

## **Constitution Vote Baffles Armenia**

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Armenia is likely to have a new constitution next week, but few people understand what is changing.

Almost overlooked in the run-up to the country's parliamentary election on May 25 is that Armenians are also being asked to vote on a new draft constitution. Few of the electorate are aware of the implications of the latter - and the politicians are not helping.

"They're saying that we ought to vote twice on Sunday," housewife Josefina Tashchyan queried. "One vote, I understand, it's for the parliamentary elections. But what's the second one?"

The problem, says Gevork Pogosian, chairman of the Sociological Association of Armenia, is that the political parties competing for parliamentary seats are "busy with their electoral campaign and don't spend any energy on the constitution". "The majority of voters don't even know, what they will be voting for or against," he told IWPR.

What the electorate is being asked to approve or reject is a new draft of the constitution, first enacted in 1995, in which, according to some estimates, up to 80 per cent of the articles are being amended.

However, as the only way to understand what the changes being voted on is to take a copy of the old constitution and compare it line by line with the new draft, few people are much the wiser.

Armen Harutiunian, President Robert Kocharian's representative in the Armenian parliament, declared that ten days before the vote, the population would be given free brochures setting out the constitutional amendments.

However, most of these brochures then went on sale and were not offered for free. "It would have been better if they gave the voters the 500 drams (about 80 cents), so they read the brochures," Pogosian remarked sarcastically.

"Today around 8,500 copies of the proposed amendments have been printed and distributed, whereas in 1995, when the existing constitution was adopted, around 200,000 were published," said Babken Ararktsian, former parliamentary speaker.

The Venice Commission, the Council of Europe's legal body, which scrutinises constitutional and legal documents, only received the final version of the draft "a few days ago", Gianni Buquicchio, secretary of the commission told IWPR by telephone.

"We had a very long and fruitful cooperation with Armenia over the drafting of the constitutional revisions," Buquicchio said.

However, he said that "at first glance" the new constitution did not take on board their recommendations. "Probably we will conclude that not everything has been adopted in the form agreed," Buquicchio said.

The July 1995 constitution made Armenia a republic with what has been called a “semi-presidential system”, in which the president enjoys wide powers, but parliament has a number of mechanisms for checking them.

To be adopted, the new constitution needs the support of at least a third of the whole Armenian electorate – about 800 to 850,000 votes in all. This means that it needs “yes” votes from normally opposition voters.

So far, the pro-presidential Dashnaksutiun party is urging a “yes” vote. But most of the opposition, claiming that the new draft charter will considerably strengthen Kocharian’s powers vis a vis the legislature, wants the electorate to reject the amendments. This camp includes the defeated candidate in the second round of the presidential election, Stepan Demirchian, amongst others.

However, the “yes” and “no” camps are sharply divided in their interpretations of the new basic law.

“This draft strengthens the president’s position so much that he becomes absolutely untouchable, endowed with absolute power and will have every chance of avoiding responsibility for his actions,” said Ararktsian..

Pogosian agrees, saying, “This will reduce the role of the government to zero. According to Kocharian’s amendments, the president has the right to dissolve parliament, unilaterally appoint a prime minister and sack the foreign and defence ministers, if they are appointed on the recommendation of parliament.”

However, presidential representative Armen Harutiunian, says that these criticisms are unjust. “I am astonished that some people believe the president’s powers are increasing,” he said. “One of the achievements of the new version [of the constitution] is that it balances out the functions of all branches of power.”

Harutiunian said that the parliament keeps substantial powers, some of which are greater than in the existing constitution. He added that the new draft was an advance on matters of human rights, bringing it into line with Armenia’s international commitments.

The amendments create the post of human rights ombudsman in Armenia for the first time. However, Pogosian noted that the expression “everyone has the right to legal defence” has been removed and there are new restrictions on marches and rallies.

The new constitution also removes a controversial existing ban on dual citizenship and paves the way for a law to be passed by parliament giving Armenians the right to acquire it. The Armenian National Movement, which devised the 1995 constitution, declares that this will endanger national security. “If citizens of Armenia receive the right to dual citizenship, then they will prefer to serve in the armies of other states,” said an ANM statement. “In that way Armenia will lose its army in several years.”

Harutiunian, however, argues that a law on dual citizenship will only put Armenia on a level with other states. “A country which has such a large diaspora cannot in purely psychological terms contain a ban on dual citizenship in its constitution,” he said. “It is absurd to talk about a threat to Armenia’s national security, that is absolutely not the case.”

Many believe that Kocharian is using the parliamentary elections as a cover to push through a constitution which might otherwise not have won public support.

“Of course,” commented Karine Minasian, a middle-aged resident of Yerevan. “They want to use the chaos of parliamentary elections to stuff the ballot boxes with as many votes as possible for the [constitutional] changes and declare the referendum [on them] valid.”

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