

106TH CONGRESS
2D SESSION

H. CON. RES. 382

Calling on the Government of Azerbaijan to hold free and fair parliamentary elections in November 2000.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2000

Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. PITTS, and Mr. CARDIN) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Calling on the Government of Azerbaijan to hold free and fair parliamentary elections in November 2000.

Whereas Azerbaijan has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and has freely accepted all OSCE commitments, including those concerning democracy, human rights, and the rule of law;

Whereas Azerbaijan, as an OSCE participating state, has committed itself to build, consolidate, and strengthen democracy as the only system of government, and is obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political

parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis;

Whereas the development of democracy in Azerbaijan will promote stability in that country and throughout the Caucasus, foster the resolution of regional disputes, especially the Nagorno-Karabakh conflict, and can positively influence the development of democracy in other regions, especially Central Asia;

Whereas Azerbaijan's parliamentary elections in 1995, presidential elections in 1998, and municipal elections in 1999 have failed to meet international standards, according to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and other international election observers;

Whereas these flawed elections have aggravated an unfortunate legacy of deep distrust between the government and the opposition, undermining prospects for societal cohesion, the establishment of democratic institutions and peaceful, predictable transfers of power;

Whereas in August 1997, Azerbaijan President Heydar Aliiev met with President Clinton at the White House and pledged to hold free and fair elections;

Whereas irregularities leading up to the presidential election the following year caused several opposition political parties to boycott that election;

Whereas the parliamentary election due to be held in November 2000 offers an opportunity to demonstrate the Azerbaijani Government's commitment to democracy and overcome tension between the government and the opposition and within Azerbaijani society;

Whereas Azerbaijan's Government has been negotiating with the ODIHR on the passage of laws governing the conduct of elections and the ODIHR has, in consultation with the authorities and the opposition, made specific recommendations and proposals to craft legislation that, if implemented in good conscience, would produce an election seen as free and fair and a true expression of the will of the people of Azerbaijan;

Whereas the ODIHR considers the law on the Central Election Commission, passed on June 9, 2000, to take into account the interests of both the government and the opposition;

Whereas on June 28, 2000, the Council of Europe approved Azerbaijan's application for membership, calling on the government to hold free and fair elections and release all political prisoners;

Whereas by joining the Council of Europe, Azerbaijan's Government has committed itself to observe the Council's norms and standards for democratic behavior, including the conduct of free and fair elections;

Whereas Azerbaijan's parliament nonetheless passed an election law on July 5, 2000, that did not include recommended amendments by the ODIHR that would bring the legislation into accord with OSCE standards;

Whereas the ODIHR issued a press release on July 7, 2000, "deploring" shortcomings in the election law and voicing the hope that it would yet be amended in line with that Office's recommendations;

Whereas these shortcomings involve, among other things, the exclusion of an opposition party which was registered in February 2000, the formation of territorial and local

election commissions effectively under government control, the restriction of voters' rights to sign petitions nominating more than one candidate or party, and the rights of domestic observers to monitor the election;

Whereas OSCE Chairman-in-Office, Austrian Foreign Minister Benita Ferrero-Waldner, on July 18, 2000, while visiting Baku, voiced concern about "very serious shortcomings in the Law On Parliamentary Elections and urged Azerbaijan's leadership to take into account recommendations from the ODIHR";

Whereas President Heydar Aliev responded that parliament had not accepted his proposed amendments to the law but work toward that end is still proceeding, and promised the election would be fair and democratic;

Whereas opposition parties refuse to let their representatives participate in meetings of the Central Election Commission until the election law is amended;

Whereas the Speaker of Azerbaijan's parliament on July 19, 2000, convened a meeting of the Central Election Commission without opposition members, substituting for them members of the former Central Election Commission, and approved a list of 100 single-mandate districts for the election;

Whereas the Speaker threatened, unless the opposition agrees to participate in the work of the Central Election Commission, to amend the law so that the Commission's decisions be taken by a majority, rather than a two-thirds vote;

Whereas on July 20, 2000, 12 political parties, including the leading opposition parties, adopted a joint statement condemning the threat to amend the law on the Central

Electoral Commission and countering that if that law is amended and if parliament refuses to amend the election law, they will boycott the November ballot;

Whereas yet another opposition boycott of an election will undermine the Azerbaijani Government's legitimacy;

Whereas an election in Azerbaijan that does not have the confidence of all the country's political forces will not produce credible results, contribute to the consolidation of stability, or promote the development of democratic institutions in the country;

Whereas on July 21, 2000, Azerbaijan's parliament amended the law on the Central Election Commission so as to make decisions by majority vote, thus depriving the opposition of its ability to block decisions; and

Whereas on July 24, 2000, the Department of State issued a statement regretting the recent actions of Azerbaijan's parliament and urging the government and parliament to bring the election law into conformity with international standards: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress—

3 (1) urges the United States Government to re-
4 mind President Aliev of the commitments he made
5 to President Clinton regarding free and fair elections
6 and to work with President Aliev toward that end;

7 (2) emphasizes the importance of free and fair
8 parliamentary elections as a critical component in
9 the consolidation of democracy in Azerbaijan;

1 (3) urges the Government and Parliament of
2 Azerbaijan to come into compliance with its Organi-
3 zation for Security and Cooperation in Europe
4 (OSCE) commitments on democratization and the
5 holding of free and fair elections by accepting the
6 recommendations and proposed amendments to the
7 law on elections by the OSCE's Office for Demo-
8 cratic Institutions and Human Rights (ODIHR);
9 and

10 (4) calls on the Government and Parliament of
11 Azerbaijan to work with opposition parties and with
12 nongovernmental organizations to create a pre-elec-
13 tion environment that assures equality of conditions,
14 as well as freedom of assembly and expression for all
15 political parties and candidates wishing to partici-
16 pate in the upcoming parliamentary elections.

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