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**Conference on “Constitutional Reforms in Armenia”  
Yerevan, 20-21 January 2004**

**Organised by the Venice Commission  
In co-operation with  
The Committee on European Integration  
Of the National Assembly of the Republic of Armenia**

**Synopsis**

The Venice Commission in co-operation with the ad hoc Committee on European Integration of the National Assembly of the Republic of Armenia organised a conference on “Constitutional reforms in Armenia”, which was held in Yerevan on 20-21 January 2004, in the building of the National Assembly.

This initiative was taken within the framework of the activities of the Committee of Ministers (GT-suivi.Ago) in respect of the follow-up by Armenia to the commitments undertaken upon its accession to the Council of Europe. It aimed at launching the new process of constitutional revision and overcoming the difficulties which had led to the failure of the previous reform process (the relevant referendum failed in May 2003).

The short-term goal of the conference was threefold: to identify the reasons for the previous failure; to obtain that the majority involve the opposition in the new reform process and that the latter commit itself to co-operating constructively with the majority; to keep the civil society informed of the process.

The event was attended by approximately sixty people, including: the Chairmen and some representatives of the Republican Party, of the Rule of Law Party, of the Armenian Revolutionary Federation, and of the National Democratic Party (one of the four parties which form “the Justice Bloc”, i.e. the opposition) and representatives of the main NGOs operating in the field of human rights in Armenia.

The Venice Commission had invited the following speakers: Messrs Kaarlo Tuori and Aivars Endzins, Venice Commission’s members; Mr Jean-Claude Colliard, member of the French Conseil Constitutionnel (France); Mr Bruno Nascimbene, Professor of European and international Law (Italy) and Mr Owen Masters, advisor to the Council of Europe (United Kingdom). Mr Gianni Buquicchio, Secretary of the Venice Commission, and Ms Simona Granata-Menghini, Head of the Constitutional Co-operation Division, also attended.

Speakers on the Armenian side were: Mr Artur Bagdassarian, President of the National Assembly, Mr Tigran Torossian, Vice-President of the National Assembly, Mr Chavarch Kotcharian, Chairman of the National Democratic Party, Mr Armen Haroutiunian, Dean of the Academy of Public Administration, M. Gaguk Haoutiunian, President of the Constitutional Court and member of the Venice Commission; Mr Vahé Stepanian, Deputy Dean of the

Academy of Public Administration and Mr Yuri Souvarian of the Academy of Public Administration.

Initially, the discussions focused on how to avoid another failure of the constitutional revision.

All participants agreed that a constitutional reform was necessary. The 1995 Constitution had in fact been drafted at a time when Armenia lacked both experience of democracy and the ensuing legal skills. It was high time the Constitution reflected the significant changes which Armenia had undergone in the past few years.

The participants analysed the previous reform process and agreed that the failure of the May 2003 constitutional referendum was due to the lack of presentation of the reform, in due time and form, to the civil society. The main responsibility therefor lied with the political forces which had not organised an appropriate referendum campaign.

It emerged from the discussions that there was reciprocal mistrust between the majority and the opposition. The latter feared that if a semi-presidential regime was maintained, as was suggested by the majority, Armenia might slip into an absolutist regime. It therefore stuck to its original proposal to establish a parliamentary democracy. The majority felt that the opposition was unwilling to compromise and not genuinely committed to co-operation.

The civil society feared that the whole operation was only window-dressing and that there was no real will to involve them in the process.

It thus became clear that this time the majority had to involve genuinely the opposition in the reform process. On the other hand, the opposition had to adopt a constructive approach and be willing to compromise. These premises were necessary in order to reach an adequate level of information and involvement of the Armenian civil society.

Mr Colliard's report highlighted that there was no real dichotomy between a parliamentary democracy and semi-presidentialism. The extent of the President's powers vis-à-vis those of the Prime Minister and parliament indeed depended on whether the President would have the support of the majority, and what counterbalances existed in the system: a constitutionally strong President could be politically weak and vice-versa. Accordingly, an "Armenian formula" could be searched which would take into account the pertaining political scenario.

As a result of these discussions, the opposition was seemingly persuaded into accepting to work together with the majority on improving the current semi-presidentialist regime.

Later discussions touched upon different technical questions relating to human rights protection, the judiciary and local self-government. All participants showed a genuine interest in these matters.

A time-frame for the reform process was reiterated and agreed upon. By the end of April 2004 the text of the constitutional amendments would be submitted to the Venice Commission and to the parliamentary political factions. In June 2004, upon receiving the VC's opinion, meetings would be held with the VC, the political factions and representatives of the civil society with a view to finalising the text, which would be again submitted to the VC, whose final opinion would be expected for October 2004. Following a further meeting with the VC, the text would be submitted to parliament. The referendum was planned to take place in June 2005 at the latest.

In conclusion, the three short-term goals of the conference were achieved in substance. The opposition committed itself to co-operating constructively with the majority towards preparing one common, satisfactory text of constitutional amendment. The majority committed itself to involving genuinely the opposition as well as the civil society, i.e. the NGOs.

In addition, there was a general agreement on the feasibility of the reform according to the time-frame which was agreed upon by the Armenians, the Committee of Ministers and the Parliamentary Assembly.

It appears therefore that the new process of constitutional reform was launched on good premises. Due implementation of the commitments depends of course on the good will of the Armenians. Continuous supervision by the Committee of Ministers and the Parliamentary Assembly and assistance by the Venice Commission appear essential in order to fulfil this promising start.

The conference received large press coverage; interviews to speakers and the Secretariat of the Venice Commission were broadcast and appeared in several local newspapers.

The texts of the reports of this conference are available upon request to the Secretariat.

Gianni BUQUICCHIO

Distribution:

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