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AZERBAIJAN PRESIDENTIAL ELECTIONS 2003 ELECTION WATCH REPORT

Report One, September 15, 2003

On October 15, 2003, voters throughout Azerbaijan will go to the polls and cast their ballots to elect a president. This is the first in a series of reports on the campaign in Azerbaijan as the country approaches these critical elections. This first report provides background on the political situation, legal framework, and the pre-election environment. Subsequent issues will focus on the administration of the election process, the campaign activities of the main parties, Azerbaijan non-governmental organizations (NGOs), the media, and the international community.

Political Background

Under the leadership of President Heydar Aliyev, Azerbaijan has achieved a measure of political stability, but its governmental structure has stagnated. Azerbaijan reached a cease-fire with Armenia in 1994, after over 30,000 lives were lost on both sides, one million Azerbaijani citizens were displaced and Armenia captured and continues to occupy 20% of Azerbaijan's territory. President Aliyev brought millions of dollars in foreign investment to Azerbaijan's oil and natural gas industry and has sought good relations with the West. Although the Constitution provides for a government "based on the principles of democracy" and "the division of powers", Aliyev governs the country in an autocratic style. Political parties and NGOs face government interference in conducting their work particularly in the regions. Although formal censorship was abolished in 1998, reporters continue to face court sentencing and fines for their writing. The government now has a monopoly on the broadcast media, having

closed down several independent television and radio stations.

President Heydar Aliyev is now 80 and in ill health. He has been absent from Azerbaijan since early July after he collapsed twice while giving a televised speech. Opposition and governing parties are positioning themselves to fill the anticipated power vacuum that will be created with Aliyev's departure from politics.

Nagorno-Karabakh

The conflict with Armenia remains an issue of extreme national concern, with major political, social and humanitarian implications. According to Azerbaijani government documents, the conflict resulted in 18,000 Azerbaijani deaths and created some 800,000 internally displaced persons, many of whom remain in camps. About 20% of Azerbaijan's territory remains under occupation. This issue continues to overshadow the political context. (*excerpt from ODIHR's Pre-Election Assessment*).

A recent poll conducted by the International Republican Institute (IRI) as well as a recent citizen survey conducted by the International Foundation for Election Systems (IFES) indicated that the unresolved issue of Nagorno-Karabakh remains at the forefront in the minds of the majority of Azerbaijani citizens.

Recent Elections

Azerbaijan has a troubled electoral history. The country's first post-Soviet parliamentary elections in 1995 were marred before and on election day by violence, intimidation, ballot stuffing, counting fraud and interference by

local and national government officials. The elections produced a Parliament that was overwhelmingly dominated by the President's party. Presidential elections in 1998 were similarly contentious in both the pre-election period and on election day. Election day itself and the count were wrought with fraud. Observers noted incidents of harassment, ballot box stuffing, and forging of voters' signatures. The government claimed a 76% victory for incumbent President Heydar Aliyev, which appeared to be far greater than the numbers estimated by domestic and international observers at polling sites across the country. The Central Election Commission released territorial level results, but to date, precinct level results have not been disclosed contrary to law.

Parliamentary elections in 2000 did not see a major improvement from past elections. Claims of fraud were rampant and according to NDI's monitoring mission, the process failed to meet minimum international standards. The November 5th results for 11 of the 100 single mandate electoral districts were declared invalid. Official results did not correspond to those observed by international and domestic observation missions, but due to the fact that the precinct results were never published, real numbers remain in question.

2002 Constitutional Referendum

In August 2002, Azerbaijan conducted a Constitutional Referendum with two months notice to the public. The referendum asked citizens to vote on several proposed sweeping changes to the country's constitution. Among the changes included: abolishing the proportional system in favor of a majoritarian system for parliamentary elections; changing the succession to the Presidency from the Speaker of Parliament to the Prime Minister; and increasing the number of days the CEC can take to release election results.

The referendum balloting process was closely monitored by a collaborative effort by a group

of four major opposition political parties who worked closely with NDI's civic partner NGO For the Sake of Civil Society (FSCS). Their observation effort reported numerous violations, fraud, and voter intimidation, which questioned the validity of the results.

President's Son Appointed as Prime Minister

In early August, subsequent to the change in the Constitution a year ago, President Aliyev, while ill and absent from Azerbaijan, issued a Presidential decree appointing his son Ilham Aliyev as Prime Minister. Parliament quickly adopted this decree in a 102 to 1 vote. This appointment cleared the way for Ilham to succeed his father as president.

Key Political Parties & Groupings

There are over 40 registered political parties in Azerbaijan representing a spectrum of interests and ideologies. The five largest and most influential parties are described here.

Major Parties

Azerbaijan Democratic Party(ADP)

The current Azerbaijan Democratic Party was founded in 1998, and is led by former Speaker of Parliament, Rasul Guliyev. Guliyev had resigned from his position as Speaker in 1996 and sought exile in New York, facing embezzlement charges in Baku. Guliyev's application to be a candidate for the upcoming election was rejected by the CEC based on his "commitments" to a foreign government.

Azerbaijan National Independence Party(ANIP)

ANIP was founded in 1992 by Etibar Mammadov. Mammadov came in second to incumbent President Aliyev in the 1998 presidential election, with observers claiming he garnered more than 25% of the vote. Of all the political parties, it has the most extensive network of international contacts, including

regular, cooperative relations with the British Conservative Party and membership in the International Democratic Union. Etibar Mammadov is a candidate in the upcoming election.

Azerbaijan Popular Front Party (APFP)

The Popular Front Movement was founded in 1988 to promote the policies of perestroika in Azerbaijan. In June 1992, APFP Chairman, Abulfaz Elchibey was elected President. In June 1993, the Popular Front lost power in a bloodless coup that brought Heydar Aliyev back to Baku and sent Elchibey into exile in Nakhichevan until 1998.

Following Elchibey's death in 2000, infighting between the Elchibey supporters and "reformers" around Ali Kerimli, the party's deputy chairman, escalated. The Kerimli faction was registered by the Central Election Commission as the official extension of the Popular Front Party, and they have won six seats in Parliament in the 2000 election. This is the largest opposition representation in Parliament. Kerimli is a candidate for the upcoming election, although he has announced that he will withdraw in order to support ANIP's candidate Etibar Mammadov.

Musavat Party

The Musavat party of today claims lineage from the old Musavat Party that ruled Azerbaijan during the country's brief period of independence from 1918 to 1920, and is led by Chairman Isa Gambar. In 1992, Musavat and the Popular Front temporarily joined forces, and Gambar served as Speaker of Parliament during the presidency of Abulfaz Elchibey. Musavat boycotted the presidential elections in 1998, but participated in the 1999 local government elections, winning a few seats across the country. Unofficial results gave the Musavat a high percentage in the 2000 Parliamentary elections. Gambar is a candidate for the upcoming election.

Yeni Azerbaijan Party (YAP)

The New Azerbaijan party (YAP) was founded by President Heydar Aliyev in 1992. As the country's ruling party, YAP claims over 100,000 members and 1,500 local branches throughout Azerbaijan. Similar in structure to the Communist Party of the former Soviet Union, YAP's members dominate ministerial structures and local executive offices across the country. Moreover, it sponsors other organizations that are engaged in all sectors of Azerbaijani life, including those dedicated to youth, women, veterans, human rights and research, which actively promote the President. YAP won 19 of 25 party list seats during the November 1995 elections and claims an overwhelming majority of deputies from single-mandate districts. YAP is by far the largest and best financed party. Incumbent President Heydar Aliyev is a candidate in the upcoming election. The President's son, Ilham Aliyev, who is first deputy secretary of the YAP, is also a candidate in the upcoming election. The younger Aliyev is being backed by a citizen's initiative group from Nakhichevan and the unofficial support of the YAP.

Groupings of Parties

Our Azerbaijan Block

Musavat has a coalition with 22 minor parties under the *Our Azerbaijan Block* which was formed in March 2003. On September 7, 2003 Musavat in cooperation with *Our Azerbaijan* held one of the largest rallies since Heydar Aliyev came to power with over 20,000 participants.

Democratic Stability Union

The DSU is comprised of the four major opposition parties (ADP, ANIP, APFP, Musavat) who recently in London agreed that they would unite behind a single candidate in

the event of a second round in the upcoming election.

Opposition Coordination Council(OCC)

The OCC is comprised of the same four major opposition parties plus five additional opposition parties. The OCC was initially formed to conduct joint monitoring of the 2002 Constitutional Referendum, and now serves as a coordinating board of the opposition.

ANIP-APFP Coalition

On September 17, 2003 APFP announced a coalition with ANIP and Kerimli withdrew his candidacy in support of a unified campaign under one candidate, Etibar Mammadov. Although Kerimli has publicly announced his withdrawal from the race, he has yet to make this official with the CEC. If Mammadov is elected president, Kerimli would serve as Prime Minister under the coalition government.

Election Framework & Administration

In June 2003 the Parliament adopted the Unified Election Code (UEC). While the UEC adopted some of the recommendations of the Venice Commission from the Council of Europe, its weakness lies in both its content as well as its implementation. Areas of greatest concern include: (1) the law includes no provision for domestic NGO election monitors' access to polling sites; (2) all levels of election commissions are comprised of a pro-government majority; and (3) accuracy and transparency of voters lists.

Elections are administered by the Central Election Commission (CEC) and the lower District, or territorial, (DEC)(which is also referred to as the Constituency Election Commission) and the Precinct Election Commissions (PECs). The CEC is comprised of 15 members: 6 from the New Azerbaijan Party (YAP - ruling party), 3 from parties that received representation in the parliament through the proportional system (by receiving

more than 6% of the votes during the parliamentary elections in 2000), 3 from parties that received representation in the parliament through the majoritarian system, and 3 from parties that received more than 1% of the votes through the proportional system during the 2000 parliamentary elections. Any decision passed in the CEC must be with at least 2/3 majority vote (10 out of the 15 votes).

The DEC has 9 members: 3 from YAP, 2 from parties that received representation in the parliament through the proportional system, 2 from the political parties that won seats in the parliament through the majoritarian system, and 2 from political parties that received more than 1% of the votes through the proportional system during the 2000 parliamentary elections. As with the CEC, any decision must be passed with a minimum 2/3 majority vote (6 out of the 9). The PEC has 6 members: 3 from YAP, 1 from the political parties that received representation in the parliament through the proportional system, 1 from parties that received representation in parliament through the majoritarian system, and 1 from parties that received more than 1% of the vote through the proportional system during the 2000 parliamentary elections. The PEC also requires a 2/3 majority (4 out of the 6) for any decision.

Key Dates in Election Timetable

Aug. 11	Publication of preliminary voter's lists
Aug. 16	Final day to register candidates
Aug. 16	Campaign period begins
Aug. 20	Final day to appeal CEC decisions not to register candidates
Aug. 21	Final day to publish candidates' list
Aug. 31	Polling stations list published
Sept. 10	Publication of final voter's lists
Oct. 15	Election day
Oct. 20	Preliminary election results published
Oct. 29	CEC sends election results to Constitutional Ct. for approval
Nov. 8	Const. Ct. approves final results
March 16	Publication of results by precincts

Voter Lists Not Made Public

Article 48.1 of the new election code states that the Precinct Election Commissions (PECs) should post voter lists 65 days before election day outside the voting room in a place where the voters can see them. The preliminary voter lists should have been posted on or about August 11, and the final lists posted on September 10. To date, none have been posted.

Election Campaign

The pre-election political environment in Azerbaijan is dynamic. The political party scene is characterized by a sharp polarization between pro-government and opposition parties. The “official” election campaign period began 16 August, but a great deal of political activity took place prior to the official start date. In contrast to the opposition boycott of the 1998 presidential election, opposition parties put forward a number of candidates for the presidency. Over 20 candidacies had been put forward by parties or citizen initiative groups before August 16, offering the prospect of a genuine choice for the electorate.

Opposition representatives and domestic and international non-governmental organizations expressed concern to international observers over incidents of harassment, detention, intimidation and violence against opposition supporters. Government representatives denied these assertions. Although NDI was not in a position to verify these reports independently, the nature and consistency of the complaints presented was a cause of substantial concern. (*excerpt from ODIHR’s Assessment*).

Election-Related Activities

Voter Education

NDI’s civic partner NGOs, the EMC, FSCS, and OPWR have been conducting seminars and workshops since January in an effort to educate citizens around the country in election-related issues. Topics covered the basics in how to

vote, as well as rights and responsibilities of voters and observers.

CEC Education

IFES is conducting various trainings sessions to the CEC, as well as to the DEC and PECs. IFES expects they will train over 10,000 election officials before the election.

Party Policy Working Groups

Since early this year, NDI has assisted the four major opposition parties (ADP, ANIP, APFP, Musavat) work together in joint policy working groups in order to form and develop policies, programs, and platforms. Ten working groups representing topics such as the economy, security, foreign policy, social welfare, political development, and health have formed joint platforms. The platforms are being used in the current campaigns, either jointly by coalitions of parties or separately as individual parties.

ODIHR Pre-Election Assessment Mission

ODIHR conducted a preliminary assessment of the pre-election environment from July 9-12, 2003. ODIHR’s mission was composed of Nikolai Vulchanov, acting Head of the ODIHR Election Section, Nicolas Kaczorowski, ODIHR Election Adviser, and Peter Eicher, Head of the Observer Mission in Azerbaijan.

International Election Observation

A number of international organizations are planning on participating in an election monitoring mission either under ODIHR, the US Embassy, or individually. The total number of monitors is expected to be 500.

Domestic Election Observation

A number of domestic NGOs are planning on conducting various monitoring efforts. Although the current election law does not allow local NGOs to monitor, it does allow

individual citizens to become accredited monitors. The total number of domestic nonpartisan monitors is expected to be approximately 4,000.

NDI in Azerbaijan

With funding from the U.S. Agency for International Development (USAID) and the National Endowment for Democracy (NED), NDI has supported democratization efforts in Azerbaijan since 1995. NDI Azerbaijan works in the areas of political party building, civil society strengthening, and elections assistance, including non-partisan election monitoring. In preparation for this election, NDI has provided training for democratically oriented political parties and NGOs throughout Azerbaijan.

During the pre-election period, NDI is helping political parties work together to develop campaign platforms which respond to the needs of citizens. These platforms can be used by individual parties or jointly by groupings or coalitions of parties. During July, NDI, through its civic partner For the Sake of Civil Society (FSCS), trained 350 political party activists around the country in partisan pollwatching using a training-of-trainers format.

Working with another civic partner, the Organization for the Protection of Women's Rights (OPWR), NDI helped train and ready over 150 women to engage with their various political parties in the upcoming campaigns. NDI is also assisting civic partners FSCS and the Election Monitoring Center (EMC) prepare to conduct domestic monitoring efforts of 3,000 and 1,000 election-day polling station monitors respectively.

About NDI

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides

practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

For more information on NDI programs in Azerbaijan, please contact David Sip at NDI's Baku office at +994-12-97 21 80 or Thomas Barry at NDI's Washington office at 202-728-5500.



Two decades of working to strengthen and expand democracy worldwide