

**SUMMARY STATEMENT OF THE NDI PRE-ELECTION
DELEGATION TO AZERBAIJAN'S OCTOBER 11, 1998
PRESIDENTIAL ELECTION
*Baku, September 11, 1998***

This is a summary of the statement offered by an international pre-election delegation organized by the National Democratic Institute for International Affairs (NDI). The delegation visited Azerbaijan from September 5-12, 1998.

The purposes of the delegation are to express the international community's interest in and support for a democratic election process in Azerbaijan, to assess electoral conditions and the political environment in which the upcoming presidential election is taking place, and to offer an accurate and impartial report on the pre-election situation. The delegation has conducted its assessment on the basis of international standards and comparative practices for democratic elections. NDI does not seek to interfere in the election process, nor does it at this point intend to render a conclusive assessment of the process, given that the election is approximately four weeks away. Ultimately, it will be the people of Azerbaijan who determine the meaning and validity of the election process.

The Institute has conducted more than 40 international election observer delegations and more than 60 pre-election delegations around the world. It has established a reputation for independence, impartiality and professionalism in conducting electoral assessments. This pre-election delegation includes election experts and political and civic leaders. The delegation members have participated in numerous election assessments and international election observer delegations around the world.

The delegation includes: Alexander Longolius (Germany), former Deputy Speaker of the Berlin House of Representatives and founder of the Partnership of Parliaments, a German-American Council of State Legislators; Cedric Thornberry (Ireland), visiting professor at London University and former Assistant Secretary-General of the United Nations; Donald Cofman (United States), Resident Advisor in Ankara for the International Executive Service Corps and retired U.S. Foreign Service Officer; Joanna Levison (United States), NDI Senior Program Officer specializing in the Caucasus and Turkey; and Patrick Merloe (United States), NDI Senior Associate and Director of NDI programs on election and political processes. The delegation is joined by Thomas Barry, NDI Project Director in Azerbaijan, and Imke Roebken, NDI Representative in Baku.

SUMMARY OF FINDINGS AND OBSERVATIONS

The delegation noted a significant number of positive aspects in the process leading to Azerbaijan's upcoming presidential election, particularly a stated commitment by the government to organizing free and fair elections, an improved election law, the abolition of formal censorship, some evidence of competition in the election campaign, the beginnings of dialogue among the political actors and clear intentions of citizens organizations to monitor the elections. The delegation also found political polarization that includes an election boycott by several political parties, including two leading opposition parties, apparent irregularities in the composition and functioning of at least some election commissions, obstacles to the exercise of the

In significant respects, the conditions for a democratic election do not yet exist in Azerbaijan. Human rights problems limit political expression, including interference with freedom of assembly observed by the delegation at first hand in Ganja, Azerbaijan's second largest city. Pronounced bias is evident in the government-controlled media. Also, there is a lack of consensus among major political parties on the composition of the Central Election Commission and other factors necessary to ensure the integrity of the election process.

However, a number of steps should be taken immediately that would contribute to a meaningful election process and increase public confidence. The delegation offers at the end of this Summary Statement several recommendations to improve the process. The delegation also has urged the government and the parties boycotting the election actively to continue their dialogue to resolve outstanding issues. The delegation was impressed by the evident desire of Azerbaijan's political leaders to look to long-term national interests and to create a democratic election process. It is hoped that they will find the political will necessary to do so successfully.

The delegation made its observations and findings based upon: NDI's continuous presence in Azerbaijan since 1995; the Institute's analysis of the Constitution, election law (as amended) and the law on the Central Election Commission (CEC); review of reports by other organizations involved with the political and electoral processes in Azerbaijan; and analysis of information presented to the delegation during its meetings in the country. Members of the delegation visited Ganja, Yevlakh, Lankaran, Masalli and Jalilabad in addition to conducting meetings in Baku.

An accurate and complete assessment of any election must take into account all aspects of the electoral process. These include: 1) conditions set up by the election law; 2) the entire pre-election period; 3) the voting process; 4) the counting process; 5) tabulation of results; 6) investigation and resolution of complaints; and 7) conditions surrounding the seating of those who are elected. This delegation therefore does not pre-judge the overall process. At the same time, no election can be viewed in isolation from the political context in which it takes place. The pre-election period, including electoral preparations and the political environment must be given considerable weight when evaluating whether elections are democratic.

Democratic elections require that the public have confidence that the results of the election will reflect accurately their free choice and that the outcome will be respected. International experience demonstrates that once public confidence in elections is lost, extraordinary steps by a government may be needed to establish confidence in the country's political and electoral processes. Sufficient steps have not yet been taken in Azerbaijan.

RECOMMENDATIONS AND CONCLUSIONS

From NDI's experience in more than 50 countries in transition toward democracy, it is clear that confidence in the election process and a perception of fairness are as important as the letter of the law. Where there has been a tradition of one-party rule and a lack of confidence in the election process, as in the case of Azerbaijan, the government and ruling party have a special responsibility not only to ensure that the process is administratively correct and minimum international standards are met, but that the process is free from even the

solution as well as legal remedies, especially where independence of the judiciary and due process are not well established. In such circumstances, extraordinary steps – beyond legal requirements – are often necessary to overcome skepticism and suspicion concerning the integrity of the election process.

At the same time, all parties share an obligation to respond to the challenge of entering constructive partnerships to create a democratic election process. As noted above, Azerbaijani leaders in and out of government have stated a commitment and demonstrated a desire to advance the election process. It is in this context and in the spirit of international cooperation that the delegation offers the following recommendations.

1) Dialogue Should Continue

Further dialogue among the government and political parties, both those participating in the election and those that are boycotting, is needed to resolve outstanding issues. Such dialogue is essential to promoting pluralism and public confidence in the political process.

2) Expedited Action to Guarantee Political Rights

Public assurances should be issued by the President and other authorities stating that open political activity and the exercise of election-related rights will be promoted and protected vigorously, and that the exercise of the rights of expression, speech, press, association or assembly will not be cause for reprisals. Law enforcement personnel should be encouraged to understand and protect these rights. Disciplinary action should be applied swiftly where law enforcement or security personnel violate political rights.

3) National Nonpartisan Election Observers

The Central Election Commission should issue immediately a special instruction to all election officials concerning the rights of domestic nonpartisan observers. It should publish the instruction and make copies available to nonparty organizations that choose to observe the election process. Issuing such an instruction will avoid confusion, enhance transparency and build public confidence in the process.

4) Certified Copies of Protocols

The CEC should also issue a special instruction to all election officials and to candidates, parties and observers concerning the public posting and distribution of certified copies of protocols from the Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs), under Articles 51, 52 and 56 of the presidential election law. This instruction should be made available to all observers upon request. Certified copies of the protocols concerning the secure transport of ballots from the printer to the CEC, from the CEC to the TECs and from the TECs to the PECs also should be posted publicly and made available to observers upon request. This could be accomplished by an instruction to supplement Article 49 of the law.

5) Media

The public assurances noted in recommendation number 2 will help promote the crucial role of a free media in democratic elections. Actions should be taken to ensure that state radio and television comply with internationally accepted practices for election campaign broadcasting. In addition, during the official election campaign, programming concerning the President and his party should comply

contributing to the efforts of those who are working to build democracy in Azerbaijan. It is the delegation's view that, unless vigorous and sustained efforts are put forth by governmental and electoral authorities, it will be very difficult to organize an election that meets international standards. Such actions must be part of a long-term effort to build a pluralistic political process with genuine elections and respect for political rights and the rule of law.

The delegation would like to express its sincere appreciation to President Heydar Aliyev and the other candidates, party representatives, government and electoral officials, members of the media, other political and civic leaders and representatives of the international community with whom it met. Had these individuals not taken time at this important moment to meet, provide information and share their views, the delegation could not have completed its work. NDI will continue to monitor developments and is considering whether to send a delegation to the election.



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