



# HELSINKI COMMISSION HEARING

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UNITED STATES COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

## Testimony :: H. E. Hafiz Pashayev

**Ambassador - Republic of Azerbaijan**

Commission on Security and Cooperation in Europe

Hafiz Pashayev

Ambassador of the Republic of Azerbaijan to the United States

"Elections, Democratization and Human Rights in Azerbaijan"

Mr. Chairman,

Members of the Commission,

Ladies and Gentlemen,

It is an honor to appear here today, when you hold hearings on Azerbaijan. I consider that such an experience can have a very positive influence on the democracy-building process, especially if the position is impartial and the criticism constructive.

In presenting my Government's position on promotion of democracy and protection of human rights in Azerbaijan I would like to start by briefly outlining the main trends of its independent development.

Azerbaijan is a secular Muslim country of eight million people, and archaeologists date the first human settlements in what is Azerbaijan today to the Stone Age. During its long, long history, Azerbaijan has only known 11 years of true independence, the last nine since the fall of the Soviet Union. Azerbaijan's first opportunity for independence was between 1918-1920 in the aftermath of World War I and the overthrow of the then Russian czar. This taste of freedom was short-lived, however, as the Bolsheviks invaded and conquered Azerbaijan in 1920 and maintained control over the republic until 1991.

In our long history, we have been part of one empire or another, none of which practiced democracy. The last 70 years were, of course, under the Soviets, whose anathema to democratic practices was well known. We learned, often the hard way, that there can be no democracy without political freedom. For hundreds of years, the word - as well as the practice - of democracy were totally alien concepts in Azerbaijan. The first obstacle to overcome was the notion that your opinion didn't matter, that your vote did not count. It is not as if we are totally unfamiliar with elections. The Soviets had elections, but the candidates represented the same party and the same party-line point of view. No one expected anything to change as a result of elections. The same was true of other democratic notions such as freedom of speech and freedom of the press. This is hard for most Americans to understand, given your history of democracy and support for human rights starting in year one of independence and continuing to this day.

With the collapse of the Soviet Union, we have been struggling to promote democracy in Azerbaijan. If I were to

summarize that progress today, it would be as follows: steady but incomplete.

Steady in that improvements occur with every election and every new year; steady in the abolition of censorship and the death penalty; steady in the growth of a free press and a multitude of opposition and independent media; steady in the enactment of laws protecting individual liberties; steady in registering more than 30 human rights NGOs, over 30 trade unions, 20 women's NGOs etc; and steady in the growth of transparency in business transactions. But perhaps most of all, steady in the sense of a growing confidence in the sovereignty and independence of Azerbaijan as well as its governmental stability, which, of course, is the foundation for all the other freedoms and rights mentioned above.

Yet our democracy building efforts are incomplete. We have had irregularities in our elections. Our judiciary has become more independent, but we have not yet developed a completely independent judicial system. At times, our local police still exceed their authority. Business transactions are often clouded by the old Soviet system of doing business. Finally, we are still grappling with the proper balance between personal freedom and order in society.

However, considering where Azerbaijan was in 1991 when we restored independence and where we are today, no objective observer could deny that real, substantial progress has been made. Had you told me in 1991 that elections - even with their shortcomings - would become normal events within a decade and would be praised by a Council of Europe rapporteur, I would not have believed you. Had you told me in 1991, after 70 years of Soviet communism, that within a decade censorship would be outlawed and human rights sanctified in law, I probably would have laughed. Had you told me in 1991 that within a decade there would be hundreds of independent media outlets in Azerbaijan, I would have been amazed but unconvinced. Yet all of that has come to pass within the past decade.

As is always the case in human events, one cannot understand the present without considering the past, and Azerbaijan's has not been a particularly pleasant one. It took political courage to establish a pro-Western policy, democratic norms, and stability during a time of war and transition from communism. A lack of understanding about Azerbaijan's past and current geopolitical situation, in my opinion, gives rise to the greatest misunderstanding among Americans about the progress we have achieved and the commitment we have made toward democracy. At times, we even feel that as America assesses our efforts, perfection is the enemy of the good.

There seems to be insufficient attention to the unresolved conflict that left Azerbaijan with nearly 1 million refugees and displaced persons and about 20% of our land occupied as a result of Armenian aggression. Our path towards democracy is complicated not only by external threats, both open and covert, but also, as I have already mentioned, because of the history of Soviet culture that is not immediately attuned to the habits of democracy. It is against this background that I would like to discuss broad trends in our democratization as well as some specific comments regarding elections, freedom of religion and freedom of the press.

## ELECTIONS

Since restoring our independence in 1991, we have been struggling to implement democratic norms of behavior. We have held three presidential, one parliamentary and one local election. These were not perfect elections, as many Western observers including the Helsinki Commission were quick to point out, but they were important milestones on our way to a true democracy.

I am reminded of our first elections when the head of a family would show up to vote for all members of his household. Such a practice does not meet normal democratic standards, but it is understandable given our history and culture. And while there were some irregularities in the last Presidential election, no one doubts that President

Aliyev received the overwhelming majority of the votes, as has been shown by numerous scientific polls, one conducted under the auspices of the U.S. State Department, since the election.

And while much discussion occurred in America regarding irregularities in the first municipal election, the runoff elections generally received high marks - but virtually no publicity in the U.S. Here I would quote from Azernews agency, which reports: "Repeated municipal elections were held in a number of Azeri provinces on March 20. In a news conference held at Europe hotel of Baku on the following day, the head of the Council of Europe Congress of Local and Regional Authorities delegation, Mr. Jean Claud Frecon, gave a preliminary feedback of the election. He said a 6-people strong delegation had visited almost 50 polling stations in Baku, as well as western and eastern regions of Azerbaijan and came to the conclusion that except for the Narimanov district of Baku, where voter turnout was too low for the election to be considered valid, the voting process was not marred with serious irregularities. Council of Europe observers pointed out positive changes in comparison with the December 12, 1999 election, but added that there were some technical and other violations of law."

A Council of Europe report said these were the first local elections since independence, "indicating the country's commitment to continuing with democratic reforms at the local level" and "were simply the first step towards the establishment of a fully developed system of local democracy."

## RELIGION

Azerbaijan strongly protects freedom of religion: today, over 200 religious groups freely exercise their activity in Azerbaijan. The United Nations report on "International Convention on the Elimination of all Forms of Racial Discrimination" makes a number of references to some provisions of our Constitution. These provisions deal with the right of freedom of conscience, every person's right to adopt his own attitude towards religion, to profess any religion whatsoever whether alone or jointly with others, not to profess any religion and to express and propagate his convictions concerning religion. It is further noticed by the UN that over 200 Muslim mosques, over 50 Christian churches and communities, and five synagogues are currently registered in Azerbaijan. The report goes on, mentioning that religious communities, institutions and centers of the Muslims of the Caucasus, of the Russian Orthodox churches, of the Evangelical Christians or Baptists, of the Adventist communities, of an International Christian Association (The Saving Grace), the Baku branches of the International Krishnaite and Baha'i Associations, are active in Azerbaijan. In addition, the report concludes, hundreds of different religious groupings are active unofficially, of which about 60 are communities belonging to the Christian religion.

Not so long ago, Azerbaijan had several cases involving religious freedom. These cases did not involve the mainstream religious organizations of Muslim, Jewish and Christian, but rather concerned some smaller religious organizations. Small or not, President Aliyev personally intervened in these cases and resolved them in favor of religious liberty. Subsequently, he has made his position in favor of religious freedom clear.

President Aliyev on November 8, 1999 publicly reaffirmed Azerbaijan's commitment to religious freedom with a statement, specifically saying: "One cannot restrict freedom of conscience and creed." Chairman Smith of this Commission was among those who praised Azerbaijan's actions at that time. May I remind you, Mr. Chairman, of your own words of November 16, 1999, when you endorsed my country's policy on religious freedom, stressing that "President Aliyev's remarks signal a new dawn in Azerbaijan and that his country will become the region's beacon for religious freedom." We, in Azerbaijan, appreciate the fact that you have recognized our progress in this field of religious freedom.

Azerbaijan's commitment to freedom of religion was confirmed by the U.S. Department of State's Annual Report on International Religious Freedom for 1999, which states: "The Constitution allows persons of all faiths to practice their religion, without restriction, and the Government respects this provision in practice..."

## PRESS

Azerbaijan has made significant progress in allowing freedom of press. Right now there are literally scores of newspapers in Azerbaijan, and they are generally granted traditional press freedoms. It is also worth mentioning that 65% of the media are established by political parties and their organizations, 20% are independent and only about 15% belong to the state. With the abolishment of censorship, by a Presidential order in 1998, there is certainly no restriction left on the right of free speech, as the Government and the President himself are regularly criticized and denounced by some within the country.

But don't take my word for it. According to the Council of Europe, there are approximately 350 newspapers, 100 magazines, around 30 press agencies and several dozen television companies that are registered in Azerbaijan. Some critics complain about government domination of the national television channel, but there is a number of private channels in my country, expressing variety of political views. I believe the views that will be expressed today by the leaders of opposition parties have appeared more than once and freely in the Azerbaijani media. The fact remains that freedom of the press is alive in Azerbaijan.

## SUMMARIZING THE PATH TO DEMOCRACY

In sum, Azerbaijan has not reached perfection by a long shot, but we believe that, in the face of difficult circumstances, we have made a promising beginning.

Further proof of Azerbaijan's steady progress toward a full democracy is contained in the unanimous decision made by the Political Affairs Committee of the Council of Europe Parliamentary Assembly to approve the recent report of Mr. Jacques Baumel of France, on "Azerbaijan's request for membership of the Council of Europe." In his opinion, "the Assembly considers that Azerbaijan has a democratic, pluralistic society in which human rights and the rule of law are respected, and, in accordance with Article 4 of the Statute of the Council of Europe, is able and willing to continue the democratic reforms initiated in order to bring its entire legislation and practice into conformity with the principles and standards of the Council of Europe."

Mr. Baumel reports that in interviews with most of the 34 political parties in Azerbaijan, each considered the present Azerbaijani Constitution "provides a sound base for the country's democratic development" and that "despite specific problems that may crop up from time to time, political pluralism is a reality in Azerbaijan."

In his conclusions, the Council of Europe rapporteur states: "since the first free elections were held in 1995, Azerbaijan has made considerable progress towards the building of a democratic state in keeping with Council of Europe principles, and has substantially demonstrated its commitment to democracy. The reforms which have been initiated, and which the Rapporteur considers irreversible, constitute a solid basis for a pluralistic State that is governed by the rule of law and shows due regard for human rights and fundamental freedoms. "

## 907 AND THE U.S. ASSISTANCE

Over past decade, we have achieved a steadily growing confidence in the sovereignty and independence of Azerbaijan as well as its governmental stability, which, of course, is the foundation for all the other freedoms and rights mentioned above. As we have consolidated our independence, we have been able to advance our democracy.

But we cannot do it alone. We need your support and your help.

A peasant or worker who is barely making enough to survive, or a retired person whose retirement income is wiped out by inflation, may find it difficult to see the virtue in seeking democracy, if for no other reason than he or she does not have the time to devote to it, or because they do not believe it will make a difference. This is especially true of the one million Azerbaijani refugees - one eighth of the total population - who have been displaced from their homes by Armenian offensives seven years ago, or for those who perceive they had a better existence under the old communist system. Democracy is no substitute for bread for a hungry child.

For years, Azerbaijanis have considered the United States the world's greatest democracy. Yet, until recently, America could not help implement the elections because of the ban on assistance to Azerbaijan contained in Section 907 of the Freedom Support Act. This provision of law was enacted in 1992 by the Armenian-American lobby groups as part of their war effort against Azerbaijan. For several years, Azerbaijan's one million refugees could not even receive American humanitarian assistance. Yet, never once did an American Congressional Committee even hold hearings on the violation of human rights of hundreds of thousands Azerbaijanis deprived of their homes by Armenian aggression.

While we were able to carve out an exception from the ban for democracy building in 1998, that meant that the first seven years of Azerbaijani democracy had to be constructed without American assistance. During that time, we had the anomaly of America being able to assist opposition political groups, because they were not part of the government, but being unable to assist the government itself in the promotion of democracy.

As far as upcoming parliamentary elections are concerned, I would like to emphasize my Government's determination to work with the opposition, for the sake of future democracy, and not to please foreign observers.

The Government is in constant contact with the OSCE Office of Democratic Institutions and Human Rights, a representative of which has been in Baku in recent days. We believe that these consultations will lead towards a full consensus of all who care about my people's future, erasing any concerns about the democratic nature of the process.

I'd also like to mention that Section 907 still prohibits American assistance in the promotion of education, which is a foundation of democracy. As a result of Section 907, for a number of years Azerbaijani students studying English had to use old communist era textbooks because the American ambassador could not donate modern English-language texts to Azerbaijan. I remember US Ambassador Rich Kauzlarich's lamentations about these textbooks presenting the U.S. in a communist way, so to speak.

But worst of all, think of the example of democracy that Section 907 presents. It tells many Azerbaijanis that American ethnic groups can get their way in Congress through political pressure - despite the fact that successive American administrations strongly oppose Section 907, as does a who's who of the American foreign policy establishment.

## CONCLUSIONS

Given the facts of Azerbaijan's struggle to fully implement its democracy, one could either conclude that the glass is half full or half empty. Our critics, of course, always say the glass is half empty. But I am an optimist. I say the glass is half full, and well on its way to becoming full. I also believe different countries are at different stages of development in their democracy. I believe that by having improvement every single time an election is held, we demonstrate not only our commitment to promoting democracy, but also our potential for further growth.

We have chosen a difficult and rocky path to democracy. It is a hard road to follow, but we are determined to do so. We look forward to working with you and we would appreciate any assistance, any constructive engagement from the established democracies.

