

# Political Culture & Challenges In Azerbaijan: Past, Today & Future

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## Azerbaijan

**Area:** 87,000 sq km (33,591 sq m)

**Population:** 7,734,000

**Capital:** Baku 1,149,000

**President:** Heydar Aliyev

**Religion:** Muslim

**Life Expectancy:** 63 years

**GDP per capita:** \$1,460

**Parliament:** The National Assembly has 125 members, 100 members elected for a five year term in single-seat constituencies and 25 members elected by proportional representation before the changes to the constitution on 24 August 2002.

## Introduction

Upon regaining independence in 1992, Azerbaijan was faced with significant political, economic and social problems, many stemming from the military conflict with Armenia over Nagorno-Karabakh. A cease-fire has held since 1994, but Armenia and Azerbaijan have yet to resolve the status of this disputed enclave located within the territory of Azerbaijan. This conflict has constrained economic investment and trade, and has resulted in the displacement of more than 700,000 people. Meeting the immediate needs of the refugee and internally displaced (IDP) populations has distracted the government of Azerbaijan and donors from implementing meaningful, structural reforms in the key areas of rural development, infrastructure, legal and regulatory reform and banking.

After the collapse of the Soviet Empire Azerbaijan has tried hard to establish democratic values and bring political culture to the country. With no traditional political culture and being under Empire for 70 years it has lost all the values it had accumulated during the establishment of the Democratic Republic of Azerbaijan in 1918-1920. The Bolsheviks captured Baku on 28 April 1920 and their regime took over.

Abulfaz Elchibey became president in the first elections after independence on June 7, 1992. These elections were preceded by power struggles between the Communists and the Popular Front. After a year of democratic rule, the Special Police Unit led by Prime Minister Surat Huseynov rebelled against the new president and Elchibey called in the aid of Heydar Aliyev. But after having been

elected as chairman of parliament, Aliyev turned against Elchibey and replaced him as president in 1993. Aliyev was to encounter Huseynov once again in 1994, but now as his opponent. Aliyev succeeded in defeating a coup attempt by Huseynov and Huseynov fled to Moscow. Aliyev consolidated his power in 1995 when another coup attempt by deputy-minister of the interior Rovshan Javadov, who was spared from the purge following the political troubles in 1994, was crushed. In the meantime, a purge of the state apparatus, defence and internal security forces was pushed through.

On October 3, 1993 Heydar Aliyev was the single candidate in the presidential elections and won with 98.9% of the vote. Since this bloodless coup d'état Aliyev has remained in control of the country. In the October 1998 Presidential election Aliyev won 76.1% of the votes. Although he was not the only contestant in these elections, the OSCE declared the elections undemocratic. Opposition rallies were organized as a protest against the election results, but were violently broken up by the police. Azerbaijan's three most influential opposition leaders, who attended the rallies, Ebulfaz Elchibey, Isa Gambar and Etibar Mammadov, were threatened with prosecution for 'defaming the honour and dignity of the president', a crime under Azerbaijani law. 23 political parties signed a declaration and formed a new opposition bloc, 'Movement for Democracy'. The government and the opposition could not negotiate and build good civil relationships among themselves. Lack of civil society and political culture kept them from thinking in a broader way and shaking hands in a friendly way after the elections. Both sides started accusing each other of not making a compromise and acting like those politicians in Europe and the USA who after elections again become friends and work for the benefit of their peoples.

In the 1995 parliamentary elections, Aliyev's New Azerbaijan Party, YAP, won the majority of votes (67 seats). Four opposition parties were excluded from the elections, including the popular Musavat Party. International observers concluded that the results had been tampered with. According to the new election law of June 1998, half the members of the Central Election Committee were to be appointed by the president. Candidates for the presidential elections needed at least 50,000 signatures; this has been reduced to 45,000 by a new law, which is still to be ratified in the Parliament of Azerbaijan.

### **Domestic Policy**

Since independence Azerbaijan has been troubled by domestic power struggles, in which dissident army and police forces operated on their own account. Furthermore, domestic politics in Azerbaijan have been overshadowed by the Nagorno-Karabakh issue. The Nakhchivan region, separated from Azerbaijan by Armenia, has autonomous status (as did the Nagorno-Karabakh region before it was conquered by Armenia). Nagorno-Karabakh in Azerbaijan was and is populated predominantly by Armenians. Tensions between Armenia and Azerbaijan had already started in the 1980s. After Russian troops left the region in 1991, war broke out, which went badly for Azerbaijan in 1993, when Armenia gained control of the enclave.

Besides the Nagorno-Karabakh issue, the dealings around oil fields and oil pipelines dominate Azerbaijani domestic politics. There have been several coup attempts since 1995, which have ended in trials of the leaders. A major scandal broke out in 1997 after 4 million USD had been spent on passports, which later turned out to be flawed. One of the major domestic issues in the first half of 1998 was the new

electoral law, which was deemed undemocratic by the opposition but implemented anyway.

### **Foreign Policy**

In 1988, the Soviet republic of Armenia demanded control over the Nagorno-Karabakh region in Azerbaijan. Direct rule was imposed by Moscow, but Azerbaijan regained control of the region in 1989. War broke out and Armenia controlled the whole region by the end of 1992. In February 1993 the Armenian army conquered the Kalbajar region in order to connect Nagorno-Karabakh with Armenia.

Like domestic affairs, foreign policy has been dominated by the Nagorno-Karabakh issue. The OSCE commenced peace talks in 1992, and a cease-fire was signed in 1994. Since then no progress has been made. Border incidents occur, but the cease-fire generally holds. While negotiations have continued since then, an overall solution seems to be impossible. Both countries refuse to give in. Armenia refuses to return the region to Azerbaijan, while Azerbaijan refuses to recognize the Nagorno-Karabakh Republic, which is its internationally recognized territory. Changes of Commonwealth of Independent States (CIS) borders will not be recognised by world leaders. The mid-January 2003 visit of the Armenian president to Germany proved this. Chancellor Schroeder stated that “any change of CIS borders are not admissible” and he was absolutely against these kinds of actions.

Relations with Russia deteriorated when Soviet troops invaded Baku in January 1990. President Elchibey pursued a pro-Turkish foreign policy, away from the influence of the Russian Federation, and refused to take part in the CIS. During the democratic government of Elchibey (1992-1993) it was the first republic among the CIS to gain the withdrawal of Russian army and frontier troops from its territories, in spring 1993. After their accession to power, the government of the Democrats had made a switch in the foreign policy of the country towards the West. Under President Aliyev, the policy towards the Russian Federation changed and Azerbaijan joined the CIS in September 1993. Russia's policy towards Azerbaijan is ambiguous. Russia brokered the 1994 cease-fire, and tries to play a dominant role in the peace process through the OSCE Minsk group. On the other hand, Russia has also been a destabilizing influence. Russia has also been suspected of supplying arms to Armenia. Consequently, Azerbaijan has not been as compliant towards Russia as the other states of the Caucasus, for instance when refusing to cede part of its conventional arms quota to Russia in the context of the Conventional Forces in Europe agreement.

Expansion of the oil pipelines is the root of a new conflict in the region. Lucrative oil contracts and the routes of oil pipelines are a big influence in this part of the world. For the next century, Russia desired a ‘north route’ through Russia to export Azerbaijani oil, while the Americans supported an alternative route through Turkey's port Ceyhan, which has now become a reality.

With the Caspian states, Azerbaijan is negotiating on division of the seabed. Relations with Turkey are good. Relations with Iran are tense, with Azerbaijan frequently arresting Moslem militants and Iran in return arresting Azeri activists in Iran. Azerbaijan signed partnership and cooperation accords with the EU on 22 April 1996.

## Political Culture

There is a well-known philosophy that the cause of every phenomenon should be found in itself. Proceeding from this point of view we come to the conclusion that Azerbaijan is not ready for democracy. "Time" magazine quotes one of the citizens of Baku: "We are given freedom, but we do not know what to do with it." A similar quotation appeared in the "Financial Times", in a report about falsification during parliamentary elections in Azerbaijan (November 1995): "The voters say they have got freedom only they do not know what to do with it."

Democracy is a phenomenon that should be established in all the deeds of the country. Democracy cannot be one-sided. It is a whole process, which is achieved by having a certain political culture and a wider world outlook.

Now recent political developments are also being watched by those international conglomerates with substantial investments in Caspian oil and gas development projects. Scott Horton, the president of the International League for Human Rights, said<sup>1</sup> many oil executives are concerned that the illegitimacy of the election endangers their investments. "Legitimacy is a vital concern ... There is a high level of anxiety about Azerbaijan." The greatest fear is that if there is not a smooth, universally recognized transition of power in Azerbaijan, contracts concluded during Aliyev's regime may not be recognized by the country's future rulers.

According to Horton, oil companies are aware of the dilemmas surrounding their dealings with Aliyev's government. In order to protect both their image and their investments, oil companies have been working with non-governmental organizations, including human rights groups, to develop a code of conduct. Such a voluntary code could soon be put into place, Horton suggested. "The industry itself recognizes the problem and is prepared to take action," he said.

## Democracy

The military coup d'état inspired by Russia in summer 1993 struck a blow to democracy in Azerbaijan. According to the "Freedom House" reports on Human Rights, Azerbaijan from a "partly free country" in 1993 became a "not free country" in 1994 and 1995. In spite of the mass arrests of the democrats, an informal veto on employing them and severe censorship it was impossible to turn back society to Stalinism. As the result of an unceasing political struggle, the democratic community of the country gained government recognition of the existence of opposition political parties and free mass media. The most fortunate thing is that the present government had to renew the foreign policy adopted by the democrats which looked towards independence and integration with the democratic world community. Therefore, Azerbaijan has also made significant achievements. The estimate of the experts of the European Bank (EBRD) in their report published in March 1993 was as follows:

*"Azerbaijan with regard to the work that was done in the orientation toward market economy, as well as establishment of multi-party system and democracy, to the economic potential and mental ability of the population is one of the most prepared countries of the former USSR which have already started to carry out the economic reforms."*

The EBRD Azerbaijan Strategy Overview approved on 17 December 2002 states that: "Azerbaijan's macroeconomic performance has been impressive over the period of the last strategy. Gross Domestic Product growth across a broad range of sectors

has been 10% on average over the last two years and inflation has been held below 2%. However, the economy continues to be highly dependent on oil and gas-related activities, with extraction and processing contributing more than 30% of GDP in 2001. With the implementation of major oil and gas projects this percentage is expected to increase substantially. While the consolidated government budget recorded a surplus of 1.5% of GDP in 2001, measures to bring energy subsidies on budget and the elimination of some preferential tariffs are likely to result in a small deficit and a slightly increased inflation in 2002. The external debt ratio continues to be moderate at about 22% of GDP in 2001. Already strong foreign exchange reserves are expected to grow substantially with increased revenues from oil and gas projects." The report also claims " ... poverty and inequality remain a significant concern. The results of a household budget survey conducted by the state statistics committee indicates that 49% of the population were living in poverty in 2001 ..."

In order to reduce the level of poverty, the government has prepared a comprehensive State Programme on Poverty Reduction and Economic Growth in cooperation with international institutions, including the active participation of the EBRD, bilateral institutions as well as NGOs and the wider civil society. The implementation of this Programme was officially launched by President Aliyev on 25 October 2002.

A 5 February 2003 press release of EBRD also "recognizes improvements in the investment climate and calls for continued progress, ... macroeconomic performance in Azerbaijan has been impressive over the last two years but there are still obstacles and progress to be made in the transition process", said George Krivicky, Director for the Caucasus, Belarus and Moldova.

### **Human Rights**

The Azerbaijani government has a very poor human rights record. Arbitrary arrests, police beatings and suspicious deaths in custody have been documented. The opposition can operate openly but is frequently harassed, and so is the independent press. Political parties can be banned from the elections. The judiciary is corrupt, and not independent.

Physical abuse and torture are used routinely against detainees in Azerbaijan, where the criminal justice system is riddled with corruption. Based on a visit to Azerbaijan in late 1997 and follow-up interviews and information, a 58-page Human Rights Watch (HRW) report, "Impunity for Torture", says that the government has shown little interest in curbing police practices: "The result is a clear message to lower-level officials that torture is an acceptable practice during criminal investigations."

"There is an overwhelming lack of public confidence in the criminal justice system in Azerbaijan," according to Holly Cartner, director of HRW's Europe and Central Asia Division. "Citizens are being preyed upon by corrupt and abusive police, and they have nowhere to turn for redress," she says. Testimony from victims, their families, and attorneys point to a "systematized pattern of physical abuse and torture" of both political detainees and common criminals, according to the report. The problem first came to light in 1996 and 1997 when hundreds of individuals, who were arrested on charges of terrorism or trying to overthrow the government after Aliyev took power in 1993, finally came to trial.

### **Nagorno-Karabakh Conflict**

According to statistics from Background Paper on Azerbaijan prepared by the UNHCR Centre for Documentation and Research, in September 1995 Azerbaijan hosted 233,682 refugees and 616,546 IDPs – 8% of the total population – who had been displaced as the result of the Nagorno-Karabakh conflict. Since May 1994, when the cease-fire was adopted, only 60,000 have been able to return to their areas of origin along the front line.

Whereas most of the refugees who arrived in Azerbaijan between 1988 and 1991 have managed to integrate, including acquiring Azerbaijani citizenship, a large majority of IDPs still live in temporary surroundings, hoping to be able to return to their homes one day. To date, more than 50% of the IDPs are accommodated in public buildings and some 90,000 are living in 15 IDP settlements, dependent upon external assistance. The existing resources in the public sector are not sufficient to ensure significant improvement in the living conditions of these IDPs.

### **Elections**

HRW researchers in Azerbaijan have documented how local government officials in Azerbaijan intimidate those who gather signatures for opposition candidates' registration and citizens who signed nomination sheets. Officials also use delaying tactics to prevent opposition candidates from completing the registration process in time. Once candidates complete the registration process, election commissions arbitrarily declare their signature lists invalid, blocking access to the ballot for hundreds of independent, opposition and other candidates who complete requirements for registration. No independent domestic groups are permitted to monitor the vote. For months prior to elections, the government attempts to intimidate the opposition-affiliated and independent media through libel suits, threats of closure, detention and other harassment.

Speaking about parliamentary elections in November 2002, Rachel Denber, Acting Director, HRW Europe and Central Asia Division, stated: "Admission to the Council of Europe is supposed to be tied to a demonstrated commitment to human rights and the rule of law. The conduct of these elections shows that Azerbaijan still has a long way to go."

Elections under President Aliyev have not met international standards. Azerbaijan's 1995 parliamentary elections were seriously flawed and produced a legislature controlled by the president's party. The 1998 presidential election, while conducted under an improved election law, was also marred by serious fraud, which the US' National Democratic Institute of International Affairs pre-election and election statements documented. The long-overdue 1999 local government elections suffered from gross mismanagement as well.

On 11 October 1998, Azerbaijan held presidential elections. Etibar Mammadov, Nizami Suleimanov and three other less well known politicians entered the field against the incumbent President Heydar Aliyev. While no one seriously expected Aliyev to lose, the opposition candidates were hoping for a second round. According to the Central Election Commission, however, Aliyev easily won more than the required two-thirds to win on the first round, gaining 76.11%. Mammadov won 11.6%, Suleimanov 8.6%, and the others less than 1% apiece. Official reported turnout was about 77%. Five leading opposition politicians, Abulfaz Elchibey, Isa Gambar, Rasul Guliyev, Ilyas Ismailov and Lala Shovket had boycotted the vote, unwilling to legitimize an election they were convinced would be unfair.

In some respects, the 1998 election was a clear improvement over the 1995 parliamentary election. All the participating candidates received the allotted air time on television, and could criticize President Aliyev openly. By all accounts, many voters tuned in to hear unprecedentedly slashing attacks on Aliyev, his government and his policies. Candidates could freely campaign and meet voters around the country. But despite the improved law, procedural advances, and the openness of the campaign, if the basic criterion of measurement is the reliability of the official election results, which means that the will of the people on voting day has been done, Azerbaijan's elections do not pass the test.

### **Referendum**

Referendum was the main issue of 2000 in the country, because the referendum has set up the future developments in Azerbaijan. A political battle built over Azerbaijan's planned constitutional referendum, in which the most controversial question covered presidential succession in the event of death or incapacitating illness. Incumbent President Heydar Aliyev thought that the existing constitutional provisions were outdated. All the politicians, however, portrayed the referendum as a new scheme developed by Aliyev to ensure that his son, Ilham Aliyev, a deputy in the National Assembly of Azerbaijan and first deputy head of SOCAR (State Oil Company of the Azerbaijan Republic) succeeded him as president.

As expected the opposition boycotted the referendum. Nevertheless, this did not stop the president putting the proposed changes to a vote. However, there were also big international pressures. Overall the referendum, held on August 24, covered 39 proposed alterations to 20 articles of the constitution, which was adopted in 1995. Many of the proposed changes were designed to bring Azerbaijan's basic law into conformity with Council of Europe human rights standards. For example, one referendum question concerned the appointment of an ombudsman, or human rights commissioner. Voters also voted for alternatives to compulsory service in the armed forces. Article 27 Part IV of the constitution was removed, which permitted the use of lethal force against people during emergency situations and martial law.

But most attention surrounding the referendum was focused on two questions: one changed the electoral framework to a first-past-the-post system, instead of the existing proportional representation format; the other altered the presidential succession process. Under the past constitutional framework, the parliament speaker was first in line of presidential succession. Now the prime minister will assume presidential duties in an emergency.

Opposition parties, political observers and the Council of Europe have criticized the moves as a step away from democracy and towards the greater concentration of power in the hands of the president. Andreas Gross of the Parliamentary Assembly of the Council of Europe suggested a referendum was the wrong approach for Azerbaijan. "This is an incorrect way of resolving such issues, because referendums are for changes introduced by people and not by presidents. I regret that Heydar Aliyev did not consult the Council of Europe over these difficult issues." US diplomats, meanwhile, called for a postponement, saying more time was needed for public debate.

The proportional electoral system has been removed and it virtually bars parties from parliamentary elections. Opposition parties say that these changes were a return to the Soviet single-party system of government. Before the referendum, Azerbaijan used a mixed system, under which some MPs were elected in first-past-

the-post votes while others were selected from party lists based on the percentage of the vote that each particular party received.

I believe that president Heydar Aliyev will appoint Ilham Aliyev to a prime ministerial post and then engineer a transfer of power. The amendments made to the constitution are one of the parts of the plan to make Ilham Aliyev president. Why can the opposition not frustrate any of Heydar Aliyev's moves? The opposition is not strong and has different viewpoints. Azerbaijan's opposition parties have little inclination to cooperate.

### **New Electoral Law**

The administration's proposed electoral code is designed to be Azerbaijan's first unified code, regulating elections to the parliament and municipalities and referenda. Most importantly, the code will regulate the upcoming presidential elections, and must be in force six months before the October 2003 vote. Since opposition parties hope to make an impact on those elections and potentially unseat President Aliyev's party, their inclusion in the law's creation has become a critical point for international observers. Aliyev's authorities sent their draft code to the OSCE, the Council of Europe's Venice Commission, the International Foundation for Election Systems and the US Embassy.

The draft of the code consists mainly of five current electoral laws, with procedural innovations. It calls for the use of envelopes, numbered ballots and transparent voting boxes and requires candidates to disclose monetary deposits made in their name. It does not, however, change the composition of the election commissions and allow domestic NGOs to monitor the elections. On that score, many opposition figures view the draft as inadequate.

Opposition figures have also pointed out international feedback to the draft as indicating that the draft is flawed. "The OSCE has submitted 300 recommendations to the draft of the code," says Etibar Mammadov, chairman of the National Independence Party of Azerbaijan. "What kind of badly-prepared document is it, that it receives so many recommendations?"

### **Economic Indicators**

Investment into the Azerbaijan economy for 11 month of 2002 totalled 8.98 trillion manat (1.83 milliard USD). This figure exceeds by 1.9 times the showing of the same period in 2001 period (4.66 trillion manat). Foreign investment was more than 6.86 trillion manat (1.4 milliard USD) or 77% of all investments. Analysts believe this can be explained by the beginning of complete exploration of the "Azeri-Chirag-Guneshli" deposit Phase-1. The total volume of local investments was 2.11 trillion manat (372.44 milliard USD), 23% of all investments. Investments made by companies' and enterprises' own financial resources were 81.9%, bank loans and credits 9.4%, budgetary means - 1.8% and individuals 3.9%.

Capital investment into Azerbaijan's economy for the last year totalled 5.6 trillion manat (1.18 milliard USD). The industrial sector received 71.7% of all investments, trade and services 3.5%, transport 4.9%, the communication sector 6.4%, construction 8.2%. Capital investments into agriculture only 0.7% and public health services have received only 0.9%. State investments were only 2.2% or 208.3 milliard manat.

Petroleum products manufacturing in Azerbaijan for 11 months of 2002 increased by 0.9% compared with the same period the previous year. Petroleum bitumen manufacturing was 49.3 thousand tonnes, an increase of 87.3%. Petroleum coke was 63.9 thousand tonnes, an increase of 300%. Kerosene manufacturing was 604.1 thousand tonnes, an increase of 6.3%, petrol manufacturing 565.5 thousand tonnes, an increase of 2.9%. At the same time only 2.34 million tonnes of mazout was manufactured this year, 4.5% less than last year's figures.

Regarding diesel fuel, manufacturing was 1.4 million tonnes, a decrease of 2.1%. In the period Azerbaijan oil refinery plants produced 5.1 million tonnes of petroleum products, including 46% which have been exported. Furnace mazout was almost half of goods realized, diesel fuel 29%, and petrol 11 %.

### **Baku-Tbilisi-Ceyhan Pipeline**

The Baku-Tbilisi-Ceyhan pipeline, often termed BTC, will run for over 1,700 kilometres (over 1,000 miles). Cost estimates range between \$2.4 billion and \$2.9 billion. The pipeline is projected to have a capacity of about 50 million tonnes of oil per year.

In Baku on 18 September 2002, the presidents of Azerbaijan, Georgia, and Turkey marked the start of construction on the Caspian oil route to the Mediterranean, capping eight years of planning for an energy corridor through the Caucasus to the West. Leaders who have supported the plan were unsparing in their assessments of its importance at the opening ceremony. President Heydar Aliyev called it a "dream come true" for his country, adding: "This project and its implementation can become a guarantor of peace, stability, and security in the Caucasus region. This steel pipe will bring Azerbaijan, Turkey and Georgia even closer together."

In a letter read by US Energy Secretary Spencer Abraham, President George W Bush agreed, saying that BTC would strengthen "the sovereignty and independence of countries in the Caspian Basin". Georgian President Eduard Shevardnadze went further, calling the \$2.9 billion project "one of the most important events in the ancient histories of Azerbaijan, Turkey and Georgia. This is Georgia's greatest achievement over the past decades since the restoration of Georgia's independence," he said on Azerbaijani television in a speech transcribed by the BBC.

Turkey's president, Ahmet Necdet Sezer, predicted that the BTC would be joined by a Caspian gas pipeline through the energy corridor. Sezer said, "These projects will contribute significantly to integrating this region into the West by boosting the economic and trade relations of the Caspian countries with the West." The United States has been a major supporter of the project, even though some observers continue to question whether there is enough demand to justify the cost of building the pipeline in such a volatile region, over rugged, mountainous terrain.

### **Freedom Support Act**

Restrictions were imposed on Azerbaijan in October 1992 during the conflict between Azerbaijan and Armenia and have proven highly controversial. In Article 907, an amendment to the Freedom Support Act - which provides aid for the 15 former Soviet republics - the United States declared that government assistance "under this or any other act may not be provided to the government of Azerbaijan until the president determines, and so reports to the Congress, that the government

of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh".

Azerbaijan has always argued that Article 907 was unjustified and falsely portrayed the conflict in Nagorno-Karabakh, an Armenian-dominated enclave in Azerbaijan that fought for and won de facto independence from Baku in the early 1990s. Since a ceasefire in 1994, the OSCE has been trying to broker a peace through the Minsk Group, which includes representatives of the United States, Russia and France.

Since the terrorist attacks of 11 September 2001, there have been increasing calls in Washington for Article 907 to be cancelled or waived, both in recognition of the military and intelligence support that Baku has provided the US anti-terrorist campaign and in an effort to deepen cooperation. In October 2001, US Secretary of State Colin Powell wrote to Congress recommending that the amendment be repealed, and on 19 December 2001, a committee drawn from both houses of Congress gave US President George W Bush the right to waive the ban on aid for one year. The ban was waived on January 18 for 2003.

The lifting of the amendment, though temporary, has been a worry in Yerevan for months. However, reactions in the Armenian press, while negative, have so far been relatively muted. That may be because one of the terms of the aid to Azerbaijan - in addition to an ongoing commitment to the battle against "international terrorism" - is that Baku will not use force against Armenia or hinder a peaceful settlement to the Nagorno-Karabakh conflict.

Regional experts generally appear to believe, however, that the waiver will help stabilize the situation in the southern Caucasus and help to make Azerbaijan a freer and more democratic state.

## **GUUAM**

GUUAM, the geopolitical bloc that groups Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova, is reeling, and appears close to expiring. Participating nations appear to lack the political will to give the project a definitive shape. A GUUAM Parliamentary Conference, originally scheduled for January 2001 in Baku, has yet to convene. Meanwhile, a summit of GUUAM heads of state, slated for March 2002 in Kiev, was postponed until July, reportedly at the request of Azerbaijan and Moldova. The inability of the participant states to work out a strategic framework for the organization represents a significant geopolitical gain for Russia, which stands to remain a largely unchallenged regional political and economic force.

The organisation was formed in 1997, by the leaders of Georgia, Ukraine, Azerbaijan and Moldova (Uzbekistan joined the group later, in April 1999) with the stated aims of counterbalancing Russia's political dominance in the CIS and lessening members' energy dependence on Russia by securing alternative sources of oil and gas deliveries. It goes without saying, therefore, that Russia is the country least interested in the flourishing of GUUAM. From the very outset Moscow politicians viewed this grouping as inimical to Russian national interests. GUUAM additionally represents a potential challenge to Moscow's own efforts at organizing an economic bloc of states, the Eurasian Economic Union. Russian officials also perceive GUUAM as a potential political danger. Russia's Foreign Minister Igor Ivanov once bluntly called GUUAM a "political organization tending to grow into a military-political one". Vladimir Aksyonov, first deputy chairman of the Central

Council of the Union Public Chamber (a quasi-parliament of the pseudo-union state of Russia and Belarus) labelled GUUAM a "main anti-Russian geopolitical construct".<sup>2</sup>

GUUAM member states pledge co-operation in the following fields:

- Political interaction;
- Combating separatism;
- The "peaceful resolution of conflicts";
- Peacekeeping activities;
- The development of a Eurasian Transcaucasian transport corridor; and
- Integration into Euro-Atlantic and European structures of security and co-operation, including "the development of a special partnership and dialogue with NATO".

At the "GUUAM Workshop", the Georgian ambassador to the USA, Tedo Japaridze, declared that "GUUAM's birth mother is the CFE negotiations, and our foster mother is NATO". The April 1999 GUUAM summit, at which Uzbekistan joined the group, took place in Washington on the fringes of NATO's 50<sup>th</sup> anniversary celebrations, and just after the start of NATO's campaign against Yugoslavia over Kosovo. This was, for Russia, an exceptionally infuriating combination.

On 23 December 2002 US Assistant Secretary of State for European and Eurasian Affairs A Elizabeth Jones met ambassadors from Azerbaijan, Georgia, Moldova, Ukraine and Uzbekistan to discuss future cooperation between the United States and GUUAM. The United States commended GUUAM for forward movement on other projects, such as establishing an information centre in Kyiv, the creation of an inter-parliamentary assembly and the implementation of a regional free trade zone.

## **Europe & Azerbaijan**

On 28 June 1999, the Parliamentary Assembly of the Council of Europe approved Armenia and Azerbaijan's membership applications. Armenia and Azerbaijan marched closer still to the heart of institutional Europe when the Organization for Security and Cooperation in Europe (OSCE) opened offices in Yerevan and Baku in 2000. Although both countries have been OSCE member states since 1992, to date they have been virtually absent from OSCE decision-making.

The two countries, bitter enemies in the struggle for control of Nagorno-Karabakh, have consistently crossed the thresholds of membership in various organizations in lock step. The OSCE offices were opened within one day of each other; the Council of Europe's Parliamentary Assembly approved their membership bids on precisely the same day.

Nevertheless, Armenia and Azerbaijan were the last of the eligible Soviet successor states to be approved for membership in the Council of Europe, largely because of the organization's concern for these countries' human rights practices and the prospect of inducting states that are still, technically, at war with each other. Both

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the Council of Europe and the OSCE have emphasized the need for Armenia and Azerbaijan to reach a peaceful settlement of the conflict over Nagorno-Karabakh and to insure free and fair elections.

The OSCE and Council of Europe traditionally focus on technical and legal reform, such as amending laws to comply with European standards. This approach is doomed to isolated victories at best in Armenia and Azerbaijan because it is predicated on a faulty assumption: that laws there are implemented fairly and evenhandedly, and that judicial remedies exist to correct cases of failed implementation.

On the contrary, widespread corruption means that justice is routinely bought in Armenia and Azerbaijan. Police, prosecutors and judges can all be bribed or otherwise influenced. In addition, opposition politicians and critically minded journalists are often jailed and harassed arbitrarily. Police are willing to resort to torture to extract confessions from criminal suspects, and courts use the confessions to convict them. Laws – good or bad – cannot be a guarantor of human rights in an atmosphere of government-sponsored lawlessness.

Symbolic concessions to abuser governments such as these are not simply diplomatic politesse. They come at the cost of masking the substantive, nuanced recommendations about urgently needed reform. The implication, sadly, appears to be that institutional Europe is willing to overlook Armenia's and Azerbaijan's bad human rights records, as long as they are equally bad.

**ENDNOTES**

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<sup>1</sup> Remarks made on 28 November 2002 at the Open Forum sponsored by the Central Eurasia Project of the Open Society Institute.

<sup>2</sup> *Nezavisimaya Gazeta*, 28 March 2001.

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