

Monitoring of the National Assembly

6th convocation | 2nd session | 1st report

The publication of the report was made possible through the assistance of the Open Society Foundations-Armenia, grant #19730. The views and analyses contained in this report reflect the opinions of the authors and do not necessarily represent the positions and views of the Open Society Foundations-Armenia.

YEREVAN 2018

TABLE OF CONTENTS

NA work in numbers	4
Proactiveness, engagement	7
NA representative and legislative functions in the new parliamentary system: authority and practice	9
Ethics Committee: de facto removal of the body from the parliament	15
Parliamentary hearings: aspects of legal regulations in the parliament of the 6 th Convocation	18
Parliamentary oversight function	21
Short Summary of NA deputies' 2017 property and income declarations	27

FOREWORD

Mandate NGO presents the monitoring results of the work over the first 2 sessions of the National Assembly of the 6th convocation. The summary was prepared by combining the journalist observations, expert reviews and the data of the statistical application of the *parliamentmonitoring.am* website.

The performance of the new powers of the National Assembly in the new parliamentary government system and legislative and oversight functions have been the focus of the monitoring.

Over the first two sessions of the 6th convocation the general trends and indicators of the performance of the parliament were summarized, details on the legislative initiatives and engagement of the NA factions were presented.

We covered the aspects of Ethics Committee setup, legal regulation for organization of parliamentary hearings in the National Assembly of the 6th convocation.

Short summaries were also prepared on the key data from the property and income declarations submitted to the Ethics Committee for Senior Officials by NA deputies as of taking office (May 18, 2017).

National Assembly of the 6th convocation

The National Assembly of the 6th convocation was formed as a result of the elections held on April 2, 2017. The elections were conducted through a proportional voting system. The parliament is made up of 105 deputies: 49 were elected through the regional voting lists of the parties and 52 through nationwide voting lists, 4 represent the ethnic minorities. 4 factions, that is the Republican, Armenian Revolutionary Federation, “Tsarukyan” and “Yelq” are represented in the parliament. The RPA has an absolute majority in the parliament with 58 deputies. “Tsarukyan” faction comprises 31, “Yelq”-9, and ARF-7 deputies. On May 11, 2017 the RPA and ARF signed a memorandum on forming a political coalition and jointly formed the government.

In the National Assembly of the 6th convocation over half of 105 deputies, 54, were present also in the parliament of the 5th convocation. 35 of them are in the RPA, 14 in “Tsarukyan” faction, 2 in “Yelq” faction and 3 in ARF faction. The parliament has 19 women compared to the previous 15.

NA work in numbers

During 2017 the National Assembly of the 6th convocation held 2 regular, 2 extraordinary sessions and 4 extraordinary sittings. All the extraordinary ones were initiated by the government.

The parliament adopted 34 laws over the 1st session and 252 over the 2nd one. 15 of them were mother laws and 38 were international agreements. 261 out 286 laws adopted in 2017 or around 90% of them were authored by the Government, 6 by NA deputies, 19 jointly by the government and deputies.

The overwhelming majority of the adopted laws, 90, concerned economic and tax fields, and 80 covered state and legal sectors.

Over 2017 the National Assembly approved 2016 Annual Budget performance report, took into consideration the 2016 Central Bank report and program for 2017, Control Chamber annual report and annual communications of the NCTR, RA Prosecutor's Office, Central Electoral Commission and Human Rights Defender for 2016.

Behind the numbers

- During the 2nd session of the 6th convocation the parliament adopted an unprecedented number of laws, 252. This figure almost 3 times exceeds that of the 2nd session of the 5th convocation (94) and 1.5 times the average figure for adopted laws in all sessions of the previous convocation.
- Under the new NA Rules of Procedure the time for the discussion of the laws has been significantly reduced. A clear time limit has been set for the discussion of the matter, 1 hour, in some cases 90 minutes. Key and associated presenters have been given a maximum of 5 minutes to present the matter which is 4 times less than in the past. Questions and answers are allotted 1 minute and speeches get 2 minutes compared to previous 10.
- In the first 2 sessions of the NA of the 6th convocation the NA-government ratio for the legislative initiatives is practically the same as in the NA of the previous convocation. In the 2nd session of the NA of the 5th convocation the share of the drafts by the government was 94%, and in the second session of the 6th convocation it is 90%. The shift to the parliamentary system did not significantly affect this ratio.
- The number of draft laws adopted over extraordinary sittings and sessions has changed. The NA of the 5th convocation had adopted almost every second law in an extraordinary sitting or a session in a super-expedited discussion mode set by the convener. In the first 2 sessions the parliament of the 6th convocation have adopted around 1/3 of the laws over extraordinary sessions.
- In the course of the 2 extraordinary sessions initiated by the Government over 200 votings took place. In the extraordinary session of December 12-14 the NA voted on 85 draft laws and in the December 19-21 session on 135, including the legislative package making amendments to the Tax Code and 37 laws.
- In the 2nd session the deputies authored around 50 draft laws with over half of them being the initiative of the opposition. 12 out of 50 draft laws are on the agenda, 28 are not included on the agenda yet, the inclusion of another 4 on the agenda was declined in a vote, 1 was discussed and declined and 6 draft laws were adopted.

- The only draft discussed and declined in a vote is “Yelq” faction's initiative to set up a NA ad-hoc committee on the matter of termination of Armenia’s membership to EAEU.
- The number of NA standing committees was reduced by a NA decision and instead of the previous 12 the parliament has now 9 standing committees. The committees of State and Legal Affairs merged with that on Human Rights, the one on Healthcare merged with the Social Affairs committee and the committee on Territorial Administration and Environment merged with the one on Agriculture.
- In the 2nd session out of 9 NA standing committees the one on Economic Affairs held the largest number of sittings, 21. The fewest sittings (6) were held by the Standing Committee on European Integration.
- The RPA faction has voted in favor the most. “Tsarukyan” faction has “abstained” the most and “Yelq” has voted against the most. It is also the most active faction.
- On average each “Yelq” deputy came up with 30 questions and speeches. The same indicator is 10 for “Tsarukyan” faction, 5 for RPA deputies and 1 for ARF.
- The number of “silent” deputies in the NA of the 6th convocation has carried on. 40 out of 105 deputies did not take part in any discussion over the 2 sessions and only voted. 14 deputies from the 31-member “Tsarukyan” faction never asked questions or made speeches in the NA plenary sessions. In the 58-member RPA faction the number of the deputies that have not taken the floor or the microphone is 26.
- In the 2nd session of the National Assembly of the 6th convocation an ethics committee was not set up, despite a proposal from “Yelq” faction to set up a committee to investigate the incident that took place in the corridor of the parliament between the RPA faction member Artashes Geghamyan and “Yelq” faction leader Nikol Pashinyan on October 5. The discussion of the matter was postponed.
- 8 parliamentary hearings were held in the 2 sessions of the National Assembly of the 6th convocation. Hearings were organized by 5 out of 9 committees. The committees on Healthcare and Social Affairs, State and Legal Affairs, Economic Affairs, Financial-Credit and Budgetary Affairs have not held hearings over the 2 sessions.
- As of May 18, 2017 the NA deputies all together have declared **29.4 billion drams** or **60.9 million dollars**. In national currency the monetary assets account for 1/4 of the total.

99.5% of the total monetary assets declared by the NA 101 deputies belong to the RPA and “Tsarukyan” factions.

- RPA's monetary assets exceed those of “Tsarukyan” faction: 15.4 billion drams versus 13.9 billion drams. The ARF faction's monetary assets total 189.4 million drams and those of “Yelq” faction are 35.4 million drams.
- Gagik Tsarukyan is the deputy who has declared the largest monetary assets as was the case in the parliament of the previous convocation, 9 billion 90 million drams or 18.8 million dollars. RPA member Samvel Aleksanyan is the second (4 billion 249.8 million drams or 8.8 million dollars), and Ashot Arsenyan is the third (3 billion 679.4 million drams or 7.6 million dollars).
- Based on declared monetary assets the NA has 11 dollar millionaires, at that 6 of them are from the RPA and 5 from “Tsarukyan” factions.

26 out of 101 deputies filing a declaration reported zero monetary assets.

Proactiveness, engagement

RPA faction: Over the first two sessions of the 6th convocation The RPA authored 24 draft laws. 6 of them are included on the agenda and 12 are in circulation. 6 draft laws authored by RPA were adopted. The RPA has coauthored 19 draft laws presented by the government and adopted.

According to *parliamentmonitoring.am* statistics in the National Assembly of the 6th convocation in 2017 the RPA faction deputy who has asked questions (15) and made speeches (13) the most is Khosrov Harutyunyan. Avet Sargsyan has voted in favor the most, 257 times, and Seyran Saroyan has voted in favor the least (95 times). 9 RPA deputies have voted “against” the most, 6 times. 4 deputies have abstained once. Samvel Farmanyan has been absent the most (119 times).

The list of top ten deputies who have voted in favor the most over the session is made up only of RPA members. No Republicans are present on the lists of top ten deputies who have voted against the most or abstained. RPA has four members included on the list of top ten absentees: Samvel Farmanyan, Hermine Naghdalyan, Armen Ashotyan and Arpine Hovhannisyan. Khosrov Harutyunyan and Araik Hovhannisyan close the lists of top ten deputies who have asked questions the most over the session, and Eduard Sharmazanov and Hrayr Tovmasyan the list of top ten deputies who have made speeches the most.

“Tsarukyan” faction: Over the first two sessions of the 6th convocation “Tsarukyan” faction came up with 15 legislative initiatives. 2 of them were adopted, the inclusion of another 2 on the agenda was declined. 2 drafts by the faction are on the session agenda and 9 are in circulation.

According to *parliamentmonitoring.am* statistics in the National Assembly of the 6th convocation in 2017 Sergey Bagratyan asked questions the most (46) among “Tsarukyan” faction deputies, and Mikayel Melkumyan made speeches the most (38). Karine Poghosyan is the deputy who voted in favor the most (198), Vahe Enfiayan voted “against” the most (29) and Vahan Karapetyan “abstained” the most (12).

Gagik Tsarukyan heads the list of top ten deputies who have been absent the most. The list of top ten has another 2 deputies from “Tsarukyan” faction. The list of top ten deputies who have abstained in the vote the most is entirely made up of “Tsarukyan” faction deputies. Bagrat Sargsyan, Mikayel Melkumyan, Vardan Bostanyan and Naira Zohrabyan are on the list of top ten deputies who have asked questions the most. Mikayel Melkumyan heads the list of top ten deputies with the most speeches made over the session.

“Yelq” faction: Over the first two sessions of the 6th convocation the “Yelq” faction authored 11 legislative drafts. 4 of them are included on the session agenda, another 4 are in circulation. 1 draft of the faction was not adopted and the inclusion of 2 on the agenda was declined.

According to *parliamentmonitoring.am* statistics in the National Assembly of the 6th convocation in 2017 “Yelq” faction deputy who has voted in favor the most is Nikol Pashinyan (160 times). Lena Nazaryan has voted “against” the most (56 times) heading the list of top ten deputies who have voted “against” the most during the session, with 8 of them being “Yelq” members. From “Yelq” faction only Edmon Marukyan is not on this list. He is the top absentee of the faction (123 times). Artak Zeynalyan is the deputy who asked questions (61) and made speeches (33) the most in the faction. He heads the list of top ten deputies who have asked questions and made speeches the most. Mane Tandilyan, Nikol Pashinyan and Gevorg Gorgisyan from “Yelq” are also on this list. They are also on the list of top ten deputies who have made speeches the most.

ARF faction: Over the first two sessions of the 6th convocation the ARF authored 4 draft laws, at that 1 jointly with the RPA.

According to *parliamentmonitoring.am* statistics in the National Assembly of the 6th convocation in 2017 Armenuhi Kyureghyan is the deputy that asked questions (5) and made speeches (4) the most in the ARF faction. Romik Manukyan and Andranik Karapetyan voted in favor the most (237 times) and the latter also voted “against” the most (3 times). 6 out of 7 ARF faction deputies abstained in the vote 3 times. Armen Rustamyan has been absent the most (95 times).

The lists of top ten deputies who have voted in favor, against, abstained, asked questions and made speeches the most do not have ARF deputies.

NA representative and legislative functions in the new parliamentary system: authorities and practice

Through the constitutional amendments of December 6, 2016 Armenia switched from a semi-presidential system of government to a parliamentary model.

From a legal perspective the parliamentary system of government sets favorable conditions for the realization of the principle of checks and balances of the government. Under classical parliamentarism the government is entirely accountable to the parliament and through it-to the society. The parliament enjoying the exclusive right to elect a prime minister and form a government, make appointments in the leadership of senior bodies as well as in the judiciary, becomes the main body ensuring public oversight.

The amended Constitution broadened the scope of functions and powers of the parliament. Part of the clauses securing this expansion has come into force from the 1st session of the National Assembly of the 6th convocation. Specifically, the articles concerning the NA election procedure, status, terms of authority, holding of regular and extraordinary sittings and sessions, the leadership of the National Assembly and its council as well as the adoption of laws, decisions, statements and addresses and so on are in force.

The other set of authorities that are of key importance in the parliamentary system will come into effect from April of 2018 once the president of the republic takes office. Most of them are related to the powers that are transferred from the president to the parliament or the government.

The parliament of the 6th convocation has been assigned with several new key political, lawmaking, oversight and representative functions.

- The parliament is vested with the right to make amendments to many articles of the RA Constitution. Under the previous two Constitutions making amendments to the main law or adoption of a new Constitution was the prerogative of the people and was carried out only through a referendum. With the exception of a few articles the parliament can make amendments to the mother law with at least 2/3 of the total number of deputies. The ratio of forces in the NA allows the political majority to make amendments in certain articles of the Constitution without making any compromises with the opposition.
- A new structure has been introduced, the Council of the National Assembly, made up of the NA Chairperson, his/her three deputies, 1 representative from each faction and chairpersons of the standing committees. The council has the authority to determine the agendas of the NA sittings and sessions, the order in which the questions on the agenda

will be discussed as well as apply to the Constitutional Court to terminate the mandate of the deputy and several other organizational powers. In the past only the NA Chairperson had these functions.

- 7 laws, namely the Rules of Procedure of the National Assembly, the Electoral Code, the Judicial Code, the laws on Constitutional Court, on Referendum, on Parties and on Defender of Human Rights have been assigned a constitutional status. Aside from being in compliance with the Constitution the rest of the laws have to be consistent also with these constitutional laws. The latter or drafts proposing amendments to them are adopted by 3/5 of the deputies participating in the vote instead of a simple majority. The constitutional provision seeks to lay the groundwork for reaching consensus among the political forces in the parliament.
- Apart from the government and deputies, factions have also been given the right to come up with legislative initiatives and it can be exercised also when at least 50,000 people with the electoral rights come up with a certain initiative. This is a framework guaranteeing public participation in the lawmaking work of the parliament.
- The ethnic minorities have guaranteed presence in the National Assembly as per the quota set by the Constitution and they realize their right through their involvement in the parliamentary factions. In the history of parliamentarism of newly independent Armenia this is the first time that the ethnic minorities receive a mandate by set quota to be represented in the NA.
- Under the Constitution the National Assembly is formed solely through a proportional voting system: in the previous Constitution the voting procedure was to be set by law, which envisaged a mixed, majoritarian-proportional voting system.
- As a certain form of the proportional voting system the NA majority of the previous convocation introduced also the concept of rating voting based on regional lists in the new Electoral Code, thus preserving in a hidden way the main elements of the previous majoritarian system. The NA of the 6th convocation was by 50% formed through this voting system unlike the previous one where only 1/3 of the deputies were elected through a majoritarian vote.

Even with these new features deriving from the essence of parliamentarism in place, what is important is not their legal definition, but rather their application. In this sense the trends seen in the first 2 sessions are not as promising as assumed when justifying the need to introduce the parliamentary system.

The parliament's disengagement from the lawmaking function does not change

In the 2nd session of the NA of the 6th convocation the Government-NA ratio of legislative initiatives was almost the same compared with that of the NA of the previous convocation. In the 2nd session of the NA of the 5th convocation the share of drafts by the government was 94% of the total and in the 2nd session of the 6th convocation it was 90%. The shift to the parliamentary system has not yet significantly affected this ratio. De jure becoming the main body of political power the NA continues to be removed from its lawmaking function.

One of the reasons is that during the 1st and 2nd sessions the NA of the 6th convocation operated in an “extraordinary mode” in order to bring the legislation into compliance with the mother law. The Government seeking to complete the process in the set timeline was more active and proactive in submission of drafts, and the NA majority placed these draft laws on the agenda and discussed as a matter of priority.

On the other hand the NA political majority's attitude of rejection towards the legislative initiatives by the minority persisted.

During the 2nd session the NA deputies authored around 50 draft laws, with over half of them being initiated by the opposition. 28 of the drafts have not been included on the agenda yet, inclusion of 4 on the agenda was declined in a vote, 1 was discussed and declined. The authors of all the declined drafts were the deputies of oppositional factions.

The impact of the extraordinary sittings and sessions on the legislative process

The NA of the 6th convocation concurrently with the first and second sessions convened 4 extraordinary sittings and two extraordinary sessions. All of the extraordinary sittings and session were initiated by the Government.

The number of draft laws adopted over the extraordinary sittings and sessions has changed compared to the previous convocation. Almost every second law in the NA of the 5th convocation was adopted in an extraordinary sitting or session in a super-expedited mode set by the convener. In the first 2 sessions of the parliament of the 6th convocation this trend changed: around 1/3 of the laws were adopted in the extraordinary sessions and sittings which however did not change the substance of the discussions of the drafts. The new procedures for discussions of questions set in the NA Rules of Procedure also contributed to that.

The legitimization of the expedited mode of discussions

According to the previous law on the NA Rules of Procedure the reporting on a question in the NA plenary sitting was allotted up to 20, questions and answers up to 3 and speeches up to 10

minutes. The new rules of procedure prescribe a clear time limit for discussion-1 hour, in some cases 90 minutes. Key and associated presenters are given a maximum of 5 minutes to present the question which is 4 times less than in the past. Questions and answers are allotted only 1 minute and 2 minutes are given to speeches instead of the previous 10.

It is also prescribed that regardless of the number of questions time for questions and answers on the drafts can not exceed 10 minutes, and the total duration of speeches can not be more than 40 minutes. So, the larger the number of deputies lined up for questions and speeches, the less time each of them gets to express themselves, since the total time allotted is equally divided among them.

De facto they have introduced a discussion procedure, which

- encourages the approach of asking as few questions and making as few speeches as possible
- reduces the draft law discussion course, in practice turning it into a mechanical process,
- denies the deputies and especially the political minority the opportunity to elaborate on their objections and suggestions over the NA plenary sitting.

On the other hand the new procedure enhances the role of the NA standing committees shifting the lion's share of the discussions to the committee level having a relatively lower publicity. As a result the work inside the committee becomes more important and participatory than in the NA plenary sitting.

The new NA Rules of Procedure state that all laws are adopted in 2 readings. At that, the discussion procedures for mother laws and drafts proposing amendments are not differentiated, whereas under the old rules of procedure the mother laws were adopted upon 3 readings.

If the undefined duration of discussions in the NA of the previous convocation prolonged the work of the parliament, the new amendments have led to the other extreme leaving the end result the same.

The dead weight of “silent voters” of the parliament

The number of “silent” deputies in the National Assembly of the 6th convocation holds steady. The picture of the current parliament is almost exactly the same. 40 out of 105 deputies did not participate in any discussions during the 2 sessions. 14 deputies from a 31-member “Tsarukyan” faction or 45% of it did not ask questions or made speeches over the NA plenary sittings. In the 58-member RPA faction the number of deputies who never took the floor or the microphone is 26 or 45% of the faction. Overall 38% of the parliament (these are predominantly deputies

elected through regional lists) only voted, which does not stem from the logic of the parliamentary government system.

The new rights of the parliamentary opposition and their exercise

The Constitution and Electoral Code guarantee a minimum of 1/3 representation of the political minority in the parliament although the Constitution and the Electoral Code also stipulate that the parliament should have a steady majority. This weakens the influence of the opposition making up 1/3 of the parliament on the political decisions.

2 of the NA 4 political forces, RPA and ARF, forming a political coalition and assuming the responsibility of forming and running the government, are “ruling” faction and the other 2 forces outside the coalition, “Yelq” and “Tsarukyan” are oppositional¹ according to the NA Rules of Procedure. The ratio of coalition and opposition deputies is 60/45 or 57%/43%.

The representative role of the opposition has been somewhat enhanced in the parliament of the 6th convocation. NA political minority was given the right to have a NA Deputy Chairperson as prescribed by law, and the chairpersons of the 3 out of 9 standing committees represent the oppositional factions.

The opposition now enjoys the right to also participate in the process of determining the agendas of NA sessions and sittings and the order of discussion of questions, to apply to Constitutional Court to terminate a deputy's mandate. This is secured by the presence of the opposition in the new body, the Council of the National Assembly. In the 17-member council “Tsarukyan” faction has 5 representatives and “Yelq” has 1.

Legal mechanisms are put in place to make the role of the NA political minority in the election and appointment of the leadership of the key state bodies more tangible. Under the new Constitution “in favor” votes by 3/4 of the deputies are required to elect the RA President and the consent of the 3/5 of the deputies is needed to appoint members and chairperson of the Constitutional Court, 5 members of the Supreme Judicial Council, Chief Prosecutor, Defender of Human Rights, heads and members of the Central Electoral Commission, Commission of Television and Radio, Audit Chamber, Central Bank as well as to form autonomous bodies. This is the ratio required also for the adoption of constitutional laws.

¹ Under Clause 3 of Article 7 of the NA Rules of Procedure the factions formed by the parties (alliance of parties) which have secured at least 54 % of the mandates as a result of the National Assembly elections (or factions the parties member to political coalition are deemed ruling and the other factions oppositional.

The political ratio in the National Assembly of the 6th convocation and RPA-ARF coalition-based cooperation allow the parliamentary majority to easily secure the required 3/5 (63 votes are needed and RPA-ARF coalition has 65). The election of the RA president is an exception requiring to secure 79 votes in the voting which forces the coalition to negotiate with oppositional factions.

The NA Rules of Procedure also contain clauses, which even though apply to all NA entities, indirectly offer an additional opportunity for the opposition. Particularly, it stipulates that an inquiry committee can be set up at the demand of at least 1/4 of the total number of deputies with the purpose of inquiring about facts that concern issues within the authority of the National Assembly and are of public interest (with the exception of areas of defense and security) and presenting them to the National Assembly. In the current parliament the ratio of political forces allows the oppositional factions to not only set up an inquiry committee but also lead it. The imperative requirement to set it up prescribed by law does not allow the NA political majority to hinder the initiative. However this committee has not yet been launched since Article 108 of the Constitution prescribing the establishment of the Inquiry Committee will be effective from April of 2018.

The same applies to another key political tool for the opposition: initiating a motion of no confidence towards the prime minister by a NA faction based on the response to interpellation addressed to the government. This right of the political minority is prescribed in Articles 113 and 115 of the amended Constitution stating that based on the results of discussion on the interpellation the faction can discuss the issue of advisability for an individual member of the Government to hold office in the future or initiating a vote of no confidence towards the prime minister.

Several other procedural frameworks beneficial to the oppositional factions and inherited from the parliament of the previous convocation are in place as well. One of them is the ability to include the draft law or decision on the agenda of four-day sittings as a matter of priority and insisting on its discussion even with the lead committee's unfavorable conclusion.

One of the drafts by "Yelq" faction was discussed and declined, 3 did not pass the vote to be included on the agenda and the rest are on the session agenda with uncertain prospects for discussion. 2 out of 15 drafts by "Tsarukyan" faction were adopted and the inclusion of another 2 on the agenda was declined. 2 drafts by the faction are on the session agenda and 9 are in circulation.

Unlike "Tsarukyan" faction, "Yelq" attempted to fully employ the toolset given to the opposition by law. The 9-member faction exercised its right to address the government with an interpellation, to discuss as a matter of priority a draft decision (on setting up a NA ad-hoc committee on the issue of termination of Armenia's membership to the EAEU), to discuss the

initiative of adopting a NA statement on the same issue in the NA hearings and so on. The faction managed to keep the topic on the public-political agenda for some time.

“Yelq” stood out also with the number of questions and speeches over the discussions of the drafts. The 9 deputies of the faction together came up with over 300 questions and speeches in the first 2 sessions. This means that on average each “Yelq” deputy presented around 30 questions and speeches. This figure is 10 for “Tsarukyan” faction, 5 for RPA and 1 for ARF. At that, “Yelq” faction's figure was formed as a result of the work of the entire faction, unlike the others, where the active segment has actually worked also for the idle or “silent” deputies as well.

The atmosphere of mutual distrust also affected the efficiency of the parliamentary minority. During the first two sessions no cooperation, even situational, was noted between the oppositional factions. One of the examples is “Yelq” faction’s proposal to “Tsarukyan” faction to come up with a single candidate in the RA Presidential elections in the 3rd session which “Tsarukyan” faction declined.

Ethics Committee: de facto removal of the body from the parliament

The matters concerning ethical conduct of deputies were not discussed in the NA of the 6th convocation, despite the fact that there were cases and situations in the first 2 sessions meriting initiation of a procedure. The main reason is the fact that the new legal regulations set in the NA Rules of Procedure make it significantly harder to initiate a discussion on the ethical violations and influence the conduct of violating deputies.

By the new NA rules of procedure the requirement to set up a separate ethics committee for each session was lifted, whereas it actually ensured the sustainability of the ethics committee. Under the new rules of procedure an ethics committee can be set up for each instance of violation of ethics for a term of 2 months (with the possibility to add another month through a NA decision). It is formed in line with the standards for NA ad-hoc committees, from its mode of operation till presentation of an appropriate conclusion to the NA.

As a result of the amendments the issue of initiating a procedure regarding a violation of ethical norms was moved from the institutional level to the dimension of political and institutional response. If in the past people applied directly to the ethics committee in connection with a case of violation now it is up to the parliament to determine whether an ad-hoc committee should be set up for the presented issue. The NA majority is essentially assigned the authority to discuss or not the noted violations of ethics on the level of ad-hoc committees. At that, the ethics committees in the parliament of the previous convocation were led by specific standards when admitting the question for a review. The previous Rules of procedure of the NA clearly stated in which cases the committee had the right to reject the submitted complaint. Under the existing

legal regulations however no standards are set, which broadens the scope of discretionary approach.

The legal regulations prescribed have actually been employed only once during the 2nd session in connection with the incident between Artashes Geghamyan and Nikol Pashinyan.

The only proposal to set up an ethics committee in the 2nd session of the National Assembly of the 6th convocation came only from “Yelq” faction. They were proposing an investigation of the incident taken place on October 5 between RPA faction member Artashes Geghamyan and “Yelq” faction leader Nikol Pashinyan. Pashinyan insisted that Geghamyan had hit him with his fist in the NA hallway. On October 18 the NA standing committee on state-legal affairs and protection of human rights discussed Yelq's proposal to set up an ethics committee in connection with the incident taken place between Geghamyan and Pashinyan. The discussion of the question was postponed in order to further work on the draft.

The disagreement between Artashes Geghamyan and Nikol Pashinyan arose in the plenary hall during the discussion of the question of the Armenian-Russian military-technical cooperation.

Under new rules the scope of entities vested with the right to start a discussion on issues regarding violation of ethics has considerably narrowed. Only the factions enjoy such a right. Article 16 of the NA Rules of Procedure states: “The ad-hoc committee is set up by the decision of the National Assembly, and the faction has the right to present a draft decision.” In the past non-governmental organizations and citizens also enjoyed the right to initiate a discussion on issues of violation of ethics. Now if they wish to do it they need to turn to the factions.

De facto, under the parliamentary system of government the levers by the citizens and civil society to influence and oversee the moral-ethical conduct of the deputies have been removed. In the NA of the 6th convocation no person or structure turned to the deputies or factions with such matters, whereas the overwhelming majority of the complaints received by the Ethics Committee in the NA of the previous convocation came from individuals and NGOs.

The status of the ad-hoc committee, limitation of the scope of those entitled to apply, the enhanced role of the political majority in the setup of the committee have actually decreased the possibility to set up an ethics committee in the parliament.

The ethics committees operating during the 5th convocation had a formal nature and limited impact. Instead of strengthening the culture of observing the ethical norms and sense of responsibility, the path of undermining the importance and the role of the institution was chosen.

All the conditions for rendering the institution of the ethics committee not viable are actually present. One of this concerns the publication of the conclusions issued by the committee. Article 17 of the NA Rules of Procedure stipulated that the ad-hoc committee's conclusion on issues pertaining to deputy's ethics is not discussed over the NA sitting and is published on the official website of the parliament. In the previous rules of procedure a mechanism for publication of the conclusion was in place: the conclusion was presented from the floor and distributed to the deputies.

Conflict of interest in the new legal regulations

Under the new NA rules of procedure the entire component of conflict of interest was shifted from NA to the Ethics Committee for Senior Officials, which is now assigned to identify conflicts of interest in the course of the deputies' work as well as violations concerning incompatibility. In cases when the Ethics Committee for Senior Officials submits a conclusion to the National Assembly on violation by the deputy of requirements of compatibility with the deputy mandate, not only the NA Council, but also just 1/5 of the deputies can apply to the Constitutional Court to terminate the mandate of a certain deputy.

No such cases were noted in the first 2 sessions of the NA of the 6th convocation.

Parliamentary hearings: aspects of legal regulations in the parliament of the 6th convocation

Over the first two sessions of the 6th convocation 8 parliamentary hearings were held initiated by 9 standing committees of the National Assembly.

5 out of 9 committees organized hearings. The committees on Healthcare and Social Affairs, State and Legal, Economic, Financial-Credit and Budgetary Affairs did not organize hearings during the 2 sessions.

The standing committees on Defense and Security, Foreign Relations and European Integration organized 2 hearings each, and those on Science, Education, Culture, Youth and Sports, Territorial Administration, Local self-government, Agriculture and Environment organized 1 hearing each.

The standing committees on Foreign Relations and European Integration jointly held hearings on the topic of *Armenia-European Union: deep and comprehensive partnership*.

Only “Yelq” faction among the NA factions organized parliamentary hearings on the topic of “Initiating a process for termination of the Treaty of the Eurasian Economic Union with regard to the RA”.

The parliamentary hearing is the key tool ensuring public participation and impact in the decision-making process. In the National Assembly of the 6th convocation the procedure for organization of hearings underwent certain changes.

- Under the previous NA Rules of Procedure the NA Chairperson and standing committees had the authority to convene hearings. By the new law the factions as well have the power to hold parliamentary hearings.
- The new NA Rules of Procedure set procedures for public notice, organization and reporting of results of the hearings, which apply to all the entities authorized to hold hearings. In the past most of these matters were regulated by internal rules of procedures of the standing committees.
- Under the previous rules of procedure only one restriction was in place when it came to determining the topic for hearings: the committee could organize a hearing exclusively

on issues within the sectors assigned to it. This clause remains in the new rules of procedure and another restriction was added: the factions can hold hearings only in connection with the draft authored by the faction or its deputy.

- Holding of hearings is not an obligation as in the NA of the previous convocation but a matter of discretion and the requirement to hold at least one hearing in each sessions has not been lifted. On one hand this gets rid of the imperative of formally observing the requirement as an end in itself, but on the other makes it possible not to hold hearings and not break the law by doing so.
- The Rules of Procedure limit the factions' opportunity to organize hearings: over 1 session a faction can hold not more than one hearing. This denies the political minority the mechanism to set the political agenda, develop it and pursue it, giving the majority the complete ability to control the organization of hearings.

The efficiency indicators of the hearings

The practice of holding hearings in the 2 sessions of the NA of the 6th convocation was not different in quality from the tradition established in the NA of the previous convocation: the performance efficiency was low and of formal significance.

Over the session out of 4 parliamentary factions only “Yelq” exercised its right to organize hearings. The topic was the *Initiation of a process for termination of the Treaty of the Eurasian Economic Union with regard to Armenia*. The fact that the faction authored a draft decision with the same subject matter served as a basis. NA political majority and the largest oppositional “Tsarukyan” faction did not exercise the right to hold hearings and thus turning relevant legislative issues a subject of public discussion.

The proactiveness of the standing committees in organizing hearings did not increase either. Out of 9 NA standing committees only 5 organized hearings, most of them only once. This almost exactly repeats the picture observed in the parliament of the previous convocation.

Interestingly, the so-called core NA committees, which discuss the largest number of drafts and have a greater impact on the lawmaking policy were passive, specifically committees on state and legal, economic, financial-credit and social affairs. The majority of the constitutional draft laws were discussed in these very committees. De facto the NA did not exercise its lever to ensure public discourse on these key drafts and raise the level of public legitimacy by engaging professional circles.

The relevance of the topics of hearings remains in question. Only 4 of the organized hearings were actually consistent with the factors impacting the sociopolitical processes and arousing

public interest in the given time. Those were the 2 hearings organized by the standing committee on European Integration. One of them was on the “Prevention of Domestic Violence and Protection of persons subjected to domestic violence” and the other one on “Armenia-European Union deep and comprehensive partnership” held jointly with the Foreign Relations committee, particularly 1 of the 2 hearings organized by the standing committee on Defense and Security on “New legislative regulations regarding conscription and military service”, and the hearing organized by “Yelq” faction on the topic of “Initiating a process for termination of the Treaty of the Eurasian Economic Union with regard to the RA”.

The topics for the other hearings held were of sectoral significance being of interest and motivating mainly professional circles. For example, the standing committee on Defense and Security organized hearings on “National capacity building in the area of disaster risk management”, the standing committee on Territorial Administration, Local Self-government, Agriculture and Environment held a hearing on the “Current situation of the RA protected natural areas, problems and ways to address them”.

The impact of the hearings remains problematic. No standards are in place to measure to what extent the public, political and professional positions and recommendations voiced in the course of the hearings are taken into account in the process of working on the drafts.

The legal norm requiring that a report on the results of the hearings be prepared by the committee and published on the National Assembly official website is not observed. There is no single template for drafting the report on the results of the hearings, per se, and committees approach this in their own way. Nonetheless the hearings held in the 2 sessions of the NA of the 6th convocation were different from the previous ones in that they had a higher level of publicity. Honoring the requirement of online broadcasting of the hearings allows the public to directly follow the unfolding discussions and to raise the level of awareness.

The parliamentary oversight function

New constitutional and legislative levers

The parliamentary system of government set in the Constitutional amendments has considerably strengthened the NA oversight function from a legal point of view placing it in a new quality dimension.

The oversight of the executive by the parliament: the main law underlines the National Assembly's superior status in the system of state administration and requires concrete frameworks to be in place on legislative and sublegislative levels. However, the parliament will be able to exercise the new oversight levers set in the NA Rules of Procedure mainly after the RA 4th President takes office.

The government accountability: the parliament has been given the opportunity to perform oversight towards the implementation course of the government program. At the beginning of each year the government is obligated to report to the parliament on the performance and results of the program for the past year. Even though the NA does not have the authority to adopt any document based on the results of the discussion, this mechanism allows it to keep the fundamental program of the government in focus and assess its performance.

Issues of public interest: the parliament has been given the power to set up an Audit Committee. In addition, all the mechanisms existing prior to this will remain in place. Vested with broader capabilities and levers the new committee can become one of the most serious institutional tools of the NA.

Oversight towards the implementation of the laws: within the scope of this authority the NA standing committees can at their own discretion select a subject for parliamentary oversight, and activities to be carried out. Based on the oversight results the standing committee can issue a conclusion, which is a concrete mechanism for publicizing the results of the work performed and assessing it from professional and political standpoint.

The role of the factions in the NA oversight function: through the interpellation mechanism the factions have the authority to not only discuss the response of the government in the NA plenary sessions but also based on the discussion initiate a process of looking into the advisability for individual members of the government to hold office in the future and issuing a motion of no confidence towards the prime minister.

The clauses on issuing a motion of no confidence towards the government and raising the question of dismissal of government members based on the response to interpellation will be effective from the moment the RA new president takes office. However the faction's right to lodge an interpellation and demand its discussion is effective from the commencement of the

NA of the 6th convocation. Only “Yelq” faction exercised this right demanding that the government respond to their interpellation on international airports of “Zvartnots” in Yerevan, “Shirak” in Gyumri, as well as “Shota Rustaveli” in Tbilisi and initiating a parliamentary discussion regarding it.

Apart from the deputies, the faction in the first place has become an entity of parliamentary oversight, and the committees have in reality become key linchpins in the performance of the NA oversight function. We can say that ensuring the quality and efficiency of this function under new legal regulations rests not so much with the NA plenary sessions but rather with the standing and ad-hoc parliamentary committees.

In the first 2 sessions the National Assembly of the 6th convocation operated without exercising the above-mentioned new powers.

The discussion of the communications and reports of the state bodies

One of the most powerful oversight levers of the parliament is the initiation of discussion of the annual reports and communications by the executive, as well as by other state institutions. Formally this function was performed under the new the NA Rules of Procedure. Even though the approaches remained the same, new elements were noted which should be viewed in the context of empirical analysis of the actual discussion of these documents.

During 2017 the NA of the 6th convocation discussed the RA annual report on state budget performance for 2016, the communication on the work of the Central Electoral Commission, the annual communication on the work of the RA Defender of Human Rights in 2016 and the state of protection of human rights and freedoms, the communication on the work of the RA Prosecutor's Office for 2016.

The 2016 communication of the National Commission of Television and Radio, RA Control Chamber's annual performance report for 2016, the RA Control Chamber's annual work plan for 2018, the monetary policy program performance report of the RA Central Bank for 2016 (inflation report), the RA Central Bank's monetary policy program for 2017.

The parliamentary discussions of these documents allow us to identify trends and patterns.

- All the documents were discussed in the extraordinary NA session convened following the 1st session for that specific purpose. The NA new rules of procedure set clearer and more uniform timelines for their presentation to the NA, however as in the past the timing for ensuring their discussion remains extremely vague. This enables the NA Council to have the discussions not only over an extraordinary session, but in the following session or even later. As the practice of the NA of the previous convocation showed, this opportunity is usually abused by holding the parliamentary discussions in

the timelines defying logic, and by doing so nullifying the public, political and practical significance of these documents. In the NA of the new convocation this practice carried on also with the Control Chamber 2016 performance report, when timelines both for its presentation and discussion were not observed.

There is a mitigating circumstance for the above-mentioned cases: the new parliament had inherited from the previous parliament the burden of belated discussions which it shed without waiting for the fall session.

- The parliament continued the practice of a simultaneous discussion of documents pertaining from the same authority. In the extraordinary NA session held in July the RA Control Chamber's 2016 annual performance report was discussed as well as its annual work program for 2018, followed by the performance report of the RA Central Bank monetary policy program for 2016 and the monetary policy program for 2017. If the discussion of the Control Chamber's annual work program is somewhat understandable, the discussion of the Central Bank's monetary policy program for 2017 in the middle of the reporting period, when the activities planned in it have been in place for half a year, is not timely, to put it mildly.

It should be noted that under the Constitution adopted in 2016 both the Audit Chamber (previously Control Chamber), and the Central Bank themselves adopt and approve their work programs and are no longer under the obligation to present these documents to the parliament.

- The procedure for discussion of oversight documents has been expedited. NA is no longer restricted to set 60-minute or 90-minute modes for the discussion of such documents. Perhaps this is also the reason why all the above-mentioned documents were heard and discussed by the parliament in 3 working days, whereas for instance in 2015 nearly a full four-day session was needed, to only hear the communication of the RA Chief Prosecutor.
- The new NA Rules of Procedure did not address the issue of raising the political significance of discussions on presented communications and reports and ensuring they led to practical results. With the exception of the RA state budget performance report which ends in a vote and can raise the issue of a vote of no confidence towards the government the discussions of other oversight documents are followed by exchange of ideas on them and closing speeches by the presenters, as in the past. This fact lowers the motivation of the deputies to participate in the discussions.

In a legal sense the new NA Rules of Procedure lay an adequate groundwork for changing the current state of affairs. First, the function to appoint and dismiss officials presenting communications and reports is fully transferred to the parliament. At any moment the NA can

initiate their dismissal and termination of powers. Annual communications and reports are an important indicator in assessing the quality and efficiency of the performance of officials and the systems they manage. Therefore their discussion can set the stage for the initiation of a dismissal process.

The new legal regulations have also somewhat raised the political significance of adoption of addresses and statements by the NA. These are adopted through simplified procedures. The discussion of documents of oversight nature can serve as more than a legitimate basis for the adoption of statements regarding them and voicing the political position and the collective view of the parliament in this manner.

Articles on adoption of NA decisions, statements and addresses took effect from the start of the work of the parliament of the 6th convocation, however were not applied in the first 2 sessions.

The function of establishing new institutional structures and election/appointment of the leadership of state bodies

As a result of the shift to the parliamentary system of government the NA has been vested with the authority to elect the leadership of the government and a number of state structures having a constitutional status and dismiss them in certain cases. In other words it now has an important functional role in the state human resources policy. These are the bodies that in a varying format report to the parliament.

The election of the Prime Minister and a motion of no confidence

Under the new constitutional legal regulations the function of appointing a Prime Minister is fully within the scope of the NA authority. All parliamentary factions have the right to nominate a candidate for Prime Minister. However with the introduced framework the election of the head of the executive is at the discretion and will of the parliamentary political majority. The deputies elect the Prime minister in a roll call vote.

This procedure will come into force from April of 2018. Even though following the formation of the National Assembly of the 6th convocation an appointment of a prime minister has formally taken place, this was done through an order from the current RA president pursuant to the legal regulations set in the 2005 Constitution.

Under constitutional and NA procedural legal regulations the political right to a motion of no confidence towards the Prime Minister belongs to the parliamentary majority but the minority has the right to initiate such a question and a process of vote of no confidence. Given the current ratio of the NA political forces, the cooperation of the 2 oppositional factions is needed for that. However the fact that the procedure for a vote of no confidence towards the Prime

Minister in office cannot be initiated without nominating their own candidate for Prime Minister significantly complicates the prospects for such cooperation.

The election of the judges of the Constitutional Court

The Constitution has vested the NA with the fully authority to elect all 9 members of the RA Constitutional Court which will come into force from the moment the new RA president takes office. The parliament elects members of the Constitutional Court upon recommendation of 3 of them by the President of the Republic, another 3 by the government and another 3 by general meeting of the judges. The NA is in practice deprived of the direct right to dismiss them and can apply to the Constitutional Court regarding this matter only upon adoption of an appropriate decision and the final decision is made by the Constitutional Court.

Under the 2005 Constitution the NA had the power to appoint 5 out of 10 members of the Constitutional Court, as well as terminate the powers of these members based on the conclusion of the Constitutional Court by a majority of votes of the total number of deputies. Over the past 2 sessions the parliament did not have a reason to exercise this now temporary power.

Involvement in the establishment of the Supreme judicial council

In the process of formation of this new constitutional structure the NA directly participated through electing half of the council members. This authority of the NA sought to raise the level of independence of the highest body of the judiciary and ensure public and political indirect involvement in the formation of this body. However, this body in no manner reports to the parliament and the NA does not have the authority to recall the members it has appointed. The NA will start exercising this authority from the moment the RA new president takes office as well.

Involvement in the establishment of the RA Court of Cassation

The NA is vested with the authority to elect the judge candidates for RA Court of Cassation and head of the court. In political sense the election of the judge candidates is essential and is made among the candidates presented by the supreme judicial council, by the 3/5 of the deputies' votes. The chairperson of the Court of Cassation is elected from among the members of already formed court of cassation by the majority of the total votes. The President of the Republic appoints judges for the Court of Cassation upon presentation by the NA Chairperson. This authority of the NA will come into force from the moment the new RA President takes office.

The election and dismissal of the RA Chief Prosecutor, Defender of Human Rights, Head and members of Audit Chamber, head, deputies and board members of Central Bank, head and members of the Central Electoral Commission and NCTR members.

The NA's role in the election of the RA Chief Prosecutor, Defender of Human Rights, Head and members of Audit Chamber, head, deputies and board members of Central Bank, head and members of the Central Electoral Commission and NCTR members is more complete. For these posts the relevant standing committees of the NA nominate the candidates. A system of collegial nomination of deputies with the involvement of the political minority is introduced. This framework was used twice by the parliament of the previous convocation.

The procedures of nomination of candidates for these posts, discussion and their election is now nearly identical with the exception of the deputy heads of the Central Bank and Board Members who are elected not by 3/5 of the total votes by the deputies, but by the majority. The dismissal follows the same principle and ratio. It should be noted that even though in the past the NA used to elect the RA chief prosecutor, heads of the Control Chamber and the Central Bank and some of the members of the National committee on Television and Radio upon President's recommendation, it did not have the authority to dismiss or recall them. In this regard, the NA has obtained a powerful legal-practical tool of oversight.

Setup of autonomous bodies and appointment of their members

This is a new authority vested in the parliament by the Constitution. This is to replace the current practice of setting up independent bodies. The setup of autonomous bodies by the NA will become possible from the day the RA newly-elected president takes office in 2018.

Short Summary of NA deputies' 2017 property and income declarations

As required by the legislation the NA deputies submit declarations to the Ethics Committee for Senior Officials disclosing the details regarding their property and income as of the day of taking office. The NA deputies of the 6th convocation have formally assumed official duties on May 18, 2017. The data from the declarations of 101 out of 105 NA deputies were summarized.²

Monetary assets

As of May 18, 2017 the NA deputies all together had declared 7,431,100,000 drams, 35, 937,700 dollars, 10.5 million rubles and 7 thousand Swiss francs.

All of this in drams adds up to **29.4 billion drams**, which is **60.9 million dollars**. Monetary assets in national currency make up 1/4 of the total.

Monetary assets in Swiss francs were declared only by the NA Chairman Ara Babloyan (7 thousand francs), and those in Russian rubles by RPA member Andranik Harutyunyan (10.5 million rubles).

99.5% of the total monetary assets declared by NA 101 deputies belongs to RPA and “Tsarukyan” factions.

RPA's monetary assets exceed those of “Tsarukyan” alliance: 15.4 billion drams against 13.9 billion drams. The ARF faction's monetary assets total 189.4 million drams and “Yelq” faction's is 35.4 million drams.

Each of the 31 deputies from “Tsarukyan” faction submitting declarations averages 449.3 million drams, whereas each of the 54 RPA deputies has 285.3 million drams on average. In this sense, the leader is “Tsarukyan” alliance (red curve on the chart).

On average each of the 7 ARF faction deputies averages 27 million drams and each of the 9 deputies from “Yelq” alliance has 3.9 million drams.

Deputies with most monetary assets declared

² At the time of preparing of the report 4 deputies, Artashes Geghamyan, Shushan Petrosyan, Arman Sahakyan, Ararat Zurabyan had not submitted declarations.

The deputy, who has declared the most monetary assets as in the parliament of the previous convocation, is Gagik Tsarukyan: 9 billion 90 million drams or 18.8 million dollars.

The second is RPA member Samvel Aleksanyan (4 billion 249.8 million drams or 8.8 million dollars) and Ashot Arsenyan is the third (3 billion 679.4 million drams or 7.6 million dollars).

RPA deputy Arayik Grigoryan is the 4th with 2 billion 360 million drams or 4 million 883 thousand dollars. Davit Manukyan from “Tsarukyan” alliance with 1 billion 298 million drams or 2 million 685.4 thousand dollars closes the top five.

Based on the monetary assets declared the NA has 11 dollar millionaires, at that 6 of them are from the RPA, 5 from Tsarukyan faction.

26 out of 101 deputies filling out declarations have declared zero monetary assets.

Loans

The total volume of loans extended by NA deputies is 112.6 billion in dram equivalent, and 232 million dollars in dollars. The largest part of the loans, the equivalent of 203.8 million dollars, belongs to Gagik Tsarukyan.

By the way, if we count not only monetary assets but loans when valuing the property, the number of dollar millionaires will be not 11 but 12 since Melik Manukyan will join the list.

Unlike with monetary assets the dollarization level for loans extended is lower. Loans extended in RA drams make up 46.4% of the total, in dollars 40.2% and 13.4% in euros.

Income

The monetary income of the NA 101 deputies received in the period from January 1, 2017 till the day of formally taking office (May 18), totals 17,3 billion drams or 35,6 million dollars.

Loans received make up a large share in the income. This is almost entirely due to Gagik Tsarukyan's 22.5 million euro loan. He also received 646 million drams as dividends, 370 million drams as interest or compensation for loans extended.

The largest monetary gifts were received by RPA deputies Ashot Arsenyan (6 million dollars) and Arkadi Hambardzumyan (540 million drams).

Apart from gifts, Ashot Arsenyan received 445.8 million drams as interest or compensation for loans extended.

Hermine Naghdalyan has indicated in her declaration that during this period she has received 270.3 million drams as a loan.

37.8 million drams of the Former Minister of Nature Protection Aram Harutyunyan's income are dividends and another 7.9 million drams he received as interest or compensation for loans extended.

“Yelq” faction deputy Aram Sargsyan's income of 21 million drams is entirely derived from dividends.