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REPORT ON AZERBAIJAN'S PRESIDENTIAL ELECTION

Baku, Sumgait, Ganja



**A Report Prepared by the Staff of
the Commission on Security and Cooperation in Europe**

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The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff of approximately 15 persons assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

Contents

EXECUTIVE SUMMARY	1
BACKGROUND	3
ELECTION LAW	8
CENTRAL ELECTION COMMISSION	9
CANDIDATES AND THEIR PLATFORMS	10
CAMPAIGN	14
OBSERVERS	15
VOTING AND VOTE COUNT	15
RESULTS	16
ASSESSMENTS	17
JUDICIAL HANDLING OF CANDIDATES' PROTESTS	18
CONCLUSIONS AND PROJECTIONS	18

This report is based on a Helsinki Commission staff delegation to Azerbaijan from October 2–14, 1998. Commission staff spoke with government officials, the Central Election Commission, candidates, boycotting politicians, journalists, representatives of Azerbaijani and Western NGOs, and the OSCE/ODIHR's Election Observation Mission.

The Helsinki Commission would like to thank Ambassador Stanley Escudero and the staff of the U.S. Embassy in Baku for their assistance to the delegation.

EXECUTIVE SUMMARY

- On October 11, 1998, Azerbaijan held presidential elections. The contest pitted incumbent President Heydar Aliiev, the former Communist Party leader who returned to power in 1993, against moderate opposition leader Etibar Mamedov, political maverick Nizami Suleimanov, and three other candidates with little recognition or following. While no one seriously expected Aliiev to lose, the opposition candidates were hoping for a second round. According to the Central Election Commission, however, Aliiev easily exceeded the required two-thirds for a first round victory, gaining 76.11 percent. Mamedov won 11.60 percent, Suleimanov 8.6 percent, and the others less than one percent apiece. Official reported turnout was about 77 percent.

- Five leading opposition politicians—Abulfaz Elchibey, Isa Gambar, Rasul Guliev, Ilyas Ismailov and Lala Shovket—boycotted the vote, unwilling to legitimize by their participation an election they believed would be unfair. Negotiations that took place in August between the government and the boycotting opposition over the most controversial aspect of the election—the composition of the Central Election Commission—proved unsuccessful, with the authorities rejecting the opposition’s demand for equal representation on the CEC. The five leaders, joined by numerous other parties and groups in the Movement for Electoral Reform and Democratic Elections, urged voters not to go to the polls. The authorities minimized the boycott’s significance, arguing that the opposition leaders knew they had no chance in a fair election and therefore preferred to claim fraud and not participate.

- Beginning August 15, the boycotting parties organized a series of rallies and demonstrations to pressure the government and call for fair elections. These were the first mass street actions in Azerbaijan in years. The authorities refused to let the opposition hold a demonstration in Freedom Square, in the center of Baku, offering alternative venues instead. On September 12, protesters clashed with police, resulting in arrests and injuries. Afterwards, authorities and opposition tried to reach agreement on the demonstrators’ route, and most pre-election rallies, some of which drew big crowds, were largely peaceful.

- The increasingly tense relations between the government and boycotting opposition parties were one factor in the OSCE/ODIHR’s appraisal of the election. Among the other shortcomings were the unbalanced composition of the CEC, state media’s “severely biased” coverage of the campaign, the backing for President Aliiev by state agencies, restrictions on freedom of assembly, interference in the election process by officials, and serious irregularities, including blatant ballot stuffing, on voting day. In ODIHR’s view, these failings outweighed the positive aspects of the election, such as the election law, which all sides acknowledged as acceptable, the freedom for candidates to speak openly on television, the abolition of censorship and provisions for domestic observers. The OSCE/ODIHR assessment was that the election fell short of meeting international norms.

- With the OSCE assessment placing in question the official results, the CEC’s failure to publish election protocols until long after the stipulated time period heightens doubts about President Aliiev’s standing. The election was largely a referendum on his five-year presidency. Since his return to power in 1993, he has not solved the major problems besetting the country. The Nagorno-Karabakh conflict remains unsettled; Azerbaijani territory is still under Armenian occupation and no refugees have returned to their homes. Living standards for the great majority of the population

have declined precipitously, though it is widely known that a tiny stratum of corrupt officials and businessmen have become rich. Moreover, the predominance of people from Nakhichevan—Aliev’s home region—in positions of power exacerbates general discontent.

- Nevertheless, Aliev also had pluses as a candidate. Though the Nagorno-Karabakh conflict still festers, the 1994 cease-fire remains in effect. Aliev has signed oil contracts that at least offer the promise of future wealth and placed Azerbaijan on the map. Pursuing a pro-Western foreign policy, he has maintained Azerbaijan’s independence in the face of pressure from Russia and Iran. Finally, for Azerbaijanis who recall the period of Popular Front-Mussavat rule in 1992-1993 as an era of incompetence bordering on anarchy, Aliev is seen as an experienced if authoritarian ruler, and the source of stability and order.

- The Central Election Commission and the Supreme Court summarily dismissed post-election efforts by Etibar Mamedov to force a second round, even though Mamedov had protocols from many precincts contesting the official results. Practically the entire opposition has now united against President Aliev, including the previously moderate Mamedov, and refuses to recognize his legitimacy. Determined not to be ignored and to try to change the rules of the game, most opposition parties have joined a new umbrella organization. They have not, however, reached consensus about how to keep alive their supporters’ enthusiasm and activism to maintain pressure on Aliev.

- President Aliev has generally tried to marginalize and split his opposition. If opposition leaders cannot remain united or muster enough political influence to compel Aliev to change his strategy, he may not have to. His immediate post-election goal is apparently to reinstate fear among parties galvanized by the campaign. Police, sometimes aided by plain-clothes assailants, have cracked down on demonstrations, which new laws restrict. Another noteworthy tactic has been a series of slander lawsuits against political leaders and—censorship having been loudly abolished in August—especially against opposition newspapers, which may have to shut down. At the same time, Aliev seems to be offering the possibility of dialogue, perhaps to deepen divisions among opposition leaders.

- Armenian President Robert Kocharian rejected proposals on Nagorno-Karabakh offered by the OSCE in 1997, which former Armenian President Levon Ter-Petrossyan was prepared to accept as a basis for negotiations. Armenia and Nagorno-Karabakh insist on a package, not phased, solution that would resolve the thorny question of Karabakh’s status along with other issues. In November 1998, the OSCE put forward a new set of proposals that reportedly envision a “common state” between Azerbaijan and Nagorno-Karabakh. Armenia and Karabakh have accepted the plan, but Baku has rejected it. The negotiations seem to have reached a dead end for the foreseeable future, though the OSCE will continue trying.

- During the campaign, the Azerbaijani opposition solicited pressure from the U.S. Government and Congress on President Aliev to hold fair elections, while Azerbaijani Government spokesmen argued that Aliev had met every reasonable demand and created conditions for an honest vote. The State Department’s post-election comment, based on the OSCE assessment, noted that the elections did not meet international standards, and President Clinton’s letter to President Aliev did not use the word “congratulate.” Since the election, the State Department has criticized the crackdown on the opposition and the media. The negative assessment of the election will complicate efforts by Azerbaijan’s supporters to eliminate Section 907, which limits U.S. Government assistance to the Government of Azerbaijan.

BACKGROUND

Azerbaijan is the only Muslim country in the former USSR where a democratic-nationalist, anti-communist movement came to power.¹ Headed by Abulfaz Elchibey, the Azerbaijan Popular Front (APF), along with Isa Gambar's allied Mussavat Party, brought down Communist President Ayaz Mutalibov in May 1992. One month later, Elchibey won a presidential election, and Gambar became Speaker of Parliament. Together, the APF and Mussavat began the process of state-building, pursuing a pro-Western, pro-Turkish foreign policy, and negotiating contracts with foreign companies to extract Azerbaijan's oil reserves. Devastating military defeats in the Nagorno-Karabakh conflict, however, compounded the inexperienced government's inability to secure itself from internal and external threats. In June 1993, a rebellion organized with Russian assistance by Surat Husseinov, a warlord in Ganja, led to the downfall of the government, which melted away before the insurgents. While the intended beneficiary of the coup may have been the pro-Moscow Mutalibov, into the breach stepped Azerbaijan's former Communist Party leader, Heydar Aliev.²

A former KGB General, Aliev was a member of the Soviet Union's governing Politburo until his 1987 ouster by Mikhail Gorbachev. Aliev returned from Moscow to Nakhichevan, his home region, where he became chairman of the Supreme Soviet (legislature) and bided his time. The moment came in June 1993, when Elchibey invited him back to Baku to deal with the crisis of state. Aliev put an end to the uprising by coming to terms with Husseinov, but Elchibey—claiming he wanted to avert a civil war—fled Baku, leaving Aliev effectively in charge.

Aliev smoothly made the transition from Communist Party boss to Azerbaijani nationalist leader. He signed a cease fire in Nagorno-Karabakh, crushed several attempted coups d'état (one by Husseinov), eliminated armed groups, suppressed a separatist movement in the south, reestablished Baku's control of the country, and methodically consolidated his own power. Aliev controls the state's instruments of coercion and all branches of government. The political system he has created features highly centralized, personalized, hands-on rule, replete with a cult of personality and constant positive coverage in state-controlled media.³ Aliev tolerates organized political opposition, led by the Popular Front-Mussavat, but within strictly defined parameters. That is, opposition parties exist and function, publish their newspapers and have some representation in parliament. But they have no access to state media, which consistently portray them in the worst possible light, and their opportunities for influencing the political process—not to speak of actual decision-making—are carefully restricted. The modicum of opposition and relative freedom of expression

¹ An analogous movement in Tajikistan, allied with Islamic groups, was briefly involved in a coalition government before a civil war forced them into exile.

² Husseinov, currently on trial for treason, has claimed in recent court testimony that Heydar Aliev orchestrated the events leading up to the collapse of the Popular Front government.

³ Billboards of Aliev's image and sayings are ubiquitous and officials lavishly praise him. The Mayor of Ganja, commenting on shortages of electricity and gas, said "Heydar Aliev's eyes are electricity and his breath is gas for Ganja's citizens." (Turan, November 11, 1998, quoted in RFE/RL's *Caucasus Report*, November 18, 1998.) A new political party advocates making Aliev Azerbaijan's constitutional monarch, considering his indispensability to the country's stability. (Reuters, October 27, 1998.) Aliev's cult is not as extreme as that in Turkmenistan but by contrast, nothing of the sort exists in Eduard Shevardnadze's Georgia.

allow Azerbaijan to hope for admission to the Council of Europe.⁴ Aliev, anxious to be recognized as a democratic leader, maintains that under his rule, Azerbaijan is becoming a law-governed state.

The circumstances of Husseinov's rebellion, Elchibey's flight from office, and Aliev's return to power have colored the entire fabric of government-opposition relations since 1993. Mussavat and the APF refuse to recognize Aliev as president, viewing him as a usurper who has monopolized power and subverted democratic development in the country (though some opposition activists acknowledge that he restored order). Aliev, for his part—accustomed to, and demanding of—unchallenged power, accuses opposition parties of terrorism and involvement in attempted coups d'état and has severely constrained their ability to engage in political activity. Local officials, for example, forbid opposition legislators to meet with their constituents and party leaders may not organize meetings with activists or members in the regions. The APF claims that approximately 120 of its members are currently in jail as political prisoners; the party's repeated requests for the return of its headquarters, seized in 1993 because of the alleged presence of arms, have gone unanswered.

The conduct of the November 1995 parliamentary election did nothing to improve government-opposition relations. During the campaign, hundreds of individual candidates and the Mussavat Party were excluded on the basis of a highly dubious methodology. On election day, as it became clear that turnout would not meet the required 50 percent minimum, executive and election officials threw local observers out of polling stations and engaged in massive ballot stuffing. Ultimately, Aliev's party—Yeni [New] Azerbaijan—wound up with an overwhelming majority in parliament while the APF, the Azerbaijan National Independence Party and other opposition parties received only about 10 of 125 seats.⁵

Given this history, it is not surprising that the opposition did not take seriously Aliev's pledge to hold democratic presidential elections in October 1998. Opposition leaders demanded amended legislation that would make possible a free and fair contest, or threatened to boycott. Government spokesmen maintained that the opposition, fearing a miserable showing in an honest election against a popular and indispensable incumbent, always intended to boycott. But in fact, the various opposition leaders had different agendas, and some seriously debated whether to participate or not.

Etibar Mamedov: In 1990, Mamedov served time in a Soviet prison for his leadership role in the Popular Front, which he had helped found. He subsequently broke away from the APF to establish the Azerbaijan National Independence Party. After the 1993 return of Heydar Aliev, Mamedov tried, unsuccessfully, to negotiate with him for government positions.⁶ Thenceforth, Mamedov strove to occupy a niche between Aliev and the APF-Mussavat, which refused to recognize Aliev as president. In electoral terms, Mamedov's moderation netted no gains, considering that in the 1995 parliamentary election, his party received only 3 seats, no more than did the APF. On the other hand, the police did not arrest his party members, and Mamedov was able to retain his comfortable headquarters.

⁴ Armenia, Azerbaijan and Georgia currently have special guest status in the Council and all have applied for full membership.

⁵ See Commission on Security and Cooperation in Europe, *Report on Azerbaijan's Parliamentary Election*, Washington, DC, February 1996.

⁶ Foreign Broadcast Information Service, Daily Report, July 12, 1993, pp. 52-56.

The APF and Mussavat do not consider Mamedov an opposition politician; Mamedov, for his part, reproaches them for extremism. He opposed a boycott, calling the election law acceptable and maintaining that the opposition could gain a majority in territorial election commissions and force a second round if all its leaders took part. Even if the boycott was successful, Mamedov argued, the minority that cast a vote would suffice to re-elect Aliev. He questioned the pro-boycott leaders' faith in their abilities, adding that they could not agree to nominate a single candidate.

Mamedov's own unquestioned moderation notwithstanding, he often criticized government policy, which pro-Aliev parties do not do. Consequently, his participation in the 1998 presidential election was important to Aliev, who wanted to show the Azerbaijani electorate and the international community that he had handily defeated a field of rivals, specifically including a well known opposition representative. True, Mamedov's opposition credentials were weak, but he could be counted on to run, whereas more hardline opposition politicians were likely to boycott.

Abulfaz Elchibey: Government officials often accused the former president of involvement in terrorist activities and attempted coups d'état, though they never brought formal charges against him. Elchibey lived in his native village in Nakhichevan relatively peacefully, despite being isolated by the police and occasional threats that they were preparing to arrest him. Finally, in November 1997, he returned to the capital, with police making no effort to stop him. At the time, many believed Aliev wanted him back in Baku to continue his longstanding rivalry with Mussavat leader Isa Gambar, thus weakening both parties, and eliminating what few chances existed that the opposition might field a unified candidate in the upcoming presidential election. A common view was that Aliev preferred to run against Elchibey, who had strong negatives in an election: the ex-president retains core support among APF members and is seen by many Azerbaijanis as an honest, decent man and nationalist but he did not distinguish himself as a strong leader or competent administrator during his time in office.

After returning to Baku, Elchibey resumed direct leadership of the APF, though his associates, especially first deputy chairman Ali Kerimov, had during his absence substantially enhanced their authority. As APF chairman, Elchibey was the party's natural candidate, if the APF agreed to take part in the October 1998 election. Prolonged negotiations between Elchibey and Isa Gambar over which of them might run proved unsuccessful, as had been widely expected. If the APF and Mussavat had agreed to take part, both of their leaders would have been candidates. Their participation would presumably have split the opposition vote but might also have deprived Aliev—in a fair contest—of a first-round victory.

Isa Gambar: The former Speaker of Parliament was briefly arrested after the Popular Front government fell but, with international pressure, was released soon afterwards. Since then, he has spent almost all his time in Baku, as spurious charges connected to the 1993 uprising in Ganja hung over his head and barred him from traveling. One exception to the travel ban involved a trip to Mecca—a Hajj—in 1998. Apart from his ambitions, Gambar's trip to Mecca and his dalliance with the Islamic Party of Azerbaijan have been one source of the discord between him and the APF. Ostensibly allies, the two parties are locked in a battle for supremacy. For example, Gambar interpreted his party's exclusion from the 1995 parliamentary election as proof that Aliev considered Mussavat a greater threat than the APF.

Gambar praised Elchibey after the latter's return to Baku, calling him the head of the opposition. But he could not have stepped aside for him in a possible presidential run and hope to retain the full support of Mussavat's members or pretend to leadership of the opposition. Though he was Speaker in 1992-1993, a period many Azerbaijanis now associate with instability, incompetent government and military defeat, Gambar has some electoral advantages over Elchibey: he was not president and he is viewed as more level-headed than the emotional, charismatic Elchibey.

President Aliev appealed to opposition leaders, including Elchibey and Gambar, to enter the race but whether he actually wanted them to run remains a matter of debate. If one assumes he always intended to use his control of the election process to win by a large margin, regardless of possible domestic and international consequences, the number and identity of his rivals were immaterial. The same calculus would apply if he actually believed he could defeat any and all of them in the first round. But if Aliev preferred that they not take part, because of uncertainties about the outcome, his ability to ensure the desired result, or the effect on public opinion of Elchibey and Gambar on television, his refusal to budge on the composition of the Central Election Commission might have been designed to leave them no option but to boycott.

Gambar and Elchibey, for their part, faced awkward choices in deciding whether to run in October 1998. Unlike Etibar Mamedov, they had a strong opposition reputation to protect. They badly wanted the chance to address the electorate on state television for the first time since 1993, campaign around the country and each professed undying faith in his own prospects. But if both had run and Gambar had outpolled Elchibey, the former president's political career might have been over. Some analysts believed that Elchibey, rather than take that risk, preferred the boycott option, with the attendant street rallies and demonstrations, at which he is proficient.⁷ Moreover, both had to answer to their hard-core constituencies and neither wanted to be seen as too willing to reach agreement with Heydar Aliev, whom, in any case, they did not trust to hold a fair election. Their dilemma was further complicated by their membership in an umbrella organization [see below] that included small, radical parties and some associated with the man who replaced Gambar as Speaker of Parliament: Rasul Guliev.

Rasul Guliev: If Aliev could consider allowing Elchibey and Gambar to enter the field, the former director of an oil refinery in Baku and Deputy Prime Minister, as well as Speaker, was another matter. Guliev was involved in creating the New Azerbaijan Party and helped bring Aliev back to Baku in 1993. Soon afterwards, he became Speaker of Parliament at Aliev's initiative and was widely seen as the Number Two in the country and a likely candidate to succeed Aliev. In fact, however, there was intensifying competition between them. In the November 1995 parliamentary election, Guliev did not want a legislature dominated exclusively by Aliev's candidates and sought to ensure that his own supporters won seats (apart from those few left to the opposition). As 1996 wore on, strains between the president and speaker became ever more obvious, as Guliev openly began criticizing the government's economic policies. By September 1996, the two could no longer work together, and Guliev resigned, allegedly for reasons of health. He left Azerbaijan and has since then spent much of his time in the United States. In a February 1997 speech in Washington, Guliev clearly indicated his interest in contesting the presidency. He published two books, one on Azerbaijan and oil, featuring his expertise on Azerbaijan's greatest strategic asset, and another on democratization, to build his credentials as a democratic, opposition challenger.

⁷ *Zerkalo*, October 3, 1998.

SITSU: In 1997 and 1998, Guliev's castigation of Aliev's authoritarian rule grew ever harsher, as he painted his former ally as a Stalin-era dictator. Aliev struck back, by having parliament strip him of his seat and deputy's immunity, and formally charging Guliev with massive corruption. Unable to return safely to Azerbaijan, Guliev sought an alliance with the APF, Mussavat and all opposition parties, even though his relations with them had been strained while he was in power. He encouraged the formation of a broad-based association against Aliev, which would campaign for fair elections. The Movement for Election Reform and Democratic Elections [*SITSU*, in its Azerbaijani acronym] was established in April by numerous parties and groups, including some close to Guliev. Though never formally registered by the authorities, *SITSU* allowed Guliev to influence the political process from afar, trying to radicalize the opposition and keep its leaders united, so they would at least not make a deal with Aliev that would exclude Guliev, whom they—like Aliev—saw as a serious rival.

In spring and summer, the Movement pressed for changes to the election law. Eager to demonstrate readiness to hold democratic elections, President Aliev instructed his subordinates to incorporate suggestions of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) and Western NGOs, especially the Washington-based National Democratic Institute for International Affairs (NDI), into the election law. On August 6, Aliev issued a decree ending censorship—which he had long denied existed at all.⁸

Though opposition leaders welcomed these changes, they insisted on further amendments, specifically to the Central Election Commission. The CEC was, according to law, composed of 12 members appointed by the president and 12 by the legislature, which he controlled. *SITSU* demanded parity in the CEC: 12 Aliev-appointees, 12 named by the opposition. Aliev—backed by Etibar Mamedov, who found the idea discriminatory against himself—refused to yield on the CEC's composition, and did not send the law on the CEC, passed in May, to ODIHR for commentary. Negotiations in early August between Aliev's chief of staff and opposition representatives—pointedly excluding Rasul Guliev's proxies, in a clear attempt to isolate him and split him from the rest of *SITSU*—failed to bridge the gap. The opposition declared a boycott of the election, though some continued to wonder whether it would not be better to take part, make use of the opportunities for campaigning on television and around the country and try to force a second round.

Instead, the opposition launched a series of street rallies. The decision was risky: demonstrations, though not uncommon in neighboring Armenia and Georgia, were banned in Heydar Aliev's Azerbaijan, and were sure to lead to confrontation. The authorities claimed the tactic was designed to undermine the country's stability and proved the radical opposition's disregard for Azerbaijan's national interests. Opposition leaders countered that they had no alternative, as the negotiating process and entire political system were stacked in favor of Aliev. Besides, the constitution specifically guaranteed freedom of assembly, and as no law regulating or limiting demonstrations had been passed, the opposition insisted on the right to choose the time and place of the rally. Baku municipal authorities, however, refused to make available centrally-located Freedom Square, the site of mass demonstrations in the late 1980s and early 1990s, proposing instead a motorcycle race track on the city outskirts. Opposition leaders grudgingly accepted the offer for the

⁸ The decree abolished the Department for Protection of State Secrets in the Press and Other Media. For years, Azerbaijani Government spokesmen maintained that only military secrets were subject to censorship, despite the obvious deletions of purely political matters in the opposition press.

first gathering on August 15. Though government sources minimized and the opposition exaggerated the number of attendees, thousands braved intimidation to show up at the inconvenient location and hear calls for Aliev's resignation. Encouraged, the opposition demanded to hold the next demonstration in Freedom Square. As a major international conference on the developing "Silk Road" was taking place the week of September 5, opposition leaders—who share the government's interest in consolidating Azerbaijan's role as the linchpin of the emerging transport corridor linking Central Asia, the Caucasus and Europe—agreed to postpone the planned event by one week.

But the authorities refused to lift the ban on rallies in Freedom Square, leading to serious disorders on September 12. Gerard Stoudmann, the Director of ODIHR, was in Baku for the arrival that weekend of the ODIHR's election observation mission. His pleas to President Aliev not to put down the demonstration went unheeded.⁹ According to Western correspondents, police used fists and batons to beat protesters, who threw rocks. Buildings housing opposition party headquarters and newspapers were the scene of pitched battles. Hundreds were injured and many arrested in the worst government-opposition clashes in Azerbaijan in years. The police claimed scores of officers had also been hurt. Government spokesmen blamed the protesters for inciting and seeking the violence; opposition leaders accused the authorities of brutality.

The opposition cheered the rally as a great victory, for displaying the public's loss of fear as well as the authoritarian nature of Heydar Aliev's regime. But both sides were chastened by the violence on September 12 and thereafter tried to reach agreement on the route and venue of demonstrations. The opposition's September 20 march, which drew many thousands, came off peacefully. President Aliev had held his own mass gathering the day before, selecting the motorcycle race track as the site, to demonstrate respect for the law.

As September wore on, with the boycotters' rallies taking place concurrently with the election campaign, the opposition began emphasizing a postponement of the election as its main demand, as well as the release of demonstrators arrested September 12. Opposition leaders also changed their position on the Central Election Committee, lowering their requirement to eight instead of 12 members. But President Aliev refused to make any more concessions. With neither side prepared to budge on key issues and no dialogue or negotiations underway, Azerbaijan's presidential election approached in an atmosphere of mutual distrust and hostility, and constant concern about the possibility of renewed violence and instability.

ELECTION LAW

The law presented to parliament in April immediately drew criticism from the opposition, which had prepared its own draft. In the ensuing months, the law underwent substantial revision, with the active involvement of the ODIHR and NDI. Parliament passed the law on June 9, but then President Aliev agreed to further changes, submitting amendments on July 6. Government spokesmen call the final product, passed July 10, the most comprehensive election legislation in the newly independent states. NDI, noting the government's willingness to consult with the opposition and foreign agencies, acknowledged that the law "provides in many respects a legal framework that conforms with international standards for elections."

⁹ Reuters, September 14, 1998.

The revisions, *inter alia*, lowered from 50 percent to 25 percent the minimum turnout for a first round to be valid. After the 1995 election, which mandated a 50 percent requirement, opposition parties had wanted the lower turnout to avert ballot stuffing. Other changes enhanced transparency, by making provision for domestic monitors, stipulating the posting of protocols in precincts, and permitting candidates' representatives to get copies of the protocols. Citizens could sign petitions endorsing as many candidates as they wanted.

The law forbade local executive authorities to interfere in the voting and counting process, and police could enter polling stations only if asked by an election official to resolve a public safety issue. All registered candidates were guaranteed equal access to the state media. Campaign expenses were covered by the Central Election Commission, which gave each candidate around \$15,000. Candidates could also use their own funds and receive limited contributions from political parties, electoral blocs and support groups, up to a total of about \$141,000. Funding from foreign sources was banned.

President Aliev's willingness to revise the law—even after it had already been passed—surprised many. From the opposition's perspective, however, offsetting his conciliatory approach was a determination to maintain tight control over the body that would ultimately count the vote and announce the victor.

CENTRAL ELECTION COMMISSION

The institutional organizer of the election was the Central Election Commission, which oversaw 82 Territorial Election Commissions (TEC) and 4,245 polling stations, to accommodate 4,386,997 voters. As mentioned above, President Aliev—an incumbent running for re-election—appointed half of the CEC's 24 members, with the Aliev-dominated parliament naming the rest. CEC members may not belong to any political party, and hold their post for nine years.

Heading the CEC was Jafar Veliev, who had overseen both the 1992 election, which brought the APF's Elchibey to power, and the 1995 parliamentary election, which established the dominance of Aliev's party. Government spokesmen argued this record proved Veliev's neutrality and objectivity.¹⁰ Opposition skeptics responded that the record merely demonstrated his ability to guarantee the election of anyone already in power.

In addition to the 24 ostensibly non-partisan seats, each registered presidential candidate could appoint a representative to the CEC. President Aliev's chief of staff, Ramiz Mekhtiev, held meetings on August 3 and 4 with several political parties, offering to reserve four of the seats the president could appoint for representatives of opposition parties. In addition, he proposed a 10-day extension of the signature-gathering deadline. Subsequently, Aliev sent a letter to Isa Gambar, Abulfaz Elchibey, and Lala Shovket (Chairwoman of the Liberal Party of Azerbaijan), with another appeal to nominate their candidates.

Government officials dismissed the opposition's call for parity: "parity among the 32 political parties registered in Azerbaijan would be impossible." Furthermore, they acknowledged the concern that "parity [involving political parties 'without a strong social base']...could give rise to

¹⁰ *Bakinskii Rabochii*, July 18, 1998.

conflicts of interest. These could have a negative effect on the commission's work and eventually invalidate the elections."¹¹

But the opposition refused the final offer of five seats (Aliev's four, plus the one vacancy from the parliament's total of 12, which had been set aside for the APF). The key to the calculations on both sides was likely the provision of the election law which stipulated that meetings of the CEC were valid if two-thirds of the members were present. In other words, had Aliev given the opposition one-third of the seats, they could have absented themselves or openly dissented from the announcement of Aliev's victory. This he was unwilling to do.

The final report of the OSCE/ODIHR election observation mission concluded that the law on the CEC "does not provide for an adequate representation of the major political interests in the CEC. It is clearly understood from OSCE commitments that a successful CEC has to be formed on the basis of a broad consensus between the main political parties."

CANDIDATES AND THEIR PLATFORMS¹²

Heydar Aliev: Aliev, the incumbent, ran on his record of five years in power, also making reference to his achievements as former First Secretary of Azerbaijan's Communist Party.

He included among his accomplishments the cease fire in Nagorno-Karabakh, which, he said, had created the conditions for resolving the issue by peaceful means in the future. His main objective was to liberate Azerbaijan's occupied territories, restore the country's territorial integrity and ensure that refugees could go home. Aliev voiced confidence that he would implement those goals, and swore never to agree to the loss of territory. He did not lay out any new negotiating initiatives, or discuss what might happen if the OSCE talks yielded nothing, but promised to continue his efforts.

Aliev presented himself as the candidate of stability, who had restored order in a country made chaotic by amateurish, untrustworthy politicians who now had the temerity to challenge his legitimacy and boycott the election. Aliev accused the APF and Mussavat of trying to destabilize Azerbaijan and come to power by force. Under his rule, however, Azerbaijan had avoided bloodshed. He dismissed Rasul Guliev as a corrupt politician who was criticizing him from the safety and comfort of a foreign haven. In general, Aliev charged, other politicians were making promises they could not fulfil. By contrast, he had signed the oil contracts with international consortia and launched economic reforms.

Throughout, Aliev stressed his indispensability. In an interview with the Russian newspaper *Komsomolskaya Pravda* (August 19, 1998), he said: "If I were not here [in 1993], I do not know what would have happened with the republic. After all, no one was found besides me who could save the people. ... Complete anarchy! ... Azerbaijan would have split into several parts."¹³

Aliev said that Azerbaijan was building a democratic state, and pointed to the election as proof of progress towards democratization. He said he had not sought the presidency in 1993 or in

¹¹ Ibid.

¹² The following summary of the candidates' positions is mostly based on BBC reports, carried in various editions of the daily on-line service Khabarlar, and the special election edition of *Zerkalo*, October 3, 1998.

¹³ Aliev told *Khalg Gazeti* (September 17, 1998): "If Heydar Aliev were destroyed, it would be possible to destroy Azerbaijan. Everyone knows that as long as there is Heydar Aliev, it is impossible to destroy Azerbaijan."

1998, but he had been nominated by the people of Azerbaijan, whom he pledged to continue serving. He conceded some errors over the course of his presidency but said they would be corrected in a second term.

The incumbent president was the focus of attacks by all other contenders. Aliev largely ignored his rivals, though he singled out Etibar Mamedov, whose campaign broadcasts were well reviewed, for particular reproach. All the candidates running against Aliev criticized him for the decline in living standards, the poor shape of the economy, failing to regain Nagorno-Karabakh, corruption, authoritarian rule, and subverting democratization.

Etibar Mamedov: The Chairman of the Party of National Independence of Azerbaijan criticized SITSU's boycott, saying that while "today's authorities are good for nothing," SITSU was using any means to get them out of power, a strategy he rejected. "We are in favor of acting in a legal way. We are in favor of carrying out a change of the authorities in Azerbaijan in a normal way...and in accordance with the law."

Mamedov gave credit to President Aliev for establishing political stability in the country, eliminating illegal armed groups and putting down attempted coups d'état. But he said Aliev, a product of the Soviet era, could not govern the country in modern conditions and had permitted officials to tyrannize over the public. Worse, all power was focused in one person's hands, which meant stability is "very fragile and depends on one person." Mamedov promised to hold municipal elections and pre-term parliamentary elections as part of an overall focus on democratization.

Mamedov excoriated Aliev for rampant official corruption. Under his rule, wealthy officials had no interest in real reforms, which would deprive them of a source of bribes. Consequently, people endured deteriorating living conditions, widespread unemployment and economic stagnation. Azerbaijan's currency, he said, had been stabilized at the cost of high foreign debt. Associated with European conservative parties, Mamedov promised to cut taxes and legalize "shadow business," which he estimated at 60 percent of the economy. He said he would raise funds by cutting embezzlement, strengthening customs controls, and collecting taxes from legalized shadow business, as well as attracting foreign investors. The resulting income, he claimed, would permit the government to more than double the budget.

Mamedov has long been known as a hardliner on Nagorno-Karabakh, and in his campaign, he stressed the military aspect, arguing that only a credible military threat could make for serious negotiations. The cease fire was well and good, he argued, but the time should have been used to build up a powerful military force.

Nizami Suleimanov: Suleimanov, Chairman of the Independent Azerbaijan Party, ran in the 1992 presidential election against Elchibey, getting 33 percent of the vote. He was little heard from since then and appears to resurface primarily during presidential elections. Suleimanov is widely seen as a populist, sometimes called the "Zhirinovsky of Azerbaijan."¹⁴

¹⁴ When a journalist used the phrase during a candidates' debate, Suleimanov shouted at him: "Your father is Zhirinovsky!"

Suleimanov dismissed the general view that he favors a military solution to the Nagorno-Karabakh conflict. He claimed to have a peace plan, though he refused to disclose its provisions. Suleimanov said he would present his plan—which would give Nagorno-Karabakh “no more than cultural autonomy”—to the Armenians, the OSCE, the UN and the Council of Europe. Armenia would have at most 18 months to accept the plan. During that period, Azerbaijan would use its economic and intellectual potential to build up the army and the military-industrial complex. Suleimanov also proposed finding 20,000 foreign fighters—not mercenaries, he explained: they would receive Azerbaijani citizenship—who would bear the brunt of the fighting. When the Armenians saw Azerbaijan was serious about war, they would come around in short order.

On domestic matters, Suleimanov blasted privatization as theft and pledged to review all instances of privatization to date. He would not question the oil contracts, for fear of harming Azerbaijan’s international image, but all the contracts’ expenses must be reviewed and foreign workers employed only if there were no Azerbaijani specialists. Foreign firms, he warned, could get no more than 49 percent of contracts, joint ventures, etc.

Suleimanov stressed the battle against corruption: dirty money would be returned to the budget and tax collection strictly monitored. A body composed of “respected people” would approve all officials, who would have to prove their money had been earned legally; those who could not would be subject to confiscation of assets.

As for charges of populism, Suleimanov swore—in his last television campaign appearance, on a Koran—to carry out every promise he had made. If he had not improved the socio-economic situation within 3-5 months, parliament could remove him from office. Suleimanov also introduced an Armenian element into the campaign, accusing various officials, like the Mayor of Ganja, of being wholly or partly Armenian. In a conversation with Helsinki Commission staff, he claimed not to be anti-Armenian but professed bafflement that Armenians occupied such high-level positions when Azerbaijan was still at war over Nagorno-Karabakh.

About his chances of success Suleimanov exhibited characteristic optimism: “If the authorities keep their word and hold democratic elections, my victory is inevitable.”

Firidun Hassanov: The leader of Azerbaijan’s communist party which largely supports the government,¹⁵ Hassanov promised Azerbaijan multi-party, reformed communism, with private property but a “socially” oriented market. He maintained that privatization should be carried out by worker collectives; the state should help those with insufficient funds and forbid privatization by outsiders. Hassanov also pledged to restore free education, a free health care system and a minimum standard of living.

Azerbaijan, argued Hassanov, could get along without credits from the IMF, which sought to make Azerbaijan a colony dependent on foreign imports. Hassanov said Azerbaijan under his presidency would only take credits from socially-oriented countries, such as France, China and Russia. He claimed his victory would lead to improved ties with Moscow, but Azerbaijan’s independence was non-negotiable and he opposed Russian bases in Azerbaijan. Azerbaijan should be, as in 1920, an independent Soviet Socialist Republic but not part of any empire.

¹⁵ The other two—ACP-1 and the United Communist Party—advocate the restoration of the ex-USSR.

On Nagorno-Karabakh, Hassanov advocated the parallel development of military forces and political means: once a strong army was in place, the political resolution would follow. A strong army, in turn, depended on a developed economy and industrial-agricultural base. In any case, the key to solving the conflict was in Russia's hands—yet another reason for better relations with Moscow. Unless Russia helped resolve the Nagorno-Karabakh conflict, Azerbaijan would leave the CIS.

Asked whether he would bring back portraits of Lenin and Marx, Hassanov said there was already a cult of personality in the country.

Khanhuseyn Kazymly: The chairman of the Social Welfare Party accused the incumbent of failing to improve the economy or resolve the Nagorno-Karabakh conflict. Kazymly did not see an exclusively military or negotiated solution for Karabakh. Rather, he called for a combined approach. He also advocated making use of the UN's possibilities and not just placing all hopes in an ineffective OSCE.

Kazymly did not take the authorities to task for their handling of oil contracts, but argued that Azerbaijan must not rely on oil and other raw materials. The country should develop its capacities and export finished products. Kazymly also decried the economic crisis which had led to the emigration of Azerbaijani workers, and blasted foreign companies which violated the human rights of Azerbaijanis by paying them far less than expatriate employees.

In general, he criticized Aliev for his one-sided, pro-Western policy and specifically called for broadening Azerbaijan's relations with Iran. Not paying sufficient attention to Teheran, he maintained, damaged Azerbaijan's national interest.

Ashraf Mekhtiev: The Chairman of the Association of Victims of Illegal Political Repressions was virtually unknown before becoming a candidate. Mekhtiev proposed to resolve the Nagorno-Karabakh dispute by putting four conditions to the Armenians: they must immediately withdraw their occupying forces; permit the return of refugees; offer war reparations; and accept only cultural-economic autonomy for Nagorno-Karabakh. If Armenia rejected these conditions, military means would be necessary, which would entail modernizing the army and using volunteers. All this, he said, could be done in 3-12 months.

Mekhtiev promised a fight against corruption, and blasted privatization for having given everything to the elite and nothing to the people. He called for reviewing all privatizations, and in principle opposed the destatization of some branches of the economy, such as health services. Factories, Mekhtiev said, should not be cannibalized, but restored. Otherwise, Azerbaijan would become the slave of foreign capital. Mekhtiev promised to review all oil contracts and said he opposed contracts valid for 20-30 years in advance.

CAMPAIGN

The deadline for collecting the required 50,000 signatures ended August 11. Afterwards, the CEC had 10 days to confirm the signatures and register candidates who met the requirements.¹⁶

On August 21, the CEC ruled that candidates would receive seven hours on state media. They could buy an additional seven hours, six on TV and one on radio. The CEC also allocated

three hours of free air time (two on TV and one on radio) to candidates' representatives, electoral blocs and initiative groups. On August 27, a casting of lots determined the order of statements by candidates and electoral blocs on television and radio. Beginning September 1, candidates made live statements on state TV and radio twice a week, from 10 p.m. until midnight. On October 10, election eve, each nominee made a 10-minute speech to the nation. Apart from state media, candidates could buy unlimited air time on private television and radio channels.

One of the most interesting aspects of the campaign in an election nobody expected to produce any surprises was how hard the candidates worked. Though Etibar Mamedov's first television statement was reportedly a bit hesitant, he quickly improved his performance. By all accounts, his attacks on President Aliev and his exposition of his views were quite effective. As evidence, on October 1, state television broadcast a rally in Lenkoran, where Aliev attacked Mamedov for being too young and inexperienced to run the country. Subsequently, a parade of government ministers, in clear violation of the law, blasted Mamedov on state TV.¹⁷

Apart from television and radio, the candidates also met with voters. Mamedov traversed the country, and Aliev, more than 30 years older, also campaigned actively. His first mass rally was on September 19, at the motorcycle race track outside Baku. Afterwards, he visited many places, except for Nakhichevan. As many observers pointed out, his route generally followed that taken by Mamedov. Naturally, local authorities urged the public to attend when the President appeared. The OSCE/ODIHR's October 12 preliminary statement on the election also noted disapprovingly that school children were bused to Aliev rallies.¹⁸

Especially striking was the number of Aliev posters. They were visible everywhere, sometimes several in the same store, proclaiming the president "the hope of the people," "the faith of the people," and the "savior of the people." Aliev's campaign headquarters announced on October 1 that the president had raised 550 million manats, of which the state's share was 60 million. The funds were used to publish books, brochures, posters and to hold 2,791 meetings.

Etibar Mamedov also had many posters around Baku, though far fewer than Aliev. Posters of the other candidates were rare.

OBSERVERS

On July 3, 1998, the OSCE's Organization for Democratic Institutions and Human Rights (ODIHR) issued a press release expressing its concern "about the announcement of a boycott by opposition candidates for the 11 October elections." The ODIHR urged all political parties to "fully participate in the election process" and present their nominations for representatives to the CEC.

¹⁶ The CEC refused to register two would-be candidates, Abulfat Ahmadov and Ilgar Karimov, for not having gathered enough valid signatures.

¹⁷ *Zerkalo*, October 10, 1998.

¹⁸ Western correspondents reported that attendance was compulsory for many of the participants at the September 19 rally, and that people were leaving even before Aliev began to speak. (Reuters, September 20, 1998.)

The OSCE/ODIHR's election observation mission arrived in Baku on September 11. For election day, the mission deployed almost 150 observers from 28 OSCE states. Other observer delegations came from the Council of Europe and the CIS Parliamentary Assembly.

There were also two registered groups of domestic observers: 1) For Civil Society, which was trained by NDI, assembled some 2,500 people to monitor the voting and vote count all over the country, except for Nakhichevan; 2) The Center for Democratic Elections, headed by Fazil Agamaly, leader of the pro-Aliev Ana Vatan Party. Two other groups were not registered, which ODIHR, in its final report, attributed to "administrative obstacles that run contrary to the freedom of association and principles of election observation."

VOTING AND VOTE COUNT

Voting took place from 7 a.m. to 8 p.m. Helsinki Commission observers monitored the voting and the vote count in Baku, Sumgait and Ganja. Voters came to polling stations, presented a form of documentation (usually, their passport), and signed for a ballot, which they took into a booth, filled out and deposited in a box. The ballot listed the candidates in alphabetical order, as well as who nominated them.

There were representatives of various candidates in most polling stations, especially President Aliev, Etibar Mamedov and Nizami Suleimanov. They generally reported having arrived before the ballot boxes were sealed and observed nothing untoward during the voting. Members of the two domestic observer groups were also occasionally in evidence.

During the day, while Helsinki Commission staff visited the Territorial Election Commission, a delegation of official-looking people arrived as well. Several attempts to determine exactly who they were or what organization they represented were unsuccessful, and the group left soon afterwards.

In Sumgait, Helsinki Commission staff saw no obvious violations during the voting in the polling stations visited. Family voting—in which one member of a family brought everyone else's passport and voted for them—was quite common in previous elections. In October 1998, the Central Election Commission emphasized that individuals could only vote for themselves, and precinct officials, by all accounts, largely implemented their instructions in this regard. There were exceptions, though: Helsinki Commission staff observing the vote in Ganja did see precinct officials hand out more than one ballot to individuals with several passports.

During the vote count in a precinct in Sumgait, there was considerable confusion. Several recounts were necessary before the final total—499 for Aliev, 110 for Mamedov, 81 for Suleimanov, fewer than 10 apiece for the others—was reached. One of the local observers, whose institutional affiliation was difficult to ascertain, but whose pro-Aliev sentiments were manifest, exercised an influential voice in the deliberations, but Helsinki Commission staff saw no evidence of chicanery in the count. At the end, however, the chairwoman of the polling station refused to post a protocol, although she gave a copy of the protocol to observers.

During the vote count in a polling station in Khanlar (Ganja), Helsinki Commission staff also observed considerable confusion. Precinct members needed numerous recounts to reach agree-

ment, but there was no evident fraud when changing the numbers. Domestic and international observers received copies of the protocol.

RESULTS

At a pre-election press conference, the CEC's deputy chairman had announced that no results would be available until four days after the election. The unusually long period between the vote and the announcement of the outcome—in the presidential election in Russia, which is far larger than Azerbaijan, the results were known the same day—gave rise to suspicion of planned chicanery.¹⁹

On October 13, two days after the election and before the CEC had announced any results, President Aliev declared on television that he had won the election, which he described as democratic, free and fair. Aliev revealed that he had won “about 75 percent of the vote.”²⁰

The CEC, as promised, announced the results on October 15. Officially reported turnout was about 77 percent (of 4,255,717 potential voters, 3,293,647 took part.) The breakdown of candidates' totals was as follows: Heydar Aliev got 76.11 percent; Etibar Mamedov, 11.60 percent; Nizami Suleimanov, 8.6 percent; Firudin Hassanov, 0.87 percent; Ashraf Mekhtiev, 0.86 percent; and Khanhuseyn Kazymly, 0.25 percent. A total of 10,910 votes were cast against all the candidates.

On the basis of these results, the Constitutional Court confirmed Aliev's victory on October 16. But the CEC did not meet the legal deadlines to publish the results. According to the election law, the CEC had five days to publish the protocols of TECs and 10 days to publish the protocols from precincts. Within one month after the election, the CEC was to publish all the materials from both levels of election commission. Not until December 8, however, were the protocols of TECs published. Etibar Mamedov announced the same day in parliament that they had been falsified. For example, he contended, his copy of the protocols indicated that in the 15th Khatai district No. 2, 32,783 people voted, 17,938 of them for Aliev. But according to the published protocols, over 50,000 people had cast ballots, 34,919 for Aliev. Mamedov claimed to have protocols from 2,080 TECs, covering 2,224,000 voters (52 percent of eligible voters), and that he would notify law-enforcement bodies and the mass media of these discrepancies.²¹ Subsequently, Mamedov announced that the published protocols from TECs had falsified the results by some 600,000 votes in favor of Aliev.²²

The Central Election Commission has since then apparently announced that it will not, contrary to law, publish the protocols from precincts, pleading “technical problems.”²³

¹⁹ *Zerkalo*, October 10, 1998.

²⁰ He said “The elections are valid and I have been elected president. Of course, now I feel more calm.”

²¹ *AssA-Irada*, December 8, 1998.

²² *Turan*, December 11, 1998.

²³ Remarks by Tom Barry, Director of NDI's office in Baku, at NDI headquarters in Washington, December 17, 1998.

ASSESSMENTS

On October 12, the OSCE/ODIHR Election Observation Mission held a joint press conference with the Council of Europe observer delegation. Their statement noted the significant improvements in the election law, the abolition of censorship, the wide variety of views expressed on television and the satisfactory performance in many polling stations on voting day. But overall, the ODIHR judgement was that election “fell short in meeting international standards,” focusing on the following shortcomings: the law on the CEC “did not enjoy broad consensus” among major political parties and “did not provide for adequate representation of the major political interests,” thus undermining confidence in the election process; state media failed to provide balanced and neutral coverage; the authorities did not behave impartially, giving strong support to the incumbent; very serious irregularities in polling stations, including interference by local executive officials, faulty voter lists, discrepancies between signatures on voter lists and the number of ballots deposited, and cases of flagrant ballot stuffing; and dubious aggregation procedures in Territorial Election Commissions, which compromised the transparency of the process.

More comprehensive reports in November by the OSCE/ODIHR and the Council of Europe elaborated on these points. The Council of Europe concluded that “compared to the [parliamentary] elections of 1995, the elections on 11th October 1998 were a step towards the democratization of the country.” Nevertheless, the CoE observers—some of whom had personally witnessed ballot stuffing—said that “serious violations” had taken place.²⁴

The European Institute for the Media, which carefully tracked the amount of time given to all the candidates in all media, concluded that the situation for print media had improved since the 1995 parliamentary elections: “The abolition of censorship enabled the press to provide a relatively pluralistic source of information to the voter.” Furthermore, all six presidential candidates received equal amounts of free air time. However, “Editorial and news coverage of the election campaign by AzTV-1 indicated a distinct bias in favor of President Aliiev, in contravention of the regulation that barred preferential treatment of any one candidate. State television’s coverage of the elections was therefore essentially flawed.”

Western NGOs, specifically NDI, which has been working in Azerbaijan since 1995, and the International Republican Institute (IRI), gave similar assessments. Azerbaijani NGOs which monitored the election came down on “party” lines. The Center for Democratic Elections, headed by the Chairman of the pro-Aliiev Ana Vatan party, contended the election had gone well. For Civil Society, whose observers had not been admitted to about 10 Territorial Election Commissions and 335 of whose observers were ejected during the vote count, had a different view: while the campaign and voting day were better than in 1995, there was no “significant change towards democratization and free and fair competition.”

Naturally, observers from the CIS Parliamentary Assembly said the election was democratic. The delegation, whose members were from Russia, Georgia and Moldova, said they had not observed any violations.²⁵

²⁴ Turan, November 5, 1998. The report criticized the failure of the CEC to win widespread confidence, noting that “the Council of Europe’s opinion was not asked” while the law on the CEC was crafted.

²⁵ Azerbaijani TV, Channel One, October 12, 1998.

JUDICIAL HANDLING OF CANDIDATES' PROTESTS

Etibar Mamedov rejected the figure of 11 percent announced by the CEC and launched a protest. Though the results of voting in 14 precincts of the second Yasamal electoral district and several other precincts were overturned, his efforts to obtain judicial redress of grievances were unsuccessful.

On October 14, the CEC rejected Mamedov's charges of electoral fraud, refusing to investigate 12 pages of alleged violations on voting day and during the vote count. The CEC declined to examine figures from the sixth Yasamal election district, one of the few where Mamedov had copies of protocols from all 44 precincts and the Territorial Election Commission. According to Mamedov's calculations, in that district the discrepancies exceeded 8,000 votes, in Aliev's favor. The same day, a request by Mamedov's representative on the CEC to see protocols from TECs went unanswered. On October 15, Mamedov asked the CEC to show him protocols from TECs, the final protocol and the appropriate summary tables. The CEC leadership ignored his request.²⁶

Mamedov then submitted a petition to the Constitutional Court of Azerbaijan to prevent ratification of the election results. The Constitutional Court declined to hear the case, on the grounds that the Supreme Court had jurisdiction. On October 16, Mamedov addressed his claim to the Supreme Court. The next day, the Justices—without having analyzed the reported violations or listening to witnesses, including CEC members—took only several hours to reject Mamedov's case, in view of the "groundlessness of the submitted data." The OSCE/ODIHR final report on the election confirmed that the court rejected all requests by Mamedov's lawyer, refused to admit evidence they presented and maintained that protocols from TECs were irrelevant.

On October 30, a representative of Mamedov charged that the CEC was falsifying protocols to confirm the official results. He added that, as the Supreme Court had dismissed Mamedov's case, the party had appealed to the Prosecutor's Office of Azerbaijan and the European Court for Human Rights.²⁷ On November 4, Mamedov's party sued the heads of the CEC for failing to give documents on the election results to the party's representatives in the CEC.²⁸

CONCLUSIONS AND PROJECTIONS

Democratization: In some respects, the 1998 election was an improvement over the 1995 parliamentary election. All the participating candidates received the allotted air time on television, and could criticize President Aliev openly. By all accounts, many voters tuned in to hear unprecedentedly slashing attacks on Aliev, his government and his policies. Candidates could freely campaign and meet with voters around the country. But despite the improved law, procedural advances, and the openness of the campaign, the international community's assessment was that the election did not correspond to international norms. The joint statement of the OSCE/ODIHR and

²⁶ This account comes from a communication from Mamedov to the Helsinki Commission.

²⁷ AssA-Irada, October 30, 1998.

²⁸ Turan, November 4, 1998.

the Council of Europe emphasized the problems rather than the improvements. And if the basic criterion of measurement is the reliability of the official election results, which means that the will of the people on voting day has been done, Azerbaijan's election did not pass the test.

Responding to the OSCE and Western NGOs, President Aliev and Azerbaijani officials have simultaneously tried to lower expectations, while downplaying the significance of an admittedly imperfect election, and looking to the future. Thus, Aliev told a visiting British diplomat, "We are at the first stage of the process of democratic development and of the democratic way....we do not consider these elections to be ideal. However, we consider them to be a great improvement and a great step in the field of development of democracy. We do not deny that during the elections there were some mistakes and some shortcomings and slight violations of the law...in the next elections and in future work we will achieve success."

Elaborating on this point, Azerbaijan's Ambassador to the United States, Hafiz Pashaev, took issue with the *Washington Post's* critical October 17 editorial on the election and the setback to Azerbaijan's democratization. He argued that the newspaper had judged too harshly whether the glass was half empty or half full: "A more sober judgment, in my opinion, would have declared the election half full." Optimists will take this view, in the hope of further incremental progress in upcoming local elections in 1999 and parliamentary elections in 2000. A pessimist, however, will argue that Azerbaijan's authorities have not shown the political will to hold free and fair elections in the past and there is no reason, barring a significant change of heart, to expect better in the future.

If a component of democratization is society's involvement in the political process, the October 1998 presidential election certainly galvanized public activism, especially among the opposition, more than at any time since the 1995 parliamentary election. Most striking was demonstrators' loss of fear and their willingness to risk beatings, arrest, dismissal from jobs and threat of official harassment to march in rallies and demonstrations. Various analysts lamented the return to the streets, a feature of late 1980s-early 1990s political activity in Azerbaijan, and warned that the only suitable form of politics is government-opposition discourse and parliamentary activity. But it will be difficult for many opposition activists to believe that such a dialogue—which is indispensable to democratization—can be meaningful.

Despite the opposition's grievances against President Aliev, one goal they share is Azerbaijan's inclusion in the Council of Europe. However, the conduct of the election has apparently cost Azerbaijan a chance to enter that body, which reportedly is inclined to admit Georgia before either of its two neighbors.²⁹

OSCE/ODIHR: After the March 1998 Armenian election, Armenian Government spokesmen and American-Armenian organizations blasted the OSCE for allegedly allowing pro-Azerbaijani sentiment—already evident in the supposedly biased 1997 Minsk Group proposals on Nagorno-

²⁹ AssA-Irada, October 28, and Interfax, December 1, 1998. According to the opposition newspaper *Azadlyg* (October 23, 1998), the European Parliament on October 21 decided to postpone \$50 million worth of financial aid to Azerbaijan because of election fraud.

Karabakh—to influence its verdict on the conduct of the election. That assessment, as expressed in the final report of April 10, 1998, noted many violations, concluding that the election had not “corresponded to international norms.”³⁰

If there were any truth to these accusations, which are apparently based on the belief that the lure of Azerbaijan’s oil reserves has swayed foreign capitals into a generalized pro-Azerbaijani, anti-Armenian stance, one might have expected ODIHR to treat the shortcomings in Azerbaijan’s October 1998 election lightly. Nothing of the sort happened. In reaching its conclusions, the mission relied on its own observations and the findings of long-term and short-term monitors posted all over the country. There is no evidence of any impact of “the oil weapon” on OSCE appraisals of either the Azerbaijani or the Armenian presidential elections in 1998. Neither met international standards. Blaming OSCE instead of focusing on the real issue—the absence of leaders’ political will to allow voters to decide who governs them—promotes democratization neither in Armenia or Azerbaijan.³¹

Heydar Aliiev: As expected, President Aliiev remained in power and won with a large reported margin.³² Governments around the globe have written to congratulate him, and his core domestic support base remains strong.

Nevertheless, with the OSCE assessment placing in question the official results and President Aliiev’s legitimacy, the CEC’s failure to publish election protocols, as required by law, until long after the stipulated time period, heightens doubts about his standing. The election, after all, was largely a referendum on his five-year presidency. Aliiev certainly had pluses as a candidate. Though the Nagorno-Karabakh conflict still festers, the 1994 cease-fire remains in effect. Aliiev has signed oil contracts that at least offer the promise of future wealth, and placed Azerbaijan on the map. Pursuing a pro-Western foreign policy, he has maintained Azerbaijan’s independence in the face of pressure from Russia and Iran. Finally, for Azerbaijanis who recall the period of Popular Front-Mussavat rule in 1992-1993 as an era of incompetence bordering on anarchy, Aliiev is seen as an experienced if authoritarian ruler, and the source of stability and order.

Nevertheless, since his return to power in 1993, he has not solved the major problems besetting the country. The Nagorno-Karabakh conflict remains unsettled; Azerbaijani territory is still under Armenian occupation and no refugees have returned to their homes. Living standards for most Azerbaijanis have plummeted and the resulting discontent is aggravated by the general knowledge that a tiny stratum of corrupt officials and businessmen have become rich. Moreover, the predominance of people from Nakhichevan—Aliiev’s home region—in positions of power exacerbates general dissatisfaction.

³⁰ That is currently ODIHR’s term of art for undemocratic elections. For details on the controversy surrounding that judgement, see Commission on Security and Cooperation in Europe, *Report on Armenia’s Presidential Election*, Washington, DC, June 1998.

³¹ Since the ODIHR’s assessment of Azerbaijan’s election, and the Minsk Group’s new proposals on Nagorno-Karabakh, which the Armenians favor and which Baku has rejected, there has been a noticeable silence about the OSCE’s “pro-Azerbaijani bias.”

³² His 76 percent victory not only allowed him to marginalize Etibar Mamedov and Nizami Suleimanov, but also gave Aliiev bragging rights over Eduard Shevardnadze, who received 75 percent in Georgia’s 1995 presidential election.

Even assuming the accuracy of the officially reported results, 23 percent did not turn out to vote for Aliev, even though he traveled around the country asking for their support.³³ About 20 percent of the electorate voted against Aliev and now does not recognize him as legitimate. Positing hypothetical figures of even several points apiece for the boycotting politicians would bring the combined opposition figure dangerously close to the one-third needed to force a second round—unless one argues, as government officials might, that Etibar Mamedov got 11 percent only because he was the sole opposition alternative, and Mamedov, Elchibey, Gambar, Guliev, Shovket and Ismailov would together have won no more than 11 percent. That argument is not very plausible.

When it became clear that leading opposition politicians would boycott, many observers, especially in the international community, thought Aliev would easily win two-thirds in the first round in a free and fair vote, without any falsification.³⁴ That expectation proved to be unfounded. While it is impossible to judge the extent of fraud, and while Aliev might still get more votes than anyone else, it is clear that his popularity has fallen substantially. The failure of the CEC to provide election protocols, as stipulated by law, indicates the degree of embarrassment and the awkwardness of publishing forged or otherwise altered proof of his victory.

In any case, Aliev cannot fail to recognize the extent of serious discontent in the country. As this presidential election was the only one held since 1993, and it is unknown what government officials know or dare to report to Aliev about popular sentiment, the result may have been a very unpleasant surprise. It is reasonable to assume that he will undertake some change in course to address the public's grievances. Aliev has removed some officials for misconduct and acted to improve conditions for refugees,³⁵ but has not yet announced any large-scale initiatives.

Now 75 years old, Aliev appears in good physical shape and demonstrated his vigor by campaigning hard around the country. Well aware of the concerns about his health and durability, he generally addresses them by assuring questioners that he is not planning to leave the scene. Nevertheless, Azerbaijani politicians, foreign capitals and oil companies are thinking about tomorrow; so, too, are Aliev's supporters and members of his entourage. In 1998, members of his New Azerbaijan Party have begun jumping ship to join the opposition or form their own parties. Though their absolute number may be small, more important is their willingness to brave the possible consequences, as the political constellation begins to shift in anticipation of future developments.

Opposition: In the aftermath of the election, opposition leaders now have decisions of their own to make. As with the decision whether to boycott or not, they have different agendas, which may or may not coincide. In retrospect, considering how successfully Etibar Mamedov campaigned

³³ Rasul Guliev maintains that the boycott was successful, i.e., that 25 percent of the electorate did not show up. Guliev and others argue that millions of Azerbaijanis have left the country to try to earn a living elsewhere, so the election could not have been valid. Government officials reject these numbers. *Bakinskii Rabochii*, July 18, 1998.

³⁴ On August 15, *Zerkalo*'s analysts wrote: "The authorities will play at democratic elections and mercilessly punish inept officials who, by their foolishness, are impeding democratic presidential elections in a situation where there is no real rival."

³⁵ The measures involve providing telephone service and television, along with free copies of state newspapers.

and Aliev's diminished position (to judge by the actions of the CEC), the APF and Mussavat may well regret not having taken part. On the other hand, they may also assume that Aliev would not have permitted a second round, no matter how many votes they actually won, so they were better off not participating.

ETIBAR MAMEDOV: Whether he saw his candidacy as a means of becoming the acknowledged leader of the opposition, a credible successor to Heydar Aliev or whether—as his detractors suspect—he made a deal with Aliev, Mamedov needed more than the officially reported 11 percent to justify participation. He could not have accepted that insulting figure or recognized Aliev as president, and he has refused to do so. But for a politician who has hitherto proceeded very cautiously with respect to Aliev, rejecting his legitimacy is a big jump and puts Mamedov at risk of the sort of harassment other political parties have suffered. At the same time, aligning himself with opposition parties from which he has carefully distanced himself forces him to fight for his place of honor among politicians who have longstanding opposition credentials—probably a plus in the highly polarized post-election atmosphere—and who have not trusted him in the past. Since the election, Mamedov, who tried to hold an unauthorized rally and was attacked by the police, has cast his lot firmly with the hardline opposition. Indeed, as he took part in the race, and claims to have protocols disproving the official results, it may be even harder for him than for politicians who boycotted to consider any possible peace offering from Aliev.

ABULFAZ ELCHIBEY: By refusing to run in the election, Elchibey lost the opportunity to campaign on television and with voters around the country. But he also avoided likely humiliation by winding up with very low numbers, or possibly polling less than Isa Gambar. Within the APF, some influential leaders wanted the party to participate in the election, but could not if Elchibey did not run. Azerbaijan's ex-president faces a choice between continuing to head the party and be its candidate in future presidential elections or stepping aside in favor of younger politicians rising in the Popular Front, for whom he—still a charismatic figure among opposition-oriented voters—could be a honorary leader and mentor. In the near term, he has to deal with a slander lawsuit [see below] and its possible consequences, which could include a jail term.

ISA GAMBAR: Like Elchibey, his rival for the Number One spot in the opposition, Gambar gave up the chance to campaign so as not to risk legitimizing an election he felt could not be fair. Unlike Elchibey, however, Gambar can confidently assume he will be his party's candidate in the next presidential election. Barring extraordinary events, however, the opportunity will arise only in 2003, by which time new political leaders will likely have emerged. Gambar's task is to position himself most advantageously among an ever-larger crowd of opposition contenders in preparation for any eventuality—which could mean trying to become the least objectionable candidate to the largest number of decision-makers.

RASUL GULIEV: Guliev could not return to Azerbaijan in any case, so opting for a tactical alliance with the APF, Mussavat and others to boycott the election was an easy decision for him. The negative assessment of the election by the OSCE, the Council of Europe and various NGOs, which places Aliev's legitimacy in doubt, must have brought him satisfaction. Guliev's worst-case scenario would have been a positive appraisal from the international community, which he has assiduously sought to convince that Aliev is a dictator. But with Aliev still in power and recognized by governments, Guliev's major task is to keep the pressure on Aliev by maintaining alliances with

political parties in Azerbaijan. Guliev's problem is that other parties may be interested in a deal with Aliev which would not involve him, whereas only Aliev's departure will permit him to return to Azerbaijan. Second, time is of the essence for Guliev, who must ensure that his extended absence from Baku does not translate into political irrelevance. In early November, to bolster his assets on the ground, he joined forces with his SITSU ally Ilyas Ismailov, chairman of the Azerbaijan Democratic Party, formalizing a longstanding relationship.

NIZAMI SULEIMANOV: Suleimanov has refused to accept the results announced by the CEC and also rejects Aliev's legitimacy.³⁶ Whether one takes seriously his claim that he won the election, he remains a factor in Azerbaijani politics, at least presidential politics, as he can be relied on to run for that office, and past practice demonstrates that he has a voter base. Established opposition parties have generally had little to do with him, and probably distrust his motives, but they will appreciate whatever support he can provide in pressuring Aliev.

Government-Opposition Relations: With the entry of the previously moderate Mamedov into the opposition camp, the election has effectively brought about the unification of practically the entire opposition against President Aliev. From the opposition's perspective, considering that the 1995 parliamentary election also was deeply flawed, there are today no legitimate political institutions in the country.

Since his 1993 return to power, Heydar Aliev has consistently sought to manage and marginalize opposition parties, including those—like the APF and Mussavat—which refused to recognize his legitimacy and those—like Etibar Mamedov's Party of National Independence—which did. Exploiting their fractiousness and the ambitions of individual leaders, Aliev allowed no challenge to his hold on power, alternately stepping up or moderating the level of official harassment of particular parties to keep them all off balance. Before the October 1998 election, this pattern had become normal for Azerbaijani domestic politics, and Aliev's strategy had been largely successful. If possible, he would doubtless like to continue using tried and true methods.

The opposition, however, now joined by Etibar Mamedov, Rasul Guliev and Nizami Suleimanov, is determined not to be ignored and will seek to change the rules of the game. From their common perspective, allowing Aliev to reinstate the status quo ante would return them to political oblivion and give an aging president time and opportunity to prepare the ground for his son Ilham to succeed him—even though most opposition politicians profess not to take Ilham's prospects seriously and despite Ilham's own protests that he has no interest in the job.³⁷ The election campaign, the candidates' televised attacks on Aliev, the boycott, and the first street rallies in years galvanized the opposition and its supporters. In the aftermath of Aliev's victory, the opposition fears above all returning to business as usual and hopes to maintain the enthusiasm and activism of summer and fall into winter and beyond.

³⁶ Of the other three candidates, Ashraf Mekhtiev rejected the results, while Firidun Hassanov and Khanhuseyn Kazymly have accepted the official outcome.

³⁷ Heydar Aliev claims the issue has never preoccupied him at all: "During those five years I have hardly had time to think about it, because there have been so many questions to decide every day....Successors don't grow on trees, after all. They have to emerge." NTV, October 3, 1998.

On October 24, the opposition adopted a resolution calling Aliev illegitimate and warning foreign countries that the opposition did not recognize agreements they concluded with his government. Attempts to hold rallies on November 7 and 8 ended in violence; on November 9, over 20 parties created a new organization, the Movement for Democracy, which aims to unite Azerbaijan's opposition forces and remove President Aliev by legal means. Etibar Mamedov has maintained his traditional distance from opposition umbrella organizations, preferring bi-lateral cooperation agreements, such as those he concluded with the Popular Front and with Nizami Suleimanov. The opposition has tried to continue organizing demonstrations, but the authorities have reacted much more forcefully than before, dimming the prospects for "street politics."

If the opposition cannot remain united or muster enough political influence to compel Aliev to change his strategy, he may not have to. But if the opposition is strong enough to affect the political process, or to demonstrate to the international community and oil companies that the country's stability is in doubt, Aliev's choices are repression or negotiation.

Negotiation would assume President Aliev's recognition that the opposition represents a serious force and that at least some of their grievances and demands are justified. It is inconceivable that Aliev would agree to negotiate about his own legitimacy or consider new presidential elections. But he could allow opposition parties to conduct normal political activity, such as meeting with party activists and with voters throughout the country. Opposition parties could receive access to state television. On the electoral front, Aliev could, for example, proceed with local elections and allow them to be relatively free and fair. More radical options would be pre-term parliamentary elections—considering that even the dubious official election results give 20 percent of the vote to opposition candidates, whereas opposition-oriented deputies now constitute less than 10 percent of the legislature—or inviting members of the opposition to join the government.

Repression *à la* Aliev, on the other hand, need not resemble the blunt tactics of Uzbekistan's Islam Karimov or Turkmenistan's Saparmurad Niyazov, who have completely banned opposition parties and activity. The opposition in Azerbaijan is too influential for that, and massive repression could evoke a violent reaction. Moreover, Aliev badly wants his country to join the Council of Europe, which would frown at such behavior. Finally, given the reshuffled political constellation in Armenia, where the opposition Dashnaks, hounded and banned under former President Ter-Petrosyan, are now allied with President Kocharian and the tenor of government-opposition relations has improved, a full-scale crackdown in Azerbaijan would make Baku look even worse by comparison with Yerevan.

So far, Aliev's apparent goal is more limited: the restoration of the pre-election-campaign atmosphere of generalized fear. His method involves a combination of open intimidation, legislative measures to circumscribe opposition activity and lawsuits against opposition leaders and the opposition press. The first tactic is designed to put an end to demonstrations. Not only have the police violently dispersed efforts to organize rallies, around 30 individuals in plain clothes attacked opposition leaders *at an authorized rally* on November 8, beating several of them.³⁸ Since then, the opposition has canceled several planned demonstrations, not wanting to spark a confrontation.

³⁸ Procurator General Eldar Hassanov claimed the assailants had no connection to government agencies and pledged to track them down and try them, but opposition sources laugh off the notion, maintaining that the attackers are employees of President Aliev's brother.

Moving in step with the crackdown, Azerbaijan's parliament has instructed the Ministry of Information to use "all legal means" to block the publication of unconfirmed and "provocative materials" and called on state media "to defend the honor and dignity of the president and guarantee political stability." On November 13, parliament passed a new law restricting and regulating freedom of assembly: city authorities must now give prior approval for a demonstration's place and "goals." Police can use billy clubs, water cannons and rubber bullets to disperse participants. Another law passed November 24 makes organizers of illegal rallies liable to jail terms up to three years.³⁹

Simultaneously, the authorities have targeted the press. Opposition newspapers have reported on allegations by Ashraf Mekhtiev and others during the campaign that President Aliev is of Kurdish origin, and that some of his assistants are of Armenian heritage. Some newspapers have published allegations—not always providing hard evidence—that members of Aliev's family and high-ranking officials have purchased property abroad. The aggrieved individuals have sued for slander, inducing some 20 newspaper editors to launch a hunger strike. The lawsuits, which could bankrupt the papers, appear to offer a convenient way to silence the press, as it would be too damaging to reinstate censorship, abolished in August.

In testimony before parliament, national security officials have accused opposition leaders of serving the interests of foreign powers (Iran and Russia). Former President Abulfaz Elchibey has also been charged with insulting the honor and dignity of the president, for claiming that Heydar Aliev was instrumental in creating the PKK, the Kurdish terrorist organization, to weaken NATO-member Turkey.⁴⁰ Elchibey has provided no solid documentation, but such unproved public accusations have become commonplace in Azerbaijan. President Aliev and other government officials have often alleged that opposition leaders, specifically citing Elchibey, were involved in terrorism and/or were planning coups d'état. No proof has been supplied, nor has any official accusation been leveled. Indeed, it is hard to understand how Aliev could offer to let Elchibey run for president, if he actually considered him a terrorist. But such, unfortunately, is the tenor of government-opposition relations. The difference is that former President Elchibey faces a possible six-year prison term if convicted, whereas neither President Aliev nor any other Azerbaijani Government official risks accusations of slander.

Finally, an opposition activist, Fuad Gakhramanly, was sentenced to 18 months in prison on November 27 for writing an article the government insists was subversive. The article, which called for a campaign of civil disobedience and protest to remove Aliev, was never published until after the author's arrest in July, when it was printed by the state press.⁴¹

In the last month, obviously, tensions have risen dramatically and all sides seem aware of the need to lower the temperature. President Aliev, in his acceptance speech, declared his readiness for dialogue with the opposition. On November 23, he modified his position: only if their leaders recognized his legitimacy was a dialogue possible. But on December 2, a spokesman for Aliev's Yeni Azerbaijan Party announced that preparations were underway for talks that would begin within

³⁹ Reuters, November 24, 1998.

⁴⁰ On December 11, Rasul Guliev was charged with the same crime, for accusing Aliev of making a deal with the Armenians for the surrender of Kelbajar, Shusha and Lachin during the Karabakh war in 1992.

⁴¹ Reuters, November 27, 1998.

10 days. Aliev seemed to confirm the report, telling journalists on December 4 the authorities are ready to discuss any questions with the opposition.

It remains to be seen whether there are serious intentions behind that statement and if so, whether the goals will be actual discourse or tactical moves to split the now united opposition. Etibar Mamedov, for his part, has rejected any overtures until the CEC publishes the election protocols. Reportedly, Rasul Guliev's allies have criticized some opposition leaders for their willingness to consider a dialogue.

ECONOMY

Under guidance from the International Monetary Fund and the World Bank, Azerbaijan has embarked on economic reforms. Baku launched a program of rapid privatization in 1996, and began selling off medium- and large-scale enterprises in mid-1997. Azerbaijan has also privatized land. From the IMF's perspective, despite the decline of world oil prices and Russia's economic crisis, economic growth continues in Azerbaijan, the inflation rate is satisfactory and the currency stable.

Azerbaijan's macroeconomic stabilization and structural adjustment, however, have not helped falling living standards, which undoubtedly account for much of the public's discontent. As Baku is pinning its hopes on an oil-based boom—16 oil companies have signed contracts to invest \$40-50 billion over the next five to ten years—the latest developments are worrying. There have been over a dozen disappointing test drillings, where fields turned out dry or to have gas instead of oil. Considering all the political and financial problems involved in oil extraction in the region and Saudi Arabia's recent decision to reopen its long-closed fields to foreign exploration, some oil companies have begun to rethink their Caspian ventures. The worldwide slump in oil prices has diminished the value of Azerbaijan's greatest asset, and is a key factor in the refusal of oil companies to commit to the expensive Baku-Ceyhan option for the Main Export Pipeline. To compound all these problems, the Russian financial crisis has hurt Azerbaijan's trade with Russia and cut remittances from Azerbaijanis working in Russia, who may themselves have to return home, to very uncertain prospects.

Even in the best case scenario, substantial oil revenues are not expected for several years and corruption would probably have cut into the budget for development, health care, education, infrastructure and other items that improve people's well-being. If Baku's hopes of an oil windfall prove illusory, the pie will be smaller than expected. Without large-scale investments in such outlays, widespread impoverishment and growing disparities between the small number of wealthy and the bulk of the population could put the country's stability at risk. Various government officials, in private conversations, have mentioned Indonesia as an example that Azerbaijan must avoid.

NAGORNO-KARABAKH

Though the 1994 cease-fire remains in effect, the OSCE-brokered talks have been stalled for years. In 1997, the Minsk Group put forward a phased approach that Baku accepted as a basis for negotiations, as did Armenian President Levon Ter-Petrosyan, if reluctantly. But more hard-line elements in Armenia, led by Prime Minister Robert Kocharian and Defense Minister Vazgen Sarkissian, along with Nagorno-Karabakh, rejected the proposals. They forced Ter-Petrosyan out

in March 1998 and Kocharian, the former president of Nagorno-Karabakh, won the extraordinary election called that month. Once in power, he categorically rejected the OSCE plan, demanding that Nagorno-Karabakh's status be decided in a package deal with other contentious points, rather than give up occupied regions first and then engage in a long negotiating process on that key issue. Furthermore, he ruled out any status that would leave Nagorno-Karabakh in a subordinate position vis-a-vis Baku, insisting on "horizontal relations."⁴² A subsequent remark by Foreign Minister Oskanian that Yerevan might consider annexing Nagorno-Karabakh if negotiations proved fruitless evoked condemnation from many OSCE states, including Russia. Since then, Armenian officials have been calling for a status between full independence—which they recognize Baku will never accept—and autonomy—which neither Yerevan nor Stepanakert will swallow. The formulation "unconventional status" for Nagorno-Karabakh has come into vogue in official Armenian statements, which sometimes make reference to Andorra, a small principality between France and Spain.

Yerevan's refusal to consider the OSCE 1997 plan apparently led the Troika of Minsk Group chairmen—France, Russia and the United States—to rethink their approach. In October 1998, they returned to the region with a new plan. As before, details remain confidential, but the proposals constitute a package deal and envision a "common state" between Nagorno-Karabakh and Azerbaijan. According to President Kocharian, the novel plan does not stipulate Azerbaijan's territorial integrity, Karabakh's status as a part of Azerbaijan or vertical relations between Karabakh and Azerbaijan. Acceptance of the proposals would involve Armenian return of six occupied regions bordering Karabakh, with a special status for the Lachin corridor, which links Karabakh and Armenia. Kocharian said the mediators had tried to combine the rights to territorial integrity and self-determination, as was done in Bosnia. Furthermore, he maintained that Azerbaijani leaders "are aware that no other solution is available, and the Azerbaijani public is prepared for it."⁴³

That assessment must have been wishful thinking. President Aliiev, for his part, said in early November the proposals would be considered but simultaneously signaled disapproval through his senior advisor and negotiator, Vafa Guluzade, who maintained they were unacceptable. Baku continues to see Armenia and Azerbaijan as parties to the conflict, characterizing the Armenian and Azerbaijani communities of Nagorno-Karabakh as "interested parties." More important, a "common state" was open to interpretation, Guluzade explained, which could place in question Azerbaijan's territorial integrity. On November 20, Foreign Minister Zulfugarov officially rejected the new OSCE plan, offering instead to resume negotiations on the basis of OSCE's previous proposals. President Aliiev subsequently elaborated that creating a "common state" with Nagorno-Karabakh would essentially mean recognizing it and then uniting with it, a scenario he rejected. The idea, he told visiting Members of the U.S. Congress, must have been a Russian initiative.⁴⁴

OSCE's 1997 proposals are, of course, unacceptable to Yerevan and Stepanakert, so the Minsk Group negotiations appear dead in the water. The refusal by Armenia and Nagorno-Karabakh to consider the earlier plan has brought about wholesale changes in the OSCE's mediating, leading to the conclusion that stubbornness yields dividends. If Baku draws this inference and

⁴² See Commission on Security and Cooperation in Europe, *Report on Armenia's Presidential Election*.

⁴³ Interfax, December 1, 1998.

⁴⁴ Interfax, December 3, 1998.

sticks to its position, the Minsk Group will either have to devise a new compromise plan somewhere between the two already proffered or face growing irrelevance. As pointed out above, all the contenders in Azerbaijan's presidential election, except for Heydar Aliev, voiced doubts about OSCE's ability to resolve the conflict, with some calling for UN Security Council involvement.⁴⁵ Despite disappointment and frustration, OSCE can hardly step back from the negotiations, if only for bureaucratic turf considerations. Member states want the conflict resolved, and the December 3 OSCE Ministerial Council Meeting called for continued efforts. Still, neither the Armenian nor Azerbaijani side seems ready to budge on critical issues, rendering a compromise practically unattainable.

Perhaps neither the Armenian nor the Azerbaijani side feels any great urgency to settle the conflict. From the perspective of Yerevan and Stepanakert, the disputed territory, as well as surrounding regions, are solidly under Armenian control and linked to Armenia. The only justification for settling now would be to gain Baku's recognition of Nagorno-Karabakh's independence—which is out of the question—or to avert or mitigate some problem which threatens to grow worse in the future. Former President Ter-Petrosyan's fears of Armenia's isolation from the region's accelerating economic cooperation were a factor in his acceptance of the OSCE's proposals last year. But President Kocharian and his government do not believe time is working against Armenia and are determined that Yerevan and Stepanakert will have a role in the developing Eurasian Corridor.⁴⁶ True, Heydar Aliev is more inclined to a negotiated settlement than anyone in the opposition, so perhaps it would be easier to strike a deal with him than anyone else.⁴⁷ But Aliev is 75 years old and there are no apparent arrangements for succession or a tradition of choosing a leader through free and fair elections, so a struggle for power could well erupt upon his departure that would leave Azerbaijan even weaker than today.

Heydar Aliev may also not see any great need to settle the conflict. Granted, according to official statistics, one in seven Azerbaijanis is a refugee. In other countries, such a huge number of people would form a powerful bloc and the head of state would be under serious pressure to ensure their return home. Even in neighboring Georgia, the 250,000 refugees from Abkhazia have organized and constitute an interest group neither the parliament nor Eduard Shevardnadze can ignore. This has not happened in Azerbaijan, where refugees remain unorganized after five years, have not staged demonstrations or otherwise sought to pressure Aliev. Nor do they appear to threaten his continued rule or even to ally with his political opposition.⁴⁸

Absent such pressure, for Aliev, the awful status quo may well be preferable to any deal with the Armenians that would violate or threaten Azerbaijan's territorial integrity and make future historians see Aliev as the man who gave up Nagorno-Karabakh. And even if Aliev were interested

⁴⁵ Given the UN's record on conflict-resolution, the hopes vested in that body may indicate more desperation than reason.

⁴⁶ To keep Armenia from benefiting from the Silk Road without making concessions on Nagorno-Karabakh, Baku inserted a reservation into the September 1998 document regulating transport through the corridor stipulating that no goods from, to or through Armenia may transit Azerbaijan.

⁴⁷ On December 17, the Movement for Democracy said Azerbaijan should prepare for war. (Turan, December 17, 1998.)

⁴⁸ Aliev's recent measures to improve the conditions of refugees raise interesting questions about what the election returns revealed about their loyalty.

in a deal, the October 11 elections have not strengthened his negotiating hand. Some Armenian politicians, including Nagorno-Karabakh's Foreign Minister Naira Melkounian, for example, argue that he has been weakened by an election the international community deemed unfair and the domestic opposition refuses to accept. Others, pointing to the collapse, at least for the foreseeable future, of the Baku-Ceyhan option for the Main Export Pipeline, claim there is no need for any concessions to Azerbaijan. Moreover, Aliev's opposition at home, which is more hardline than he, even according to official election returns, commands some 20 percent of the electorate. If there is any one issue that could unite opposition and populace against Aliev, it would be an unfavorable deal on Nagorno-Karabakh.

To complicate matters further, both Azerbaijan and Armenia have parliamentary elections coming up in 1999 and 2000, which will not foster an atmosphere conducive to negotiations. Given all these considerations, the current impasse may last quite a while.

U.S.-AZERBAIJAN RELATIONS

U.S. policy towards Azerbaijan seeks to consolidate ties with a strategically located country in the Caspian region, strengthen Azerbaijan's independence, keep Azerbaijan from falling under Russian or Iranian influence, promote the profitable exploitation of its oil and gas reserves, and settle the Nagorno-Karabakh conflict—while trying to foster democratization. As with other countries of the former USSR, particularly those with significant energy resources, pursuing these goals simultaneously involves a difficult balancing act.

During the election campaign, the Azerbaijani opposition took every opportunity to remind the Clinton Administration of Aliev's pledge, made during his August 1997 state visit to Washington, to hold free and fair elections. Opposition politicians—especially Rasul Guliev, who is currently based in the New York and wanted to strengthen his credentials as a serious challenger to Aliev—also solicited congressional pressure on Baku and tried to ensure that Washington would at least not add legitimacy to Aliev's presumed victory.⁴⁹ While the opposition highlighted statements by State Department spokesmen calling for the right to peaceful assembly, Azerbaijani Government representatives downplayed such remarks and pointed to ostensibly milder views by other U.S. Government officials, which minimized the significance of the boycott and its connection to the election's legitimacy.

The State Department's October 20 statement noted the improved election law and the abolition of censorship, but stressed the problems with the election and the OSCE assessment that it had fallen short of international norms. Azerbaijan's Government and opposition interpreted President Clinton's subsequent letter to President Aliev according to their own lights. The pro-Aliev media trumpeted the letter as evidence of U.S. support for Aliev, glossing over the absence of the key word "congratulations," a sure sign of Washington's displeasure. Opposition leaders and media, for their part, drew attention to Clinton's stress on negative assessments of the election, his specific call to restructure the Central Electoral Commission, and Clinton's hope that Aliev, after the inauguration ceremony, would "develop democratization."

⁴⁹ James Morrison, "Azeris Lobby Congress," *Washington Times*, September 9, 1998.

Since then, the State Department has on several occasions expressed concern about the post-election crackdown, urging Baku “to engage in dialogue with and not in harassment of its political opponents.” If tensions between the government and opposition remain high and repression does not ease, Washington will be under pressure to speak out more openly. Vice President Gore’s recent speech in Malaysia and his phone call to Kazakhstan’s President Nazarbaev about the exclusion of a serious contender from the upcoming January election indicate that the United States is putting greater emphasis on issues of democratization and human rights with friendly countries—even those with oil.

Finally, the international community’s criticism of the election will impede efforts by Baku and its supporters in Washington, within the executive branch, Congress, and among lobbyists, to get rid of Section 907 of the 1992 Freedom Support Act. That legislation bars U.S. Government assistance to the Government of Azerbaijan until the President certifies to Congress that Azerbaijan has taken “demonstrable steps to end all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.” The resulting U.S. sanctions and the conditions for their removal, technically speaking, bear no connection to progress in democratization or holding internationally approved free and fair elections.

Nevertheless, congressional supporters of Section 907 have pointed to Azerbaijan’s record on human rights and democratization as a reason to retain the sanctions. They had their most recent opportunity on September 17, when the full House of Representatives debated Section 907. Ultimately, backers of sanctions outvoted their opponents, 231-182. Azerbaijan’s supporters plan to revisit the matter in 1999, when they hope for greater success in an off-year for congressional elections. They can expect Members on the other side of the issue to bring up the October 11 election, as well as the Azerbaijani government’s post-election attack on the opposition and opposition press, as arguments to keep Section 907 on the books.