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Armenia's Constitutional Conundrum

Can Pashinyan's "Real Armenia" Satisfy both Baku and Armenian Voters?

Although Armenia's next parliamentary elections are not scheduled to take place until mid-2026, many analysts and political commentators believe the pre-election campaign period has already started. The first sign was arguably in November when Prime Minister Nikol Pashinyan reprimanded and replaced several officials. A month earlier, a survey by the International Republican Institute (IRI) indicated that only 16 percent of respondents trusted his leadership. Only 20 percent said they would vote for his Civil Contract party if elections were held that weekend.

In an unexpected move, Pashinyan also shaved off his beard as if trying to return to his revolutionary heyday in 2018 when he led protests forcing his predecessor, Serzh Sargsyan, to resign. Not only did Pashinyan grow his beard then but also donned a camouflage t-shirt, adopting the look of a fighter from the First Karabakh war. Many argue that along with other populist behavior this made the outbreak of full-scale war in September 2020 all but inevitable.

Today, things have changed. Not only did Armenia lose the ensuing war but also semi-control over the former Soviet-era Nagorno-Karabakh Autonomous Oblast (NKAO) and swathes of territory surrounding it. In September 2023, it lost what remained of the entity completely when Baku launched a military operation to disarm local ethnic Armenian militias and the alleged remnants of Republic of Armenia forces deployed to internationally recognized de jure Azerbaijani territory.

When Pashinyan posted his shaving online on 14 November last year, it also appeared to signal a new chapter in his political career before the next elections.

That same day he had already stirred controversy by equating the 1990 Declaration of Independence with the "non-existence of Armenia" itself. He was referring to how it called for the "Reunification of the Armenian SSR and the Mountainous Region of Karabakh" and is referenced in the preamble to the country's constitution. This issue has been raised by Baku in the past and many calls were made last year for it to be removed if an overdue agreement on normalizing relations was to be signed.

Though Pashinyan counters that no such claims exist in the constitution, he has anyway said similarly, criticizing the 1990 declaration for keeping Armenia in conflict with Azerbaijan and Türkiye for the foreseeable future. His critics maintain that this confirms he plans to remove preamble in any constitutional changes, something that he has been planning since coming to power. When last changed in 2015, the President Sargsyan did so only to extend his rule past a two-term limit by switching from a semi-presidential to parliamentary system of government.

A clause ensuring a parliamentary stable majority also made it more difficult to depose an incumbent administration through elections. Moreover, given that referendums to change the constitution in 2005 and then 2015 were accompanied by reports of widespread fraud and inflated voter turnout, the constitution was hardly respected by the population.

Regardless, Pashinyan's first attempt to change the constitution in early 2020 was postponed because of pandemic restrictions and the war with Azerbaijan. Seemingly oblivious to how close another conflict was, Pashinyan did nonetheless campaign for his changes with proposed amendments published in a pamphlet resembling an Armenian passport with a map of Armenia and the former NKAO, along with the then seven occupied Azerbaijani regions surrounding it, on the cover.

But that was then and this is now. Following the 2020 defeat, there has instead been speculation that Pashinyan plans to forge a fourth republic to replace the third established in 1991. For Pashinyan, this would mark a new chapter in the country's history, relegating the Kocharyan and Sargsyan era from 1998 to 2018 to history. It could also help the country move on from its defeat in 2020 and absolve Pashinyan from any blame for it. Earlier this year, Pashinyan even equated that defeat to an opportunity to now form an "independent and sovereign state."

In what he has also termed a transformation from "Historical Armenia" to "Real Armenia," Pashinyan continues to stress the necessity of forging peaceful neighbourly relations with Azerbaijan and Türkiye.

Under the constitution, a referendum can only pass if more than half of those participating, but not less than a quarter of the electorate, vote in favour. If Kocharyan and Sargsyan allegedly inflated the voter turnout amidst a boycott by the opposition in the past, it is far less likely that Pashinyan would falsify the vote. But with critics persistently accusing him of making changes because of pressure from Baku, over 80 percent of respondents surveyed last year said they were against changing it.

Last month, a senior Civil Contract lawmaker echoed those concerns. Instead, many Armenian analysts accuse Baku of trying to derail negotiations by raising the issue. Their counterparts in Azerbaijan, however, raise plausible concerns that doubts linger as to Pashinyan's sincerity. Moreover, even if Yerevan claims that Azerbaijan's constitution contains territorial claims on Armenia, it is in Yerevan where revanchism is strongest albeit among the opposition. The concern is that future administrations might use the 1990 Declaration of Independence to resurrect official claims on Karabakh if in power.

For Pashinyan to transform the elections and a referendum into a mandate to maintain power and amend the constitutional changes, he will need a complete package to entice the population to vote for his “Real Armenia” that nonetheless still removes the controversial preamble. On 19 February, in a live broadcast “billed as an ideological message,” Pashinyan appears to have done just that. According to the government, it will emphasize human, civil, and socio-economic rights and a number of provisions related to governance and the role of state bodies.

In the hour long address, Pashinyan outlined 14 key points as a framework for elaborating his “Real Armenia” in any eventual draft. The first specifically mentioned the need to adopt a “new constitution,” again soliciting claims that these also meant removing the existing preamble. Though it is still unclear whether he intends to amend or replace the entire constitution, he had hinted in early 2024 that it would be the latter. Though rarely mentioned, removal of the preamble will possibly be necessary for normalising relations with Türkiye too.

There is no doubt that failure to remove it, or even a rejection during a referendum, could be taken as a *Causus Beli* by Azerbaijan. Baku has already made it clear that it wants confirmation the Armenian population supports a peace deal and a referendum would deliver that. Meanwhile, former Foreign Minister Vartan Oskanian has called on the opposition to turn Pashinyan's concept against him by boycotting or turning it into a vote of no-confidence. Pashinyan has brought forward the deadline for a draft from the beginning of 2027 to before the next elections.

It is unclear whether this would mean holding a referendum at the same time as the elections, although that would potentially ensure sufficient turnout if Pashinyan can be certain the majority of voters would support it.

In a recent survey held in January, only 11 percent of respondents said that they would vote for Pashinyan's Civil Contract. The two closest rivals were controversial former policeman now turned video blogger Vardan Ghukasyan, currently detained in the US by Immigration and Customs Enforcement (ICE), at 6.8 percent, and Robert Kocharyan's Hayastan bloc on 6.5 percent. Some 27.2 percent said they will not vote at all, 13.3 percent that they would vote for anyone, 10.2 percent refused to answer, and 15.4 percent said they found it difficult to answer.

This potentially carries both risks and benefits for Pashinyan. If a third force was to enter the election race they could capitalize on the apathy and disillusionment in a large part of society. At the same time, those extra-parliamentary forces that earlier this year pushed the issue of membership of the European Union onto the government's agenda could do well or at least sufficiently enough to adversely affect the traditional parliamentary opposition's vote.

Those forces are considered close to Pashinyan and could capitalize on EU aspirations no matter how unlikely. In the same survey, 54.9 percent of respondents supported such hopes. Moreover, the same extra-parliamentary forces have already announced their participation in municipal elections in the country's second largest city of Gyumri at the end of this month. In late February, Armenia and the European Union also declared that they are close to finalising a new agreement to deepen relations as Armenia continues to pivot somewhat away from Moscow.

Already dependent on Russian managed or supplied energy, it could at least usher in some closer economic links. Last year, Russia accounted for 41 percent of Armenia's trade. In contrast, the EU stood at just 7.5 percent.

For any closer move towards Europe, and especially for trade, that would however require the normalisation of relations with Türkiye, a process that remains linked to progress on normalisation with Azerbaijan. If Pashinyan could deliver on his 2021 promise to realize his "peace agenda," then both could theoretically have a positive impact on Civil Contract's electoral chances. The opposition also claims that the government is allegedly attempting to marginalize the Karabakh Armenians and minimize their involvement in local politics which could destabilize the situation.

Pashinyan also seems to be intent on stripping the Armenian Apostolic Church of its constitutionally "exclusive mission [...] as a national church, in the spiritual life of the Armenian people, in the development of their national culture and preservation of their national identity." Since taking power, Pashinyan and the Armenian Catholicos have been at odds. Last year, the Armenian Church also approved of one of its archbishops, Bagrat Galstanyan, leading rallies with the aim of removing Pashinyan from power.

For now, it seems unlikely that the traditional opposition under the two previous and widely disliked presidents can garner enough support. Pashinyan has already beaten them to engaging with the public on his "Real Armenia," something that will have to occur before any referendum. Pashinyan is thus likely to seek increased support from the EU and US in order to demonstrate that the international community supports his continued leadership. The one wildcard, however, remains the position of the new Trump administration, which is still unclear.

Nonetheless, Pashinyan needs a peace deal or an adequate reason why there remains none in order to avert criticism that he has worsened and not resolved Armenia's security challenges. Even a more balanced National Assembly will be insufficient for him to govern as he has been able to with an overwhelming majority. Failure to maintain that control could create problems if Armenia-Azerbaijan talks

were to continue past 2026 or if Russia was to directly re-engage. Even so, this is also an unprecedented opportunity that could be turned to his advantage.

For that, however, Pashinyan will have to demonstrate tangible achievements in the coming year and convince the electorate that a lasting peace is imminent. He will also need to show that Armenia can finally break out of its decades long semi-isolation in the region along with the economic benefits of doing so.

Author:

Onnik James Krikorian is a journalist, consultant, and analyst from the United Kingdom based in the South Caucasus since 1998. He has covered the Armenia-Azerbaijan conflict since first visiting the former Nagorno-Karabakh Autonomous Oblast (NKAO) in 1994 and domestic Armenian political processes since 1998. He has been widely published and has also consulted for various international organisations.