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**COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

**237 HOUSE OFFICE BUILDING ANNEX 2
WASHINGTON, DC 20515**

(202) 225-1901

**REPORT ON THE
SUPREME SOVIET ELECTIONS IN AZERBAIJAN**

Baku, Azerbaijan

Prepared by the Staff of the
U.S. Commission on Security and Cooperation in Europe

October 25, 1990

HIGHLIGHTS

-- On September 30, 1990, the first multi-party elections to the Supreme Soviet of Azerbaijan took place. There was never any doubt, given the circumstances of the election, that the communists would gain control of the legislature; the question was whether non-communist groups, many of whom had joined the "Democratic Azerbaijan" coalition, would win any seats. Though the final figures are not yet in, non-communist forces led by the Azerbaijani Popular Front have for the first time won some representation in parliament.

-- The elections took place in a state of emergency, which has been in effect since January 1990, when the Soviet military entered Baku in force. Non-communist groups argued that holding free and fair elections under such conditions was impossible and claimed that the authorities maintained the state of emergency in order to facilitate rigging the election's outcome.

-- The elections were marred by allegations of widespread fraud and intimidation. Even the Communist Party-controlled media in Azerbaijan carried detailed reports of chicanery, ranging from refusal to register non-communist candidates during the campaign to stuffing ballot boxes on election day. Post-election reportage on central Soviet television from Moscow also publicized these improprieties. The most serious abuses, according to unofficial sources, concerned the murder of at least two opposition candidates.

-- Colonel Valery Buniatov, the military commandant of Baku, closed the city from September 26 to October 2 to non-residents in an attempt to keep out election observers invited by non-communist groups. Soviet troops met would-be election monitors, including members of the Moscow and Leningrad city soviets, at the airport and sent them home. Nevertheless, Helsinki Commission staff and a representative of the U.S. Embassy in Moscow were permitted to go to Baku. They encountered no difficulties in meeting with Communist Party and government officials, as well as with representatives of non-communist organizations.

-- Runoff and repeat elections will be necessary before the new Azerbaijani Supreme Soviet can convene. When it does, prospects for cooperation between the communist majority and the non-communist opposition are unclear because the Popular Front has called for the non-recognition of what it sees as a fraudulently elected legislature. Whatever the ultimate balance of forces in the Supreme Soviet, all those interviewed agreed that developments in the ongoing conflict with Armenia over Nagorno-Karabakh will have a decisive influence on the parliament's future activity. Within that context, the crucial items on the legislative docket will include: legal guarantees of Azerbaijan's political and economic sovereignty and rewriting the republic's constitution in that spirit; the deliberations in Moscow on a new Treaty of Union and voting on whatever proposal emerges from those negotiations; moving towards a market economy; dealing with the refugee problem in Azerbaijan; and establishing independent relations with other Soviet republics and with countries outside the USSR.

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I. THE POLITICAL BACKGROUND

Introduction

After long delays and one official postponement, the elections to the Azerbaijani Supreme Soviet finally went off as planned on September 30. The late date of the Azerbaijani election reflects the region-wide instability in Transcaucasia: voters in Armenia chose their legislature only on May 20 and Georgia's elections (the last ones scheduled) took place on October 28, having been postponed from March. Nevertheless, the atmosphere in Azerbaijan was peculiarly charged, even by today's Soviet standards. Azerbaijan was the only Soviet republic to hold its Supreme Soviet elections with its capital city, Baku, and other regions, such as the Nagorno-Karabakh Autonomous Oblast (NKAO), in a state of emergency. This dubious distinction indicates the level of unresolved tensions in Azerbaijan as well as the determination of the central authorities in Moscow, abetted by the Communist Party of Azerbaijan (CPA), to keep tight reins on this strategically and economically vital republic.

Moscow and the Azerbaijani communists had good reason to fear losing control of Azerbaijan at the end of 1989. Against the backdrop of Azerbaijani-Armenian conflict over Nagorno-Karabakh, public activism in Azerbaijan has reached new heights in the last two years. Of the many political organizations that have emerged, the Azerbaijani Popular Front (APF) is the best known and most influential. Founded in July 1989 ostensibly to promote perestroika, the APF rapidly gained strength as it led demonstrations and strikes throughout Azerbaijan. Charging the Party with caving to Moscow's dictates on NKAO and falsifying the March 1989 USSR Supreme Soviet elections, the APF demanded the restoration of Azerbaijani control in NKAO--then under Moscow's administration--and pressed for democratic elections in Azerbaijan. Under intense APF pressure, the republican legislature in September 1989 declared Azerbaijan's sovereignty and the APF appeared poised to win a stunning victory in the republic's Supreme Soviet elections, planned for early 1990.

The power struggle came to a head at year's end and it did not take the form of an electoral contest. As popular emotions swelled in the fall, the movement increasingly split into moderate and more radical wings, with the former exerting ever less influence on the latter. In December, radical factions of the APF took over Communist Party headquarters in various cities, such as Lenkoran. Assaults on Soviet institutions included the destruction of border installations between the USSR and Azerbaijani-populated northern Iran, accompanied by mass border crossings in both directions. With Soviet authority in Azerbaijan seemingly on the verge of vanishing, the emergence of an APF-led government was prevented only by the "January events."

Worsening Azerbaijani-Armenian tensions in Baku, stoked by the influx of Azerbaijani refugees from Armenia and news of intensified fighting around the border regions, provided the immediate background for the inter-ethnic violence that broke out

on January 13. A large demonstration in Baku organized by opposition forces degenerated into an anti-Armenian pogrom, which lasted until January 15. APF spokesmen portray the pogrom as a deliberate Soviet-orchestrated provocation, designed to create a pretext for what ensued: during the night of January 19, Soviet troops entered Baku in force, and according to official accounts, killed 170 persons and wounded about 400. In subsequent days, many APF activists and others were arrested. The state of emergency in Baku that Mikhail Gorbachev ordered on January 19 remains in effect and armed personnel carriers stand guard in Lenin Square to this day.

Soviet Foreign Minister Shevardnadze claimed that the army's goal was to prevent any more anti-Armenian pogroms, but it is widely agreed that the pogrom had by then run its course. Defense Minister Yazov offered a different perspective: charging that the APF was conspiring to seize power, he stated that Moscow had sent troops into Baku to reassert Soviet control over Azerbaijan. Mikhail Gorbachev justified the decision to use military force with allusions to both of these arguments, and also invoked the image of Azerbaijan on the brink of rule by Islamic fundamentalism.

In Azerbaijan, widespread rage over the deaths of civilians at the hands of Soviet soldiers has engendered deep bitterness towards Moscow, which Helsinki Commission staff heard expressed by Party and government spokesmen, representatives of unofficial groups and ordinary people. But Azerbaijanis also fault the West, for failing to protest Soviet behavior in Baku that, they argue, it would roundly have condemned in Vilnius. Consequently, when voters went to the polls on September 30, their mood was variously described as apathetic, bitter, resigned, cowed, tired, and angry.

At stake in the September 30 elections were not only seats in the republican legislature but in city, county and rural soviets. This report, however, deals only with the Supreme Soviet election. It is based on a Helsinki Commission staff trip to Baku from September 27 to October 2, 1990. Among the people interviewed were representatives of the Communist Party of Azerbaijan, Azerbaijani Supreme Soviet officials, the chairman of the Central Election Commission, secretaries of the Azerbaijani Foreign Ministry, spokesmen for the Azerbaijani Popular Front, the Social Democrats, the Ecological Union, the Republican Independent Party, and various independent candidates.

The Political Landscape

The election battle essentially pitted the Communist Party of Azerbaijan against the non-communist opposition led by the APF. Bolstered by the presence of Soviet troops and protected by the state of emergency, the Party had regained its control of the local levers of power and influence, if not its legitimacy. With the explosion of sovereignty declarations all over the USSR in 1990 widening the bounds of the permissible, the Party emphasized its resolve to achieve full political and economic sovereignty, while portraying itself as alone capable of ensuring stability and improving the material well-being of the population.

Between January and September 1990, by contrast, the Popular Front's stock had fallen: several hundred of its activists were in prison, the movement was riven by divisions and recriminations over the tragedy in Baku, and the public's enthusiasm for political engagement had waned. Nevertheless, the APF retains much public support and joined with other opposition groups to contest the Party's grip on the legislature.

On July 8, approximately 50 non-communist groups coalesced in an electoral bloc called "Democratic Azerbaijan." The bloc included, among others, the APF, the National Democratic (New Mussavat) Party, the Democratic Union of the Azerbaijani Intelligentsia, Liberal-Democrats, ecological parties, the republic's Council of Elders (Aksakals), the "January 20" Group, the Karabakh Relief Committee, and refugee organizations. Participating movements united around a platform of three basic priority planks: political and economic sovereignty for Azerbaijan; human rights; and economic and political pluralism. "Democratic Azerbaijan" originally threatened to boycott the elections if the authorities failed to meet its demands for new election laws, release of all political prisoners, and an end to military control in Baku, but eventually decided to take part anyway.

Originally set for September 2, the Supreme Soviet elections were delayed until September 30. Azerbaijani officials explain the postponement as a concession to APF arguments that the election law allotted too little time to campaign. An APF source, however, claimed the Party put the date off when it became clear that it needed more time to rig the elections.

This dispute reflects the state of relations between the communist authorities and the non-communist opposition. Spokesmen for both sides agreed that the chasm between them has remained firm. For example, noticeably absent in Azerbaijan was the intermingling between reformist Party members and Popular Fronts that characterized the situation in the Baltic states. An initiative launched in the spring of 1990 to convoke a roundtable embracing Party and opposition forces foundered when, according to APF spokesmen, the Party ceased to show any interest in the proceedings. By forging the "Democratic Azerbaijan" bloc, therefore, the opposition was trying to present voters with a very clear choice.

Nagorno-Karabakh and the Elections

The conflict with Armenia over Nagorno-Karabakh played a pervasive but indirect role in the Azerbaijani elections. The state of emergency remains in effect ostensibly because of the continuing armed confrontations across the border (although one official asserted that the state of emergency was needed to dash APF hopes of seizing power by force) and prospects for resolving the dispute color visions of the future for all Azerbaijanis, official and unofficial. Moreover, the APF continues to charge the Party with not defending forcefully enough the Azerbaijani position, while simultaneously accusing the authorities of using Nagorno-Karabakh as an excuse not to address other pressing

issues, such as democratization, sovereignty or economic reform. Several Party officials did indeed argue to Helsinki Commission staff that a favorable settlement of the Nagorno-Karabakh issue was an indispensable prerequisite to undertaking serious reform measures.

Nevertheless, Nagorno-Karabakh was not really an issue that any party or group could hope to use to its electoral advantage on September 30. All Azerbaijani political forces dismiss Armenian claims to Nagorno-Karabakh and appear to take for granted that it was and will remain in Azerbaijan, whose territorial integrity they explicitly or implicitly propound in their political platforms. Helsinki Commission staff heard of no Azerbaijani political actors with divergent, or "softer" views on NKAO.

In one sense, however, NKAO did enter the election calculus very directly: the Azerbaijani Supreme Soviet, alluding to "the unconstructive platform and provocative acts of separatists," suspended the elections in NKAO's districts until the situation normalized. As a result, although the new Supreme Soviet will have 360 seats, only 349 districts were contested on September 30.

The Political Players

A. The Communist Party of Azerbaijan (CPA)

After the January events, many members left the Party, which they identified with the Soviet Communist Party and Government that had visited such destruction on Azerbaijan. Under martial law, however, the Party has regained its footing and campaigned actively to win control of the Supreme Soviet.

The actual number of CPA candidates is difficult to ascertain because many candidates who were neither CPA officials nor nominated by the Party were nonetheless Party members. One indication of the level of CPA participation comes from its Central Committee's Secretary for Ideology, who denied to Helsinki Commission staff that the Party's membership or influence had fallen. As evidence, he noted that in previous Supreme Soviet "elections," when pre-determined quotas had set aside seats for various strata of the population, CPA members occupied only 60 per cent of the legislature. Now that elections are open and democratic, he continued, communists constituted 80 per cent of the candidates.

According to the September 30 issue of the official *Bakinskii Rabochii*, "statistics demonstrate that Communist Party workers are the most widely represented among the candidates; 125 of them were registered, among them 75 first secretaries of city and county party committees." Popular Front spokesmen contended that there were many districts in which the Party candidate either had no opponent or had bogus opponents who would drop out of the race at an opportune moment.

Delegates to a CPA congress held shortly before the elections issued an appeal that laid out the Party's priorities. They called for full political and economic sovereignty for Azerbaijan in the context of a new Treaty of Union. The Communist Party of Azerbaijan would have its own charter and a national program that reflected its sovereignty vis-a-vis the CPSU and corresponded to the republic's national and state sovereignty. According to a CPA official, the Party will change its name along these lines.

Azerbaijan's communists proclaimed themselves in favor of pluralism of opinion, dialogue with democratic forces and a multi-party system, adding "We have only one criterion for political partnership and cooperation: socialist choice, communist perspective, respect for constitutional laws..."

The Party's economic platform was based on "real economic sovereignty," socio-economic development, a "regulated market economy, a mixed economy conditional on social defense of all strata of the population," and the consolidation of ties with foreign firms.

Finally, the Party urged the electorate, especially young voters, not to yield to emotions and rash appeals: "not at meetings or on squares do bread and vegetables grow, not in discussion clubs are clothing and shoes sewn. It is precisely the Communist Party that guarantees people stability, security, a peaceful life."

B. Azerbaijani Popular Front (APF)

The APF's election platform squarely lays out its differences with the Party: "In the beginning of 1990, the victory in the upcoming elections of forces that expressed the interests of the absolute majority of the people was already visible and only the criminal policy of the center and the treachery of the local bureaucracy that inspired the tragic January events have slowed the process of democratization of our society."

The political goals of the APF center on "the return of Azerbaijan to the world community of independent states" through the "gradual realization" of political and economic sovereignty. The APF platform rejects any constitutional obligations towards the USSR, especially military service, and opposes a new Treaty of Union that envisions the survival of a federation of Soviet republics. Instead, the APF favors "armed neutrality" as the basis of an Azerbaijani foreign policy seeking to develop independent relations with other countries. The APF calls for safeguarding Azerbaijan's territorial integrity by creating armed formations, and ensuring social order by subordinating the organs of law enforcement and state security to the republican parliament. One point in the Popular Front's platform advocates the development of economic, political and cultural relations with Iran, in order to secure the ethnocultural unity of the Azerbaijani people.

In the domestic sphere, the APF supports a multi-party system, the depoliticization of all state, information and law enforcement institutions, free trade unions, equality before the law of all citizens of Azerbaijan, regardless of nationality, and their right to develop freely their cultures. The platform stresses defending the rights of Azerbaijanis living outside the republic, and favors a nationally-oriented educational system, as well as the resurrection of national and state symbols. In that context, the APF promises to create proper conditions for religious observance, to restore religious buildings to believers and to develop ties with the Islamic world.

The APF calls for transferring the economy to free market relations, the equalization of all forms of property while encouraging private enterprise, the speedy privatization of state property, and forming mutually beneficial economic ties with all other countries. Finally, the APF's ecological plank argues for the priority of ecological over economic considerations in future economic development.

According to APF election commission spokesmen, the "Democratic Azerbaijan" bloc put forward candidates in 166 out of 349 districts. As bloc-affiliated candidates were competing against each other in some districts, the APF calculated that the bloc might, at best, win 132 seats. The APF urged its supporters to boycott the elections in the remaining districts, where, they charged, the authorities had refused to register bloc candidates.

APF representatives explained that they considered boycotting the election, in light of their many complaints about its fairness (see below) but eventually decided that half a loaf was better than none.

C. The Azerbaijani Social Democratic Party (ASDP)

The leaders of the Social Democrats were instrumental in setting up the APF. They subsequently broke with the Popular Front, charging its leadership with undemocratic behavior, a propensity to resort to strikes, and falling for communist ploys aimed at radicalizing the masses and creating a pretext for a crackdown. Personal differences between ASDP and APF leaders apparently also played a major role in the break.

A leader of the Social Democrats explained that their primary political goal was an immediate declaration of Azerbaijan's exit from the USSR and crafting political and economic guarantees for Azerbaijan's independence. The ASDP demands the removal of nuclear weapons and Soviet forces, and the formation of a depoliticized, national army. The party sees Azerbaijan's future relations with its neighbors in the context of a pact on regional security and developing a "zone of peace" in the Caucasus, in which Azerbaijan's constitutional authority in Nagorno-Karabakh is assured and the border remains secure.

Domestically, the Social Democrats advocate a multi-party democracy based on legal guarantees for freedom of speech, conscience and association; an independent Constitutional Court and depoliticized law enforcement organs would protect these rights. They support a mixed economy, including private property in land and the means of production. The ASDP program also places great emphasis on the protection of Azerbaijan's environment; the election platform of one leading ASDP candidate described ecological concerns as the republic's "number one" priority.

The Social Democrats originally favored postponing the elections--which they considered unfair anyway--for fear of disrupting the shaky civil peace in Azerbaijan. They proposed instead a roundtable composed of members of all democratic movements to prepare policy recommendations. Despite the authorities' failure to respond to their ideas, they decided to participate in the election as a first step towards democracy.

Space considerations make it impossible to describe all the many other groups and movements that fielded candidates. The two noted below were selected because the first typifies the environmental concerns that have galvanized opposition movements all over the Soviet Union while framing demands in an Azerbaijani context; the second represents a more "radical" wing of the opposition that did not directly take part in the Supreme Soviet elections.

D. The Ecological Union of Azerbaijan

The chairman of the Ecological Union ran on a platform calling for the restoration of Azerbaijan's statehood and its political and economic sovereignty, the creation of a national army, a multi-party system that guarantees the legal defense of citizens, and various forms of property and the development of market relations. On more strictly environmental matters, the Union advocates the elaboration of a legal concept of ecological crime, the formation of an international organization to save the Caspian Sea, and the use of financial and economic levers to pressure ecologically harmful enterprises.

E. The Independent Republican Party (IRP)

Some Azerbaijani groups boycotted the elections, even though they affiliated themselves with "Democratic Azerbaijan." One example is the Independent Republican Party, which wants to reestablish the Azerbaijani republic of 1918-1920 by parliamentary means. The IRP argues that Azerbaijan never entered the USSR, having been occupied by force, and therefore denies the legitimacy of the Supreme Soviet. The party's ultimate goal, according to one of its spokesmen, is to unite the two Azerbaijan, Soviet and Iranian, into a fully independent, multi-party, secular state that guarantees freedom of conscience.

II. THE ELECTION LAW AND CAMPAIGNING

The Azerbaijani election law, passed in June 1990, modified the draft law of November 1989. It stipulated single mandate election districts, in which citizens of the Azerbaijani SSR 21 years and older could vote and run for office. There was no residency requirement. Troops permanently stationed in the republic could vote on an equal basis with Azerbaijani citizens; soldiers who were in Azerbaijan in connection with the state of emergency, however, could not vote.

The Azerbaijani Supreme Soviet

The previous Azerbaijani Supreme Soviet had 450 members but many of its members gained their seats exclusively because of other positions they held. The new legislature will have 360 members, elected to a five-year term.

Central Election Commission

The Central Election Commission was responsible for running the campaign and the election properly. Its members, each appointed for a five-year term, were selected by the Supreme Soviet from names suggested by organs of state government and social organizations. Among the Commission's responsibilities were hearing appeals from candidates whose applications for registration had been denied, investigating complaints and publishing the results of the election ten days after the vote.

The law's most controversial article--a change from the November 1989 draft--was that "people kept under guard by a decision of the criminal court" could not take part in the elections. APF and other opposition spokesmen singled out this restriction for special criticism (see below).

Districting

The Central Election Commission divided Azerbaijan into 360 districts, which district election commissions, in conjunction with the soviets of cities and counties, then divided into precincts. Election districts were supposed to contain generally equal numbers of voters (even though the law stipulated the outer limits as 20 - 3,000).

Nomination of Candidates

Working collectives, collectives at secondary specialized and higher academic institutions, and groups of voters numbering no fewer than 250 persons could nominate candidates. Military units and social organizations (such as the Communist Party, the APF and other unofficial groups) also had the right of nomination.

Registration

District election commissions had to register candidates, who could appeal registration denials to the Central Election Commission within five days. According to the Commission, 1,193 candidates were nominated, of whom 1,186 were registered. In some

districts there were 10-15 candidates and one precinct in Baku boasted 23.

Funding

The election law obligated the state to pay for the elections. The Central Election Commission was charged with distributing money from a fund created by the state, enterprises, public and other organizations to lower level election commissions, which were to disburse money to candidates. Candidates could not use any other sources of funds (although they routinely ignored this prohibition).

Registered candidates could leave their jobs for the duration of the campaign and were to receive their average wage from state funds. The same applied to the five authorized representatives each candidate could have to help in campaigning.

Election Rallies and Meetings

The election law instructed district and precinct electoral commissions to help candidates set up meetings with voters, and local enterprises were to provide facilities free of charge. Registered candidates were also supposed to have an "equal right to speak at pre-election meetings and other assemblies." But arranging meetings and assemblies in a state of emergency was not always possible. Colonel Valery Buniatov, Baku's military commandant, said in July that election rallies at work and in neighborhoods would be permitted but "anti-Soviet appeals and statements whipping up ethnic hostilities" would not. Unsponsored rallies and demonstrations in Baku were also forbidden.

Media Coverage

The election law obliged the media to cover the election and gave registered candidates "equal access" to the media. Non-communist candidates denounced the failure of the tightly-controlled media to do so (see below).

Observers

In light of what happened subsequently, the election law's provision for election observers merits special mention. Representatives of public organizations and voters assemblies had the right to attend sessions of the various election commissions and to oversee the entire procedure of balloting and vote-counting. They needed a certificate from the organization or voters group they represented and had to inform the appropriate election commission of their intention to observe the election. According to the chairman of the Central Election Commission, no one who met these requirements was refused permission to do so.

Fearing election abuses, "Democratic Azerbaijan" appealed to democratic organizations throughout the country and soviets at all levels, as well as to international organizations, to send observers to the elections. But the Azerbaijani Supreme Soviet described these appeals as a "violation of the republic's sovereignty." Colonel Buniatov's attitude was more direct: according to *Komsomolskaya Pravda* (September 26), he said "I

won't let them out of the plane. They'll sit in the plane until they grow beards. There's nothing for them to do here."

Colonel Buniatov's men waited at Baku airport to head off election observers from outside Azerbaijan. The Colonel's efforts were not entirely successful, however: those observers who either had arrived earlier or managed to elude those waiting them at the airport tried to fulfil their mission on election day. The authorities tracked down as many as they could, transported them to the airport and sent them home.

Notwithstanding the resolve of Baku's military commandant to bar observers, Helsinki Commission staff and a representative of the U.S. Embassy in Moscow received permission to go to Baku. Except for occasional blatant instances of eavesdropping, they encountered no unpleasantness generally or any obstacles in meeting with CPA and government officials, representatives of unofficial groups and independent candidates. In fact, the Azerbaijani Foreign Ministry helped arrange meetings with outspokenly anti-communist opposition candidates and spokesmen.

III. THE BALLOTING AND RESULTS

Voting

Based on information about residents provided by city, local and rural soviets, precinct electoral commissions compiled lists of voters. These lists were hung on the walls of polling places. On September 30, polls were open from 7:00 AM to 8:00 PM. Baku voters would come to a polling place and present a form of identification, usually a passport. Electoral commission members would check their names against voters lists, give them the three ballots for the three separate elections (Supreme Soviet, Baku city and county) and indicate in their voters list that the individual had received the ballots.

The ballots, in three different colors, were printed in Azerbaijani and in the language used by the population of a particular district (usually Russian). They listed the names of the registered candidates in alphabetical order. Voters indicated their preference by crossing out the names of the candidates they did not want. One polling place visited by Helsinki Commission staff had only one urn for all the ballots, whereas another had three separate urns. The voting booths were enclosed in curtains, which voters did not always bother to close.

Elections were invalid if less than half the number of voters on the district list took part. If the election was valid, candidates who won over 50 per cent of the ballots were elected. If more than two candidates ran in a district and neither was elected, the district election commission was to schedule runoff elections within two weeks after September 30. The candidate who garners the highest number of votes in the runoff wins a seat.

If no more than two candidates ran and neither was elected, or if elections were declared invalid, or if runoff elections produced no winner, repeat elections will be held. Candidates who failed to win in earlier rounds may not participate in repeat elections.

On election day, Helsinki Commission staff accompanied two candidates running on different platforms to various polling places in Baku. Based on those visits and conversations with the candidates, the conduct of the election appeared to go reasonably well in some places, and quite poorly in others. In one polling place, for example, observers representing both Communist Party and APF candidates made clear their intention to oversee procedures until the final tabulations had been completed. But both of the candidates being accompanied complained of irregularities: one argued that a rival candidate was at the polling place while voting was going on and, as the director of the school in which voting was taking place, was in a position to influence members of the precinct election commission, which included teachers in that school. The other candidate reported that supporters had told him about attempts at flagrant ballot-stuffing on behalf of his opponent, which APF election monitors observed and prevented.

The situation in Baku, however, was not typical of all of Azerbaijan. By all accounts, in rural areas, there were far fewer monitors and those who attempted to observe the balloting risked harassment and beatings.

Vote-Counting

Precinct election commissions were obligated to determine the total number of voters in the precinct and the number of voters who had received ballots. They were to establish how many voters had participated, the number of votes for and against each candidate and the number of invalid ballots.

Election commission members counted by hand and put together written lists for each candidate. All commission members were to sign off on the results of their tabulations, which were delivered to the district election commissions. They, in turn, delivered to the Central Electoral Commission their own tallies.

Complaints

The Azerbaijani Supreme Soviet elections generated many allegations of irregularities. Not only unofficial sources, such as APF spokesmen or independent candidates, recounted violations of the election law, but even the Communist-controlled Azerbaijani press carried numerous reports of chicanery, as well as complaints by candidates and other observers. Indeed, *Bakinskii Rabochii* on September 28 referred to remarks made earlier by Azerbaijani President and Communist Party chief Ayaz Mutalibov about efforts by Party and soviet apparatchiks to secure their own election and the fact that 30 of them had run unopposed. Moscow television's post-election reportage also featured complaints about various sorts of improprieties.

There were four different but related types of complaints about the elections: the impossibility of holding free and fair contests in a state of emergency; the undemocratic nature of the election law; flagrant violations by the authorities of this law; and the authorities' refusal to let outside observers monitor the proceedings.

APF spokesmen and many others dismissed out of hand the notion that free elections could be held in a state of emergency, when the highest authority in the land reposed not in the elected representatives of the people but rather in a Soviet military commandant whose frequent public pronouncements stressed the primacy of order and warned of "extremist plots." The 1:00 AM - 5:00 AM curfew did not really impede campaigning but candidates complained about the commandant's refusal to permit election rallies and meetings and their lack of access to the media, despite the election law's provisions.

Opposition candidates also pointed to the presence of Soviet troops in the city and the overall atmosphere of intimidation, especially after the events of January 1990, as uncondusive to the free expression of views. Unofficial groups did not always get permission to publish their newspapers, which were in any case subject to strict military censorship. The APF could not publish its weekly *Azadlyg (Freedom)* from January until May. After it resumed publication, according to Popular Front representatives, some editions appeared with large sections crossed out or deleted. The APF also protested Colonel Buniatov's insistence that he approve the texts of pre-election statements of all candidates and that these statements not "insult" the CPA and President Mutalibov.

As for the election law, non-communist groups argued that it contained undemocratic provisions designed to hamper their electoral prospects. The focus of their discontent was the law's ban on individuals "kept under guard by a decision of a criminal court" to stand for election. An official of the Azerbaijani Supreme Soviet defended the law, asserting that it would be improper for persons kept under guard to stand as candidates for the post of People's Deputy and he rejected the possibility that the authorities could exploit the law or had done so. But APF spokesmen and others claimed that the provision had deprived them of the chance to field many candidates. They stated that many people had been arbitrarily arrested or placed under guard and had therefore lost their eligibility to run. APF activists also charged that electoral commissions had simply refused to register many of their candidates and had ignored protests and appeals. The APF also accused the Supreme Soviet of stacking the membership of the Central Election Commission, alleging that five highly qualified candidates, including a member of the APF's election committee, were refused without any explanation.

Despite differences between official and unofficial sources about the state of emergency and the election law, the violations of the election law that took place in Azerbaijan received wide coverage even in the official media. These violations ran the gamut from efforts to stuff the ballot boxes to physical threats and intimidation of voters

and candidates.

Two days before the election, *Bakinskii Rabochii* reported that the Central Election Commission had received hundreds of complaints, charging efforts to pressure the district election commissions and prevent the registration of candidates. In connection with non-registration of candidates, the article argued that many candidates' applications were denied by district electoral commissions, despite attempts at intercession by the Central Election Commission. The newspaper pointed to the unequal conditions for candidates during the election campaign, noting in particular the willingness of district electoral commissions to help some candidates arrange meetings with constituents, while ignoring the requests of others.

The October 2 issue of *Bakinskii Rabochii* printed a letter signed by election observers and aides of various candidates describing the manifold violations that occurred in one polling place, which eventually caused them to leave in protest. They accused members of the precinct electoral commission of giving many ballots to voters, who then proceeded to vote more than once. *Bakinskii Rabochii's* correspondent claimed to have been present at the site and confirmed the irregularities reported. *Vyshka*, another official Azerbaijani newspaper, also published on October 2 reports of abuses, such as precinct commission members adding to voter lists the names of people who had no documents proving that they lived in the district.

Colonel Buniatov flatly denied there was anything unfair about the election; he denounced APF assertions to the contrary and maintained that the purpose of the state of emergency was to "normalize" the situation. He told *Bakinskii Rabochii* on September 30 that "the presence of 214 candidates from the Democratic bloc [various sources gave conflicting figures on the total number of "Democratic Azerbaijan" candidates] convincingly testifies that there were no "recommendations" or instructions from above on who would win. Buniatov also defended his decision not to permit outside observers into Baku, arguing that "the Azerbaijani people needs no advice or advisors" and could make its own choices.

Azerbaijan's official press agency conceded in *Bakinskii Rabochii* on October 2 that abuses had been rife but argued that the APF had also failed to follow the rules of fair play. Azerinform also carefully noted that representatives of the Moscow City Council, the Moscow Association of Voters, and "Shield" (a group supporting military reform) had been able to observe the violations reported, glossing over the fact that many election observers had in fact been unceremoniously kicked out of Azerbaijan.

A member of the CPA Central Committee took a different tack in response to questions about reports of abuses. He stated that the Party was not responsible for any irregularities that took place during the campaign and on election day, precisely because this was the first election in Azerbaijan that the CPA had not completely controlled.

The most serious charge levelled at the authorities was the murder of opposition candidates. On September 28, the head of the Popular Front's organizational department, Arif Abdullaev, was stabbed to death in his apartment during the night by intruders who stole nothing. Another "Democratic Azerbaijan" candidate named Mamedov never recovered consciousness after his car was stopped by unidentified assailants who beat him. The APF sees these homicides as a blatant efforts to intimidate the opposition on the eve of the election.

The chairman of the Central Election Commission told Helsinki Commission staff that all complaints would be investigated; if found to be valid and punishable by law, they would be handled by the Procuracy.

Results

The official press warned readers to expect a lower voter turnout than in the past since "the disgraceful practice of organizing a 100 per cent participation at any price was finished." According to preliminary indications from Soviet press agencies citing unofficial sources in Azerbaijan, 2,835,000 voters of a possible 3,500,000, or 81 per cent, had voted. But TASS reported on October 5 estimates by informal sources that voter participation in Baku was only 52 per cent. APF spokesmen had anticipated a low turnout in Baku, where opposition forces were much better organized than in the rural areas controlled by local Party bosses who could allegedly direct the elections as they wished. In fact, outside of Baku, according to unofficial sources, over 70 county and city Party committee first secretaries won their races.

On October 11, Azerinform reported that 240 seats in the Supreme Soviet had been filled. Over 130 of them went to CPA and government functionaries, and to prominent enterprise managers. Officials of law enforcement organs (hitherto not represented in the legislature) had won 21 seats. Fifty-four runoff elections will be held, as will 55 repeat elections. Elections in Nagorno-Karabakh and the Shaumyan district, where elections were not held, will be scheduled at a later date.

Thus far, "Democratic Azerbaijan" candidates appear to have won 26 seats. According to unofficial sources, the APF on October 6 adopted an appeal to parliaments of democratic governments and Supreme Soviets of other republics in which it charged that the elections were unfair and announced that voters, observers and candidates had registered over 1,000 complaints. The APF requested that deputies elected to the Supreme Soviet (and lower level soviets) not be recognized and the Popular Front publicized its intention of repealing the results of the September 30 voting, working out a new election law and holding new elections.

Elected officials and representatives of democratic organizations in Moscow who managed to observe the elections in Azerbaijan held a press conference in Moscow afterwards; they described what they had seen as a "caricature of elections." Independent

election monitors from Leningrad issued a public statement on the election based on their own experiences in Azerbaijan. Pointing to the unfair conditions of the election campaign and the many improprieties they observed and heard about, they concluded the newly elected Azerbaijani Supreme Soviet was "incapable of fully representing the interests of the republic's population." If any of its future decisions evokes the condemnation of democratic public opinion, they continued, the "long-suffering Azerbaijani people should not be blamed."

IV. POLITICAL IMPLICATIONS OF RESULTS

The Significance of the Elections

The September 30 Azerbaijani Supreme Soviet elections were not technically multi-party elections, despite Azerbaijan's abolition last spring of the Communist Party's constitutional monopoly of power. A June 6 resolution on temporary registration of social organizations did not provide for registration of political parties and no law on political parties is yet on the books. Nevertheless, the election was the first in Azerbaijan in which the Communist Party did not enjoy a total monopoly and non-communist organizations were free to nominate candidates. The results gave the opposition some representation in the parliament for the first time and a legitimized role in the political process.

The outcome of the Azerbaijani Supreme Soviet elections will affect fateful political questions, among them: whether, as the USSR appears to be breaking up, Azerbaijan proceeds on a course towards independence, a prospect that concerns not only Moscow but Teheran, with its large Azerbaijani population; the chances of peacefully resolving the Nagorno-Karabakh crisis with Armenia; the possible influence of trends and events in Azerbaijan on the USSR's other Moslem populations; the future of relations between Turkic Azerbaijan and Turkey, a NATO country; and Azerbaijan's hopes of establishing independent relations with countries outside the Soviet Union.

At first glance, the very decision to proceed with elections in which pro-independence forces would seem to enjoy favorable prospects--given Azerbaijani resentment against Moscow as well as moves towards greater sovereignty and independence in other republics in 1990--seems peculiar. True, almost every other republic has had its Supreme Soviet election and delaying the elections in Azerbaijan any longer may have seemed equally dangerous. A more reasonable theory, however, is that the state of emergency and the presence of Soviet troops provided a safe environment for the Azerbaijani Communist Party to hold the election. Some Azerbaijanis speculated that Moscow would lift the state of emergency once the elections were over and the communists were securely in control of the legislature. (Others, though, envisioned the state of emergency lasting for months, if not years).

A refrain frequently heard from Azerbaijani officials about their Supreme Soviet election echoes what Soviet spokesmen said about the March 1989 elections to the USSR Congress of People's Deputies: "we're just learning democracy," implying that the many shortcomings and violations that took place were to be expected and excused. The headline of an article in *Bakinskii Rabochii* on October 2, "For the First Time, Not According to Scenario," exemplified another aspect of the same argument. This factor may also help explain why the tightly controlled press reported on so many abuses.

Composition of the Azerbaijani Supreme Soviet

According to spokesmen for the current Azerbaijani Supreme Soviet, only about ten per cent of its members were nominated in the September elections, so the eventual turnover will be almost total. Nevertheless, based on the results of the September 30 voting, the communists' hold on the legislature will remain solid, even if the "Democratic Azerbaijan" bloc wins all the runoff and repeat elections. This sets Azerbaijan apart from general electoral trends in the Soviet Union (outside of Central Asia), where even if communists retained a numerical majority, the opposition won a much stronger position than the Azerbaijani opposition appears capable of attaining under current circumstances.

Relations between the Communist Party and Society

As mentioned above, efforts made in the spring of 1990 to set up a mechanism of communication between CPA officials, the APF and the democratic intelligentsia broke down when the officials ceased attending. With its control of the Supreme Soviet seemingly assured for the next five years, the CPA will probably want to reopen these talks. A Central Committee secretary told Helsinki Commission staff that the Party hopes to establish a Committee on National Consensus of all social forces and parties, which it envisions as a consultative organ to offer policy recommendations to the Supreme Soviet.

This consultative role may not be enough for the non-communist opposition, which feels that it was deprived of a legislative mandate not by the will of the voters but by the ability of the Party apparatus to predetermine the election's outcome. The success of the Party's efforts to coopt the opposition will presumably depend on the willingness of the opposition--inside and outside the Supreme Soviet--to be coopted. That calculation, in turn, will depend on what the opposition decides is the best possible deal it can get.

The Supreme Soviet's Agenda

Political and Economic Sovereignty: The CPA will now be in a position to press for the implementation of its program of political and economic sovereignty. Party and government spokesmen have stated that the new legislature would pass laws and rewrite Azerbaijan's constitution in this spirit. The nature of such sovereignty is difficult to foresee, pending the outcome of the ongoing negotiations on a new Treaty of Union. But it is likely, given Gorbachev's proposal on the scope and speed of the Soviet Union's transition to a market economy, that a particularly thorny issue will be Azerbaijan's control of its resources, Azerbaijani officials have stated that the republic should have all the

income from the sale of its oil, whereas Gorbachev's plan insists on keeping oil under central control.

Treaty of Union: Having campaigned in favor of a new Treaty of Union, the CPA presumably does see the republic remaining in some sense in whatever becomes of the USSR. But Azerbaijan has certain priorities of its own, which it will defend in negotiations with Moscow. President and CPA head Mutalibov has, for instance, publicly stated that Azerbaijan would not accept a treaty that gives different degrees of sovereignty to members. Other officials have made it clear that future economic ties with Moscow would depend on a satisfactory solution to the conflict with Armenia and that bilateral agreements between republics must be signed before the Treaty of Union. The Azerbaijani Supreme Soviet will be involved in the bargaining in Moscow and will eventually have to ratify or turn down any agreement that emerges.

Foreign Relations: Whatever form the Treaty of Union may eventually take, the republics are unlikely to accept it willingly if it restricts their ability to enter the international arena. In Azerbaijan's case, the unresolved dispute with Armenia and awareness of the importance of influencing world public opinion lend particular emphasis to developing contacts with the outside world. President Mutalibov, charging Moscow with abandoning Azerbaijan, argued in September that Azerbaijan now has the right to start looking for partners on the world scene. Both Party and government officials have made clear their desire to develop Azerbaijan's independent relations with the outside world, especially the West. Azerbaijani government officials have expressed particular interest in the Conference on Security and Cooperation in Europe (CSCE).

Azerbaijan's prospects for establishing relations with other countries are clouded by opposition charges about the unfairness of the Supreme Soviet elections. Azerbaijani unofficial groups strongly share the official desire for international contacts, but given their reported call for non-recognition of the new deputies, they would probably urge foreign parliaments not to reward the new Supreme Soviet by establishing formal ties.

Towards a Market Economy? The CPA's support for a market economy has been far more hesitant and conditional than the opposition's approach. In this respect, too, the outcome of the Treaty of Union talks and Gorbachev's economic plans will influence legislation passed by a CPA-ruled Supreme Soviet. Nevertheless, the need for economic development, especially in light of the large body of homeless and unemployed refugees in Azerbaijan, as well as opposition support for marketization, will probably promote economic reforms along market lines.

The "Aliiev" Factor

An intriguing feature of the Azerbaijani Supreme Soviet election was the victory of Heidar Aliiev. The former head of the Azerbaijani Communist Party and member of the CPSU Politburo until Mikhail Gorbachev "retired" him in 1987, Aliiev (whom Azerinform

described as the first "unemployed" person to win election to the Azerbaijani legislature), will now become a parliamentarian. Like Boris Yeltsin, who refused to accept his removal from the CPSU Central Committee as a political death sentence and later won a seat in the Congress of People's Deputies, Aliev has resurfaced after many thought his political epitaph already written.

Aside from their shared phoenix-like qualities, the comparison between Heidar Aliev and Boris Yeltsin should not be carried too far. Unlike Yeltsin, Aliev ran unopposed in his home-base constituency of the Nakhichevan Autonomous Republic, where 95 per cent of the voters of the district voted for him. Nor does Aliev, a longtime Brezhnev associate, have the reputation of a reformer. In any case, the return to official political influence of a former Communist Party boss with many Party and personal ties in Azerbaijan complicates the "correlation of forces" there.

The U.S. Perspective

As the decentralization of political power in the Soviet Union proceeds at ever greater speed, the administrative and legislative branches of the U.S. Government have begun to take a serious interest in establishing relations with the various peoples and republics of the USSR. One of the most natural and important channels of contact and communication in this effort would be inter-parliamentary relations, an idea in which Azerbaijani government officials expressed strong interest to Helsinki Commission staff. Given the many reported abuses during the Azerbaijani Supreme Soviet election, however, and the call by the Popular Front of Azerbaijan for non-recognition of the newly elected deputies to the republic's legislature, the U.S. Government and especially the Congress will have to consider carefully whether and how to proceed along these lines.