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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**SECOND SET OF PROPOSALS
FOR CONSTITUTIONAL AMENDMENTS
IN ARMENIA***

* Translation provided by the Armenian authorities

**LAW
OF THE REPUBLIC OF ARMENIA**

DRAFT OF THE AMENDMENTS TO THE RA CONSTITUTION

Article 1. Add a new Article 1.1 after Article 1 of the RA Constitution with the following wording:

“Article 1.1. The Republic of Armenia shall be a unified entity of targeted action functioning in compliance with the norms of international law and independently setting up its courses of action, goals and objectives as well as the implementation programs thereof on the basis of national and international values stipulated in its Constitution, laws and ratified international agreements. These programs shall govern all the state bodies and officials in the Republic of Armenia in their activities.”

Article 2. Add a new Article 2.1 after Article 2 of the Constitution with the following wording:

“Article 2.1 The principles and approaches in:

- a) determining the general structure of and courses of action of the Government,
- b) ensuring fundamental human rights and freedoms,
- c) organizing public life,
- d) regulating relations with other states,
- e) as well as selecting long-term state programs, goals and objectives in the RA shall be set forth and modified through national referenda as well as on the basis of the program provisions approved by the voters during elections.”

Article 3. Article 4 of the Constitution shall read as follows:

“Article 4. The Republic of Armenia shall ensure the protection of human rights and freedoms on the basis of the Constitution and laws in compliance with the principles and norms of the international law. In the exercise of power the people and the state shall be limited by the rights stipulated in the Constitution as a directly functioning right.”

Article 4. Add a new Article 4.1 after Article 4 of the Constitution with the following wording:

“Article 4.1. The state shall within the scope granted by the norms and principles of the international law and at full capacity pursue its all-national objectives and goals.”

Article 5. Article 5 of the Constitution shall read:

“Article 5. The state power shall be exercised in compliance with the Constitution and laws on the basis of separation and balance of the legislative, executive and judicial powers. The state and local self-government bodies and officials shall be entitled to such action for which they are authorized by the law and other legislative acts based directly on the law and ensuring the implementation thereof.”

Article 6. Article 6 of the Constitution shall read as follows:

“Article 6*. The rule of law and the equality of all before the law shall be guaranteed in the Republic of Armenia. The RA Constitution shall be of supreme legal force and the norms thereof shall apply directly. The laws acknowledged as contradicting the Constitution as well as the legal acts acknowledged as not based on and contradicting the content of the Constitution and laws shall have no legal force. The laws shall be implemented solely following their official publication. Non-publicized laws related to human rights, freedoms and obligations shall have no legal force. The international agreements concluded in the name of the Republic of Armenia shall be implemented following their ratification only. The ratified international agreements shall constitute an integral part of the legal system of the Republic of Armenia. In the event that the ratified international agreements include other norms than those set forth by the law, the norms of the agreements shall apply. The international agreements not complying with the Constitution can be ratified only following the adoption of the relevant amendments to the Constitution.”

Article 7. Article 7 of the Constitution shall read as follows:

“Article 7*. Ideological pluralism and a multiparty system shall be recognized in the Republic of Armenia. Political parties shall be formed on a free basis, contribute to the development and expression of the people’s political will and take part in the process of regulating and governing the people’s public life. The political parties and the pre-election unions thereof running for election to the National Assembly shall impart their pre-election programs and approaches to the voters, and these programs shall act as a basis for developing state four-year and annual programs, and defining the course of action of the executive power in the event that they, in compliance with the Constitution, are granted the right to form the Government on the basis of the election outcomes. The activities of the political parties cannot contradict the Constitution and laws, neither can their procedures contradict the universally recognized principles.”

Article 8. Add a new Article 7.1 after Article 7 of the Constitution with the following wording:

“Article 7.1. The church shall be separate from the State in the Republic of Armenia. The Republic of Armenia shall recognize the exclusive historical role of the Armenian Apostolic Church in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia. Freedom of activities for all religious organizations operating in conformity with the procedure defined by law shall be guaranteed in the Republic of Armenia.”

Article 9. Add a new Article 7.2 after Article 7.1 with the following wording:

“Article 7.2**. The armed forces in the Republic of Armenia shall be responsible for ensuring security, defense and territorial integrity of the Republic of Armenia, as well as inviolability of its frontiers. The armed forces shall maintain neutrality in political matters and remain under civilian control.”

Article 10. Article 8 of the Constitution shall read:

“Article 8. The right to property shall be recognized and protected in the Republic of Armenia. The proprietor shall, upon his/her discretion, own, use and manage the property belonging to him/her. The right to property shall be exercised without detriment to the natural environment, shall not violate the rights and lawful interests of other people, the society and the State and shall not deprive the State of the opportunity to pursue its objectives and programs stipulated in the law. The State shall guarantee free development of and equal legal protection to all forms of property; freedom of economic activity, monopoly in the market and unfair competition shall be prohibited.”

Article 11. Article 10 of the Constitution shall read as follows:

“Article 10. The State shall ensure protection and reproduction of the natural environment and the reasonable use of the natural resources.”

Article 12. Article 11 of the Constitution shall read as follows:

“Article 11. All matters related to the development of the Armenian culture, preservation of cultural values shall be under the auspices of the State. Within the scope of its resources the Republic of Armenia shall contribute to the progress of civilization and ensure free access to the cultural heritage of the world for its citizens. The Republic of Armenia shall within the framework of the principles and norms of international law contribute to the preservation of the historical and cultural values of Armenia abroad, as well as the progress of the Armenian educational and cultural life.”

Article 13. Add a new Article 11.1 after Article 11 of the Constitution with the following wording:

“Article 11.1 Regions and communities shall be the administrative-territorial units in the Republic of Armenia. The city of Yerevan shall have a status of a region and shall consist of district communities.”

Article 14. Add a new Article 11.2 after Article 11.1 with the following wording:

“Article 11.2. The local self-governance shall be recognized and guaranteed in the Republic of Armenia. Self-governance shall be exercised in all the administrative-territorial units – regions, communities, the city of Yerevan and the district communities thereof.”

Article 15. Add a new Article 11.3 after the new Article 11.2 with the following wording:

“Article 11.3. The law shall define the procedure for acquisition and termination of the citizenship of the Republic of Armenia. Armenians by birth shall acquire the citizenship of the Republic of Armenia through a simplified procedure. Armenians by birth not residing in the Republic of Armenia may acquire the status of dual citizenship in the Republic of Armenia. The law on dual citizenship shall define the rights and obligations of dual citizens as well as the State commitments to dual citizens. No one shall be deprived of the RA citizenship nor shall anyone be deprived of the right to change citizenship. A citizen of the RA shall not be extradited to another country with the exception of cases stipulated in the RA international agreements. The decision on extradition may be appealed against to court. The RA citizens shall enjoy the protection of the Republic of Armenia within the territory of the Republic of Armenia and beyond its borders.”

Article 16. Article 49 of the Constitution shall read as follows:

“Article 49. The President of the Republic shall be the head of the State. The President of the Republic shall strive to uphold the Constitution, ensure progress of the state programs and regular functioning of the legislative, executive and judicial powers. The President of the State shall be the guarantor of the independence, territorial integrity, security, continuity of the state power, transparency and accuracy of the official information and the statistical data in the RA.”

Article 17. Article 55 of the Constitution shall read as follows:

Article 55. The President of the Republic shall:

1. Deliver addresses to the people and the National Assembly;
2. Within two weeks after receiving the law adopted by the National Assembly sign and promulgate it. In the course of this period and on the basis of the authority granted to him/her by the Constitution may return the law to the National Assembly with objections and recommendations requesting for new deliberations. In the event the National Assembly rejects the RA President’s objections and recommendations and re-adopts the law by the 3/5 majority of votes, the President of the Republic shall within five days sign and promulgate the law;
3. In case of failure by the National Assembly to annually implement the four-year state programs the President of the Republic shall at the end of the first year of the NA term of office deliver a warning address to both the National Assembly and the Government. He/she may reduce the term of office of the National Assembly at the end of the first half of either the second or the third year of the NA office and declare special elections to the NA in the event that the failure to implement the program perseveres;
4. Declare regular, special and recurrent elections to the National Assembly;
5. In cases stipulated in the Constitution and laws make appointments to public posts.
6. In conformity with the procedure stipulated in the law form the National Security Council and chair the sittings thereof;
7. As a head of the State, represent the Republic of Armenia in international relations, in cases and by the procedure prescribed by law conclude international agreements and sign the ratification forms thereof;
8. Upon the recommendation of the Government appoint to and recall from office the diplomatic representatives of the Republic of Armenia in foreign countries and international organizations, accept the letters of credence and recall of the diplomatic representatives in foreign countries and international organizations;

9. With the consent of the National Assembly appoint to and dismiss from office the Prosecutor General and upon the recommendation of the Prosecutor General appoint to and dismiss from office his/her deputies;
10. Appoint the members of the Constitutional Court of his/her own choosing and those recommended by the National Assembly. On the basis of the conclusion of the Constitutional Court may terminate the powers of any of his/her appointees in the Constitutional Court, or give his/her consent to bringing a criminal or administrative charge against the appointee in question;
11. In conformity with the procedure stipulated in the Constitution take part in the formation of the bodies of the judicial power;
12. During martial law and the state of emergency assume the responsibilities of the Commander-in-Chief of the armed forces, coordinate the operations of the state bodies in the area of defense;
13. Declare martial law in case of an unexpected armed assault on the Republic, immediate danger thereof or proclamation of war; take the measures envisaged by the law on martial law and immediately convene a sitting of the NA;
14. In the event of danger threatening to the constitutional order and upon the recommendation of the NA declare a state of emergency and take the measures envisaged by the law on the state of emergency.
15. Resolve matters on granting citizenship of or asylum in the Republic of Armenia in conformity with the procedure defined by law;
16. Award the orders and medals of the Republic of Armenia, other titles envisaged by law, promote to highest military ranks and honorary titles, as well as promote to highest diplomatic and other classification ranks;
17. Grant pardon to convicted persons.

Article 18. Article 57 of the Constitution shall read as follows:

“Article 57. The President of the Republic may be impeached for deliberate and continuous failure to discharge the responsibilities granted to him/her by the Constitution, abuse of the office, disloyalty to the State or other severe crimes. To obtain a conclusion on impeaching the President of the Republic, the National Assembly shall make an inquiry to the Constitutional Court following the adoption of a resolution by the majority of votes. The National Assembly shall adopt the resolution on impeaching the President of the Republic, on the basis of the conclusion of the Constitutional Court, by at least two-thirds of votes of the total number of its deputies. In the event that the Constitutional Court concludes that there are no grounds for impeaching the President of the Republic the motion shall be rejected a debate in the National Assembly.”

Article 19. Article 62 of the Constitution shall read as follows:

“Article 62. The National Assembly shall appoint the Prime Minister and, upon the recommendation of the latter, the members of the Government, approve the composition, the structure and the main courses of action of the Government. The National Assembly shall upon the submission of the Government, adopt laws on the long-term, four-year, annual and special programs and the budget, make amendments and oversee the progress thereof. The mandate of the National Assembly shall be defined by the Constitution and the law on the NA rules of procedure adopted on the basis of the Constitution. The National Assembly shall function in conformity with the rules of procedure.

Article 20. Article 63 of the Constitution shall read as follows:

“Article 63. The National Assembly shall consist of 100 deputies elected by proportional representation and 31 deputies elected by single mandate. As a result of voting by single mandate 5 deputies will be elected from the city of Yerevan and one from each of the following: Gyumri, Vanadzor and the RA administrative-territorial units.”

Article 21. Add a new Article 63.1 after Article 63 of the Constitution with the following wording:

“Article 63.1. The term of office of the National Assembly shall be four years. In cases and in conformity with the procedure stipulated in the Constitution the term of office of the National Assembly may be reduced and special elections to the NA may be declared.

No elections to the National Assembly shall be declared during martial law or a state of emergency. The term of office of the National Assembly shall be extended during martial law. Elections to the National Assembly of the new convocation shall be declared following the termination of martial law. The term of office of the national Assembly of the previous convocation shall terminate on the opening day of the first session of the newly elected National Assembly.”

Article 22. Add a new Article 63.2 after Article 63.1 with the following wording:

“Article 63.2 The parties and the pre-election unions thereof taking part in the elections by proportional representation shall impart on the voters their pre-election four-year programs and approaches, by which they shall be governed for the next four years in the event that the outcomes of elections entitle them to form the Government. A pre-election four-year program shall include annual sub-programs for all the main sectors as well as the quantitative and qualitative evaluation indicators, the extent of permitted deviations and the description of insurmountable obstacles for the implementation of the program. In the event that no insurmountable obstacles are identified the program shall be deemed as wholly or annually failing in implementation if the main indicators, according to statistics, are lower than the intended minimum.”

Article 23. Add a new Article 63.3 after Article 63.2 with the following wording:

“Article 23. The party shall bear responsibility for its pre-election four-year program or that of the pre-election union’s, to which it has joined, presented to the voters in the course of elections. In the event that the party denies the main program provisions or has terminated its activities in conformity with the procedure established by law, it shall upon the conclusion of the Constitutional Court and the resolution of the National Assembly be deprived of its parliamentary seats. In order to fill the vacant seats, when the party has run for elections separately, the National Assembly shall resolve to declare special elections by proportional representation, in which only the parties and unions represented in the National Assembly shall take part. While if the party has run for elections jointly with a pre-election union, the vacant posts shall be filled from among the representatives of the rest of the parties within the union in accordance with the union list.”

Article 24. Add a new Article 63.4 after Article 63.4 with the following wording:

“Article 63.4 A deputy elected from the party list either publicly denying the four-year pre-election program provisions, or expelled from the party or resigning on his/her own accord shall be deprived of the deputy’s mandate and the next person in the party list shall substitute him/her in the NA.”

Article 25. Add a new Article 63.5 after Article 63.4 with the following wording:

“Article 63. 5 The candidates for deputies to be elected to the NA by single-mandate shall present to the voters of their respective electoral districts their action plans for the electoral districts and the NA – the main tasks and goals they will strive to achieve and for which they assume responsibility. A deputy elected through a single mandate voting may be recalled from office by local constituents for the failure to meet his/her election commitments through a process of local referendum. In this event a special election shall be held for the vacant post.”

Article 26. Add a new Article 63.6 after Article 63.5 with the following wording:

“Article 63.6. The pre-election unions of the parties, for which, in conformity with the proportion of votes obtained at regular and special election, at least 5 percent of authentic votes have been cast, shall assume offices in the NA,. The party or the pre-election union of parties

having obtained most of the votes at recurrent elections shall receive at least 66 seats in the event no more seats could be obtained at the election. The rest of the seats in the proportional representation shall, in conformity with the proportion of the votes obtained, be distributed among the parties and the pre-election unions having obtained 5 and more percent of the authentic votes. The candidate having obtained more than half of the authentic votes in an electoral district shall be deemed elected by single mandate system. In the event of failure to do so and following a week, recurrent elections shall be held with the participation of two of the candidates that have obtained more votes than the others.”

Article 27. Article 66 shall read as follows:

“Article 66. In the course of his/her term of office and following its expiration a Deputy shall not be persecuted or held responsible for any action proceeding from his/her status of a Deputy, including expressing opinions in the National Assembly provided they are not insulting or defamatory. A Deputy shall not be brought either a criminal or administrative charge against save with the consent of the National Assembly. A Deputy shall not be arrested without the consent of the National Assembly save for cases when the arrest is made in the act. The news on the aforementioned shall be speedily imparted on the Chairman of the National Assembly and the issue of consent shall be deliberated at the next sitting. In case of failure to achieve consent, the deputy shall immediately be released.”

Article 28. Article 68 of the Constitution shall read as follows:

“Article 68. The regular elections to the National Assembly shall be held on any of the seventy days prior to the expiration of the NA term of office. The voting for the regular elections shall be held on the second Sunday of September. The first session of the newly elected National Assembly shall be convened ten days following the voting. Before the election of the NA Chairman the representative of the party or pre-election union having obtained most of the seats at the National Assembly shall chair the NA sittings.”

Article 29. Article 71 of the Constitution shall read as follows:

“Article 71. The laws and the NA resolutions shall, with the exception of those stated otherwise, be adopted by the majority of votes of the deputies having taken part in voting provided more than half of the total number of deputies have voted.”

Article 30. Article 73 of the Constitution shall read as follows:

“Article 73. The deputies elected by single mandate system shall establish a standing committee on the local-self-governance and territorial administration in the National Assembly. Apart from this committee no more than nine standing committees may be established in the National Assembly. The standing committees shall be established for the preliminary review of the drafts of legislative acts and other proposals and for providing the National Assembly with conclusions thereon. If necessary and in conformity with the procedure stipulated in the rules of procedure of the National Assembly ad hoc committees may be established for the preliminary review of special draft laws or for providing the National Assembly with conclusions or information on special events, facts and programs.”

Article 31. Article 74 of the Constitution shall read as follows:

“Article 74. The party or the pre-election union having obtained most of the seats at the National Assembly shall submit the main provisions of its pre-election four-year program, its approaches on the composition of the Government and the main directions of its action plan and its candidate for the post of the Prime Minister to the National Assembly. The candidate for the post of the Prime Minister shall at the next sitting of the NA convened following a week’s interval submit to the National Assembly the draft of the state four-year program based on the pre-election program as well as the issue of the Government composition thus putting forward the motion on expressing confidence in the Government. A draft resolution on expressing non-confidence in the Government may be put forward upon the initiative of at least 1/3 of the total number of the deputies within 24 hours after putting forward the motion on expressing

confidence in the Government. The draft resolution on expressing no-confidence in the Government shall be put to the vote not earlier than 24 and not later than 48 hours after being put forward. In the event that no draft resolution on expressing no-confidence in the Government is put forward or no such resolution is adopted, the state four-year program, the Government composition and the candidate for the post of the Prime Minister shall be deemed approved.”

Article 32. Add a new Article 74.1 after Article 74 of the Constitution with the following wording:

“Article 74.1. In the event that the draft resolution on expressing no-confidence in the Government is adopted, recurrent elections shall be declared for the seats under the proportional representation system, in which only the parties and pre-election unions having received seats at the regular elections shall take part. During the recurrent elections held within two weeks the parties and pre-election unions may form new unions, modify their pre-election four-year programs and the lists of the candidates for deputies and present them to the voters.”

Article 33. Add a new Article 74.2 after Article 71.1 with the following wording:

“Article 74.2. Voting for the recurrent elections shall be held on the last Sunday in October. The activities of the National Assembly composed of the deputies elected by proportional representation at regular elections and the single mandate system at the recurrent elections shall start in conformity with the terms and procedure stipulated in Article 74 of the Constitution.”

Article 34. Add a new Article 74.3 after Article 74.2 with the following wording:

“Article 74.3. Apart from cases stipulated in Articles 74 and 74.1 of the Constitution the National Assembly may express no-confidence in the Government only once during its term of office. The Prime Minister and the composition of the Government only may change in this case. In the event that the National Assembly expresses no-confidence in the Government for the second time, the term of office of the NA shall be reduced and special elections to the NA of the new convocation shall be declared.

In the event that the term of office of the National Assembly is reduced for reasons of either expressing no-confidence in the National Assembly by referendum, or for the failure to implement the four-year program (by the President) or expressing no-confidence in the Government for the second time during the spring session, special elections to the NA shall be held on any of the following seventy days and the voting shall be held on the last Sunday of September of the given year. In the event that the National Assembly expresses no-confidence in the Government for the second time during the autumn session, special elections shall be held on any of the following fifty days. In this case prior to the formation of the NA and the Government by the NA as well as approval of the new four-year and state programs and the budget, the previous Government shall continue functioning on the basis of the principle of budget proportions.”

Article 35. Article 85 of the Constitution shall read as follows:

“Article 85. The RA Government shall be the supreme body of the executive power in the Republic of Armenia, which shall in compliance with goals and objectives stipulated in the RA Constitution, laws, international agreements ratified by the Republic of Armenia, main directions of the national and foreign policies and concept papers, be responsible for the implementation of the RA long-term, four-year and annual programs and the execution of the budget. In conformity with the procedure stipulated in the law the RA Government shall coordinate, administer and supervise the activities of all the governmental bodies and bear general responsibility for the activities thereof. The Constitution and laws shall define the powers and responsibilities of the Government. The Government shall within the scope of its powers adopt decrees subject to implementation in the whole territory of the Republic. The procedure for expressing no-confidence in the Government and forming a new Government shall be defined by the RA Constitution.”

Article 36. Add a new Article 85.1 after Article 85 of the Constitution with the following wording:

“Article 85.1. The RA Government shall be composed of the Prime Minister and the Ministers. The Government shall be deemed formed in the event when the Prime Minister and all the ministers envisaged by the law are appointed. The Prime Minister and the ministers shall be citizens of the RA. The Prime Minister shall appoint one of the Ministers to act on the Prime minister’s authority in his/her absence. The law on the Government shall define the structure of and procedure for the Government.”

Article 37.

Article 86. The Prime Minister shall convene and chair the Government sittings. The Government sittings shall be convened upon the request of 1/3 of the Government members. The Prime Minister shall sign the Government resolutions.

Article 87.1. The ministries shall in conformity with the procedure and the scope stipulated in the Constitution, laws and their charters administer specific sectors identified by the law on the Government, ensure the implementation of sub-programs for their respective sectors included in the state four-year programs. The Minister shall supervise the activities of the ministry and bear responsibility for the progress of the relevant sub-program. The National Assembly shall upon the submission of the Government adopt the ministry charters in the form of law.

Article 39. Article 89 of the Constitution shall read as follows:

“Article 39. The Government shall:

1. In conformity with the procedure stipulated in Article 74 of the Constitution annually submit to the NA the draft law on the RA state four-year program with its sector-based sub-programs, the evaluation criteria for the progress of implementation and potential deviations, as well as the description of the insurmountable obstacles, for approval;
2. Submit to the NA the drafts of the annual state programs and the budget for approval, ensure the progress of execution thereof and submit reports on the aforementioned to the National Assembly;
3. Manage the state property;
4. Ensure implementation of a unified state policy in all the sectors of economic and social life;
5. Ensure the implementation of defense, national security and foreign policies in the RA;
6. Ensure the maintenance of public order, take measures to foster law and to ensure the rights and freedoms of its citizens.”

Article 40. Article 90 of the Constitution shall read as follows:

“Article 90. The Government shall submit the drafts of annual state program and the budget to the NA for debate at least 45 days prior to the beginning of the budget year and may request that these drafts are put to the vote before the expiration of that period. The motion on expressing confidence in the Government may be put forward by the latter in relation to the approval of the budget and the state annual program.”

Article 41. Article 104 of the Constitution shall read as follows:

“Article 104. The local self-governance shall be exercised in all the RA administrative-territorial units. The local self-governance shall be the right of the administrative-territorial units ensured and guaranteed by the State to resolve on its own responsibility and for the welfare of its inhabitants the local problems in compliance with the Constitution and the laws.”

Article 42. Add a new Article 104.1 after Article 104 of the Constitution with the following wording:

“Article 104.1. A community shall be the populace of a number of residential areas. A region shall be the administrative-territorial unit consisting of communities. Both the region and the community shall be legal entities and shall have the right to ownership and the right to property.”

Article 43. Article 105 of the Constitution shall read as follows:

“Article 105. The bodies of local self-governance shall discharge their responsibilities with regard to using and managing the community property, resolving local problems and meeting the needs of the inhabitants as their own responsibilities in the name and on the responsibility of the bodies of local self-governance. The law may define part of these responsibilities as mandatory. To ensure more effectiveness in the discharge of the responsibilities of the state authorities the law may delegate them to the community or regional bodies of local self-governance.”

Article 44. Add a new Article 105.1 after Article 105 of the Constitution with the following wording:

“Article 105.1. The land found in the territory of the community with the exception of the land for the State needs and the land belonging to natural person and legal entities shall be the property of the community. ”

Article 45. Article 106 of the Constitution shall read as follows:

“Article 106. Both the regions and the communities shall form their budgets independently and the law shall define the sources of revenues thereof. The delegated responsibilities shall be subject to mandatory funding from the state budget. Both the regions and the communities shall set the local taxes and duties within the scope defined by law and may set fees for services delivered by them.”

Article 46. Article 107 of the Constitution shall read as follows:

“Article 107. Both the region and the community shall exercise their right to self-governance through the bodies of local self-government – the Council of Aldermen and the Head of the community/region, which shall be elected for a four-year term of office in conformity with the procedure stipulated in the law. The Council of Aldermen shall in conformity with the procedure set forth in the law manage the community’s and the region’s property, approve the budget upon the submission of the Head of community/region, in the manner defined by law set local taxes, duties and fees, adopt legal acts subject to mandatory implementation. The legal acts adopted by the Council of Aldermen shall not contradict the legislation and the law shall define the procedure for the publication and entering into force thereof. The law shall define the powers of the Head of community/region and the procedure for exercising them. The populace of the administrative-territorial units may be directly involved in the administration of local affairs by resolving the local problems through a referendum. The law shall define the procedure and terms for the local referendum.”

Article 47. Article 108 of the Constitution shall read as follows:

“Article 108. The local self-government in the city of Yerevan and the district communities thereof shall be exercised through direct elections to the Council of Aldermen for the city and district communities, the Mayor of Yerevan and district mayors. The law shall define the specifics of self-governance in the city of Yerevan and the district communities thereof. ”

Article 48. Remove Article 109 of the Constitution.

JUSTIFICATION

For Making Amendments to the Constitution of the Republic of Armenia

The amendments to the Constitution of the Republic of Armenia are conditioned on the need to fully harmonize the main law of the country with the contemporary democratic processes around the world, to eliminate the deficiencies in the government’s structure, to respond to the universal achievements, to reflect the state, historical and modern developments of the Armenian nation and to foster the best structures and procedures for the consolidation of the state.

Believing that as a result of the deficiencies in the supreme law of the country:

1. A deficient system of state structures was established in the RA, which:
 - Due to deliberately faulty choice of the government structure, mechanisms of mutual control and checks between its various branches, powers and responsibilities has not only failed:
 - o to contribute to solving the common problems of the nation and fostering the system of all-national structures,
 - o to ensure (at present and for the future) elementary conditions for the regular functioning and survival of the state and its citizens, opportunities for establishing a stable political system and accord among its citizen's, but has become the main force in hindering the progress and undermining the nation's potential.
 - Believing that the current system of government in the RA is completely deficient proving as a precondition for regular falsifications of the election outcomes, non-merit based appointments to political posts, violence in changing the government, continuity in the chain of political murders and other heavy crimes, obstacles for the general progress as well as the migration (which has become an all-national problem for Armenia);
2. Taking into account that at such a hard historical phase it is necessary to minimize the dependence on possible mistakes in the governance of different individuals, the level of their will and psychic powers, interests and arbitrary behaviour;
3. Believing that the complex social unities of the modern time are successful mainly through collective efforts of creativity and endeavors to solve the common objectives;
4. Striving to shape the government system of the RA as a unified entity of targeted action together with its:
 - a) Constitutionally stipulated national and universal values, orientation, structure, selection of goals and evaluation criteria for the functioning of the state, regulation of relationships with other countries and clear approaches and principles of progress.
 - b) Legislatively defined:
 - concepts of national and foreign policy,
 - long-term and current objectives together with the long-term and annual programs for the implementation thereof.
5. that must be adopted and implemented after public discussion only, provided the majority of the citizens are positive about them;
6. Acknowledging that it is possible to develop effective policies and programs only through joint efforts of those parties that have full understanding of collective interests and do not adhere to alien ideologies and
 - Aim at creating conditions for fostering further development in the RA,
 - To give them the opportunity to form the executive power after winning the elections, so that they can bring their pre-election programs and promises into effect;
7. At the same time aiming at fostering the responsibility of the parties striving to power for them to make realistic programs during elections and the implementation thereof,
 - To enable the opposing parties and the public in large to measure the progress of these programs and to solve the issue of the reasonableness of new elections should their evaluations be negative.
8. And aiming at ensuring individual responsibility to guarantee:
 - a) Convergent and regular functioning of the branches of power,
 - b) Succession and continuity of the state power,
 - c) Representation in the interstate relations,

- d) Transparency in the activities of the whole system of government, reliability and availability of official information and statistics to the general public,
- e) Rehabilitation of the moral and psychological environment, organization of the
- f) processes of amnesties, pardons, awards, granting citizenship for outstanding services;

Being guided by the following principles:

1. Failure on the part of the Government officials to observe the principles, goals and objectives stipulated in the Constitution and the laws must be deemed as a violation of the constitutional order and punished in conformity with the procedure set forth in the legislation.
 2. The Constitution and the special law on the Government must define the structure and the procedure for the Government. The law must be adopted or amended by the majority of general number of votes of the deputies.
 3. The RA National Assembly should consist of deputies elected by proportional representation and by single mandate system. In case of the single mandate system one deputy should be elected from each electoral district formed on the basis of administrative-territorial division.
 4. The political parties and their unions that take part in elections must impart on the voters their four-year programs and approaches that will guide them in the event they win the elections and form the Government.
 5. The pre-election four-year programs should be split on annual basis, include sub-programs for all the main spheres, the extent of the possible deviations and the description of the insurmountable obstacles. They must be based on the evaluation of the current situation, the progress forecasts and the quantitative and qualitative (macroeconomic, economic and statistical) indicators for the quality control.
 6. A special law must define the structure of the pre-election four-year, and state long-term and annual programs, the way they come into force, as well as the control and supervision mechanisms.
 7. The party or the pre-election union thereof having won the elections must recommend a candidate for the post of the Prime Minister, assign the latter to develop the state four-year program on the basis of the pre-election program, form the Government and present it to the NA for approval.
 8. If the Government formed fails to accomplish the four-year program, the RA President delivers a warning address to both the majority in the NA and the Government about that. If the program is not accomplished for a second year and there are no insurmountable obstacles for that the President resolves the National Assembly and declares new election.
 9. In case of the failure to accomplish the program the opposing parties and other initiative groups may collect signatures on holding a referendum on the issue of new elections to the NA.
 - 10 The President of the Republic must be elected directly and discharge the responsibilities set forth in clause 8 of the concept paper.
 11. A viable system of local self-government must be established in the RA. The administrative-territorial division in the RA must change. Taking into account some of the specifics of local and economic nature, the number of marzes (regions) should be increased to 25. Apart from the communities, the local-self-government must be exercised in marzes as well (the second level of self-government).
 12. All the bodies of the executive power (including the level of self-government) must act in the framework of a previously adopted and legislatively stipulated program.
- The adoption of these amendments will help our country ensure sound progress in the integration with the world family as a full-right member, in fostering the democratic order, as well as in the intention of the state to maintain and protect the historical and cultural values of the Armenian nation.