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AN OBSTACLE TO THE AZERBAIJAN-ARMENIA PEACE AGREEMENT: CONSTITUTIONAL AMENDMENTS

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After the Second Karabakh War, a peace agreement between the states has long been awaited to ensure lasting peace and stability in the region. This agreement is of great importance for the stability and future of the region. We have explained the factors affecting and complicating the peace process in our previous articles.[1] The most important of these factors at this advanced stage is Azerbaijan's demand for amendments to the Armenian Constitution.

As is known, the Declaration of Independence, to which the Armenian Constitution refers, includes an article calling for the unification of Karabakh with Armenia.[2] Therefore, Azerbaijan is demanding the amendment of the Armenian Constitution as a condition for a peace agreement. The Armenian government has initiated efforts to amend the constitution and the date of amendment has been set for 2027.[3] Moreover, in his message on the anniversary of the Armenian Declaration of Independence, Pashinyan stated that the Declaration of Independence and the Constitution of the Republic of Armenia do not have the same legal significance.[4] Azerbaijan, on the other hand, considers the Armenian Constitution, which refers to the Declaration of Independence, as a threat to Azerbaijan's territorial integrity and states that constitutional amendment is one of the main conditions for a peace agreement.

Although Pashinyan made a statement that the Armenian Declaration of Independence and the Constitution are not the same, the protocol process between Türkiye and Armenia in 2009 shows that this is not the case. The Constitutional Court of Armenia ruled on the 2009 Protocols on the basis of the Constitution of Armenia and its integral part, the Declaration of Independence, rendering them inapplicable. In the end, the Armenian government officially announced that it canceled the Protocols. Thus, it is not realistic for the Türkiye-Armenia relations to move forward without taking into account the Armenian Constitution and the Declaration of Independence. This is also true for the Azerbaijan-Armenia relations.

The situation mentioned above shows that Azerbaijan is justified in its concerns regarding the Armenian Constitution. The Constitution defines the form of government of the state and is superior to all other legal rules and structures. Therefore, the presence of a

reference in the most fundamental law of the state that does not recognize Azerbaijan's territorial integrity constitutes a direct threat to Azerbaijan's territory. And yet the postponement of the constitutional amendment to 2027 considerably overshadows the hopes and expectations for the signing of a peace agreement between Azerbaijan and Armenia in the near future.

*Picture: Agos

[1] Tuğçe Tecimer, Obstacles To Peace Between Azerbaijan And Armenia, AVİM, 26 July 2024, https://avim.org.tr/en/Yorum/OBSTACLES-TO-PEACE-BETWEEN-AZERBAIJAN-AND-ARMENIA.

[2] Declaration of Independence, The Government of Republic of Armenia, (Date of access: 10 September 2024) https://www.gov.am/en/independence/.

[3] Armenian Constitutional Referendum Planned For 2027, Azatutyun Radiokayan, 29 August 2024, https://www.azatutyun.am/a/33098341.html.

[4] Անկախության հռչակագրի և ՀՀ Սահմանադրության բովանդակությունները նույնական չեն Փաշինյան, Azatutyun, 23 August 2024, https://www.azatutyun.am/a/ankakhoutyan-hrchakagri-ev-hh-sahmanadrutyan-bovandakutyunnery-nuynakan-chen-pashinyan/33089529.html.

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