a part of the so-called pathology of politics. The political pathologies are described as acts which violate the laws, procedures, and ideological-cultural expectations of a political violence, betrayal or treason, corruption, secret and often arbitrary decision, and the distortion of reality for political purpose. The term “political corruption” includes the abovementioned pathologies whereby private gain is made at the public expense. The proponents of the functionalist approach, such as Jeanne Becquart-Leclercq (1984, p. 192), describe political corruption as a functional substitute for direct participation in power which constitutes the cement between elites and parties, and it influences the effectiveness with which power is exercised. The most prevailing definitions of political corruption describe corruption as any transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding payoffs (Heidenheimer et al. 1993, p. 6). For the purpose of this chapter, the definition of political corruption provided by the TI is used—the abuse of entrusted power by political leaders for private gain. This definition is both simple and sufficiently broad to cover the cases of political corruption that Armenia faces.

The research suggests that in Armenia corruption is of systemic nature which, as Amundsen (1999, p. 4) notes, is typical of authoritarian and non-democratic regimes. It serves as one of the mechanisms for the authoritarian power holders to

enrich themselves and is usually supported by petty corruption. With regard to newly democratic societies, corruption usually constitutes a part of the inherited practices from previous authoritarian regimes (Moreno, 2002, p. 496). Referring specifically to the post-Soviet space, Stefes (2008, p. 73) claims that systemic endemic corruption has been a destructive legacy of Soviet rule for most successor states of the SU. With regard to the political system of Armenia, the independent watchdog organization Freedom House defines it as a semi-consolidated authoritarian regime (for an overview, also see Simon Payaslian 2011), where the efforts to fight against widespread corruption remain superficial. The argument is also reflected in the statements by Croissant and Merkel (2004) who consider Armenia as an example of what can be described as semi-democratic, illiberal, or hybrid regimes. The interviewees also expressed their concerns about the systemic nature of corruption. “Corruption is systemic and includes all governance institutions, while the fight against corruption in the country is stagnating. It can be compared to person who has a cancer for ten years but s/he neither dies nor recovers,” shared Galstyan (2016a).

An analysis of the corruption level and its impact in weak and strong countries led Amundsen (1999, p. 20–21) to conclude that strong leaders usually exercise a strong control over different forms of corruption and corruption is integrated into the overall command over the state apparatus. It accounts for its predictable and acceptable nature perceived by businesses and the general public. Armenia’s political authority at the realm of the government can be described as strong. Upon the very beginning of its independence, the Armenian president held extensive powers that at that time could have been counterbalanced neither by the parliament nor by the judiciary (Payaslian, 2011, p. 115). Hence, the strong control of the leadership over the formal state structures has reinforced a centralized system of corruption in the country (Stefes, 2006, p. 64). However, there are more factors which have contributed to the centralization of the system of corruption. First of all, unlike in many of newly appeared post-Soviet republics, Armenia experienced smooth transition of power in the early 1990s which allowed Armenia’s political leaders to use corruption to consolidate firm authority over the state apparatus. Thus, Stefes (2008, p. 73) argues that the (re)emergence of a centralized system of corruption in Armenia has been facilitated by this smooth transition of power, named as “negotiated transition.” Another factor which reinforced the centralization of the power was the war with Azerbaijan over Nagorno-Karabakh. According to Stefes (2006, p. 113) “[...] the war [...] helped the new government to put itself squarely in control of the corrupt structures and prevent a fractionalization within the state apparatus. First, the war had a disciplining effect on the state and society. It created an atmosphere of national unity in which disruptive behavior was not tolerated.” Second, as Aghumian notes (cited in Stefes, 2006, p. 113) “being at war with a neighboring country many politicians justified the centralization of power as a necessary premise for the country’s political stability.” In sum, based on the above-brought arguments, it can be assumed that Armenia serves as an example of centralized system of corruption inherited from the totalitarian nature of the communist regime which provided fer-

tile soil for corrupt behavior in the newly independent state after the collapse of the SU, and the system has been reinforced by the post-Soviet environment.

Under conditions of systemic corruption, corrupt activities are perceived as the norm rather than the exception, and engaging in corrupt activities constitutes a part of officials' routine behavior. The citizens are aware that offering bribes is crucial even for receiving something that they are legally entitled to. According to Transparency International 2013 Global Corruption Barometer, paying bribes is considered to be a norm among citizens in order to speed up the administrative procedures. Consequently, corruption is widely accepted as a status quo by the population. The Armenia Corruption Household Survey 2010 database implemented by the Caucasus Research Resource Centers (CRRC) reveals that 39% of those surveyed consider corruption as normal. At the same time, residents of Armenia report that corruption is one of the central problems in their country, with 57.8% citing corruption as one of five main issues in the country (State of the Nation Report 2013:14).

Interestingly, public perception of corruption also shows that the general public is accepting of engaging in corrupt behavior for the purpose of resolving a problem with a person in power. At the same time, individuals don't realize the connection between their own corrupt behavior and the overall national level of corruption. As the Policy Forum Armenia (PFA) (2013:19) reports, "[...] individuals contribute to corruption even though they consider corruption to have a negative impact on society." Ultimately, this also means that individuals don't feel a responsibility to cease engaging in corrupt behavior and remain passive, making the fight against corruption ever more difficult. Therefore, perception of corruption is an essential element of any analysis and should be reviewed in order to develop a coherent strategy for fighting corruption.

Stefes (2008, p. 75) shows how corruption in Armenia is entrenched in hierarchical patronage client networks that extend from top- to lower-level officials; myriads of networks are built within the state apparatus further to facilitate corrupt exchanges where money flows all the way up to the official hierarchy, and protection is granted top-down. "For instance, patron client networks connect lower to higher officials. Lower officials usually buy their positions and will later share illicit gains (bribes, embezzled funds, etc.) with their superiors. In return, superiors protect their subordinates from the occasional anti-corruption crackdown. An informal hierarchy of clientelism overlaps with the official state hierarchy" (Stefes, 2008, p. 75). As Keith Darden (2001, 2008) demonstrates, there are two ways higher officials can secure subordinates' loyalty, namely, by allowing them to augment their often poor salaries with illicit income and by collecting compromising material, which can always be used against lower officials in case they disobey. Furthermore, personal connections play a very important role and can make the difference in getting something done or not. Due to the minimal turnover staff in government institutions, having connections there can turn out to be very beneficial. Also, the phenomenon of roofs government officials (who might have indirect ownership in a business) who can formally or informally protect the rights (and wrongs) of companies that are required to interact with the agencies in which these officials work—is a common way oligopolists

maintain their market power (for more information on this phenomenon, see Holden and Sahakyan 2005).

One of the biggest challenges Armenia faces is that in most cases corrupt officials do not face any prosecution. There are different reasons why it happens. Corrupt lower officials go unpunished because higher officials often share in the proceeds and because public pressure to stop corruption in most countries is weak (Shleifer and Vishy, 1993, p. 601). As one of the interviewees, Galstyan (2016a) shared “though investigations of the corruption cases are conducted and revelations are published, the guilty ones are not punished and are not exposed to criminal liability.” Consequently, a serious lack of accountability in governance, commonly stemming from a general lack of political penalties for public officials who abuse their positions, is an essential deterrent in the fight against corruption. Instead, the lack of prosecution for abuses of power has created a fertile soil for the permissive environment allowing for the spread of institutional corruption. In sum, corruption in Armenia is both of endemic and institutionalized nature. The tackling of this kind of corruption demands the involvement of different actors and a strong political will and commitment. To put it differently as Galstyan (2016b) noted, “it begs for systemic solutions.” The following part elaborates on the role of specific actors crucial for addressing the problem of corruption.

### *Key Actors for Anti-corruption Activities*

According to Svenssen (2005), the success of anti-corruption activities largely depends on legal and financial institutions, judiciary, police, and financial auditors, which are of crucial importance in order to enforce and strengthen accountability in the public sectors. The police and judiciary are of special importance as these agencies are plagued by corruption and partially account for the failures and challenges to implement anti-corruption reforms.

Given the lack of public trust in state institutions, weak democratic traditions, and uncertainty about armed groups’ acceptance of civilian authority, the stability of the regime largely depends on the loyalty of the police, and this loyalty has to be bought rather than taken for granted. To put it differently, the security organs serve as a tool for the government’s struggle with the state’s opposition. In many cases, this price is a disregard of police corruption, the rationale often given for the disregard of police corruption is that the state cannot afford to pay the police reasonable salaries (Stefes, 2006). The recent years in Armenia have been marked by an intensification of street protests and the formation of new civic groups. Given the potential for internal unrest or political instability, the government of the country largely relies on the loyalty of the police to suppress the rising civic activism. In return for police’s loyalty and obedience to the government, as Shahnazarian notes (2012, p. 3), corruption and nepotism highly spread in the police system is tolerated by the government. Furthermore, the Armenian police are described by brutality. There are a number of cases (e.g., Electric Yerevan; for an overview on this specific case, see Synovitz (2015)) when the police

deployed the “excessive” force to suppress peaceful demonstrations, to make arrests of opposition members, or to target media representatives investigating and reporting on those cases. The government’s tolerance toward corruption in the police, the brutality applied by the police toward civilians “sponsored” by the government, and the lack of prosecution for the police’s abuses of power create an atmosphere of public distrust and fear toward the law enforcement. All of these undermine the role of the police as one of the crucial actors in anti-corruption activities, letting alone dialogue and cooperation between the law enforcement agencies and civil society, which according to the country review report (2013:93) within the frame of **review mechanism**<sup>7</sup> (for a detailed overview, see Dell & Terracol, 2014) is one of the key preconditions for a successful fight against corruption.

As to the role of the judiciary in the fight against corruption, given the tight executive control of the Armenian government on this branch, the ability of this institution to function independently is highly questionable. One of the interviewees, Galstyan (2016a), has also highlighted this problem. The executive branch of the Armenian government is predominant over the state’s apparatus, and despite formal separation of powers, the judiciary is largely subordinate to the executive (Bertelsmann Transformation Index 2017). As reported in the project by McDewitt (2015), 70% of citizens of Armenia consider that the government is having a strong influence on the justice system. Furthermore, International Crisis Group Europe Report N158 (2004:14) states that there is a tacit agreement between the executive and the judges: the judiciary institution should obey the political authority’s orders; in return the government will turn a blind eye on bribes and corruption. Moreover, the dependence of the judicial branch is endorsed by the fact that the list of candidates of judges must be approved by the president.

In the answer to the question “which are the steps to climb up a corruption-free Armenia?” to one of the interviewees, a distinguished anti-corruption expert Khachik Harutyunyan also emphasized the role of a strong judiciary system. In terms of how to make the system strong and independent, Galstyan (2016b) shared “[...] as an anti-corruption expert I would like to point out two things here: selection of judges in local communities and joint trials. Now we have deficit of justice. We need to give people the right to make justice otherwise even if we change all the judges people still won’t believe in the juridical system. We need to give this power to their hands. Local communities should be given the opportunity to select their regional judges.” However, as the human rights activist Ishkhanian notes, the authorities resist judicial independence because it would endanger their hold on power. Furthermore, as stated by Ishkhanian, if the judiciary is the main mechanism for the authorities to hold on power, then the justice system will be of selective nature characterized by an atmosphere of impunity (Aslanian 2017).

The weakness of the judicial branch to combat corruption is also reflected in its inability or unwillingness to adequately investigate and prosecute high-ranking officials involved in corruption. Thus, given the weakness, inability, or even reluctance of the judicial branch to confront corruption, the legal framework of anti-corruption activities remains poor which is also reflected in the Global Integrity Scorecard for Armenia (2011). The scorecard shows a strong contrast between the legal framework

and its actual implementation. The legal framework score is 86, so it is described as “strong,” whereas the actual implementation score is 39, classifying it as “very weak.” Thus, these numbers render an overall combined score as “weak.” The country review report also confirms that the legal system of Armenia is characterized by deficiencies and “there is a gap in the law” (2013:9). In terms of anti-corruption legal framework, judicial impartiality, and law enforcement professionalism, Global Integrity assesses it as weak, giving it a score of 53 out of 100 (Global Integrity Report 2011). Keeping in mind the above-brought arguments, an assumption drawn from here is that there is a strong distrust toward the judicial branch as an actor to fight corruption and civil society might be reluctant to cooperate with this sector and might also fear to report the cases of corruption. The assumption proves to be plausible taking into consideration the lack of protection for whistle-blowers. This problem will be elaborated in the second part of the paper.

Last but not least, one more key actor in the fight against corruption is civil society. The chapter will proceed with the assessment of civil society in Armenia and its role in combating political corruption.

### *Civil Society in Armenia*

In general, civil society is understood as a sphere of social activities and organizations outside of the state, the market, and the private sphere that is based on principals of voluntarism, pluralism, and tolerance (Anheier, 2004; Diamond, 1999). As the World Bank acknowledges, there is no consensus regarding universal definition of what civil society is because of differing conceptual paradigms, historic origins, and country context. However, for the purpose of this chapter, it is important to introduce a specific understanding of the concept which guides the paper. The definition of civil society used in this chapter is that adopted by the [World Bank](#), according to which civil society organizations (CSO) are considered as important actors for delivery of social services and implementation of other development programs. They have a complementary function to government actions, especially in regions where government presence is weak such as in post-conflict situations. In this context CSOs and NGOs are used interchangeably. Following the discussions of the definitions of civil society by Paturyan (2009), the definition of the term adopted for this paper can be developed further and considered as a sphere of social activity without the involvement of the state that has a normative character, seeks to involve citizens actively, and engages in advancing certain interests based on a set of legal standards.

Armenian civil society is considered to represent a typical case of postcommunist civil society. The disintegration of the communist block was accompanied by a rapid development of CSOs or as Voicu and Voicu (2003) refer to it by “mushrooming of NGOs.” A number of studies characterize postcommunist civil societies as weak (Howard, 2003). Initially, postindependence Armenian NGOs were created by the political elites, and their apparent influence was low. Therefore, as Paturyan and Gevorgyan (2014) state, the government’s relationship with civil society was rather ambivalent. Today, research suggests that the perception of NGOs is positive, albeit

personal involvement is low (Paturyan, 2009). A contributing factor is the stalemate in development that Armenian NGOs have suffered since the 1990s. A lack of progress shows the fact that NGOs are often less connected to the general public than they should be in order to work effectively. As for the relationship with the government, Paturyan (2009, p. 29) sums it up as follows “the state prefers to ignore, rather than control or suppress, NGOs, thus providing them with a certain level of freedom but limiting their impact.” In terms of affecting government policies, the CSO sector usually lacks the required competence and skills (Minasyants, 2014). Additionally, as Asatryan (2015) notes, poor coordination of information exchange between state bodies undermines monitoring efforts by CSOs.

Despite these challenges, the research reveals that Armenian civil society is developing. As reported by the 2015 CSO (2015:22), USAID (2015:22) Sustainability Index for Central and Eastern Europe and Eurasia, there is a growing culture of civic activism in Armenia. Iskandaryan (2016, p. 2) states that a new type of civil society has emerged in Armenia: “activists (mostly young, urban, and educated) brought together by online networking to participate in protests that gather public support and have impact on policymaking.” In regard to anti-corruption measures, the engagement of CSOs in fighting corruption, increasing transparency, and accountability is increasing.

However, the influence of civil society on the Armenian government policies still remains quite limited (Paturyan, 2009, p. 11). Thus, as reported by the Policy Forum Armenia (2013:23), “civil society remains the most interested and legitimate actor in promoting transparency and adapting anti-corruption measures.” One of the ways to empower civil society participation in the fight against corruption is the establishment of independent civil society institutions or as Khachik Harutyunyan (2016) suggested institutionalization of civil society participation in the fight against corruption, such as granting a civil society a role in both selection and appointment of leadership of anti-corruption bodies. Another way for civil society empowerment in the field could be its inclusion in the UNCAC review process. For example, as part of a project on enhancing civil society’s role in monitoring corruption in Armenia, funded by the UN Democracy Fund (UNDEF), TI has offered small grants for CSOs engaged in monitoring and advocating around the UNCAC review process (Harutyunyan & Hochtanyan, 2013). Thus, CSOs have a key role to play in fighting corruption, starting from monitoring public services, denouncing bribery and fraud, and raising awareness to contributing to the implementation of international anti-corruption instruments such as the UNCAC.

## **Limitations Hindering Civil Society’s Participation in the Implementation of the UNCAC**

UNCAC covers five main areas. They are:

- Preventive measures, criminalization, and law enforcement
- International cooperation

- Asset recovery
- Technical assistance
- Information exchange

UNCAC includes both mandatory and nonmandatory provisions. All states that have ratified UNCAC automatically become part of the Conference of the States Parties. The latter was established to improve the capacity of cooperation between States Parties to achieve the objectives set forth in the Convention and to promote and review its implementation.

The importance of civil society in the promotion and implementation of the UNCAC is recognized in the Convention itself. For example, Articles 13 and 63 (4) (c) explicitly acknowledge a role for civil society and nongovernmental organizations in fighting corruption within the convention's work. UNCAC Article 13 Art. (a, b, d) Participation of Society stipulates that parties signatory to the treaty should take appropriate measures to promote the participation of civil society, in particular "to promote the active participation of individuals and groups outside the public sector in the prevention of and the fight against corruption" and to strengthen that participation by measures such as "a) enhancing the transparency of and promoting the contribution of the public in decision-making processes; b) ensuring that the public has effective access to information; c) undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula; d) respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption" (UNCAC, 2003:15). Moreover, some articles call on each state party to develop anti-corruption policies that promote the Participation of Society (Article 5); Article 63 (4) (c) requires that the Conference of the States Parties should agree on procedures and methods of work, cooperating with relevant NGOs.

According to the UNCAC coalition, though the convention acknowledges the crucial role of civil society in successful anti-corruption efforts, civil society participation is limited by the UNCAC review mechanism guidelines. The examination of the documents, such as "Rules of Procedure for the Conference of the States Parties to the UNCAC (UNODC 2007)" and "Guidelines for the Participation of Representatives of NGOs at Sessions of the Conference of the States Parties to the UNCAC," reveals a number of restrictions which place limitations on the participation of civil society in fighting against corruption in the framework of the UNCAC. According to Rule N17 of Procedure for the COSPs to the UNCAC, only NGOs having consultative status with the Economic and Social Council (ECOSOC) may apply for observer status at COSP sessions. Thus, consultative status with the ECOSOC is a precondition for gaining a status of observer. Other NGOs that do not have ECOSOC consultative status may also apply for observer status; however, the procedure is a little more complicated. After gaining the status of an observer, NGOs can attend plenary sessions of the COSP, deliver statements, make written submissions, and receive the COSP documents. Nevertheless, observers cannot participate in the adoption of resolutions or decisions by the COSP.

TI, an NGO in consultative status with the ECOSOC, and the Transparency and Accountability Network, an NGO not in consultative status with the ECOSOC, submitted a written statement to the UNCAC Implementation Review Group (IRG) in which they expressed their concerns regarding restrictions on written submissions and oral statements, exclusion of NGOs as observers in the IRG, and exclusion of NGOs as observers in the working groups (UNODC 2013). Restrictions placed on written and oral statements limit CSOs' ability to report on their anti-corruption activities and assessments. For example, written statements are a subject to a word limit<sup>8</sup>. The length of the statement should be in accordance with ECOSOC Resolution 1996/31. Regarding oral statements "non-governmental observer speakers are called after the list of Member States and intergovernmental organization speakers has been exhausted and there is no guarantee that they will be called because of time constraints during the session" (Guidelines for the Participation of Representatives of NGOs at Sessions of the Conference of the States Parties to the UNCAC, p. 5).

Furthermore, the exclusion of NGOs from IRG sessions and from attending the working groups on Asset Recovery and Prevention as observers prevents them not only from following and contributing to the discussions but also from gaining a good understanding of their work. Though UNCAC emphasizes the role of civil society in fighting against corruption, at the same time there are restrictions (listed above) which are incompatible with some of UNCAC obligations. For example, restrictions on written submissions and oral statements are incompatible with UNCAC obligations listed in Article 13 Participation of Society.

On the basis of the evidence on civil society's involvement in combating corruption the following recommendation has been developed: UNCAC should establish a mechanism of shadow report to be provided by civil society which would illustrate understanding of civil society's evaluation of the fight against corruption. One of the alternatives could also be a recommendation made by the UNCAC Coalition: parallel review report produced by CSOs as a contribution to the review process.

Further, the chapter covers only few articles of the UNCAC mentioned in the country review report because of the scope constraints. Those articles are Preventive Anti-corruption Body or Bodies (Article 6), Public Procurement and Management of Public Finances (Article 9), Illicit Enrichment (Article 20), Liability of Legal Persons (Article 26), and Protection of Reporting Persons (Article 33). Another reason for the choice of these articles is that their enforcement is of significant importance for tackling political corruption not only specifically in Armenia but, in general, in other countries as well. Now, each of these articles and their current state in the Armenian context will be introduced one by one.

Article 6 of the UNCAC Anti-corruption Body or Bodies is a mandatory article. As to the institutional framework, in Armenia it includes two bodies: the Anti-corruption Council and the Anti-corruption Strategy Implementation Monitoring Commission. The Monitoring Commission is headed by a Presidential Assistant and monitors the implementation of the Anti-corruption Strategy and internal anti-corruption program. However, there is little information on its activities. According to the information collected through consultation with local experts within the

frame of another project (Wickberg, 2013, p. 9), the commission exists only on paper. As to the Anti-corruption Council, it is chaired by the Prime Minister and is tasked to coordinate the implementation of the anti-corruption strategy. The country review report does not mention anything about the conflict of interest connected with the membership of those high-ranking officials in the Council. Public perception of the council is further affected by reporting of online media outlets not controlled by the government, when they publish on the cases of alleged government corruption, embezzlement of state funds, corrupt practices in procurement, involvement in businesses of high-ranking officials, and others (Partnership for Open Society Report, p. 15). For example, according to the report provided by the Policy Forum Armenia (2013), Hovik Abrahamyan, the previous chairperson of the Council, has been described as one of the highly corrupted profiles with lucrative mining interests. He was also one of those high-ranking officials with an abnormally large difference between his declared income and properties revealed by HETQ Association of Investigative Journalists NGO.

Political will is essential in addressing the corruption problem, whereas Armenia is characterized by the lack of it (Gray & Kaufmann, 1998). It can be assumed that any kind of body established by the imitative of the government which is ruled by high-ranking political leaders cannot be sincere and effective in its attempts to fight against corruption. This assumption is further supported by the fact that “since independence, Armenia is characterized by a deep public mistrust in the government and political elite” (Wickberg, 2013, p. 2). The results of the Caucasus Research Resource Center’s (CRRC) Corruption Survey of Households (2010) have revealed that around 50% of the respondents find corruption most common among high-ranking officials (Wickberg, 2013, p. 6). Galstyan (2016b) mentioned that “in such a country as Armenia, if there is a political will from the top in the country’s government, then this model (Anti-Corruption Council) can work.” The question which may rise here is how to generate this political will. Gray & Kaufmann (1998, p. 9) see a change in regime or in individual leadership as a window of opportunities. Speaking about Armenia, it is highly questionable whether there will be a change in the government’s leadership since the current regime is doing everything to stay in power. One of the interviewees, Galstyan (2016a), highlighted this problem describing it as state capture. In the last years, Armenia has shifted from presidential to parliamentary system to make any political change harder to achieve. As the Freedom House (2017:18) states, the parliamentary system serves simply as a mechanism for the current ruling party—Republican Party, led by President Sargsyan—to remain in power. It should be mentioned that most of the Armenian oligarchs are affiliated with this party.

Galstyan (2016a) stated that neither CSOs nor opposition factions joined the Council because of its limited power. Indeed, neither civil society members nor opposition has joined the Council because of skepticism about its credibility. In Armenia anti-corruption bodies governed by high-ranking officials do not enjoy trust from the people, and they have restrictive power. According to the Policy Forum Armenia report (2013), the Armenian government cannot be considered as a

reliable partner in fighting corruption, since it is unwilling to implement an effective anti-corruption campaign. According to Galstyan (2016b), one of the first steps to overcome this trust deficit toward governmental anti-corruption institutions could be civil society's involvement in the selection and appointment of the leadership of anti-corruption bodies. It is also of crucial importance to investigate closely how to grant civil society an opportunity to influence the government decision-making processes regarding anti-corruption bodies and how the government could provide civil society with a space for an active involvement and engagement in the fight against corruption. The argument by PFA (2013:23) stating that "civil society remains the most interested and legitimate actor in promoting anti-corruption measures" demonstrates the relevance of the application of the aforementioned recommendation.

The recommendation which could be developed here is that Article 6 should also include a mandatory paragraph on ensuring civil society's participation in the establishment of anti-corruption bodies, including in selection and appointment processes of the leadership. The second paragraph of Article 6 states that "Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence [...] and free from any undue influence" (UNCAC, 2003:41). One of the ways to secure this independence and avoid any undue influence and conflict of interest could be a development of such a membership policy/process in those institutions which will ensure members' apolitical stance, impartiality, neutrality, integrity, and competence.

## **Article 9 Public Procurement and Management of Public Finances**

The first point of Article 9, Public Procurement and Management of Public Finances, states "Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia." (UNCAC, 2003:12). As argued by Galstyan (2016a) "procurement is considered as one of the biggest cradles of corruption. Public officials indirectly (such as through personal contacts) establish some companies and afterwards these companies get contracts in public procurement. Fifty percent of public procurement contracts are single sources and this type of deal contains major corruption risks." Indeed, the 2009 World Bank study of public procurement in Armenia revealed that the sectors with the largest budget utilized noncompetitive procurement methods (single source and/or quotations) for over 80% of their purchases. Armenia should ensure a transparent competitive public procurement system to avoid corruption in public procurement.

One of the most recent cases of conflict of interest has been revealed through the Panama Papers (for a detailed overview on the Panama Papers, see ‘Süddeutsche Zeitung. The Panama Papers: The Secret of Dirty Money by Obermeier, et al. 2017). The data obtained by the German newspaper Süddeutsche Zeitung and analyzed in cooperation with the International Consortium of Investigative Journalists have lifted the lid on how the rich and powerful use tax havens to hide their wealth. The papers have also revealed the names of the three Armenians—Mihran Poghosyan who then held two impressive titles (Major General of Justice and Head of Armenia’s Compulsory Enforcement Service) and his two uncles—who used shell companies set up in Panama to obtain Armenian government contracts (Aghalaryan & Baghdasaryan, 2016). Moreover, according to the disclosures, Poghosyan obtained shares in the first two offshore companies, when he was already serving as Armenia’s justice system official which is a violation of an Armenian law that prohibits government officials from owning businesses on the side. Neither Poghosyan nor his uncles faced any prosecution in Armenia as they are considered under the “protection” of President Serzh Sargsyan. As [Sahakyan](#) (see Sahakyan, A. Panama Papers’ Armenia Disclosures Could Help the Country Address Graft.) says, they are part of the system and that system is designed to protect them. Letting these officials go unpunished encourages further theft.

## Article 20 Illicit Enrichment

The HETQ Association of Investigative Journalists of Armenia which received an award from the Armenian branch of TI for its outstanding contribution to the struggle against corruption has revealed cases of abnormally large differences between the reported declarations of income and property of high-ranking public officials who have not been subjected to any criminal prosecution. Concerns about poor legal framework for anti-corruption agenda of Armenia have been repeatedly expressed by many reports (e.g., by [Policy Forum Armenia](#)). In regard to illicit enrichment, the results produced in the frame of the “Parliament Monitoring” project deserve a special mention. In September of 2016, the project produced the first thematic summary presenting the results on monitoring property and income declarations of the members of parliament (MPs). The monitoring revealed that MPs did not comply with legislative requirement of filing declaration every year or even for several years (for a detailed overview, see Thematic Summary on Monitoring of MPs Property and Income Declarations by [Open Society Foundations-Armenia](#), 2016).

One of the significant steps to tackle corruption has been the approval of the legislation by the Armenian government on making amendments to Armenia’s Criminal Code. These amendments led to the criminalization of illicit enrichment, which is defined as a significant increase in the assets of a public official that the latter cannot reasonably explain in relation to income (UNCAC Article 20, p. 19). The HETQ traced a number of cases revealing a significant increase in the assets of a high-ranking official which exceeds his/her legitimate income and which the

official could not reasonably explain. Many officials usually attribute their wealth as generous financial “gifts” or “donations” (e.g., see Armenian Government Approves New Anti-Corruption Bill by [Asbarez](#)) received from other individuals, whereas Article 29 of the Law on Civil Service prohibits taking of gifts.

The problem of illicit enrichment had been regularly raised by CSOs. As Karen Zadoyan, Head of the Armenian Lawyers’ Association, shares “when three years ago we started implementation of the EU-funded ‘Multi-Faceted Anti-Corruption Promotion’ Project we had two main tasks: to develop CSO Capacities to Improve Government’s Implementation of Anti-Corruption Reforms; secondly, to achieve success. In this second task we had an objective to criminalize the illegal enrichment and create an independent anti-corruption body. When we entered the field with this agenda, many were skeptical” (see [Armenian Lawyers’ Association](#). Civil Society has influenced the Formation of Anti-Corruption Agenda in Armenia. Success Story).

It took Armenia around 9 years to criminalize the illicit enrichment (it was criminalized in December 2016 and came into force on 1 July 2017) after the ratification of the UNCAC. It serves as a unique example of the successful cooperation between civil society and government in the field of anti-corruption fight. The recommendation which could be made here is that UNCAC should make this article mandatory.

What is interesting to note here is that the interviewees expressed their concern that the criminalization of illicit enrichment can be used as a tool by politicians for political prosecution, especially for opposition leaders.

Another step toward eliminating illicit enrichment was the adoption of a set of amendments to the package of anti-corruption laws providing for the establishment of the Commission for the Prevention of Corruption. The Commission is expected to examine income and asset declarations of over 2000 senior state officials in order to investigate possible conflicts of interest or unethical behavior among them. Officials suspected of engaging in corrupt practices will be prosecuted.

### ***Article 26 Liability of Legal Persons***

Though this article is mandatory, according to the review report, Armenia has still not introduced liability of legal persons for corruption offenses. “Armenian legislation does not provide for criminal or administrative liability of legal persons, except for money-laundering.” (Country Review Report of Armenia, 2016:10). As reported in UNCAC Civil Society Review by K. Harutyunyan and V. Hokyanyan (2013, p. 3), “the legal framework has some discrepancies around the definition of foreign officials and does not provide sufficiently strong grounds for the liability for legal persons, or for trading in influence. The high number of amnesties granted following convictions for corruption offenses is also remarkable.” The recommendation developed in this context would be that Armenia should introduce criminal, civil, or administrative liability.

## Article 33 Protection of Reporting People (Whistle-Blowers)

Article 33 Protection of Reporting Persons is a nonmandatory article. According to Global Integrity's 2011 Scorecard, the protection of whistle-blowers in Armenia is very weak. The country's legislature lacks a cohesive framework for the protection of reporting people. The Armenia Corruption Household Survey 2010 database implemented by the Caucasus Research Resource Center illustrates clearly why people may feel reluctant to report cases of corruption. According to the answers to the question "which of the following you personally consider as a reason for not reporting corruption to the relevant authorities?" around 55% of respondents believe that "those who report corruption would be subject to retribution/retaliation" (PFA, 2013: 21).

The country review report notes that protection outside criminal law is ensured by keeping the whistle-blower's identity secret. However, anonymous reports cannot be the basis for opening a criminal investigation according to Article 177 Criminal Procedure Code of the Republic of Armenia<sup>9</sup> (this issue was also indicated in the country review report). In Article 177, it is clearly stated "A letter, a statement or other anonymous messages about crime, unsigned or with false signature or written on behalf of fictitious person, cannot be a reason for initiation of criminal prosecution." Furthermore, as reported by the Partnership for Open Society (p. 17), protection within criminal law is possible "only if the reporting person (whistle-blower) will be granted status of witness or victim, then s/he will be entitled to protection mechanisms provided by the Code."

Both interviewees have raised the issue of protection of reporting people. According to them, it is one of the shortcomings to be improved. "With regard to nonmandatory provisions, the legislation does not provide a cohesive framework for the protection of reporting persons [...]" (Harutyunyan & Hokyanyan, 2013, p. 3). The role of whistle-blowers in fighting against corruption has been repeatedly emphasized. For example, the [Parliamentary Assembly of Council of Europe](#) stresses the importance of whistle-blowing as a tool to increase accountability and strengthen the fight against corruption and mismanagement referring to its Resolution 1729 (2010) on the protection of "whistle-blowers." However, as it has already been illustrated, the Armenian legislature relating to the protection of whistle-blowers can be described as undeveloped.

The recommendation in this case would be that UNCAC should make the protection of whistle-blowers as a mandatory article to make the legal system of the States Parties take appropriate measures to provide security to the reporting people. In case of Armenia, taking into consideration the fact that the legislation does not offer a cohesive framework for the protection of reporting persons, the [National Assembly of the Republic of Armenia](#) within the scope of authority defined by the Constitution should pass a law which would ensure the same means of shelter for reporting people, which are prescribed for victims, witnesses, and experts by the criminal procedure legislation.

## Conclusion

Corruption has a negative impact on the development of a country, allocation of public resources, and consolidation of democracy. Armenia is one of those developing countries, where the problem of corruption still remains prevalent and political corruption is widespread. Entrenched corruption, strong patronage networks, and a lack of clear separation between private enterprise and public office render the implementation of anti-corruption activities. Among the main obstacles hindering an effective fight against corruption are the lack of the political will and the weak judiciary system. Though some progress has been made after the ratification of the Convention, Armenia's enforcement of the UNCAC has several shortcomings. Furthermore, the weak judiciary undermines the effective enforcement of legislative measures in general, and it particularly impedes the successful fight against corruption. On the basis of the provided evidence, the following recommendations have been developed to contribute to the successful implementation of the UNCAC in the Armenian context and reduce (political) corruption in the country:

- Article 6: Establishment of independent anti-corruption bodies void of conflict of interest and with such a membership process which ensures members' apolitical stance, impartiality, neutrality, integrity, and competence.
- Article 26: Introduction of liability of legal persons for corruption with appropriate sanctions. Armenia should introduce criminal, civil, or administrative liability.
- Article 33: Adoption of a law that would ensure the same means of protection to reporting people which are prescribed for victims, witnesses, and experts by the criminal procedure legislation.

Taking into account the systemic nature of corruption and the lack of political will to fight it, civil society remains one of the most important actors in the anti-corruption field. One of the key preconditions for effective anti-corruption campaign is a close cooperation between the government and CSOs. The government should involve civil society in the development of anti-corruption policies. One of the ways to empower civil society's role in anti-corruption measures could be their inclusion in the procedure of the establishment of (governmental) anti-corruption institutions and also their involvement in the UNCAC review process.

One of the successes achieved by civil society is the criminalization of illicit enrichment. One of the concerns is whether it will be implied by all state officials without exceptions or if it will be based on the so-called "selective" approach. As it has been demonstrated in the research, those officials who are a part of the system often do not face any prosecution as their protection is provided from the top of the government. Another question which arises here is whether the government will imply criminal penalty for illicit enrichment of previous state officials. For instance, the HETQ previously revealed cases of abnormally large differences between the reported declarations of income and property of high-ranking public officials. Some of these officials are not currently holding state positions. Thus, the question is

whether their cases will be investigated further and if criminal charges are warranted or will these former officials be subjected to criminal prosecution?

This research reflects the tip of the iceberg and suggests that this paper might serve as a basis for further detailed research focusing on only one aspect of political corruption and how civil society can work toward the elimination of corruption in government.

### **Discussion Questions**

1. What type of governments are more likely to be corrupt and why? What are the common characteristics of countries with high corruption?
2. What are the factors which encouraged corruption in the post-Soviet era?
3. Why have some post-Soviet countries achieved success in reducing corruption, whereas many post-Soviet states are still among the most corrupt nations?
4. Based on the fact that in many cases paying bribes is considered to be a norm among citizens in order to get things done, discuss how a cultural element may have an effect on the amount of corruption in a country.
5. How can the problem of political corruption be addressed if the actors crucial for the fight against corruption, such as police and judiciary, are corrupt themselves?
6. What are the conditions that encourage corruption among high-ranking officials?
7. Why do governments tolerate corruption in the security organs?
8. What is the role of civil society in fight against (political) corruption and which kind of institutions should cooperate with the civil society to achieve tangible results?
9. Taking into account the fact that many UNCAC articles are not mandatory provisions which means that their implementation is up to a state party, can UNCAC achieve success in eliminating corruption?
10. Relating specifically to Armenia, which further steps should civil society take to eliminate political corruption?

### **Notes and References**

1. This chapter is an extended and modified version of a research paper conducted within the frame of the Regional Academy on the United Nations program in cooperation with the United Nations Office on Drugs and Crime which was presented at the Academic Council on the United Nations System Conference in Vienna (January 2017). This chapter was written in 2017.
2. In this paper UNCAC is also referred as merely convention.
3. Please note that due to time and scope constraints of the research project, this paper does not test this assumption; instead, it suggests that the recommendations developed for Armenia could be applicable to those developing countries which go through the same sociopolitical process and are characterized by the

same forms of corruption. This paper could be followed up by further research in order to test this assumption and name a country or counties which these recommendations could be applicable to.

4. Graneheim and Lundman (2004) and their interpretation of qualitative content analysis were introduced in the chapter by Elo, S. and Kyngäs, H. (2008) (see reference).
5. The report was provided on behalf of the Partnership for Open Society Initiative by the following organizations: Armenian Helsinki Committee, Helsinki Citizens' Assembly Vanadzor, Journalists' Club Asparez, Open Society Foundations-Armenia, and Transparency International Anti-corruption Center. This report is important for this project since it provides civil society assessment on the UNCAC. It reveals its shortcomings and offers recommendations to improve the situation.
6. The interview with Gayane Mamikonyan was conducted on the 14th of October 2016 and the one with Khachik Harutyunyan on the 15th of October in Yerevan.
7. The review mechanism is the first ever peer-review process to track implementation of the convention, adopted in 2009. This is an intergovernmental peer-review mechanism that produces country review reports, which examine progress in implementation and make recommendations. The review process comprises two 5-year cycles: The first cycle (2010–2015) covers Chap. 3 on criminalization and law enforcement and Chap. 4 on international cooperation. The second cycle (2015–2020) will cover Chap. 2 on preventive measures and Chap. 5 on asset recovery. Armenia was reviewed within the first review cycle by Lithuania and Kyrgyzstan in 2013.
8. Paragraph 37 (d) and (e) of the ECOSOC Resolution 1996/31 on consultative relationship between the UN and NGOs limits the written statements by CSOs in consultative status to 2000 (general consultative status) or 1500 (special consultative status) words per document including footnotes.
9. Article 65 of the Constitution of Armenia forbids members of parliament to own or run a business while in office.

## References

- Aghalaryan, K., & Baghdasaryan, E. (2016). Mihran Poghosyan: the Armenian General Who Mastered the Ins and Outs of Panama's Offshore Zone. In *hetq.am*. <http://hetq.am/eng/news/66918/mihran-poghosyan-the-armenian-general-who-mastered-the-ins-and-outs-of-panamas-offshore-zone.html>. Accessed 7/07/2017.
- Amundsen, I. (1999). Political corruption: An introduction to the issues. (Working Paper 1999:7). Bergen: Chr. Michelsen Institute-Development Studies and Human Rights.
- Anheier, H. (2004). *Civil society: Measurement, evaluation, policy*. Sterling, VA: Earthscan Publications.
- Armenia: Internal Instability ahead: Europe Report Nr 153. (2004). *International crisis group*. Brussels.
- Asatryan, V., et al. (2015). State of the fight against corruption in the South Caucasus. *European Policy Brief*. [https://ec.europa.eu/research/social-sciences/pdf/policy\\_briefs/cascade\\_pb-0815.pdf](https://ec.europa.eu/research/social-sciences/pdf/policy_briefs/cascade_pb-0815.pdf). Accessed 18/12/2016.

- Asbarez. *Armenian government approves new anti-corruption bill*. <http://asbarez.com/157253/armenian-government-approves-new-anti-corruption-bill/>. Accessed 2/10/2017.
- Aslanian, K. (2017). More European Support for Judicial Reform in Armenia. <https://www.azatutyun.am/a/28785039.html>. Accessed 15/09/2017.
- Armenian Lawyers' Association. *Civil society has influenced the formation of anti-corruption Agenda in Armenia. Success Story*. <http://armla.am/en/1785.html>. Accessed 12/08/2017.
- Bailey, B. (2008). Promotion of participatory policymaking among targeted groups (anti-corruption accent) – outcome evaluation-UNDP Armenia. <https://erc.undp.org/evaluation/documents/download/2166>. Accessed 5/06/2016.
- Becquart-Leclercq, J. (1984). Paradoxes of political corruption: A French view. In A. Heidenheimer, M. Johnston, & V. LeVine (Eds.), *Political corruption: A handbook* (pp. 191–210). New Brunswick, NJ: Transaction Publishers third printing 1993.
- Bertelsmann Transformation Index. *Bertelsmann transformation index 2003: Armenia*. [http://bti2003.bertelsmann-transformation-index.de/fileadmin/pdf/laendergutachten\\_en/gus\\_mon-golei/Armenia.pdf](http://bti2003.bertelsmann-transformation-index.de/fileadmin/pdf/laendergutachten_en/gus_mon-golei/Armenia.pdf). Accessed 21/08/2017.
- Caucasus Research Resources Centers. 2010. *Armenia corruption survey of households*. <http://old.crrc.am/index.php/en/159/>. Accessed 9/9/2016.
- Corruption Perceptions Index. (2016). [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](https://www.transparency.org/news/feature/corruption_perceptions_index_2016). Accessed 26/08/2016.
- Country Review Report of Armenia by Lithuania and the Kyrgyz Republic of the implementation by Armenia of Articles 15 – 42 of Chapter III “Criminalization and law enforcement” and Articles 44 – 50 of Chapter IV “International cooperation” of the United Nations Convention against Corruption for the review cycle 2010 – 2015. [https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/Armenia\\_UNCAC\\_Implementation\\_Report.pdf](https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/Armenia_UNCAC_Implementation_Report.pdf). Accessed 3/06/2016.
- Croissant, A., & Merkel, W. (2004). Introduction: Democratization in the early twenty-first century. *Democratization*, 11(5), 1–9.
- Darden, K. (2001). Blackmail as a tool of state domination: Ukraine under Kuchma. *East European Constitutional Review*, 10(2–3), 67–71.
- Darden, K. (2008). The integrity of corrupt states: Graft as an informal state institution. *Politics & Society*, 36(1), 35–59.
- Dell, G., & Terracol, M. (2014). *Using the UN convention against corruption to advance anti-corruption efforts: A guide*. Transparency International and UNCAC Coalition.
- Diamond, L. (1999). *Developing democracy: Toward consolidation*. Baltimore/London: The Johns Hopkins University Press.
- Dwivedi, O. (1967). Bureaucratic corruption in developing countries. *Asian Survey*, 7(4), 245–253.
- Elliott, R., & Timulak, L. (2005). Descriptive and interpretive approaches to qualitative research. In J. Miles & P. Gilbert (Eds.), *A handbook of research methods for clinical and health psychology* (pp. 147–160). New York: Oxford University Press.
- Elo, S., & Kyngäs, H. (2008). The qualitative content analysis process. *Journal of Advanced Nursing*, 62(1), 107–115.
- Friedrich, C. (1972). *The pathology of politics: Violence, betrayal, corruption, secrecy, and propaganda*. New York: Harper and Row.
- Galstyan, S. (2016a). Interview of G. Mamikonyan conducted on October 14, 2016. Unpublished.
- Galstyan, S. (2016b). Interview of K. Harutyunyan conducted on October 15, 2016, Unpublished.
- Global Integrity Report 2011: Armenia. <http://www.globalintegrity.org/research/reports/global-integrity-report/global-integrity-report-2011/gir-scorecard-2011-armenia/>. Accessed 28/09/2016.
- Gray, C., & Kaufmann, D. (1998). Corruption and development. *Finance and Development*, 35, 7–10.
- Harutyunyan, K., & Hochtanyan, V. (2013). Enforcement of anti-corruption laws: Armenia UNCAC Civil Society Review 2013. *Transparency International Armenia and the UNCAC Coalition*. [http://transparency.am/files/publications/uncac\\_cso\\_report.pdf](http://transparency.am/files/publications/uncac_cso_report.pdf). Accessed 5/10/2016.

- Heidenheimer, A., et al. (1993). *Political corruption: A handbook*. New Brunswick, NJ: Transaction Publishers.
- Heywood, P. (1997). Political corruption: Problems and perspectives. *Political Studies*, 45(3), 417–435.
- Holden, P. & Sahakyan, V. (2005). *Issues Related to Promoting a Competitive Business Environment in Armenia*. Working Paper No. 05/10. Armenian International Policy Research Group.
- Howard, M. (2003). *The weakness of civil society in post-communist Europe*. Cambridge: Cambridge University Press.
- Iskandaryan, A. (2016). Armenia. <https://freedomhouse.org/sites/default/files/NiT2016%20Armenia.pdf>. Accessed 5/12/2016.
- Johnson, M. (2005). *Civil society and corruption: Mobilizing for reform*. Lanham [u.a.]: Univ. Press of America.
- Liebert, S., Condrey, S., & Goncharov, D. (2013). *Public administration in post-communist countries: Former soviet union, central and Eastern Europe, and Mongolia*. Boca Raton/London/ New York: CRC Press.
- Martirosyan, A. (2009). *Institutional sources of corruption in the case of Armenia: Is it rules, blood and culture, or punishment?* (This grant project was implemented within the framework of a CRRC–MAAC fellowship – the Exploratory Research Based on the 2008 Armenia Corruption Household Survey).
- McDevitt, A. (2015). The state of corruption: Armenia, Azerbaijan, Georgia, Moldova and Ukraine. In *Transparency international*. [https://www.transparency.org/whatwedo/publication/the\\_state\\_of\\_corruption\\_armenia\\_azerbaijan\\_georgia\\_moldova\\_and\\_ukraine](https://www.transparency.org/whatwedo/publication/the_state_of_corruption_armenia_azerbaijan_georgia_moldova_and_ukraine). Accessed 5/08/2016.
- Minasyants, A. (2014). *Civil Society in Armenia: Challenges and opportunities*, the Armenian Weekly. <https://armenianweekly.com/2014/12/24/civil-society-armenia-challenges-opportunities/>. Accessed 7/09/2017.
- Moreno, A. (2002). Corruption and democracy: A cultural assessment. *Comparative Sociology*, 1(3–4), 495–507.
- National Assembly of the Republic of Armenia. *Criminal procedure code of the Republic of Armenia*. [http://www.parliament.am/law\\_docs/010998HO248eng.pdf?lang=eng](http://www.parliament.am/law_docs/010998HO248eng.pdf?lang=eng). Accessed 20/09/2016.
- Nye, J. (1967). Corruption and political: A cost-benefit analysis. In A. Heidenheimer, M. Johnston, & V. LeVine (Eds.), *Political corruption: A handbook* (Vol. 1993, pp. 963–983). New Brunswick, NJ: Transaction Publishers, third printing.
- Obermeier, F., et al. The Panama Papers: The Secret of Dirty Money. In *Süddeutsche Zeitung*. <http://panamapapers.sueddeutsche.de/articles/56febff0a1bb8d3c3495adf4/>. Accessed 11/08/2017.
- Olken, B., & Pande, R. (2011). Corruption in developing countries. (Working Paper 17398).
- Open Society Foundations-Armenia. *Partnership for open society. Report implementation of selected articles of ICCPR and UNCAC in Armenia: 2014–2015*. [http://www.osf.am/wp-content/uploads/2016/05/Reporting-on-ICCPR-and-UNCAC\\_POS\\_Armenia.pdf](http://www.osf.am/wp-content/uploads/2016/05/Reporting-on-ICCPR-and-UNCAC_POS_Armenia.pdf). Accessed 25/07/2016.
- Open Society Foundations-Armenia. *Thematic summary on monitoring of MPs property and income declarations 2016* Yerevan.
- Parliamentary Assembly of Council of Europe. *Recommendation 1916. (2010) Final Version: Protection of “whistle-blowers*. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17852&lang=en>. Accessed 27/11/2016.
- Parliamentary Assembly of Council of Europe. *Resolution 1729 (2010) Final Version: Protection of whistle-blowers*. <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-en.asp?FileID=17851&lang=en>. Accessed 27/11/2016.
- Paturyan, Y. (2009). Perceptions of the Role of Armenian Civil Society in Countering Corruption: Research Project Report. *Caucasus Research Resource Centers – ARMENIA*. [http://www.crc.am/hosting/file/\\_static\\_content/fellows/corruption/Yevgeniya\\_Paturyan.pdf](http://www.crc.am/hosting/file/_static_content/fellows/corruption/Yevgeniya_Paturyan.pdf). Accessed 5/12/2016.
- Paturyan, Y., & Gevorgyan, V. (2014). *Armenian civil society after twenty years of transition: Still post-communist?* Yerevan.

- Payaslian, S. (2011). *The political economy of human rights in Armenia*. New York, NY: I.B. Tauris and Co Ltd.
- Policy Forum Armenia. *Corruption in Armenia: A State of the Nation Report (2013)*. [http://www.pf-armenia.org/sites/default/files/documents/files/PFA\\_Corruption\\_Report.pdf](http://www.pf-armenia.org/sites/default/files/documents/files/PFA_Corruption_Report.pdf). Accessed 10/12/2016.
- Sahakyan, A. Panama Papers' Armenia disclosures could help the country address graft. In *Huffingtonpost*. [https://www.huffingtonpost.com/armine-sahakyan/panama-papers-armenia-dis\\_b\\_9684784.html](https://www.huffingtonpost.com/armine-sahakyan/panama-papers-armenia-dis_b_9684784.html). Accessed 5/08/2017.
- Shahnazarian, S. (2012). Police reform and corruption in Georgia, Armenia, and Nagorno-Karabakh. *PONARS Eurasia Policy Memo No. 232*.
- Shleifer, A., & Vishny, W. (1993). Corruption. *The Quarterly Journal of Economics*, 108(1), 599–617.
- Stefes, C. (2006). *Understanding post-soviet transitions: Corruption, collusion and clientelism*. New York, NY: Palgrave Macmillan.
- Stefes, C. (2008). Governance, the state, and systemic corruption: Armenia and Georgia in comparison. *Caucasian Review of International Affairs*, 2(2), 73–83.
- Svenssen, J. (2005). Eight questions about corruption. *Journal of Economic Perspectives*, 19(3), 19–42.
- Synovitz, R. (2015). Armenian police target journalists in violent crackdown. In *Radio free Europe/Radio Liberty*. <https://www.rferl.org/a/armenia-police-target-journalists-in-breaking-up-protest/27089374.html>. Accessed 6/07/2017.
- Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. 45(4). (International Monetary Fund Staff Papers), pp. 559–594.
- Transparency International. *Global Corruption Barometer 2013*. [http://www.transparency.org/gcb2013/in\\_detail](http://www.transparency.org/gcb2013/in_detail). Accessed 30/10/2016.
- Transparency International. *How do you define corruption?* [http://www.transparency.org/whoweare/organisation/faqs\\_on\\_corruption#defineCorruption](http://www.transparency.org/whoweare/organisation/faqs_on_corruption#defineCorruption). Accessed 29/10/2016.
- United Nations. *Economic and Social Council resolution 1996/31*. [http://www.un.org/esa/coordination/ngo/Resolution\\_1996\\_31/](http://www.un.org/esa/coordination/ngo/Resolution_1996_31/). Accessed 25/11/2016.
- United Nations UN General Assembly., *United Nations Convention against Corruption*, 31 October 2003, A/58/422. [https://www.unodc.org/documents/brussels/UN\\_Convention\\_Against\\_Corruption.pdf](https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf). Accessed 7/05/2016.
- UNODC. *Rules of procedure for the conference of the States Parties to the United Nations Convention against Corruption*. [https://www.unodc.org/pdf/crime/conventionosp/07-80230\\_Ebook.pdf](https://www.unodc.org/pdf/crime/conventionosp/07-80230_Ebook.pdf). Accessed 10/25/2016.
- UNODC (2007). *Rules of procedure for the conference of the States Parties to the United Nations Convention against Corruption*. [https://www.unodc.org/pdf/crime/convention\\_corruption/cosp/07-80230\\_Ebook.pdf](https://www.unodc.org/pdf/crime/convention_corruption/cosp/07-80230_Ebook.pdf). Accessed 25/10/2016.
- UNODC (2013). Conference of the States Parties to the United Nations Convention against Corruption. *Statement submitted by Transparency International, a non-governmental organization in consultative status with the Economic and Social Council and by the Transparency and Accountability Network, a non-governmental organization not in consultative status with the Economic and Social Council*. CAC/COSP/IRG/2013/1. <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/27-31May2013/V1383237.pdf>. Accessed 15/11/2016.
- USAID (2015). *CSO sustainability index for central and Eastern Europe and Eurasia (2015)*. [https://www.usaid.gov/sites/default/files/documents/1861/Europe\\_Eurasia\\_CSOSIReport\\_2015\\_Update8-29-16.pdf](https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIReport_2015_Update8-29-16.pdf). Accessed 7/08/2017.
- Voicu, M., & Voicu, B. (2003). Volunteering in Romania. In P. Dekker & L. Halman (Eds.), *The values of volunteering: Cross-cultural perspectives* (pp. 143–159). New York, NY: Springer.
- Wickberg, S. (2013). Anticorruption helpdesk providing on-demand research to help fight corruption: Overview of corruption and anti-corruption in Armenia. In *Transparency*

*international*. [https://www.transparency.org/files/content/corruptionqas/Overview\\_of\\_corruption\\_in\\_Armenia\\_1.pdf](https://www.transparency.org/files/content/corruptionqas/Overview_of_corruption_in_Armenia_1.pdf). Accessed 7/05/2016.

World Bank. (2009). Republic of Armenia: Country procurement assessment report. Washington, D.C.: World Bank, Report No. 49975-AM. [http://imagebank.worldbank.org/servlet/WDSContentServer/TW3P/IB/2009/10/05/00033\\_3037\\_20091005002008/Rendered/PDF/499750ESW0AM0P1IC0disclosed01011191.pdf](http://imagebank.worldbank.org/servlet/WDSContentServer/TW3P/IB/2009/10/05/00033_3037_20091005002008/Rendered/PDF/499750ESW0AM0P1IC0disclosed01011191.pdf). Accessed 09/10/2017.

World Bank. *Defining civil society*. <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20101499~menuPK:244752~pagePK:220503~piPK:220476~theSitePK:228717,00.html>. Accessed 20/06/2016.