

TURSAM Center for Strategic Studies
www.tursam.org; tursam@tursam.org
Dr. Ahmad Shahidov
www.shahidov.com;
ahmad@shahidov.com

FREEDOM OF ASSEMBLY IN AZERBAIJAN REPUBLIC

First of all, it need to inform that after couple days we have next presidential elections in Azerbaijan Republic. During a handful of days in 9 October, thousands of journalists, observers and non-governmental organization workers will descend upon Baku to watch Azerbaijan's next presidential election. Elections are important, but, as we have regrettably seen around the world, they are often insufficient to establish democracy.

Building the true foundations of democracy is a long-term process that involves so many tiny steps. When the international television cameras leave Baku, the Azerbaijani people and a handful of foreign helpers will remain to work on these small steps. They and we - all together must not ignore shortcomings in Azerbaijan's democratic development, whether in the upcoming election or in everyday governance. However, neither should we ignore concrete steps that will lead to greater success.

Fortunately, Azerbaijan is endowed with some of the key ingredients that enable it to continue building a strong democratic society: indigenous democratic traditions; a high educational level; devotion to secularism, moderation and mutual respect; remarkable economic development; and a pivotal position in East-West trade.

When Azerbaijan reclaimed its independence at the fall of the Soviet Union in 1991, it was able to recall a rich tradition of liberalization and reform. Early in the 19th century, Azerbaijani thinkers were articulating the need for secular education. As the Baku region thrived with the oil business later in the century, so did a group of reform-minded nationalist thinkers.

Their ideas were put into practice for two brief years after the overthrow of the czarist regime in Russia. From 1918 to 1920, the Azerbaijan Democratic Republic granted political rights to all citizens regardless of ethnic origin, religion, class, profession, or sex. Azerbaijan was the first Muslim country to enfranchise women, two years before the U.S. Regrettably, the 1920 Bolshevik invasion snuffed out Azerbaijan's nascent democracy, subjecting it to Soviet rule for 70 years. Nonetheless, that brief experience with self-created democracy remains an inspiration to the democratic aspirations of contemporary Azerbaijanis.

The deep crisis of the socialist public-political system and the breakup of a huge country like the Soviet Union in the early 1990s resulted in political chaos, economic paralysis and social collapse in Azerbaijan like in other post-Soviet countries. At that time, military aggression

against Azerbaijan, the occupation of 20 per cent of the country's territory and the displacement of more than one million Azerbaijanis from their homes because of the policy of genocide and occupation pursued by Armenian nationalists extremely exacerbated the situation.

Beginning from the middle of the 1990s, Azerbaijan gradually started to revive and take confident steps towards resolving fateful issues under the leadership of the great leader Heydar Aliyev. First of all, the sustainability of Azerbaijan's state independence was ensured and political stability was established inside the country.

The formation of a democratic society and transparent public relations in Azerbaijan in the years of independence formed the main basis of state policy. Political pluralism in the country became the necessary basis of public progress in the country. Currently, there are appropriate legal and democratic political conditions for the free activities of political parties in the country. Today, 55 political parties are registered in Azerbaijan, and 11 of them are represented in the parliament. Political parties are closely involved in the public political life of the country and are represented in elected and other government bodies.

Additional opportunities have been created to strengthen the material-technical base of political parties and increase their role in the country's political system and in the development of civil society.

We can say with full confidence that the transitional period has already ended in Azerbaijan. A new socio-economic system, which is based on free market relations and political pluralism and has its own rules, has been established. The formation of the appropriate infrastructure for the functioning of an effective economy is nearing the end. A reliable system of social security has been established for the population, and this system is currently improving.

The President of the Azerbaijan Republic issued an instruction on the preparation of the Development Concept "Azerbaijan – 2020: Look into the Future". The need to prepare such a concept is because Azerbaijan has stepped into a new stage of development. The achievements that have been gained allow Azerbaijan to set even higher goals and determine the tasks that stem from these goals.

Today if we talk about freedom of assembly, we must say freedom of assembly is an essential element of democracy. The extent to which freedom of assembly is exercised is often described as the 'litmus test' for democracies in transition.

The Law of the Republic of Azerbaijan on Freedom of Assembly, last amended in May 2008, entered into force on 26 June 2008. The amendments to the Law on Freedom of Assembly were initially drafted in 2005 and since then, on the request of the authorities of Azerbaijan, both the Venice Commission and the OSCE/ODIHR have subjected them to thorough review. The Venice Commission issued the last opinion of the amendments in December 2007.

In the follow up discussion on the Law on Freedom of Assembly, the Venice Commission noted that it meets most of the international standards in relation to freedom of assembly. However, they stated that great care should be devoted to the due implementation of the law to fully secure the enjoyment of this freedom in Azerbaijan. Proper implementation of the Law on Freedom of Assembly is particularly crucial in the context of election campaigns.

Everyone's freedom to assemble together with others is ensured by the Constitution of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party. Article 49 of the Constitution of the Republic of Azerbaijan provides that everyone should be able to enjoy the freedom to peacefully assemble. The present law should therefore be interpreted in light of this Constitutional presumption in favor of freedom of assembly. There should be no unnecessary restrictions, either direct or indirect, on the right to peacefully assemble.

If we see today's Azerbaijan, so we can be sure that the freedom of assembly is guaranteed completely. I want to mention as an example a rally of opposition parties 5 days ago in the center of capital of Azerbaijan, in Baku city. For example, tomorrow on 28 September at 16:00 o'clock in Baku it will be realized next rally meeting of main opposition parties. Moreover, it will be continued until the day before Election Day.

However, I want mention another side of this freedom. As I said before presidential election, campaign has been already launched. All candidates present their platform, organize meeting with their electors, and make live speeches in public television. There are 10 candidates and 9 of them from opposition parties. All of them want to organize rallies, some kind of flash mobs and meetings in the center city. Executive power of Baku city allows to one opposition party, but another party insists in that place as well, so it makes misunderstanding on this issue. The main reason of this misunderstanding is source of finance of those parties. For example, some opposition parties united in "National Council" (Milli Shura) are financed by Russia, another part of them directed by Iran and Turkey. So geopolitical interests of these countries are shown in internal political life of Azerbaijan Republic as well.

At the end it must be mentioned that during presidential election campaign ruling party (New Azerbaijan Party) did not organize any rally and gave all squares to opposition camp.