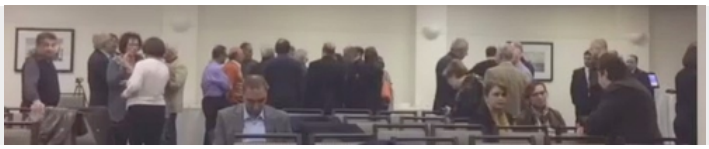
# CONFERENCE IN TORONTO ON PROPOSED NEW ARMENIAN CONSTITUTION

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**Category:** Opinions

**Exposing the Proposed New Armenian Constitution**

**Renaissance Report**, Toronto, 30 November 2015

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**Ara Papian**, former ambassador of Armenia to Canada (2000 - 2006) and founder-director of Modus Vivendi; **Dr. Armen Mazmanian**, director of the Apella Institute for Policy Analysis and Dialogue and its Center for Constitutional Studies in Yerevan; and Magdalena Yesil, visiting professor at the Sanford School of Public Policy at Duke University in the U.S.; **Davit Hovhannisyan**, civic activist **Varuzhan Avetisyan**, until recently senior officer-lawyer in the Armed Forces of Armenia addressed the gathering. Avetisyan has held important posts at the Ministry of Defense of the Republic of Armenia as head of the International Legal-Treaty Division, and as deputy-head of the International Military Cooperation and Defense Programs Department. He has also worked at the Institute for National Strategic Studies, at the Office of Military Prosecutor, and has lectured for the Officers' Executive Course. He is spokesperson of the New Hayastan opposition group.

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In his opening remarks moderator Dr. Berge Minassian asked: Why is there disproportionate participation in Armenian Renaissance of health care providers who previously were in leadership positions in the Armenian Medical International Committee?" He answered his question that while the medical Diaspora has been able to undertake small projects in Armenia, such as clinics, attempts at fundamentally transforming health care and education in the country have failed because of edifice of corruption. He mentioned that the current minister of health of Artsakh, while the long-time minister of health of Armenia owns the lion's share of health care institutions of Yerevan. The other half is the private property of friends, relatives and in-laws of the president of the country. At the medical school, the excellent dean around whom the medical Diaspora and the AGBU had coalesced to modernize the school was fired and replaced by a figurehead dean controlled by the brother of President Sargsyan's brother-in-law. The brother-in-law happens to own the massive Sourp Krikor Loussavoritch hospital. His son is Armenia's ambassador at the Vatican. His family is one of the wealthiest in Armenia, and it recently bought a Roman villa near the Pope's Villa Borghese.

"The problem is not only in the direct corruption exemplified by the above but just as much in the lies in which the country and our nation swims. The owner of Sourp Krikor, on paper, is merely the administrator, but in effect is the absolute owner," said the moderator and that a few years ago the Toronto All-Armenia fund had sent several hundred thousand dollars to this hospital. To whom did at least part of this money go the moderator rhetorically asked.

"Returning to medical education, there are more medical schools in Armenia than in the Canadian province of Ontario. All are private businesses owned by the oligarchy producing countless unqualified physicians. It is eminently possible in today's Armenia to become a surgeon without ever having performed surgery," said Dr. Minassian and stressed that these were mere examples from the area he's familiar with. The same situation permeates the entire economy, and it is impossible to impart meaningful transformational change to the country as long as institutional corruption is so heavily in place. Dr. Minassian concluded by recalling what he had read in Bishop Balakian's genocide memoirs. The group of women who had sheltered the then-young priest nearly all the way to Der el-Zor, by then near-dead skeletons, whispered: "may this too be madagh, but let's after this have our Armenia". Dr. Minassian then asked: "How can we, at the centennial of the red Genocide

weep for these grandmothers while we remain silent in the face of the white Genocide driving the depopulation of our country and leading our nation to oblivion?

Papian asked: "What point is there to our genocide-related claims if we have no Armenia left?" He said the depopulation trend is catastrophic. "The economy is worsening. This year it decreased by 14% with our prime partner Russia over last year. "The 1990s were bad, but the people had hope. The chronic unchanging institutional corruption has led to hopelessness which fuels the exodus. The knife has reached the bone and it is time we speak up, the Diaspora included. If nothing changes we will be the last generation to see an Armenia" The former ambassador added: "I used to say 'let's not speak, it will pass…' But experience has shown me that silence makes things worse and we are nearing the point of no return. That we are approaching the precipice is evident when the United States ambassador declared publicly last week that the ongoing corruption in Armenia is bringing the end of the country. If a foreign ambassador, and that of a world power, is openly saying this means something."

Papian said: "They speak of constitutional reforms, but what we have is a wholly new constitution, which has gone from 117 points to 202. What is being proposed is not a change to a parliamentary system but a change to one-party rule akin to the old Soviet system. A number of Warsaw Pact countries had several parties in parliament in addition to the Communist Party, but these were mere window dressing. What is being proposed is the establishment of a shadow government that will rule the country. It is the head of the ruling party who will decide who can be a member of parliament and who will be prime minister and president--the latter two, as a result, will be wholly dependent on the party leader."

The former ambassador elaborated "At the same time there is a divestment and blurring of responsibility. In the current constitution's 49$^{th}$ point the president guarantees the independence and territorial integrity of the country. In the proposed constitution, no one does. If one day, hypothetically, the ruling regime decides to join Armenia to Russia or Turkey, whose responsibility will it be?"

The campaign for the constitution vote is being run in completely unfair manner, said Papian. "For example, the head of the military Seyran Ohanian is calling for a "yes" vote, in utter contravention of the current constitution which bars the military from taking sides, likewise the prime minister. The eye is scared of what it has seen. Those supporting the proposed constitution claim that parliamentary systems are more democratic. This is untrue. There are equally excellent democracies of both types. It is the implementation, not the type of system that matters. It is claimed that the parliamentary system spreads power. This is not so in the system proposed in Armenia. The requirement to have a 'stable majority' is designed to concentrate, not distribute, power," he added.

"Human rights will suffer under the proposed constitution. The proposed constitution states that the person is a supreme value but let's compare this to the previous constitution which states that the person, his honor, and his rights are supreme values. Therefore, with the new constitution human rights become dependent on the law, and in a country where laws are manipulated, where the judiciary is not independent, human rights will be curtailed," said Papian. "Throughout the proposed constitution key issues pertaining to human rights, compared to the current constitution, are blurred, made unclear, including property rights, assembly rights, etc. In the proposed constitution 'morality', 'the country's economic interests', 'national security' become reasons by which human rights can be overruled. For example, this conference could be deemed to endanger 'national security' and prevented. In the current constitution one cannot be compelled to incriminate relatives. This was the case, though on paper, even in the Soviet constitution. The proposed constitution blurs this and brings in reasons whereby this basic common right is overruled by a simple decision of the police that what you have to say will not damage your relative. These are mere examples of the muddying of waters that will render totalitarian rule simpler," stressed the former ambassador. Also in the new constitution Diaspora Armenians can no longer serve as ministers. This includes dual citizens of Armenian birth.

In answer to the question as to why the Venice Commission had approved the proposed constitution, the ambassador reported there is now evidence that what was sent to the commission was a partial version of what the people will be voting on. "Furthermore, the commission had numerous criticisms, which are not being disclosed to the public. The commission's conclusion was: 'if the following changes are made to the text it would be a good constitution', but the changes were never made. Additionally, the European entities are not closely familiar with our country and the creativity of its oligarchy in circumventing the law for its private benefit. As such, the blurring in the proposed constitution is much more dangerous in the Armenian reality than it would be in a normal democracy. Finally, and related to the latter point, we should look at what is going on critically, and decide for ourselves, with our recent history, what is tightest and best constitution for our country," said Papian.

The ambassador said the huge majority of the population is opposed to the proposed constitution. "Armenia's debt was $1.5 billion eight years ago. It is now $5.5 billion. We are taking on $1.5 million in debt every day. As a result, we are selling the country, starting with Artsakh--in exchange for Azerbaijan to enter the Eurasian Union," he added.

He concluded by saying that the proposed constitution is worse than the previous one and it is being proposed for purposes which have nothing to do with 'reforms'. "The people have reached their limit. One villager told president Sargsyan: 'You are forcing us to revolt.' The regime is forcing the people to outburst and revolution. This must be stopped. The regime members should rise above their

private interests and work for the people, not to rob the people. We are about to lose our country and become ourselves nothing more than subjects of memoirs," concluded Papian.

The complete presentation of Dr. Armen Mazmanyan's comments can be accessed by clicking at Ինչո՞ւ «ոչ» The Apella Institute for Policy Analysis and Dialogue has also published a paper "Opinion on Constitutional Reforms in Armenia".

Here are highlights of Dr. Mazmanyan's talk. He also focused on the substantial reduction in human rights that will come with the proposed constitution. He said that what instigated the development of the proposed constitution was the regime's fear of its impeding downfall. The 2013 'almost' election of Raffi Hovhannisian showed that the regime is in danger. The original version of the proposed constitution acknowledged that the purpose is to defend against popular uprisings.

"It is becoming increasingly difficult for the regime to manipulate elections. The proposed system reduces the number and thus expense of elections as well as opportunities for the people to take to the street and gather momentum for change. The parliamentary and presidential elections are wrapped into one, and local elections are spread out to five years," said Dr. Mazmanian.

He also emphasized that the proposed constitution will lead to much more, not less, centralization. "In the current system there is separation between legislative and executive branches of government. In the proposed system they are fused into one, and because of the particularity of 'stable majority', basically all comes under the control of the ruling party. We have seen in post-Soviet states that when a single party has all the power, discourse and opposition fade away and turmoil rises. In Ukraine, for example, when opposing parties (West- leaning Yushenko and East-leaning Yanukovych) had leadership posts, all was well, because of ongoing national debate and give-and-take. When power concentrated in one, there was chaos and eventually revolt. In the proposed constitution, consensus building is removed and oligarchs perpetuate their control."

Davit Hovhannisyan, chartered accountant and young activist who helped create the "You Won't Pass" NGO, said that there was no popular demand for any sort of constitutional change. "The proposed constitution is engendered by a man who is about to lose power. In the proposed system, there will be a monopoly of power, which will further entrench the monopoly of the economy. This will accelerate the demographic catastrophe and endanger national security."
All-powerful Sargsyan will yield to anything to retain power, especially.to foreign pressure. Foreign powers will more easily control the country through a totally dependent and subservient strongman. The proposed constitution will reduce the ability of the people to stop him."

Varuzhan Avetisyan said: "Armenia is at the precipice and the people have to rise in peaceful civil disobedience. This will begin Dec.1 at 18:00 and will continue on through the constitutional voting

day. This action has two goals: first, when the people move into the street it will be a show of force declaring to the regime that the opposition is alive and is watching and will not allow stealing of the vote. Second, it is anticipated that the constant civil disobedience will gather steam, will grow, and gradually push the regime out."

The Q & A went on for one hour. In answer to a question about parliament parties in Armenia, Papian said that none of the parties (with the exception of the Armenian Revolutionary Federation in the early years of the republic) are true political parties. "They are nothing more than business interests there to benefit their and their friends' businesses. Sargsyan was not a member of his party until he joined and two weeks later became its head. The Armenian political reality is that the regime rules in mafia-style with active discretization, active infiltration and an absolute fear of losing power. The regime acts in a totalitarian mode ( it feels that it needs to have total control).

Papian then cited an example of how the government tries to control even research into historical themes. At present he is doing research on the post-Genocide Wilsonian period. He was visited by officer guards of the president and subtly threatened not to work on historical issues without the approval of the regime. Likewise, the regime wants to be involved and control all major humanitarian work. In normal democracies, the ruling party knows that playing by the rules is crucial for the country to continue succeeding and that even its own benefits are dependent on a successful country. In Armenia, the regime will yield nothing, and if it feels threatened it will undoubtedly use force.

The former ambassador reported that there have not been free elections in Armenia for one or two decades and no one believes anything will change in Armenia through elections. "Stalin said: 'It is not important how you vote, but how we count.' Everything is decided before and after the elections. If they bribe or threaten, it's all before and after. By official government numbers the population in Armenia in 1995 was 3.7 million of who 2.1 million were eligible voters. The number now, as per government sources, is 3.1 million, of whom 2.6 million are eligible. As such, while we seem to have lost 0.6 million people, somehow we have gained 0.5 million eligible voters," said the ambassador and added that ex-president Kocharyan had an arrangement with Sargsyan for a Putin/Medvedev-style switching to perpetuate their rule. However, they are now in discord and the only possibility left for Sargsyan is the invention of this new party-system through which he will control the country. This would be similar to the Stalin years when Stalin had no government post but as leader of the ruling party had total control," said Papian.

In answer to a question from the audience, Avetisyan explained that the army and the police are with the people.  He emphasized that the situation is so dire that the people will eventually rebel… if nothing is done to preempt the grab for power. "The proposal for peaceful civil disobedience is the last and only resort. If the people do come to the street and do participate in civil disobedience, and

if this blossoms, the regime will have no choice but to relinquish." He said that since he is from the top echelons of the army and knows the army, the army will not fire on the people, and that the army has no interest and no organization to take power. The police will fade away, and soon will also the regime, if the people maintain civil disobedience."

In response to another question about the civil disobedience devolving into a Maydan-style protracted problem, Avetisyan said that Armenian society does not have the linguistic, religious, and ethnic divisions of other countries. "It is merely the impoverished people and the absolutist regime. There is no social background to lead to any sort of protracted conflict," he said.

Avetisyan also reminded the audience that the real population of Armenia is close to 2 million, and that 35% of the people are below the poverty line as per the government's statement. He said that many in the Diaspora simply do not want to see these realities in Armenia…that our country is depopulated, that we do not have men to go into the army, and that the regime is giving the country away.

In answer to a question about Georgia, Papian described the failed state of Georgia until Saakashvili came to power. "The subsequent development of the country has been meteoric. Presently, businesses, including Armenian businessmen, much prefer to work in Georgia than in Armenia. Even the very transfer of power from Saakashvili to the opposition shows the huge democratic development that took place in Georgia and is urgently needed in Armenia," said the former ambassador.

In reply to an audience question as to whether there is something hidden in the background that is prompting interest in constitution change, ambassador Papian said that one cannot be sure, but can only speculate. He said: "The Russian media, which is state-controlled, has reported that Foreign Minister Lavrov has declared lands surrounding Karabagh, presently under Armenian control, should be given to Azerbaijan. Mardirossian, a high-ranking member of the ruling Republican Party of Armenia, has agreed. Markov, President Putin's representative, has said: 'Who are the Armenians that they should have independence? We always protected them.' Here, the proposed constitution blurs responsibility. The president is able to say: 'I am not in charge, you the people elected these parliamentarians, and they in your name did this or that. During Lavrov's recent visit to Armenia, news reports were circulated that 54% of Armenians want to join Russia. Speculatively, if one day the government decides to take such a step, and knowing the working style of the Armenian regime, they would say: you the people decided so, the polls showed as much, you voted this parliament with its stable majority, and the latter acceded to the people's wish.'"

The speakers also said that the Diaspora and Armenia are vanishing. "We will turn into a people with memories and then the memory will fade," said one speaker. Another said: "Our biggest enemy is

time. There is no country like us. All other countries have time and can wallow in extractive rule for any number of decades. We have no more than 20 years. After that, we will become folklore in the Diaspora." Yet another speaker said|: "This is the worst time in Armenian history. For the first time we have fewer people born than dying. In the demographic sense this is worse than the post-Genocide period, where in the new republic we could see that we would grow. Now, we are dying, and unless this course is reversed soon, it will be too late."