

# CRS Report for Congress

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## Azerbaijan's 2005 Legislative Election: Outcome and Implications for U.S. Interests

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### Summary

This report discusses Azerbaijan's democratization progress as evidenced by its November 6, 2005, legislative election. It describes the campaign and results and examines implications of this election for Azerbaijani and U.S. interests. This report will not be updated. Related reports include CRS Issue Brief IB95024, *Armenia, Azerbaijan, and Georgia*, by (name redacted).

### Background

Since becoming independent in 1991, Azerbaijan has made limited progress toward democratization, according to many international observers.<sup>1</sup> These observers have viewed Azerbaijan's previous legislative election in 2000 and presidential election in 2003 as not free and fair, and have criticized human rights abuses that were committed after the latter race when the government forcibly broke up demonstrations and arrested many opposition party leaders. These observers — including international organizations such as the Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE), and countries such as the United States — have cautioned the Azerbaijani government that the conduct of the November 2005 legislative election would be taken into account in future relations.<sup>2</sup>

Under constitutional amendments approved in 2002, future deputies of a 125-member Milli Mejlis (legislature) would be elected by single member districts for five-year terms. Corresponding changes to the election law were approved by the Azerbaijani legislature in June 2005, some in line with proposals from the Venice Commission of the COE. These included making it easier for people to become candidates. However, the sitting deputies rejected some of the most significant proposals, including a more

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<sup>1</sup> U.S. State Department. *Country Reports on Human Rights Practices for 2004*, Feb. 28, 2005; Freedom House. *Freedom in the World 2005*, July 30, 2005, pp. 52-56.

<sup>2</sup> For background, see CRS Report RS21661, *Azerbaijan's 2003 Presidential Election and Succession: Implications for U.S. Interests*, by (name redacted).

equitable representation of political interests on electoral commissions, marking hands to reduce multiple voting, and allowing the many NGOs that receive foreign funding to monitor elections. The Venice Commission warned that without these proposed changes, “public confidence in the electoral legislation and practice” would remain “insufficient.”<sup>3</sup>

## The Campaign

The more equitable and efficient process for registering as a candidate resulted in some 2,062 people being permitted to run, of which about 17% were opposition party members, 21% were members of the ruling Yeni Azerbaijan Party (NAP), and over 50% were independents or undeclared.<sup>4</sup> Many independent candidates stated during campaigning that they were pro-government if not pro-NAP. The major opposition parties formed two blocs to try to avoid competing among themselves in individual districts. These were the New Policy bloc (Yeni Siyasat or YeS, composed mainly of the National Independence Party), and the Freedom bloc (Azadliq, composed mainly of the Musavat, Popular Front, and Democratic parties). The opposition Liberal Party (ALP) also fielded candidates in over 60 constituencies. President Ilham Aliyev issued decrees in May and October 2005 directing central and local officials to obey the electoral laws or face prosecution or dismissal. The October decree also called for implementing some procedures advocated by the Venice Commission, such as inking voters’ fingers, permitting NGOs that receive some foreign funding to monitor the race, and investigating and resolving electoral irregularities quickly.

Following President Aliyev’s May 2005 decree, opposition candidates were less subject to harassment and sometimes were given permission to hold public rallies (after a two-year ban). Some access to media was provided by law, but beyond that, public and ostensibly private media generally were biased against opposition candidates, according to the OSCE. Opposition campaign materials sometimes were confiscated by local police. Although several large opposition rallies were permitted in Baku and some other cities, unauthorized rallies were suppressed.<sup>5</sup> The most sensational event of the campaign was the failed attempt by Rasul Guliyev (the head of the Democratic Party, who had been residing in the United States for several years) to return to Baku on October 17. He had been permitted by the Central Electoral Commission (CEC) to register as a candidate, but the Prosecutor General’s Office immediately stated that he would not enjoy immunity from arrest if he returned, since embezzlement charges were pending against him. Three days after his failed return (his plane reportedly was refused landing rights), the government announced that it had arrested several officials on charges of conspiracy with Guliyev to “create confrontation, stage riots and seize power by force.... Weapons, ammunition and explosive devices and substances were found and seized in different

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<sup>3</sup> COE. European Commission for Democracy through Law (Venice Commission). *Final Opinion on the Amendments to the Election Code of the Republic of Azerbaijan by the Venice Commission and OSCE/ODIHR*, Oct. 22, 2005, CDL-AD(2005)029.

<sup>4</sup> About one quarter of the candidates dropped out or were removed from the ballot. According to some reports, local government officials forced some opposition candidates to drop out so that a favored candidate might win. Also, where several NAP candidates were running in a district (each backed by competing intra-party factions), some were ordered to drop out.

<sup>5</sup> OSCE. *Election Observation Mission, Republic of Azerbaijan, Parliamentary Elections 2005: Interim Report*, No. 3, Oct. 8 - Oct. 21, 2005.

parts of the capital.”<sup>6</sup> Among the dozens of arrests or detentions were Economic Development Minister Farhad Aliyev, Health Minister Ali Insanov, and presidential advisor Akif Muradverdiyev.

## Results

The Central Electoral Commission (CEC) reported on the night of the election that there were few voting irregularities, and the next day announced that the NAP had won a slim majority of seats in the 125-seat legislature, while opposition parties had garnered six seats (with the rest won by independent candidates). Turnout was reported at 46.8% of 4.6 million voters. About 40% of incumbents were re-elected. While arguing that the election was “free and democratic,” President Aliyev early on November 7 ordered the investigation of the few reported irregularities. A much harsher preliminary assessment was provided later that day by the International Election Observation Mission (IEOM).<sup>7</sup> It reported that the progressive aspects of the race (such as candidate registration) had been undermined by government interference in campaigning, media bias favoring pro-government candidates, and deficiencies in tabulating results.<sup>8</sup> An exit poll funded by the U.S. Agency for International Development added to concerns when it seemed to indicate discrepancies between official election tallies and exit poll results in some constituencies.

Perhaps in response to international and opposition party concerns and Aliyev’s November 7 order, the CEC appeared to reconsider its earlier stance and announced over the next few days that new elections would be held in four districts and that some recounts would take place in other districts. On November 23, the CEC submitted election results to the Constitutional Court for certification. The four opposition members of the 15-person CEC voted not to accept the final vote tally. The Court ruled on November 30 that new elections would be held in ten districts, and President Aliyev convened the new legislature two days later.

## Implications for Azerbaijan

Some observers argue that President Aliyev is committed to democratization, as evidenced by his May and October decrees and his post-election dismissals of several regional and district leaders on charges of interfering in the race. They view Aliyev’s pre-election purge of his administration as increasing his appeal among the electorate that he backs reforms, and as boosting votes for the ruling and other pro-government parties. At the same time, these observers assert that the small number of seats the opposition parties won demonstrates that these parties have failed to gain people’s trust. Because the

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<sup>6</sup> Foreign Broadcast Information Service. *Daily Report: Central Eurasia*, Oct. 20, 2005, Doc. No. CEP-27190; Oct. 21, 2005, Doc. No. CEP-27213; Oct. 29, 2005, Doc. No. CEP-30083.

<sup>7</sup> The IEOM included representatives from the OSCE, COE, the European Parliament, and NATO’s Parliamentary Assembly.

<sup>8</sup> Although the observers assessed voting as proceeding smoothly in 87 percent of polling stations they visited, they viewed ballot counting “as bad or very bad in 43 percent of counts observed and reported a high lack of confidence in the announced results.” Violations included tampering with result protocols, intimidating observers, and ballot-counting by unauthorized persons. OSCE. *IEOM, Parliamentary Election, Republic of Azerbaijan, 6 November 2005: Statement of Preliminary Findings and Conclusions*, Nov. 7, 2005.

opposition lacks a charismatic leader who could mobilize discontent, opposition forces will not be able to mount a “revolution” to overturn the government (as such forces did in Georgia, Ukraine, and Kyrgyzstan following elections viewed by many in those countries as fraudulent). Some of these analysts also argue that, regardless of the government’s or opposition’s popular appeal, the police and other security agencies are strongly committed to support the existing leadership.<sup>9</sup>

Aliyev’s October purge alternatively might also be viewed as eliminating many of his political opponents (some of whom may have been Guliyev’s supporters). In this view, the purge and the alleged electoral irregularities mark the government’s efforts to suppress political opposition rather than to advance democratization.<sup>10</sup> Other observers argue that the opposition parties may become stronger and more unified. The cooperation of the opposition parties in holding “non-stop protests” in coming days could convince more people that the government is illegitimate, and sooner or later contribute to defections from security agencies and a successful revolution, they suggest.<sup>11</sup>

The main opposition parties continue to pledge to “remain within the law” in protesting the election, and officials in Baku have given approval for several opposition rallies. Along with honest efforts to address electoral regularities, such cooperation could nurture civil society and greater respect for the sitting government and the rule of law. A violent police crackdown on peaceful demonstrators on November 24 has raised concerns among many observers that political instability may increase.

While raising concerns about the election, most international organizations and countries have not endorsed calls by some Azerbaijani oppositionists for a new election, but rather have urged investigating irregularities (and possibly holding some new constituency contests) and punishing guilty officials. They also have indicated that they seek continued engagement with Azerbaijan to encourage it to democratize, rather than economic or other sanctions against the government. This approach was adopted by NATO’s Special Representative for the Caucasus and Central Asia, Robert Simmons, who visited Azerbaijan in mid-November and urged it to increase its cooperation with the Alliance. A statement issued by Turkey on November 9 reflected another common international concern, by urging Azerbaijan’s government to rectify electoral irregularities so that “democracy and stability” are strengthened in the country. Possible sanctions had been mentioned by the COE in June 2005, when it warned Azerbaijan that its membership status might come under review if the (then upcoming) election was deeply flawed. Members of PACE who took part in the IEOM were critical of the election process, and some alleged that several districts where the Constitutional Court ordered new elections were those where opposition candidates had won. The final IEOM election report is due in January 2006, at which time the COE may consider sanctions.<sup>12</sup>

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<sup>9</sup> The Nixon Center. *Program Brief: The Prospects for U.S.-Azerbaijan Relations after the Parliamentary Elections*, Nov. 14, 2005.

<sup>10</sup> Alman Mir Ismail, *Central Asia-Caucasus Analyst*, Nov. 2, 2005.

<sup>11</sup> Mark Katz, *UPI*, Nov. 1, 2005. *FBIS*, Nov. 9, 2005, Doc. No. CEP-27240.

<sup>12</sup> PACE. *2005 Ordinary Session (Third Part) Report*, 21<sup>st</sup> Sitting, June 22, 2005; Resolution 1456 (2005), *Functioning of Democratic Institutions in Azerbaijan*, June 22, 2005. PACE.  
(continued...)

## Implications for U.S. Interests

The Administration has been cautious in responding to the Azerbaijani election, as it waits to see how electoral irregularities are addressed. Indicating the importance the United States places on democratization in Azerbaijan, Under Secretary of State Paula Dobriansky stressed during her July 2005 visit there that free and fair elections would contribute to “a genuine [U.S.-Azerbaijan] partnership based on shared values as well as common interests.” A State Department newsletter likewise stressed democratization in Azerbaijan as a “core U.S. interest.”<sup>13</sup>

This interest in democratization has been balanced by other important U.S. interests, including “strong bilateral security and counter-terrorism cooperation, the advancement of U.S. energy security, progress in free-market and democratic reforms, and mediation of the Nagorno Karabakh conflict.” Also, the participation of U.S. firms in developing Azerbaijan’s energy sector “is key to our objectives of diversifying world oil supplies,” and helping the country improve its economy. Azerbaijan has supported the Global War on Terrorism by sending troops to Iraq and by offering “crucial law enforcement and intelligence cooperation, blanket overflight rights, and the possible use of bases.”<sup>14</sup>

U.S. officials and observers differed somewhat in their assessments of the outcome of the election — with some viewing it as seriously flawed and others as partially or substantially progressive — and in their policy prescriptions for bilateral ties. State Department spokesman Adam Ereli on November 7, 2005, endorsed the preliminary conclusions reached by the IEOM that “there were major irregularities and fraud [during the election] that are of serious concern.” At the same time, however, he also appeared to reassure the Azerbaijani government that the United States would not “at this point make any specific linkages to what happened in this ... election,” to apparently higher U.S. strategic concerns about “issues that we need to deal with Azerbaijan on — energy, security, [and] counterterrorism,” and other “economic, political, regional, [and] multilateral” issues. He also stressed that U.S. criticism was not a “wholesale indictment,” but a call “to investigate specific allegations.” The next day, he stated that the United States was “pleased” that such investigations were underway. On November 28, Ereli strongly condemned a harsh police crackdown on peaceful demonstrators four days earlier, but also praised the government’s actions to redress electoral irregularities. On December 2, the State Department praised the decision of the Constitutional Court to re-run elections in ten districts, urged the government to further address electoral irregularities, and reassured it that the United States would “continue to cooperate” with

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<sup>12</sup> (...continued)

*Report*, Ad hoc Committee to Observe the Parliamentary Elections in Azerbaijan, Nov. 29, 2005. PACE Member Andreas Gross alleged that the head of one district electoral commission was fired for declaring that an opposition candidate had won. *FBIS*, Dec. 4, 2005, Doc. No. CEP-27006.

<sup>13</sup> U.S. Embassy in Azerbaijan. *Press Statement*, July 27, 2005; State Department. *DRL Newsletter*, Summer 2005.

<sup>14</sup> State Department. *Congressional Budget Justification for Foreign Operations, FY2005*.

it on democratization issues.<sup>15</sup> The Administration generally has argued that even when governments falter in democratizing, aid to support local NGOs and other civil society initiatives should continue.

A different policy response was suggested by the *Washington Post*, which welcomed President Aliyev's "modest" efforts to rectify electoral irregularities and suggested that the United States should continue engagement with Azerbaijan on a number of strategic issues. It also argued, however, that the U.S. Administration should not "reward" Azerbaijan for the "flawed" race with closer ties. Analyst Vladimir Socor provided a more upbeat assessment that the election marked a substantial commitment by the Azerbaijani government to democratization and justified closer U.S.-Azerbaijani ties. Taking a more negative view of the election, the International Crisis Group in late November urged the Administration to ban visits by Azerbaijani officials to the United States if they failed to redress election violations. The NGO stressed that the Administration should not subordinate its interests in democratization in Azerbaijan to other strategic goals. Some observers warned that many Azerbaijani opposition party members and supporters were upset that the United States had not more strongly criticized the electoral irregularities, which could harm U.S. ties in the future if a more reformist government comes to power.<sup>16</sup>

**Congressional Concerns.** Many in Congress have raised concerns about the status of democratization and respect for human rights in Azerbaijan. These Members have argued that a more democratic Azerbaijan would be more supportive of U.S. policy and would help to stabilize the South Caucasus region, including by reaching a peaceful settlement of the Nagorno Karabakh conflict. Reflecting these concerns, the House approved H.Res. 326 (Gallegly) on July 20, 2005, which called for a free and fair legislative race in Azerbaijan. Similar legislation, S.Res. 260 (Biden), was introduced on September 29, 2005 (an earlier version, S.Res. 226, had been introduced on July 29), and was approved in the Senate on October 20, 2005. Also reflecting Member concern, Representative Alcee Hastings (who currently chairs the OSCE Parliamentary Assembly) served as the coordinator of the IEOM. On November 30, 2005, the Congressional Commission on Security and Cooperation in Europe stated that "the election and its aftermath resemble previous Azerbaijani elections, rather than signaling a significant opening toward greater democratization."<sup>17</sup> Congressional assessments of the results may influence the consideration of future foreign and military assistance and other U.S. ties with Azerbaijan.

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<sup>15</sup> State Department. Daily Press Briefing, Nov. 7 - 8, 2005. Azerbaijan's presidential spokesman later spotlighted Ereli's comments that U.S.-Azerbaijani ties would remain robust. *President's Press Secretary Holds Briefing*, Nov. 9, 2005. See also State Department. *Statement by Sean McCormack, Spokesman, Azerbaijan Elections*, Dec. 2, 2005. PACE Members Leo Platvoet and Andreas Gross criticized the United States for glossing over electoral irregularities. *Agence France Presse*, Dec. 2, 2005.

<sup>16</sup> *Washington Post*, Nov. 8, 2005; Vladimir Socor, *Eurasian Daily Monitor*, Nov. 10, 2005; International Crisis Group. *Policy Briefing: Azerbaijan's 2005 Parliamentary Election, Lost Opportunity*, Nov. 21, 2005.

<sup>17</sup> Commission on Security and Cooperation in Europe. *Democracy Denied: The Outcome of the Azerbaijan Elections*, Nov. 30, 2005.

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