UNCERTAINTY HOUNDS PASHINYAN'S GOVERNMENT

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Karen Mkrtchyan, Yerevan, 16 June 2020

***This article was written prior to the declarations of the opposition parties**. Ed.*

In a dramatic twist to the prevailing political agenda set by the ruling party, on June 3, Armenia's parliament voted to cancel the Constitutional Referendum, which aimed to remove the sitting judges of the Constitutional Court. Initially set to be held on April 5, it was postponed due to Covid-19. The referendum caused a major political controversy. See **Is the Constitutional Referendum Worth the Hype ?**

The decision to cancel the referendum came as a shocking U-turn from what the government had insisted upon. Facing criticism for proposing the referendum as well as its legality, the ruling party fought critics from all sectors to take the issue to the people for their approval. Almost all political parties had declared they would boycott the process.

Questioning the constitutionality of the process, Edmon Marukyan, leader of the opposition Bright Armenia Party suggested the fate of the Constitutional Court judges be resolved through an entire constitutional referendum or, if it were to be done through questionable means, be resolved in Parliament where the ruling party enjoys a clear majority. Marukyan saw no reason why citizens should be called to participate in a referendum which would cost $7.3 million. The government had argued the greatest indicator of a democratic society is a referendum.

Representatives of the ruling party, including Prime Minister Nikol Pashinyan, stated they valued the opinion of the people and would only move forward after hearing the electorate's opinion. Today, it seems, public opinion is not so important. The issue, according to the ruling My Step Alliance, will be solved in Parliament, without a referendum. Details of the process are still unknown but if there is a provision for the Parliament to resolve the issue, why wasn't it done earlier? Time seems to be of no essence for the Government--even for pressing matters.

Pashinyan's change of heart re the referendum means the much-needed judicial reforms, which would help cement the Velvet Revolution, face an uncertain future. The urgency to "liberate the last bastion" of the former regime, as described by Pashinyan in reference to the Constitutional Court, seems to have vanished. With the cancellation of the vetting process earlier, which was to clear the Judiciary of judges with questionable pasts, the referendum cancellation means that the Judiciary continues to remain unaffected by the Velvet Revolution, unlike the other two branches of Government, the legislative and the executive. "

With no provision for the National Assembly to cancel the referendum after it has been scheduled, the ruling party had to bring in a constitutional amendment to allow it to do so, causing the opposition to accuse the ruling My Step Alliance of robbing the public of their democratic right and giving themselves unwarranted powers. While Bright Armenia Party did not participate in the voting, Prosperous Armenia voted against it. The legality of the process was again questioned.

Worried that the two opposition parties would use their powers to challenge the constitutionality of the referendum in court, Pashinyan in parliament, said individuals or forces, which attempt to pose legal or other hindrance to the free expression of people's will, will be considered anti-people, anti-democratic, and anti-state. In cancelling the referendum, the ruling party itself now qualifies as the above-mentioned anti-democratic force Pashinyan was referring to. The speech he delivered against the opposition now applies to him and his party.

Questioned on the referendum's fate, after it was postponed due to Covid-19, Pashinyan had re-assured the referendum would not be cancelled and that a new date would be set within 65 days of the end of National Emergency. "We will continue the campaign exactly from where we had left," Pashinyan had said.

Seen by many as a popularity contest for Pashinyan's government, the cancellation of the referendum, according to opposition parties, is a sign the government has lost the confidence of the people and shares the same degree of popularity it did a few months ago. Had a referendum been scheduled after the COVID-19 emergency, it would have been almost impossible for the Government to receive the required 650,000 votes. It had received around 800,000 votes after the Velvet Revolution in 2018.

With no judicial reforms, which should have been Pashinyan's priority, it is no wonder no major arrests and convictions have been made of members of the former regime. With Kocharyan's judicial proceedings losing steam and Manvel Grigoryan released for health reasons, the government has failed to implement reforms in the judiciary at any level (the lower courts or the Constitutional Court.) In another blow to Pashinyan, the court of appeals overturned the verdict passed by the Court of First Instinct to arrest Miqayel Minasyan, former MP and ambassador to the Vatican and son-in-law of former President Sargsyan. He is accused of embezzlement of up to $ 1.2 million.

The Prosecutor General of Armenia, Arthur Davtyan, is another remnant of the former regime who continues to retain his position. Based on his recommendation, on June 16, the National Assembly stripped Gagik Tsarukyan, leading industrialist-oligarch-leader of Prosperous Armenia Party, of his immunity, giving the lawmakers the right to arrest him. This came about as fallout between Tsarukyan and Pashinyan. The former had recently demanded the Government's resignation over its failure to combat Covid-19. In a politically-motivated charge, Davtyan's integrity has been questioned. He had approached Parliament in 2018 during the Velvet Revolution to strip Pashinyan of his immunity so he could be arrested. He later withdrew his motion, explaining that he was asked to do so by the deputy prime minister. This begs the question: does the prosecutor-general act according to the law or at the behest of the ruling party? Will he withdraw charges against Tsarukyan? Should anyone from the ruling party ask him to do so, just as he had done in Pashinyan's case?

As long as the former regime's representatives continue to hold on their jobs, it is difficult to expect

the people to have trust in the judiciary. Everything the judiciary does will be questioned. Meanwhile, Pashinyan faces a decline in popularity. He should implement the necessary reforms promptly. Dragging the reforms will backfire.

With the referendum cancelled and no alternative in place, the fate of the Constitutional Court judges and that of the Judiciary uncertain, there's an uncertainty to the government's priorities. Uncertainty is the last thing the government needs.

There are no comments yet.