

How Europe Failed Azerbaijan

By Aslan Amani, Opendemocracy.net

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When Azerbaijan joined the Council of Europe (CoE) in 2001, the country ratified a list of treaties, and undertook certain, clearly-defined obligations – e.g., to consolidate democratic institutions, respect the rule of law, and fundamental human rights. This created a mandate for the PACE to observe elections, as well as a jurisdiction for the other branches of the Council (e.g., European Court of Human Rights) to ensure that the country remains in compliance with the principles enshrined in the founding Statue and the subsequent conventions. The opening sentence of the joint statement casts doubt precisely on this mandate. The job of the PACE observation mission is not to celebrate or witness, but to assess, measure, and, to a certain extent, teach.

On the other hand, Azerbaijan's relations with the EU are not as clear-cut as they are with the CoE. Azerbaijan has not yet signed an association agreement with the EU, so there is little by way of the proverbial sticks that Europe can deploy. To be sure, there is a cooperation agreement in place that commits the European Union to assisting Azerbaijan in democracy-building; and the foregoing statement by the EP delegation, one could argue, runs afoul of the EU's own commitment to promote democratization. However, there is a categorical difference between Azerbaijan's legally enforceable commitments towards CoE on the one hand, and towards the EU on the other. This fact alone renders the joint statement legally and politically dubious. Leaving this hugely important detail aside, what transpired on the election day, as well as in the months and years leading to the election, render the European reaction inadequate and problematic.

An Azerbaijan Factsheet

There are credible reports that suggest the Oct. 9 poll was marred by irregularities and fraud of mind-boggling extent. International election observers and independent journalists have documented numerous cases of ballot-box stuffing, "carousel voting", unauthorized people directing the work of PECs (Precinct Election Commissions), and other forms of illegal interference. The preliminary report by the Office of Democratic Institutions and Human Rights (an OSCE subgroup) pointed out significant problems in the counting of votes in 58 percent of the observed cases. Given that local election officials are trained to behave differently when in the presence of international observers, this one piece of statistical information alone speaks volumes about the country's political character.

However, the irregularities have not been limited to the election day alone. The paramount test of democratic

consolidation is whether there have been peaceful transitions of power between political parties. Since Heydar Aliyev came to power in June 1993 following a strange run of events that strongly resemble an orchestrated coup d'état, the Aliyev family have won all five of the presidential elections with percentage shares ranging from the low of 77% to the high of 99%. Additionally, we can look at the representation of opposition parties in the parliament, the coverage of the opposition's activities in the mainstream broadcast media, the equitable treatment of Aliyev's adversaries before the law, the state of the freedoms of media, association, and assembly. By none of these measures Azerbaijan seems to have made significant progress. The evidence suggests that Azerbaijan's political rights and pluralism record has been deteriorating in proportion to the country's improving economic fortunes.

To give a basic example, in the first three parliaments, the opposition (my definition excludes the pro-regime parties; more on this below), held between five and ten seats in the 125-member National Assembly. They hold no seats in the present parliament voted into office in 2010. Keeping the opposition out of Parliament is important for several reasons: To deny the opposition leaders parliamentary immunity, to shut out radical criticism of the regime from the broadcast coverage of parliament, to keep these parties out of the Central Election Committee and the constituency election committees. At this stage in the process, keeping the real opposition out is also crucial to further demoralize and marginalize these parties – the aim is to demonstrate to the larger public the futility of resisting the regime.

The PACE/EP joint statement looks more suspect, given the fact that some of the worst crackdowns on political dissent and pluralism took place after Azerbaijan joined the CoE in 2001. Journalists and other critics of the regime fell victim to murder, beating, blackmailing; hundreds of activist and politicians were jailed, thousands faced other more subtle forms of persecution and intimidation and had to leave the country or renounce their views; some opposition parties lost their offices, independent newspapers faced hefty fines and had to cut their circulation numbers, etc. All of these have been noted, in detail, not just in the Amnesty International or Human Rights Watch reports, but also in the PACE and EP sources including countless resolutions, hearings, ECHR decisions, etc. How the delegation manages to remain so blatantly optimistic in the face of these well-documented and familiar facts, is hard to grasp.

Analyzing Europe's failure

While there is a growing resentment among Azerbaijan's pro-democracy movement over Europe's complaisance, internationally, this does not seem to have raised as many eyebrows as it should. The European Stability Initiative (ESI) has been one of the few organizations that have tried systematically to go to the root of insensitivity to Azerbaijan's rights record. The ESI report titled "Caviar Diplomacy" tracks the transformation of the CoE's Azerbaijan policy and attributes the gradual softening of criticism to Baku's generous use of Caspian sturgeon caviar to buy pockets of support within the PACE. Given the mismatch between the PACE representatives' initial reaction to the Oct. 9 poll and what transpired on the election day, these allegations probably merit a closer scrutiny. However, here, I want to draw attention to the presence of some parallel factors that do not require a criminal or parliamentary inquest in order to prove.

The EU's and CoE's complaisance towards Azerbaijan is a multifaceted problem that cannot be explained away by corruption alone. First and foremost, there are important economic and strategic interests. It is not a secret that European states have invested tens of billions of dollars in Azerbaijan's oil and gas industry, and have secured lucrative deals in the extraction and sale of hydrocarbons. Just three weeks before the Oct. 9 poll, the BP-led consortium announced a new agreement with the government of Azerbaijan that will see the former develop and sell more than \$100 bn dollar worth of natural gas from Azerbaijan's Caspian shores. The project is invaluable from the vantage point of alleviating the continent's energy-dependence on Russia, and the tax revenues it will generate for cash-strapped European governments.

Furthermore, no matter how hard the CoE and EU try to act as singular entities, they are made of sovereign states that have divergent interests in the Caucasus, as well as different ways of balancing national interests against international values. Some Southern and Eastern European states have more to lose from a possible friction with Azerbaijan than, say, Germany or France. Also, on issues related to human rights and political freedoms, Baku can count on the unwavering support of the Russian delegation – a relationship that so far has proved to be a remarkable example of solidarity between near-autocratic regimes. The Turkish delegation too – particularly, Mevlut Cavusoglu who served as the PACE president in 2010-12 – have lent Baku a helping hand whenever the pro-democracy voices within the Assembly became too close to acting decisively.

Additionally, it looks like the Azerbaijani officials have convinced many of their European counterparts that Azerbaijan could change its foreign policy orientation should the CoE become more vocally critical of its democratization record. As I explained recently in the context of American foreign policy in Azerbaijan, these gestures are more likely to be bluffs than serious threats. Leaving aside the threat that Russia poses to the country's independence (Russia was the colonial power for two centuries), the state of rule of law in Russia, and Azerbaijan's susceptibility to Russia's intimidation tactics

mean that developing closer ties with Russia cannot serve the regime's own interests either. Good relations with the West, and lots of space to maneuver are the regime's lifeline in a complex neighborhood.

When assessing how Europe's Azerbaijan policy has evolved, one should also take note of the role the Azerbaijani propaganda machine has played in tipping the scales. The veneer of stability and prosperity coupled with Baku's generosity and hospitality towards European politicians play a subtle role in making the regime look more defensible to the foreign delegations whose members often have a limited knowledge of the local context. Unsurprisingly, frequent government-sponsored visits to the country, and the time spent mostly in the company of government officials and pro-regime organizations, are not that conducive to forming an objective view of the domestic situation. For instance, it is not easy to fully grasp the impact that the systemic use of "catch and release" tactics — whereby opposition activists are jailed for relatively short periods of time under hooliganism/public disorder charges or are put under administrative detention, beaten, and released — has on the opposition movement over a long period of time. Post-Soviet autocracies have several similarly elusive, yet highly effective, tactics in their arsenal.

Finally, there is the feedback effect. The positive or uncritical statements made by the CoE and EU representatives have an impact on European, and in general, Western public opinion, which over time lead to an even softer reaction to the rights abuses. In other words, the official reactions coming from Europe blur the lines, and confuse even those who are susceptible neither to Baku's caviar diplomacy nor to the above-discussed structural factors. We saw possible examples of this during the election campaign.

For instance, the New York Times coverage of the election presents a distorted picture without making any factual errors. The factually correct statement that the Oct.9 poll pitted "nine opposition candidates" against the incumbent completely misses the presence of a sophisticated election tactic. A more in-depth knowledge of the election context, however, reveals that at least seven of the so-called "nine opposition candidates" were allowed on the ballot for the following reasons: To reduce the opposition candidate Jamil Hasanli's free airtime on Public TV by four times; to defend the ruling party against Mr. Hasanli's accusations of corruption by creating a "bulwark"; to provoke Mr. Hasanli, through repeated homophobic and xenophobic remarks about his associates and family members, into losing his temper; and, last but not least, to create a false perception of pluralism and competition for international journalists and election observers. That five of those candidates obtained fewer votes than their nomination signatures further supports the claim that the above was an elaborate election tactic. Had it not been for the conflicting international reports, the editors would probably treat the fake plurality as part of the hard facts of the election, rather than as a piece of normative judgement to be excluded from news reports.

Fortunately, not everyone gets caught in the spiral of deception. One of the more astute reactions to the farcical turn of events came from American talk show host Cenk Uygur: "When you have an 85 to 6 election, it was rigged. If Jesus Christ came back down from Heaven, and God opened up the sky and said "This is my son", he wouldn't get 85%. That's not possible." That a joke tells more about Azerbaijan's political system than the joint statement from the PACE/EP or many news analyses, could well be the most remarkable aspect of this election saga. -0-