

Armenian government may win risky referendum

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President Serzh Sargsyan announced on October 8 a national referendum on amending the constitution for December 6. Most notably, the constitutional amendments, if adopted, would transform governance into a parliamentary model, a departure from the prevalent post-Soviet model of a strong -- at times even authoritarian -- presidency. Yet in the short term, the immediate result would be to deepen one-party rule.

What next

Despite the lack of political mobilisation or public awareness, the referendum may offer a largely disgruntled electorate a chance to vote against the incumbent government, widely seen as the most unpopular in Armenian political history. Such a temptation may be too attractive to ignore. However, the government will probably win the vote, just as it has won previous 'tainted elections', resorting to its usual method of ensuring passage by any means necessary.

Analysis

Parliament voted on October 5 to endorse a government-backed set of constitutional reforms to transform the country's political governance from an executive to a parliamentary system (see ARMENIA: Constitutional reform will be dividing line - March 18, 2015). The passage of the constitutional amendments, by 104 votes to ten with three abstentions, marks the start of the legal process for holding of national referendum to approve the changes.

Referendum result

The referendum will be decided by a simple majority of votes, with 25% of the electorate needing to vote for the result to be valid. The government is in a strong position to secure passage.

This stems neither from popularity nor persuasion. Rather, the government has become adept at leveraging the advantage of incumbency -- the use of so-called 'administrative resources', which involve putting pressure on civil servants, teachers and other state-dependent workers to vote the government's way.

However, the outcome is far from assured; voters may use the referendum to express discontent, in a significantly higher 'No' vote than expected. The same public discontent may just as easily trigger a boycott (see ARMENIA: Power problem will haunt government - July 13, 2015).

A low threshold requiring a simple majority equivalent to just one-quarter of Armenia's 2.5 million or so eligible voters may justify the government's confidence, especially as Sargsyan garnered more than 860,000 votes in the last presidential election.

Party politics

The outcome of the parliamentary vote was widely expected, after the pro-government ruling Republican Party (HHK) was able to garner the support of two nominal opposition parties, the Armenian Revolutionary Federation (ARF, or Dashnaksutyun) and the Prosperous Armenia (BH) party, the latter reversing its earlier opposition to the changes.

In addition, several deputies affiliated with other opposition parties broke from their parties and voted in favour.

Impact

- A referendum is a risk for any sitting government, and even more so for the unpopular Armenian government that enjoys little public trust.
- Neither the government nor the opposition has done enough explain the impact of the proposed changes on ordinary citizens' daily lives.
- Many Armenians will see the amendments as a distraction from the more pressing issue of the economic downturn.

620,000

Votes government needs to win referendum

The defection of Tevan Poghosyan and Ruben Hakobyan from the opposition Heritage party revealed a deepening division within that party. Poghosyan is set to join a new pro-European party being formed by independent deputy Edmond Marukhyan; Hakobyan is preparing to realign himself with the ARF.

Another marginal parliamentary party, the five-seat Orinats Yerkir (Country of Law), also split, with two of its deputies voting against and three opting to abstain.

Orinats Yerkir party, led by a former parliamentary speaker and one-time National Security Council (NSC) head Artur Baghdasaryan, has been positioning itself as an opposition party, seeking to reverse its long-time political backing of Sargsyan and the HHK.

The opposition Armenian National Congress (HAK), led by former President Levon Ter-Petrosian, is the most adamant opponent of the reforms, and its six deputies voted against.

The HAK last month aligned itself with Heritage to build a broader coalition against the constitutional changes and participated in public rallies aimed at mobilising a protest movement. Both parties have pledged to escalate their campaign for a no vote in the referendum, but the issue has failed to galvanise any significant public support.

Ambiguous reform

The proposed amendments are in themselves not without merit. The package was modified during a series of consultations with a team of legal experts from the Council of Europe's Venice Commission, who issued a general endorsement on September 11, noting that the draft amendments were in line with international standards.

However, the ad-hoc, seemingly independent commission that developed the amendments, and which included several prominent non-partisan legal experts and academics, also included a former pro-government justice minister and its head was a presidential appointee -- the chairman of the Constitutional Court.

The process has been undermined by both the government's sudden sense of urgency, pushing the need for changing the constitution with little prior advocacy, and an underlying lack of public trust and confidence in the administration.

Trust in the whole process is further weakened by the pronounced deficiencies of the current parliament, which has consistently failed to live up to its institutional responsibilities to counter the dominant executive branch. Armenia's weak and arbitrary rule of law also poses serious questions about the viability of switching to a parliamentary form of government.

Armenia's parliamentary system is hardly up to the responsibility the reform would place upon it

Immediate consequences

The proposed reforms are widely seen as weakening Armenia's democracy. They will tend to enhance one-party rule and may deepen an underlying trend of authoritarian governance in the absence of institutional checks and balances, particularly as the country lacks an independent judiciary.

Similar moves by neighbouring Georgia have done little to demonstrate the merits of moving from a presidential to a parliamentary system. The switch may trigger a greater degree of political polarisation and instability in Armenia.

Longer-term opportunity

Over the longer term, the reforms could have a positive impact on politics, for two reasons:

- First, switching to a parliamentary system would make any return to a strong executive form of government, with an over-concentration of political power in the office of the presidency, less likely and more destabilising.
- Second, it would tend to foster the development of a more effective party-based system, providing an incentive to create more pluralistic and democratic political parties, replacing the current model of weak parties based on strong personalities.

Outlook

The referendum will be a milestone in Armenian politics, changing the basis for the scheduled parliamentary and presidential elections, in 2017 and 2018 respectively. In the face of mounting popular discontent, the changes will bolster whoever emerges as prime minister after May 2017, while Sargsyan completes his second and final term as president.

Despite critics of the changes, mainly the traditional opposition, it appears that the proposed transformation to a parliamentary system is not driven by any desire to allow Sargsyan to remain in office by moving across to the premiership. It would be difficult for him to back-track on repeated denials of any desire to run for office again. The former security service chief's preference is for influence behind the scenes; he will remain head of the HHK.

Sargsyan does not need
premiership to retain influence