

PARLIAMENT
MONITORING

**MONITORING OF
THE NATIONAL
ASSEMBLY**

7TH CONVOCATION | 1ST SESSION

1ST REPORT





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FOREWORD

Mandate NGO presents the monitoring results of the work over the 4th session of the National Assembly of the 6th convocation and the 1st one of the National Assembly of the 7th convocation.

The period under review was exceptional in the parliamentary history. For the first time the legislature ceased its work before the completion of the 5-year term set by law. The National Assembly of the 6th convocation formed by the results of the elections on April 2, 2017 functioned only for 1.5 years. The political developments unfolding after the April revolution led to the dissolution of the the National Assembly and holding of early parliamentary elections.'

The report summarizes the key indicators of the work of the parliament of the 6th convocations, looks at the impact of the political developments on the exercise of the lawmaking and oversight functions of the NA.

We followed the first phase of work of the parliament of the 7th convocation, reviewed the key tenets of the election programs of the political forces represented in the National Assembly, their similarities and differences.

The summary was prepared by combining the observations of the journalists, expert analytical reviews and data of the statistical application of the parliamentmonitoring.am website.



TABLE OF CONTENTS

National Assembly of the 6th convocation 6

- NA work in numbers
- Course towards dissolution
- The turning point on October 2: course and resolution
- On the verge of a constitutional and legislative crisis
- The constitutional gaps for overcoming the crisis

National Assembly of the 7th convocation 16

- The face of the new parliament: distinctive features and challenges
- Election programs: common features and differences with the previous programs
- Program of the government

NATIONAL ASSEMBLY OF THE 6TH CONVOCATION

In 2018 for the first time in Armenia’s parliamentary history the legislature ceased its operation before the end of the 5-year term set by law. The National Assembly of the 6th convocation formed as a result of the elections of April 2, 2017 functioned only 1.5 years. The political developments starting from the April revolution led to the dissolution of the National Assembly and holding of early parliamentary elections.

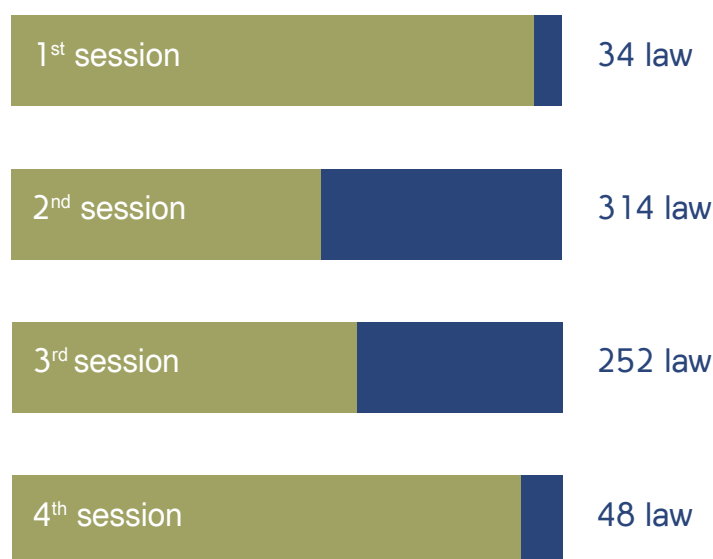
The parliament of the 6th convocation was assigned a very important role of finalizing the process of transition from semi-presidential system of government to the parliamentary one and bringing the legislative framework into compliance with the Constitution amended in 2015. However one year after the elections the political developments in the country followed the logic of the velvet revolution and the parliament became their immediate bearer.



Over the 1.5-year work of the National Assembly very important events took place in the parliament of the 6th convocation due to the new functions vested in it by the Constitution on one hand and unprecedented political developments on the other.

- In the course of the convocation the parliament for the first time exercised its right vested by the Constitution to elect the president and prime minister of the republic.
- Over the 4 sessions of the convocation 5 elections of Prime Minister were held, 3 times no Prime Minister was elected. Serzh Sargsyan, elected Prime Minister on April 17, held office for 1 week only. The candidate of the parliamentary minority Nikol Pashinyan was not elected Prime Minister on May 1 but was elected on May 7. In November the parliament twice failed to elect Nikol Pashinyan as Prime Minister securing legal grounds for the dissolution of the National Assembly.

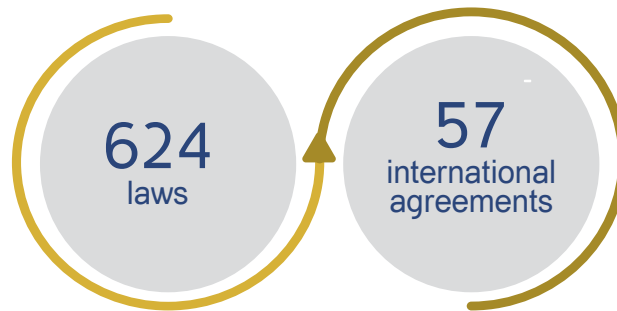
The number of adopted laws by sessions



- For the first time in the history of the parliament the RPA announced it was becoming the opposition. For the first time the parliamentary minority formed the government.
- The National Assembly of the 6th convocation did not set up an Ethics Committee. By the amendment to the Law on the NA Rules of Procedure the statutory requirement to set up an ethics committee ahead of each session was lifted.
- The parliament of the 6th convocation had 11 dollar millionaires. 6 out of them were from the RPA, 5 from Tsarukyan faction. All the deputies together had declared 60,9 million dollars or 29,4 billion drams when taking office.

- For the first time the National Assembly of the 6th convocation elected Head of Court of Cassation and its members, 5 members of the Supreme judicial council.
- The National Assembly of the 6th convocation 3 times killed the election of the CC member.

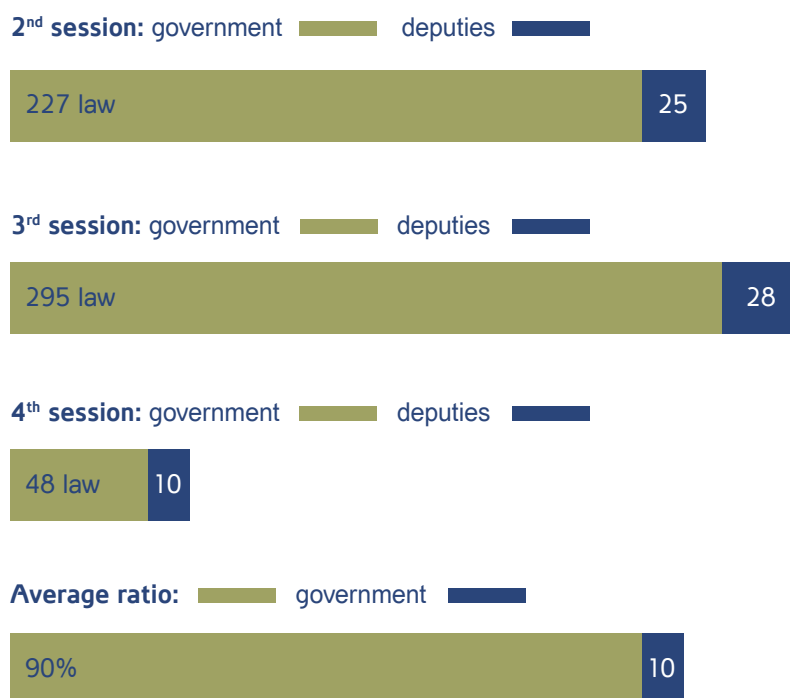
The total number of laws adopted



- the draft law proposing amendments to the Electoral Code was discussed twice and not adopted.
- a law on declaring amnesty was adopted on the occasion of the 2800th anniversary of establishment of Erebuni-Yerevan and the independence of the first republic of Armenia.
- RPA faction deputy Manvel Grigoryan lost his deputy immunity. The motion by the Chief Prosecutor to detain him and engage him as a defendant in the criminal case was satisfied.
- For the first time the constitutional opportunity to set up an audit committee in the parliament was exercised. Two committees were set up: one to inquire into the NSS and SIS heads wiretapping and the other one to review gas and electricity tariffs. Neither of the 2 committees presented a conclusion to the parliament.

In September-November the National Assembly adopted 48 laws, ratified 11 international agreements. Around 20 legislative initiatives were discussed, but were not adopted (the adoption of 15 draft laws failed in the course of regular sittings convened on November 13. Eight of them were initiatives authored by the deputies).

NA-government ratio of authoring the laws



Course towards dissolution of the parliament of the 6th convocation

The velvet revolutions that took place in the spring of 2018 in the Republic of Armenia had predetermined the dissolution of the National Assembly of the 6th convocation. The issue was the clarification of the timelines and the resolution was forced by the deepening political crisis in the months following the revolution.

Prime Minister Nikol Pashinyan made a statement about dissolution of the National Assembly and initiation of early elections in the rally gathered on the occasion of 100 days in office. The message of the rally to the parliamentary majority and other factions was essentially the following:

- the executive wanted to speed up the holding of early parliamentary elections,
- likely resistance can be neutralized by the methods that were used by the public to “force” the election of Nikol Pashinyan as Prime Minister on May 8, 2018 in the NA.

On September 23, 2018, «My Step» bloc secured the vote of confidence of 81.06% of the voters in the elections of Yerevan Council of Elders. Among parliamentary forces running in the elections only PAP managed to overcome the minimum threshold for inclusion in the council of elders (7.1%). “Light” bloc formed on the basis of 2 parties making up the «Yelk» faction received around 3, ARF only 1.62%, and RPA having the majority in the NA did not take part in the elections altogether.

Such results showed that the political team leading the velvet revolution had not only retained its main political capital-public trust and support, but also did not have such a rival in that time period, which in the short run could act as a potential alternative. The elections of Yerevan Councils of Elders were a certain test run also for the parliamentary forces to assess their own rating and abilities. They realized that agreeing to holding of early parliamentary elections as soon as possible meant going for a definite loss, all the way to having difficulty in terms of overcoming the minimum threshold set for entering the parliament.

The turning point of October 2: course and resolution

The draft law on making amendments to the law on the “Rules of Procedure of the National Assembly” authored by RPA deputies was included in the agenda of the NA regular 4-day sittings starting on October 2. It was submitted with an essential addition made by “Tsarukyan” faction deputy Gevorg Petrosyan, which stated that if the NA sittings are not held due to the obstacles arising in circumstances beyond the deputies’ control (including the threats directed at them), the NA sittings do not take place and are considered interrupted as opposed to “not having taken place”, and can continue only upon elimination of these obstacles. The proposal was presented over the sitting of the NA State and Legal Affairs committee one day prior to the start of the 4-day sittings and had secured the support of the representatives of all factions, although the government had presented a negative opinion on this.

An agreement was reached among the Prime Minister, NA President and head of factions to hold the second reading of the draft law and the voting the next day. Upon meeting with the NA leadership Nikol Pashinyan announced that the current developments make the holding of early parliamentary elections in December inevitable. In response to this statement at the end of the first day of the 4-day sessions, at 7.30 pm, a NA extraordinary sitting was convened initiated by the RPA, ARF and “Tsarukyan bloc” faction deputies in order to adopt the mentioned draft law. The sitting was not broadcasted and the draft law was voted on manually since “Yelk” faction deputies had collected the voting cards. The draft law was adopted with 67 votes in favor.

In the rally called after the vote in front of the National Assembly the Prime Minister announced the dismissal from office of 6 ministers from Tsarukyan bloc and ARF. So the non-formal coalition formed back in May actually ceased to exist. Later that night talks started between the prime minister and representatives of NA factions, after which the Prime Minister declared that a verbal agreement had been reached for the prime minister to resign in the nearest future, to dissolve the parliament by virtue of law after not electing a prime minister twice and hold early parliamentary elections in December.

On October 3, the RA President Armen Sargsyan, guided by Article 131 of the Constitution as well as by Part 1 of Article 5 of the RA Law on the structure and operation of the government signed the orders dismissing the ministers from office upon recommendation of the Prime Ministers, then on October 23, applied to the Constitutional Court for it to determine the constitutionality of the amendments to the law on the Rules of Procedure of the National Assembly adopted over the extraordinary sitting of October 2, 2018.

On October 8 the head of “Tsarukyan” faction and the Prime Minister signed a memorandum on early parliamentary election, by which “Tsarukyan” faction committed not to nominate a candidate for prime minister if Prime Minister Nikol Pashinyan resigns in order to adhere to the constitutional path for holding early parliamentary elections. This was followed also by public assurances of the other parliamentary forces, ARF and RPA that they would not nominate candidates for prime minister either.

On October 16 the Prime Minister announced his resignation also presenting the roadmap for early elections. According to it the President of the Republic promptly accepts the resignation of the government, in the next 14 days the National Assembly fails to elect a prime minister twice, then the National Assembly is dissolved, and the President of the Republic appoints early parliamentary elections.

Summary

Calling NA early elections was the consequence of the collapse of the political status quo in the parliament.

Over the 2nd and 3rd sessions it became obvious, that the legal-constitutional and legislative regulations to overcome political crises in the NA are imperfect.

The lack of legitimacy of the parliament manifested itself in the dissonance or even conflict between the political situation and the existing ratio in the parliament.

It was obvious that “without the majority” the parliament was not able to exercise its main political, lawmaking and oversight functions.

On the verge of a constitutional and legislative crisis

Constitutional amendments came into full force on April 11, 2018. The political events made it obvious that the Constitution and the legislation regulating the work of the parliament do not have sufficient resources to overcome political crises.

Constitutional gaps in overcoming the crisis

The Constitution does not provide any legal mechanism for overcoming a crisis caused by the unique format of the “government of the minority and parliament of the majority”. The Constitutional law on the NA Rules of Procedure also fails to provide for a situation when the parliamentary stable majority ceases to exist or essentially loses its political power, which happened as a result of the April revolution.

Under the Armenian legal-constitutional regulations the political crisis becomes impossible to resolve, when the Prime Minister failing to secure the political support of the NA majority, does not resign within one year of his/her election (Clause 3 of Article 115 of the Constitution states that non-confidence may be sought against the Prime Minister not earlier than one year after his or her appointment.)

The Constitution provides for 3 instances of dissolution of the National Assembly by force of law:

- when the parliament does not approve the program of the government and twice fails to elect a prime minister within 15 days, or elects a prime minister, but again does not approve the program presented by his/her the government¹,
- when the parliament seeks non-confidence against the prime minister, but following the election of the new prime minister does not approve the program of the new government²
- When upon the resignation of the Prime Minister, the parliament twice fails to elect a prime minister within 15 days³.

From the standpoint of overcoming the political crises the lack of flexibility of the Constitution led to the formalization of the constitutional legal norms, which was the only constitutional path to resolve the current situation: resignation of the Prime Minister, twice followed by a nomination in order not to be elected. This unprecedented “staging” of the constitutional legal norms was exclusively due to the imperative to adhere to the Constitution and not render the legitimacy of the procedures for holding of early elections questionable and disputable.

Legislative gaps in overcoming the crisis

In 2 out of 4 sessions of the NA of the 6th convocation the parliament operated without an absolute majority in the conditions of political “turbulence”. This was predominantly due to the gaps in the key legal document regulating the work of the NA, the constitutional law on the Rules of Procedure of the National Assembly.

On May 8, following the elections of prime minister the ARF, “Tsarukyan” and “Yelk” factions participated in the establishment of the new government, were assigned ministerial seats and assumed direct responsibility for the work of the executive without having a political majority in the NA.

The law on the Rules of Procedure of the National Assembly states, “the factions formed by the party (party bloc) or parties (blocs of parties), members of the political coalition which have secured not less than 54 % of the total number of mandates as a result of the elections of the National Assembly are considered ruling, and other factions oppositional”⁴.

The same article states that factions established by the parties (party bloc) signing the memorandum on forming the government are deemed ruling and the other factions oppositional. In addition the ruling faction(s) shall announce the signing of the memorandum over the NA sitting. However, the NA Rules of Procedure fails to somehow regulate situations when the parliamentary forces forming the government do not sign the above-mentioned memorandum and do not make a statement regarding this.

⁴ Law on the NA Rules of Procedure, Article 7

Under Article 96 of the Electoral Code if any party secures over 2/3 of the mandates as a result of elections, then the other parties receive as many additional mandates as needed so that their total number makes 1/3 of the total mandates of the National Assembly. As a result of the parliamentary elections of 2017 the seats among the ruling and oppositional factions of the NA were distributed with a ratio of 65/40.

Following the developments in April-May this ratio changes radically. The ARF left the coalition and deputies engaged in business left the RPA faction. The RPA represented by 52 deputies, this way turned from a stable majority into a relative majority forgoing the “controlling interest” in decision making.

At the end of the 3rd session there was no absolute majority in the NA. The three factions and the deputies who had left the RPA together secured 53 mandates and had a majority, which however was unstable due to internal tactical contradictions and the unpredictable behavior of deputies who had left the RPA faction. Such behavior was demonstrated on October 2 when two out of the three forces forming the government voted in favor of the draft law proposing amendments and additions to the constitutional law on the NA Rules of Procedure intended to stop the process of holding of early parliamentary elections as soon as possible and were removed from the government by the decision of the Prime Minister.

Another reason for such ups and downs was the failure to fulfil the requirements set by Clause 5 of Article 7 of the Law on the NA Rules of Procedure to announce from NA floor the signing of the memorandum agreeing to form a government. In fact, this clause is not of discretionary but obligatory nature, but it suggests no legal consequence for the failure to fulfil it.

The question of whether Article 7 of the Law on the NA Rules of Procedure regulating the status of the factions concerns exclusively the NA formed as a result of new elections or the entire term of the convocation also contains legal unclarity.

Starting from October 2 a system of relations defying any political logic was established in the parliament, which in the first place hurt the implementation of NA’s lawmaking and oversight functions.

Attempts to get around the Constitutional hurdles

Over the session the issue of constitutionality of the scandalous amendment made to the Law on the “NA Rules of Procedure” on October 2 remained unclear.

On October 23 the RA President Armen Sargsyan applied to the Constitutional Court contesting the constitutionality of the amendment made to the Law on NA Rules of Procedure on October 2. The amendment concerned the cases when the attendance of the deputies at the sitting is being prevented or the legal power of the NA sitting is not ensured. For this cases the authors proposed considering the NA sitting interrupted as opposed to not having taken place. As opponents believed, the amendment had a political motive and aim to delay the NA sittings when needed.

The draft amendments were adopted after the end of the work day over the extraordinary sitting convened on the initiative of RPA-Tsarukyan bloc-ARF faction deputies. Deputies voted manually since «Yelk» members had collected the voting cards. The draft was adopted with 67 votes in favor, no vote against or abstained.

The above-mentioned amendment to the law on the “NA Rules of Procedure” essentially attempted to create a loophole when the parliament can indefinitely delay the decision-making citing prevention of work of the deputies. The decision of the CC will determined whether a precedent will be set to circumvent the Constitutional restrictions on legislative level.

Pressure on the deputy or overcoming of lack of legitimacy

The practice of influencing the voting by the deputies through surrounding the NA administrative building by the public or other mass acts also needs legal assessment. It occurred 4 times during the 3rd and 4th sessions of the National Assembly of the 6th convocation: on April 17, on May 1 and 8 during the discussion and vote on electing Nikol Pashinyan prime minister and on October 2, during the adoption of the well-known draft law. Even though in the last case the act did not serve its purpose and the factions joining the protest-like initiative to adopt this draft law voted in line with their political decision, it did have a significant impact on the negotiations in the NA following the voting between the representatives of the factions and the Prime Minister.

We can state that the active majority of the public acted as a decisive political entity indirectly dictating their will to the parliament. This fact however makes it critical to overcome the dilemma of ensuring the independence of the parliament and forcing on the deputies, vested with the Constitutional right to not be restricted by the imperative mandate, the public demands regarding the performance of their direct duties.

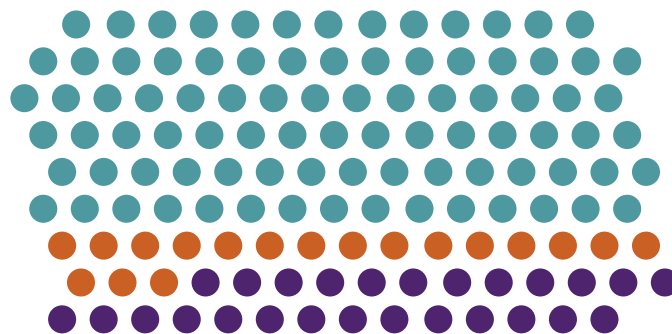
It is clear that this problem was caused by the lack of legitimacy of the parliament. However the fact that parliament was making political decisions of great significance under a tremendous pressure from the society creates a risk that in the future as well this mechanism of pressure can become a tool in the hands of the forces enjoying a certain level of public trust as well as for marginal forces who can occasionally employ it to influence the NA in the context of the behavioral logic “if this was possible then, it is always possible”.

The main measure to neutralize such risks was not only the establishment of a fully legitimate parliament through fair and democratic elections but also maintenance of this legitimacy through accountable, transparent and participatory parliamentary work. This will be, in essence, one of the primary missions of the parliament of the 7th convocation.

THE NATIONAL ASSEMBLY OF THE 7TH CONVOCATION

Three political forces, “My Step” bloc, “Prosperous Armenia” and “Bright Armenia” parties are represented in the National Assembly of the 7th convocation formed as a result of the early parliamentary elections of December 9, 2018.

“My Step” bloc received 83.85% of the votes based on which it has 88 deputies in the parliament including the 4 deputy mandates reserved for the representatives of ethnic minorities. Taking the number of mandates of “My Step” forming the majority as the baseline and ensuring the fulfillment of the Constitutional requirement to secure at least 1/3 of the mandates for the parliamentary opposition, the PAP faction ended up with 26 mandates and “Bright Armenia” party secured 18 mandates.



132

«My Step» 88 PAP 18 BA 26

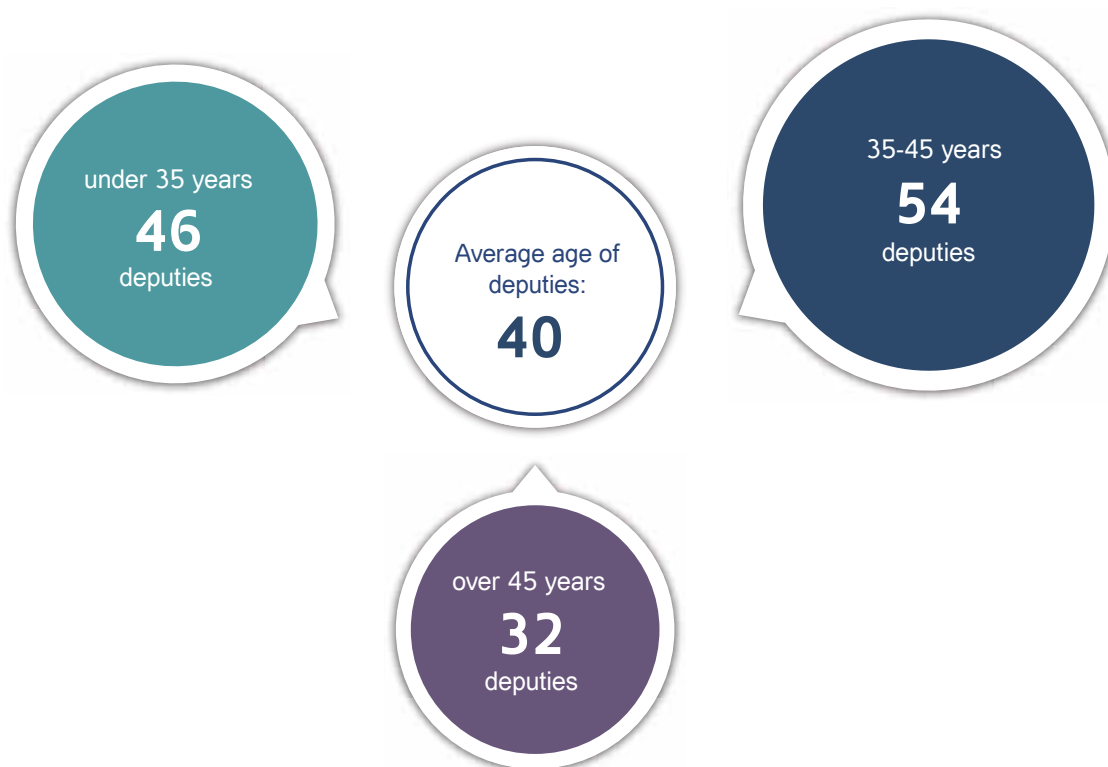
“**My Step**” faction is the only ruling force in the National Assembly of the 7th convocation. The axis of the faction is the “Civil Contract” party which ran in the early parliamentary elections of December 9 together with the “Mission” party as the “My Step” bloc.

The faction includes 88 deputies, 4 of which are from the “Mission” party. 1 from “Powerful homeland” (Shirak Torosyan), 54 from “Civil Contract”, 29 are independents. The representatives of the 4 national minorities are in the faction as well. “My Step” faction has 23 women.

The post of the NA President, his 2 deputies as well as heads of 8 out of 11 standing committees of the NA are held by “My Step” faction members.

In the National Assembly of the 6th convocation “Civil Contract” had formed the “Yelk” faction together with “Bright Armenia” and “Republic” parties headed Nikol Pashinyan. “Civil Contract” had 4 members in “Yelk” faction.

The age of deputies of the National Assembly of the 7th convocation

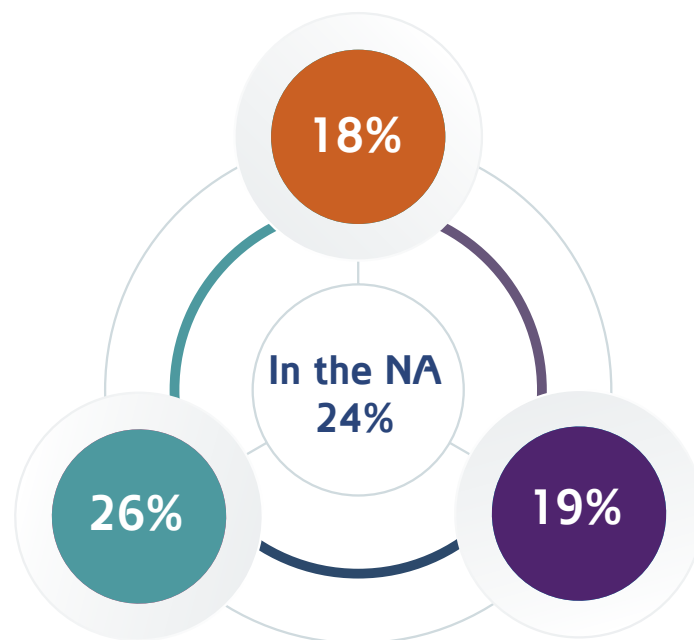


“**Prosperous Armenia**” faction includes 26 deputies. 17 out of them were deputies also in the previous convocation. 2 out of 26 are independent deputies. The faction has 5 women. The PAP holds the post of the vice-president in the NA presidency, reserved for the opposition by law, the posts of heads of 2 out of 11 standing committees of the NA, on Protection of Human Rights and Public Affairs and on Regional and Eurasian integration affairs.

“Prosperous Armenia” party is represented in the parliament since 2007, in the National Assembly of the 4th convocation. It signed a coalition memorandum in 2008 with the RPA, ARF and RoLP, in 2011 with the RPA and RoLP. In the parliament of the 5th convocation the PAP had declared itself an alternative force and did not participate in the RPA-ARF coalition of the National Assembly of the 6th convocation. On October 8, 2018 a memorandum was signed between the RA Prime Minister Nikol Pashinyan and PAP President Gagik Tsarukyan on holding early elections of the National Assembly of the 7th convocation.

In all 4 convocations the Prosperous Armenia has been the second largest force in the parliament. It had the largest faction, 37 deputies, in the National Assembly of the 5th convocation, the smallest, 25 deputies in the 4th convocation. The faction had 31 members in the National Assembly of the 6th convocation.

Female representation in the National Assembly of the 7th convocation



«My Step» 26 PAP 4 BA 5

The Bright Armenia faction has 18 deputies in the National Assembly of the 7th convocation. 3 of them were deputies in the parliament of the 6th convocation. 5 out of 18 deputies of the faction do not represent a party and there are 4 women in the faction.

“Bright Armenia” was given the post of the head of 1 of the 11 standing committees of the NA, on Financial-Credit and Budgetary Affairs.

The “Bright Armenia” party founded in 2015 is represented in the parliament as a separate force for the first time. In the National Assembly of the previous, 6th convocation “Bright Armenia” had formed the “Yelk” faction together with the “Civil Contact” and “Republic” parties, where it was represented by 3 deputies.

The face of the National Assembly of the 7th convocation: features and challenges

In terms of the legal toolset the National Assembly of the 7th convocation has all the opportunities to not only formally, but also substantially exercise its functions as the highest body of the state power. However there are also challenges that the parliament can potentially face.

- The NA of the 7th convocation has 132 deputies, which is the largest number since the parliament of the 2nd convocation when the number of the deputy mandates was reduced to 131. This is due to the fact that the Constitution does not set a maximum number of deputies which is in turn due to the requirement to ensure the guaranteed right for the parliamentary opposition to have 1/3 of the deputy seats.
- Under the Constitution the opposition should make up at least 1/3 of the total deputy mandates in the parliament, but the ratio of the 88 mandates of the majority and 44 mandates of the minority significantly decreases the potential of the opposition for effective performance, since the parliamentary majority possesses sufficient number of mandates to make key decisions. Specifically, the opposition can exercise its right to have representatives in the NACouncil and presidency, head of a NA standing committee, initiate the set up of an audit committee, and put up draft laws for discussion as a matter of priority. However, the opposition has no legal opportunity to drive the parliamentary majority to negotiations and compromises with itself in the course of election of heads of certain units of the state administration and the leadership bodies. For the adoption of Constitutional laws (the Rules of Procedure of the National Assembly, Electoral Code, Judicial Code, Law on the Constitutional Court, Law on Referendum, Law on Parties and the Law on the Defender of Human Rights), election or appointment of the judges of the Constitutional Court and Court of Cassation, head of the Audit chamber, RA Chief Prosecutor, DHR, heads of the Central Bank and Central Electoral Commission the 3/5 of the deputies' votes in favor is required. In case of 132 deputies 3/5 of the mandates

make 80. The number of “My Step” faction deputies is sufficient to make decisions without considering the views of other factions. The only exception is the election of the RA President, for which the votes of the 3/4 of the deputies are needed, that is 99 votes. Only in this case “My Step” will need the support of at least one other faction.

- Since the independence of Armenia this is the parliament that has the lowest representation of political forces, only 3. In fact, in the parliaments of the last 3 convocations a clear trend was noted in terms of reduction of forces represented in the NA (6, 4, 3).
- Unlike the parliament of the previous convocation, those who made it to the parliament by regional lists or rating-based voting system are representatives of political teams, albeit not known to the public in terms of their political activity. They do not represent the oligarchic, business circles. At the same time an exceptional thing was noted when it was not the people, nominated by this voting system that secured the votes for the political force nominating them (which was the key purpose for the previous power to set up the rating-based system), but on the contrary, they made it to the parliament predominantly owing to the political teams.
- In fact, a parliament that is unprecedented with its level of legitimacy is formed. This is an extremely important condition not only for performance that is truly independent and fitting the Constitutional status, but also for furnishing the parliamentary government system with real substance.
- The fact of having 88 mandates can defeat the purpose behind the concept of key decision making through political consensus, stated in the RA Constitution and the Law on the NA Rules of Procedure. The 3/5 model was introduced to engage the NA political minority in the decision making on laws of key significance for the state administration as well as on human resource policy and parliamentary oversight, to establish the culture of dialogue, political negotiations and consensus between the majority and the minority in the NA and employ mechanisms for internal checks and balances. Having 88 deputies and not facing the problem of securing the 3/5, “My Step” has actually acquired an absolute right to make single-handed decision.
- 2 of the 3 forces securing seats in the NA ran in the early parliamentary elections for the “honorary second” place. The competition for the status of the “only opposition” between PAP and BAP can be manifested also in the relationship inside the parliament. The PAP has declared itself a participant of the velvet revolution and BAP as a force that carries the values of the velvet revolution. This fact drives them to prove the opposite. This can potentially result in a largely BAP-PAP stand-off versus majority-minority discourse, especially given that these forces are in absolutely different value and worldview dimensions.

ELECTION PROGRAMS: SIMILARITIES WITH THE PREVIOUS PROGRAMS AND DIFFERENCES

The 3 political forces forming the National Assembly of the 7th convocation were represented in the parliament of the previous convocation. “My Step” bloc and “Bright Armenia” party come from the “Yelk” faction of the NA of the 6th convocation and naturally presented a joint election program in the parliamentary elections of 2017. In this sense, the current election programs of both political forces share the same frame of reference, “Yelk” bloc’s election program.

The PAP is the “successor” of the “Tsarukyan” faction of the NA of the 6th convocation (the bloc was formed on the base of this very party). In this sense PAP’s current election program is comparable with the election program presented by Tsarukyan bloc in 2017 regular elections.

We performed a comparative analysis as to what conceptual or tactical revisions were made to the positions of the political forces forming the parliament of the 7th convocation and whether their perceptions of the directions and course of the development of the state became more or less realistic and measurable.

Yelk-My Step-Bright Armenia

The main thing that “My Step” and BAP election programs share that they are much more thorough, elaborate, structured and pragmatic than the program of the “Yelk” which set unrealistic aims in certain areas. It reflects the lack of experience of these forces in the political system and a sense of responsibility derived from it. Nevertheless, the two political forces, equally being “successors” of “Yelk” have distinct programmatic features.

“Yelk”-“My Step”

Among the programs of all the forces running in the early elections the program of “My Step” bloc, coming from the position of the ruling power, is the most extensive and comprehensive drafted by the concept of the ruling power’s program. In this sense it is different from “Yelk” program and stands out with more cautious, but in certain areas approaches containing innovative ideas.

“My Step” bloc’s program contains the fulfillment of 6 promises made in the pre-revolutionary period. Among them it also notes the fulfillment of the commitment to hold early parliamentary elections, but does not cover the yet unfulfilled promise of holding the new elections under the reformed electoral system and upon adoption of a renewed Electoral Code.

In the program of “Yelk” Armenia’s membership to CSTO was viewed as a “foreign policy mistake containing grave risks for Armenia’s sovereignty, security, normal economic and political development, and fair resolution of Artsakh issue”. At the same time, “My Step” declares deepening of Armenia’s engagement in all formats of Eurasian international integration, and describes Armenia-Russian relations as strategic. It should be noted that a year ago as well the “Civil Contract”, in essence the same “My Step” bloc, being 1 out of 3 political forces making up “Yelk”, demonstrated a more balanced position.

The program sets an ambitious aim to perform an economic revolution in the next 5 years. At the heart of the socio-economic policy of overcoming poverty, economic activity is the concept of self-realization of the person and demonstration of business skills, the so-called “individual effort”.

The aim of the economic reforms is to create a model of economic growth based on export. Interestingly, as much as the importance of infrastructures generating an added value is stressed, the regional integration projects, communications, location hubs are not reflected in Armenia’s policy priorities.

In the area of fiscal policy “My Step” proposes a clause on decreasing income tax and profit tax and exempting businesses with a turnover of up to 20 million drams from tax liabilities. In “Yelk” program of 2017 the prospect of placing companies with an annual turnover of up to 500 million drams under the turnover tax scheme and creating a three-tier system was viewed as realistic.

“Yelk” saw an opportunity to cut the electricity and gas tariffs by 10-15%, whereas its “successor” talks only about developing a long-term strategic program in the energy sector for 2019-2035 “upon consideration of all possible scenarios of development”.

“My Step” believes in elimination of legislative obstacles for the engagement of the potential of the Diaspora in Armenia’s government system, as a way of nationwide mobilization and contribution to the development of the Armenian statehood (without covering the potential risks arising from this). At the same time only one year ago it proposed an ambitious program- creation of a two-chamber parliament, where one of the chambers would be made up of Diasporan Armenians.

One year earlier a fundamental aim in the area of defense and external security (especially affected by the 2016 four-day April war) was the performance of combat alert duty on the frontline exclusively by contracted members of the military parallel to which a “civil reserve army” was to be formed. The program of “My Step” bloc does not contain such clauses essentially adhering to the operating conceptual directions of defense system development. “My Step” program is the logical continuation of “Yelk” program in two key areas-introduction of mechanisms for “transitional justice” and strategy for fight against corruption. In the new program more institutionalized and visible mechanisms are proposed in these areas. The scattered ideas of the previous program have become more structured here.

The programmatic proposals in the areas of education and science are elaborate and detailed. In the areas of development of general, vocational and higher education and science they reflect the awareness of the professional circle of the team of the key scientific and educational demands of the modern world, the methodology, speed and areas of development. However, they seem removed from reality, since there is no diagnosis for the key strengths and weaknesses of Armenia’s current scientific-educational system. It creates an impression that the objective set here is to introduce an absolutely new scientific-educational system, but the question of to what extent the current base is ready for those changes remains largely unclear.

Bright Armenia-Yelk

Bright Armenia party election program has common features with “My Step” bloc’s election in the sense of the value base and vision. These are noted in the conceptual approaches regarding foreign policy, principles of Artsakh issue settlement, revision of the socio-economic sector anchored in the idea of inclusion, revision of the system of “black” salaries, and belief in the idea of providing work incentives.

In the area of foreign policy BAP’s approaches are different from the orientations declared only one year ago. The once western-oriented political force now calls for a more balanced and complementary policy considering the regional and geopolitical realities and our position at the intersection of interests of the centers of power. The cornerstone position of the “Yelk” program that EAEU and CSTO pose a risk and membership in them was a mistake, was left out in “Bright Armenia” program as well.

The party positions itself on the liberal side but their programmatic platform is not always consistent with this ideology. BAP program talks about raising the efficiency of enterprises with state participation, thus attaching great importance to the participatory role of the state in the market economy. Nonetheless, the fiscal policy proposed in BAP program is closer to the bold promises made in the “Yelk” program a year earlier in comparison with extremely cautious position adopted by “My Step” regarding this issue (particularly with regard to extension of the turnover tax bracket).

The haste demonstrated in drafting the program can be seen in the general nature of the points regarding certain areas, lack of concrete solutions and mechanisms. Specifically, in the areas of the rule of law, protection of human rights and justice BAP's programmatic approaches are predominantly declarative. Particularly, such are the clauses on systemic fight against corruption, proposals concerning armed forces and security, policy objectives of industrial and agricultural sectors. Issues of social welfare, pension system, vulnerable groups are not reflected in the program whatsoever. As for the funded pension system it only mentions "a significant improvement", which implies that BAP, agreeing with the existing pension policy, only sees a need for improvement. At that it fails to specify what is meant under the term "improvement". In fact, in 2017 it talked about abolishing the mandatory component of the funded pension system and the model of building the funded pension system based on the voluntary approach. By not providing the clear model structure of this system in the program the BAP leaves itself room for manoeuvre during future parliamentary discussions on this matter.

Educational system reforms are presented in detail with indication of key aims, which bears no comparison with the statement of ideas removed from reality found in the 1-year-old program of "Yelk". The programmatic proposals seem realistic, but great caution is exercised in setting specific sectoral measurable indicators.

Tsarukyan bloc-PAP

If the program for the 2017 parliamentary elections was attractive with its clear, ambitious benchmarks in the social sector with an aim to raise the minimum pension and salary, the program of 2018 is noted mostly for its economic, monetary policy components, which target the social problems.

The 2017 election program contained predominantly populist promises, which being far from political pragmatism were based on the superficial understanding by the public of issues on the public-political agenda of that period. For instance, the idea of abolishing the funded pension system was put forth, whereas in the program of 2018 the reference to the pension system is limited to the formulation of the requirement for regular indexation of the pensions. One year ago the prospect of a 6% GDP increase was considered realistic. The promise for a sharp increase of salaries, pensions and social allowances by nearly 50-60% hinged on that, whereas the 2018 election program does not contain such ambitious assurances.

In the election program PAP promises to make an economic and technological revolution, however the programmatic points concerning the economy are based on the economic system inherited from the previous one, with some cosmetic revisions. The only revolutionary approach is the proposal to significantly decrease the credit rates to as low as 0.5-1% for attraction and 2-3% for their direction into the economy.

In the youth policy sector key importance is attached to social residential construction for a price significantly lower than what is currently offered. However, the sources of funds needed for the social capital construction.

It envisages alleviation of tax burden for import of consumer goods, however the program does not make it clear whether any calculation of the impact of this on the domestic production was made.

The most serious problem in the justice system according to PAP program is the delays in hading down judgments.

State government system, fight against corruption, the environmental sector have not been included in the program of the party. On a general note, if the 2017 program was broken down by sectors, the 2018 one was in the format of presentation of steps or aims.

Foreign political agenda, including the views on the Artsakh issues, geopolitical orientation, Armenian-Turkish relations almost fully reiterate the approaches stated in the previous program.



THE PROGRAM OF THE GOVERNMENT

The 1st session of the National Assembly of the 7th convocation commenced on January 14, 2019 and ended on February 14. Over the first session NA elected its president and 3 deputies, formed the NA standing committees and elected their heads. The session ended with the approval of the 5-year program of the government.

Following the change of power in April of 2018 the parliament was presented with two programs of the government during Nikol Pashinyan's 1 year as Prime Minister. First one over the 6th convocation of the National Assembly and the second one over the 7th convocation. The programs were presented in different political realities and affected by different motivation factors.

The first program was drafted by the coalition government, presented in the conditions of split political power and adopted not as much through free expression of the will of the deputies, but rather under unprecedented pressure of the society. It was drafted for the work of the interim government in the short period of transition and in the context of preparation for NA early elections. Therefore the public-political expectations from the program of the government in the sense of resolution of socio-economic and other issues were objectively not high.

The second program, which the NA of the 7th convocation approved on February 14, was drafted by the politically homogenous, fully legitimate government with the ambitions to secure the approval of the equally legitimate parliament. Being a post-crisis program it was expected to be built with a longer-term prospect and most importantly had to satisfy the requirements of the so-called “New Armenia” ideological concept put forth by the revolutionary political power. It also had to stem from the logic of fundamental aims and promises initially declared by the leader of the political power, be consistent with the principles of the parliamentary government and in this sense be radically different from the programs of all previous governments, both in terms of structure and substance.

Structural and substantial features of the program

The program of the government mostly unites sectoral visions. The final goal is to have a socio-economic, ecological environment and a sustainable system of security and external defense that is modernizing and developing through maximum engagement of the intellectual potential of the society, human resources and modern technologies in all areas of public life. The envisaged model for public administration is a “small government” with the incentivization of work as the ideological basis.

Economic policy is based on the concept of stimulation of foreign-market oriented, competitive production in the conditions of free competition through encouraging investments and having the advanced technology industry as the driving force. For the development of this structural model the government has opted for the introduction of the income tax flat rate, on one hand and creation of new business entities through lowering of profit tax and raising of the excise tax, promotion of small and medium entrepreneurship as well as the implementation of a flexible fiscal policy stimulating export, on the other.

The vision on protection of human rights and freedoms and justice is built on the establishment of an independent, professional and efficient judicial system and implementation of legal and judicial reforms to this end.

In the area of foreign policy no significant changes are found in the preferences. In the conditions of priority strategic relations with Russia it stresses the need to maintain balanced, partner relations with other centers of power. The key reference point is ensuring a favorable international environment for the settlement of Artsakh issue with provision of security and status guarantees as well as ensuring the implementation of the EU Comprehensive and Enhanced Partnership Agreement.

The program outlines several timebound, quantitative and qualitative indicators, which in their entirety give an idea of the key targets of the government.

Specifically, in the socio-economic area the aim set is to eradicate extreme poverty and significantly reduce poverty by 2023. In the area of education the aim is to raise the level of access to preschool education securing a 70% inclusion of children over 3 years of age by 2023 and shift to universal inclusive general education over the same time period.

In the area of economic policy the aim is to secure economic growth setting an indicator of minimum 5% for the average GDP growth rate, as well as bringing the export of goods and services to 43-45 % of the GDP. The government intends to raise the gross annual accumulation of fixed assets to 23-25% of the GDP by 2023 through stimulation of domestic savings and increase in the volume of foreign investments. As a measure to promote small entrepreneurship the program plans to exempt microenterprises with a turnover of under 24 million drams from turnover and income taxes.

The program envisages the introduction of a unified, accessible e-registration system for state property by the end of 2019 as well as finalization of the process of handover of the buildings and areas constituting state property to the competent authority of state property administration and the registration process of RA title of ownership towards buildings and structures with no title of ownership by December 31, 2022.

Clearer indicators are mentioned in the areas of education and state property management. Certain specification can also be found with regard to the healthcare and fiscal policy structure in terms of setting priorities and outlining the direction of development of the sector.

In spite of these specifications, the sectoral and target indicators are not only few compared to the general content of the programs and aims set, but also it is evident that they lack internal cause-and-effect relationships and mechanisms to achieve those aims.

Two key tenets are put forth for raising the efficiency of public administration: the elimination of duplicate functions and adoption of the cost effectiveness principle. These factors are viewed separately from the aim of increasing the efficiency of administration and are derived mostly from cost cutting considerations.

The impact assessment of the decisions of the government in order to perceive their implementation impact beforehand is declared one of the main regulators of the operational and outcomes-based administration. The impact assessment model implies in the first place the setting of at least short-term, mid-term and long-term, aims and indicators, if not specific actions, whereas such are simply not found in the program.

For instance, the program does not make it clear as to what kind of toolset will be applied to eradicate extreme poverty in the timeline indicated and what the formulation of "significant decrease" in poverty implies. Or, the program states that the government will take comprehensive steps towards elimination of obstacles existing in the small and medium entrepreneurship without presenting those obstacles and the mechanisms to neutralize them. In other words, do they imply only an appropriate tax policy and administration or other tools are also being considered? Or, it states that assistance to investment projects in the sectors with a great potential for export will be given special consideration. However the formulation "to give special consideration" has not been further clarified. Besides, the sectors that the government deems to be key in terms of export have not been outlined.

The same approach is seen in the social sector, where for instance the obligation of the state to periodically raise pensions is essentially viewed as a programmatic promise. However, it should be noted that it talks about securing an increase that is outstripping inflation.

The presentation of the obligations of the state as programmatic objectives was broadly used especially in the section on agricultural sector, where practically all the issues of this sector are indicated.

The document does not reflect the main challenges in the implementation of the program, objective and subjective, external and internal risks. The overall observation of the program suggests that the executive stressed only one key risk in the area of financial management and tax policy- corruption and tax evasion.

The document contains outlines for the design of many sectoral programs and policies, but clear timelines and principles for almost all of these are missing. Not only are the outcomes of implementations of these programs unpredictable, but so is the logic of the process.

The program does not reflect the key political promises made ahead of the parliamentary elections by the force that came to power.

Specifically, it concerns the dismantling of the super-prime ministerial system which is not consistent with the current model of parliamentary government. This had to be done by redistributing certain authorities and powers vested in the prime minister to the other branches of the government. In fact, the government has not signaled the initiation of any such process in its program.

The second was the radical revision of the Electoral Code and the Law on Parties. Such objective is not set whatsoever in spite of the fact that prior to the parliamentary elections significant work was already performed in the area of electoral system reform in particular. In fact a worked-out draft had been put on the table, which could be circulated upon certain proofreading and refining.

The representatives of the government and NA “My Step” faction justified the absence of measures in these directions in the program by stating that this fact in no way restricts the NA factions in coming up with initiatives regarding their implementation. The problem, however, is that in the parliamentary government system, notwithstanding the principles of separation of power and checks and balances, the programs of the government shall logically reflect the undertakings and expected outcomes outlined by the entire government. The lack of key conceptual approaches in the program lays the groundwork for justifications in case of failure to fulfil them and avoiding political responsibility and thirdly, it will be difficult to measure what will be the reference point of the government’s position towards any initiative in the parliament. This problem usually intensifies, when the parliamentary oppositional factions or their deputies come up with certain initiatives.

The National Assembly approved the program of the government with 82 votes in favor, 37 against and no one abstaining. In the course of discussion of the program the prime minister was asked 53 questions and 42 speeches were made over the session for exchange of ideas. Overall, more than 1/3 of the parliament participated in the discussions over the program.

Only “My Step” bloc, in its entirety, voted in favor of the document while the oppositional factions, with all those present opposed it. The parliamentary majority and minority expressed a clear political position, hence the absence of any abstaining votes. The discussions were also mostly politically driven which in case of oppositional factions manifested itself in the criticizing posture towards the program assumed by them, and in case of the political majority in their political positioning to protect the government from an “attack”. For the two factions making up the political minority the three-day discussions were also an opportunity to convince the public that they are a radical opposition and position themselves as independent and autonomous political units.

References to “My Step” faction election program

The ideological base of the program of the government is the election program of “My Step” bloc, as the document states. The comparison of “My Step” election program and the program of the government shows that its ideological axis with its key concepts is based on “My Step” bloc’s election program. Certain formulations are taken from there directly, word for word, particularly in the areas of foreign policy, defense and security, inclusive and technological economy. It is also noticeable that “My Step” bloc’s election program is much more specific than the program of the government containing broad formulations of responsibility and more ambitious and bold from the standpoint of concrete targets and the mechanisms to reach them. In addition, in some key points there are also certain instances of lack of equivalence if not contradictions.

Specifically, regarding the settlement of Artsakh issue the program of the government states, “Artsakh, as the main side of the conflict, shall have a decisive voice and involvement in the settlement process directed toward establishment of real and continued peace.” However, in “My Step” election program the acquisition by Artsakh of a status of a negotiating party is given primary importance. So it was not the engagement in the conflict resolution that was considered critical but rather that in development of its principles and the road map. The program of the government contains more “diplomatic” formulations in this respect.

The same applies also to the different approaches in the program of “My Step” bloc and the government towards improvement of demographic situation through promoting repatriation, strengthening of Armenia-Diaspora ties and making best use of the intellectual and human capital of the Diaspora in Armenia. The government envisages development and implementation of new programs stimulating births and supporting young families and those with children. It talks about the need to improve the social and living conditions for repatriated families. However, there is no mention of organization of repatriation itself, despite the fact that the election program stressed the latter. Specifically, the election program sets ambitious aims to double the size of the population in the next 20 years, curb migration, arrange the resettlement of the RA citizens who had emigrated in the last decades from Armenia. However, in the government program drafted for a 5-year term there is no mention of the manner and extent to which this aim will be achieved over the implementation of the program.

The executive also deemed the “support for the integration process of Diasporan Armenians in Armenia” to be a priority. At the same time, for instance, the election program talked about elimination of legal factors and regulations preventing Diasporan Armenians from engagement in Armenia’s public and state government systems. However, the program of the government does not provide answers as to what means and domestic resources are intended to be used in implementing the repatriation program. It is also unclear what specific obstacles need to be removed in the integration of the Diasporan Armenians in Armenia’s public life and public administration system.

Notable differences can be seen between the conceptual approaches of introduction of transitional justice in the programs of “My Step” bloc and the government. In the latter it is not so much about establishment of principles of transitional, but rather recovery justice. The justice sector reforms seem to be aimed towards it. However, the election program presents such an extensive set of transitional justice measures which envisages a lengthy, extensive and multivector process in several directions: revisiting of all the elections results taken place since independence, compensation for the material and moral damage caused to the victims of political persecutions in post-election processes, tortures and inhumane treatment and violations of right to life, giving a new opportunity for material compensation and appeal procedure for the citizens deprived from their property for state or public needs through forcible alienation of property, compensation for the material and moral damage to the families of the servicemen fallen in noncombat circumstances, revision of the outcomes of the investigations of unsolved crimes, inquiry into the property situation of the persons holding senior posts and their related parties and taking of legislative steps based on the findings, neutralization of consequences through investigation of corruption deals causing substantial damage to the state or citizens and holding the guilty parties liable.

Compared to such ambitious and debatable approaches from the standpoint of legal-constitutional arguments the program of the government contains practically no provisions regarding transitional justice. Circumventing the election promise of introducing transitional justice the ruling political force and the government have given up the idea to exercise it in such a scope in a five-year period.

The government avoids making any timebound, structural and substance-based clarifications on the way of fulfilling the pre-election promise of introduction of the medical insurance system in spite of the fact that My Step’s election program projected the full completion of the process of introduction of insurance system by 2023. The formulations in the program make it hard to understand whether the government finds the implementation of this idea unrealistic when it avoids setting such indicators.

Such differences can be noted with regard to many sectors or subsectors. It is evident that by including statements of only general and declarative nature in the program and in that sense departing from the election program logic the government frees itself from the direct responsibility to set a specific objective and an indicators and implement it in a way that can be measured.

Comparison with the program of the last government of the previous ruling power

The philosophy of the program of the new government has noticeably common features with the five year action plan presented in 2017 by the government led by Prime Minister Karen Karapetyan, the last prime minister of the previous ruling power. These are substantial from the standpoint of several of the strategic priorities- defense system, foreign policy vectors, social and even economic policy to a certain extent.

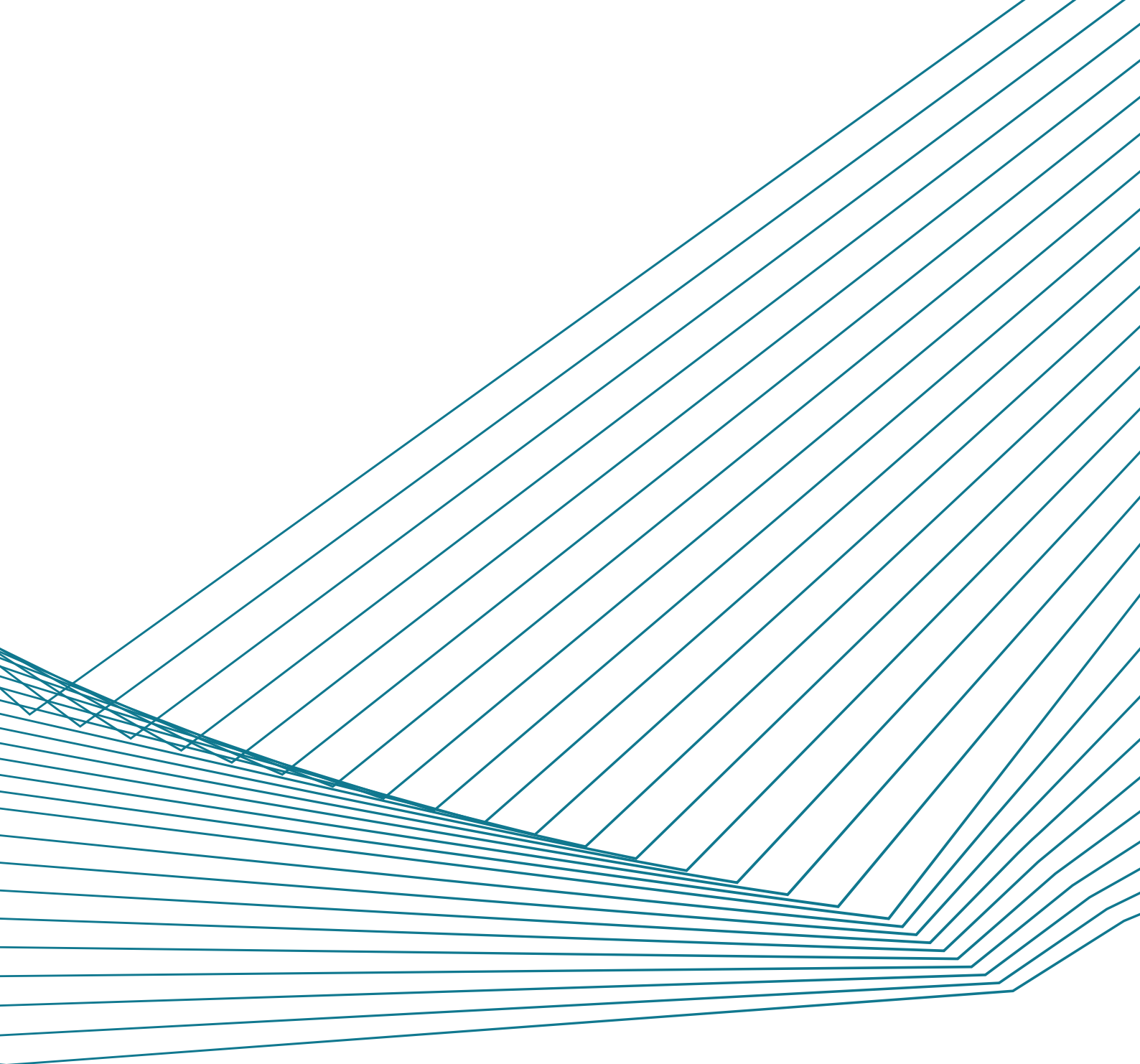
For instance, the leading concept in the program of the previous government was also built on the concept of development of inclusive economy through sustainable economic growth, guarantees of peace through strong defense, with attraction of guaranteed investments oriented to the foreign markets.

The previous government had also forecasted an advanced economic growth in the amount of 5% of the GDP on average, as well as a 40-45% rise in the share of the exports of goods and services in the GDP through an accelerated rate of increase in the exports.

These programs are also similar in that they lack objective situational assessments and mechanisms for mitigation or neutralizations of risks.

However the programs of the two governments have substantial differences, manifesting themselves in the key principles and attitudes towards the applicability of the program. The program of the previous government identified the main principles of action and sectoral priorities through presenting in the program itself the specific actions stemming from it and the chronological criteria was very clear at that. Instead, sectoral visions and strategic aims were more vague. So, the program implementation course was described more clearly and specifically than the collective outcomes.

However, the current program of the first government of the new power formed after the parliamentary elections is built on the opposite logic: the sectoral visions are more visible than the planned actions and indicators for ensuring outcomes.



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