
CLIENT NOTE

The Armenian Government Resigned! What's Next?



OVERVIEW

The Armenian Constitution (adopted in 2015) is the main legal document regulating various aspects regarding the resignation of the Government and the ensuing processes. On Sunday (April 25th, 2021), the Armenian Prime Minister has resigned, and the President has immediately accepted the Government's resignation under Article 130 of the Constitution, because according to Article 158 of the Constitution "The Government shall submit its resignation to the President of the Republic on the day of ... the Prime Minister submitting a resignation ..." ¹.

The Armenian Prime Minister Nikol Pashinyan announced about his resignation on Sunday, April 25th. Many may be perplexed (both our local and foreign clients) on what's next. In this Client Note we have tried to outline the upcoming expected processes based on the Armenian Constitution hoping to bring more clarity.

¹ Article 158 of the Constitution states that "The members of the Government (*Prime Minister, Deputy Prime Ministers and Ministers are the members of the Government according to Article 147(1) of the Constitution (the sentence in this parenthesis is ours)*) shall continue performing their duties until a new Government is formed."

Some of our local and foreign clients may feel confused on what is going to happen next. Therefore, we have prepared this Client Note to explain the constitutional framework and hopefully bring more clarity regarding the possible legal processes that might take place in the coming few months in Armenia.

CONSTITUTIONAL STEPS

Under Article 149 of the Constitution “In case the Prime Minister submits a resignation ..., the factions of the National Assembly² shall be entitled to nominate candidates for Prime Minister within a period of **seven days** after accepting the resignation of the Government.” The same article further states that the “The National Assembly shall elect the Prime Minister by majority of votes of the total number of Deputies”. Now the answer to the question “What happens if the Parliament does not elect a Prime Minister” is imbedded in the same article. Namely, “In case Prime Minister is not elected, a new election of Prime Minister shall be held **seven days**³ after voting, ...”. At the second try, the one third⁴ of the total number of parliamentarians shall be entitled to nominate a candidate for the Premier. Also, at the second try, if a Prime Minister is not elected again by majority of votes of the total number of parliamentarians⁵, the National Assembly shall be dissolved by virtue of law (meaning no further legal or political decision shall be taken).

So, what will happen in the coming few weeks? Constitutionally, the Armenian Parliament has two routes to take:

1. Elect a new Prime Minister either in the first try or the second, though at this point this is unlikely as the parliamentary majority has already nominated Nikol Pashinyan as the new Prime Minister⁶ and the other two factions have already announced that they will not nominate a candidate based on their agreement with the ruling fraction.
2. Not elect Nikol Pashinyan or another person so the Parliament may be dissolved by the virtue of the law (at this point the likely scenario according to the publicly available information).

SNAP ELECTIONS TO FILL THE VACUUM

If the Armenian Parliament acts in accordance with the plan announced plan Nikol Pashinyan, then it will be dissolved by the virtue of law in mid-May. If this happens, then Armenia will face extraordinary (snap) parliamentary elections between mid-June and mid-July (as publicly announced by Nikol Pashinyan, those are anticipated on June 20th of this year) according to Article 92 of the Constitution, under which “Extraordinary elections to the National Assembly shall be held after the

² The Armenian Parliament

³ Well, the number 7 seems to be a “magic number”!

⁴ At least

⁵ As we can see, the candidate always needs 1/3 of votes in the Parliament

⁶ According to the announced plan Nikol Pashinyan shall be nominated twice for the Premier’s job, but the Parliament should not elect him to pave way for the dissolution the Parliament.

dissolution of the National Assembly...” and those “...shall be held **not earlier than thirty and not later than forty-five days** after the dissolution of the National Assembly.”

HOW CAN WE HELP?

Our team has extensive experience in constitutional matters, especially in cases when political developments may confuse businesses and investors. So please, do get in touch if and when you want to get more clarity regarding complicated or unclear legal/political processes.

NOTE: This material is for general information only and is not intended to provide legal advice

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