

To the Head of the Chair of Constitutional Law of the YSU,
the member of the Commission for Constitutional Reforms
of the Republic of Armenia
Mr. G. Danielyan

Dear Mr. Danielyan,

After reading your interview "The citizens will counterbalance the Parliament" (newspaper "Golos Armenii" ("Voice of Armenia"), July 23, 2015), I remembered the words of the New Testament: "Blessed are those who have not seen and yet have believed".

Do you seriously believe that the officials will allow citizens to be a counterbalance to them?

Please, remember that while being the RA Minister of Justice, you "pushed" a half-baked draft law "On Amendments to the RA law "On NGOs" to the RA National Assembly. More than 200 NGOs were against the draft, but you insisted on it.

But we'll talk about it later. Let's talk about the draft of the reformed RA Constitution.

Being an average resident of our society who doesn't participate in any political or social movement, I ask you to answer the following questions: namely, does the draft of the reformed RA Constitution provide the following criteria?

- Independence of the Republic;
- The territorial integrity of the Republic;
- National identity;
- Democratization of the political and social system;
- Safety of the citizens, both inside and outside its borders;
- Protection of fundamental freedoms;
- Protection of human rights;
- Environmental protection and efficient use of its water, land and natural resources;

- National security of the country in political, cultural and spiritual spheres;
- Real division and independence of the relevant branches of the government (particularly the judicial branch).

Is the draft of the reformed RA Constitution proposed for a wide public discussion relevant to the condition of "necessity and sufficiency" in general?

I'd be very grateful to you for your complete answers, however, I ask you not to respond to my questions in a spirit of populism.

I hope you, as a co-author of the draft of the reformed Constitution, can give qualified answers to the raised questions.

In addition, the considered draft of the document which is fundamental for our country must be implemented in all the spheres of the domestic life.

As shown by practice, the main law of the Republic of Armenia-the RA Constitution is reformed with a periodicity of 10 years. Obviously, in today's rapidly changing world so frequent reforms of the main law can be somehow justified. However, there is another problem: is the domestic society capable of, and most importantly, its socio-political and public economic part-the elite of the nation, able to accept and implicitly carry out each article of the reformed Constitution?

Thanks to this, the so-called, elite, we really have what we have.

No punitive measures over the next 10 years will be able to qualitatively change the society and, most importantly, to change its attitude towards the authorities.

According to your prediction, our society will be able to be reborn and to eliminate such shortcomings as peculation, corruption, provincialism, regionalism, family and tribal mutual protection, protectionism, low level of professionalism, permissiveness and all that now is so typical of the vast majority of the national elite and serve as a vivid example for the rest of society.

Will we change this situation by changing the Constitution ?

That is, all of a sudden:

- Will the socio-political "elite" qualitatively change?

- Will there be a high-ranking official who voluntarily resigns for his illegal activities?
- Will senior officials be personally liable for their illegal actions?
- Will the bureaucratic class cease to use public funds for the sake of their ambitions and enrichment?
- And so on.

The RA Constitution must be implemented without the subjunctive mood (that is from grammar).

The domestic socio-political and state-economic elite aren't used to talking to people sincerely, without lies. They live in other dimensions, where the RA Constitution isn't the main law, and every official is obliged to honor and implement its requirements in practice.

In general, an average resident is little interested in the form of the government (parliamentary or presidential) functioning in the country. His only problem is the following: can the government (represented by the executive branch) be the guarantor of his rights and freedoms?

P.S. A practice is established in the country according to which drafts of some fundamental laws are sent to the European Commission for Democracy for examination through Law. So it was with all previous drafts of the RA Constitution. I wonder how we explain the reasons for such frequent changes of the Constitution to our experts.

Sincerely,

Levon Nersisyan

Director of A. D. Sakharov Armenian Human Rights Centre