

OSCE/UN REPORT
OF THE
OSCE/UN JOINT ELECTORAL OBSERVATION MISSION IN AZERBAIJAN
ON AZERBAIJAN'S 12 NOVEMBER 1995 PARLIAMENTARY ELECTION
AND
CONSTITUTIONAL REFERENDUM

January 1996

EXECUTIVE SUMMARY

On 12 November 1995, Azerbaijan held its first parliamentary election since regaining independence, as well as a referendum on a new constitution. The election law required a 50 percent minimum turnout for the election to be valid, and 75 percent approval of participating voters for the constitution to pass.

According to the Central Election Commission, 86 percent of the electorate took part in the referendum, and 91.9 percent voted in favor. Azerbaijan now has a constitution reflecting its status as an independent state. The country's Basic Law affirms Azerbaijan's territorial integrity, asserts the right to dispose of the natural resources in Azerbaijan's sector of the Caspian Sea, recognizes Nakhichevan as an "autonomous state" within the country, and creates a strong presidency.

The Central Election Commission announced that 79.5 percent of the electorate cast ballots in the election. Azerbaijan's new parliament (*Milli Mejlis*) has 125 seats, of which 25 were distributed proportionally among political parties. Eight political parties competed for the 25 seats; they needed at least eight percent of the vote to win representation in parliament. The Central Election Commission announced on 22 November that New Azerbaijan -- headed by President Haidar Aliev--had won 19 seats, and two opposition parties -- the Party of the Popular Front and the National Independence Party -- had each won three seats.

Parliament's remaining 100 seats were contested by 386 candidates on a majority basis. In the first round, 71 candidates were elected. Run-off elections were needed in 20 districts, where at least 50 percent of the electorate had voted but no candidate took 50-percent-plus-one of the vote. In eight other districts, the Central Election Commission invalidated the election, either because of failure to meet minimum turnout requirements or because of violations of the law, and scheduled repeat elections for February 1996.

On 26 November 1995, run-off elections took place in 20 districts. According to official figures, 61 percent of the electorate took part in the run-off election. Five of the districts failed to meet turnout requirements, and in two others, various violations invalidated the voting. In these additional seven districts, repeat elections will also take place in February 1996.

At the invitation of the Government of Azerbaijan, the OSCE/UN Joint Electoral Observation Mission came to Azerbaijan to observe the electoral process. From the middle of September, the Mission observed the election process, from the registration of candidates and parties, through the official determination of their eligibility to participate, and the appeal process for excluded parties and candidates. To observe the 12 November voting and vote count, the Mission deployed over 100 international observers from 25 countries. In Baku, Ganja and Nakhichevan, the Mission's regional offices sent observers to cities and villages all over Azerbaijan. To observe the 26 November run-off elections in 20 districts, the Mission deployed over 20 international observers. The Mission, on the basis of its direct observation and the reports of the international observers it deployed, was thus in a position to make an independent assessment of the entire electoral process, and to judge its correspondence to international norms.

The conclusion of the Mission is that Azerbaijan's first post-independence parliamentary election was a multi-party, multi-candidate election. Opposition parties and candidates were able to take part in the campaign, and to make their case to the voters through their own newspapers. They also received free air time on state television and radio, as did independent candidates. The election law permitted observers and authorized representatives of political parties and candidates to observe the voting and vote count on the precinct and district level. Provisions were also made for candidates to appeal their exclusion by District Election Commissions to the Central Election Commission, and both parties and candidates could appeal their exclusion by the Central Election Commission to the Supreme Court. Complainants generally had the opportunity to argue their case to the Supreme Court, which considered and ruled on these appeals before the 12 November election.

However, the Mission considers that the election campaign, the voting and the counting of ballots did not correspond to internationally accepted norms in many respects. Voters' freedom of choice was limited by decisions to exclude about 60 percent of candidates and one-third of the political parties on the basis of a methodology that is open to question: a visual examination of signature lists by election officials and Government handwriting experts, without an original of the signature. While these lists undoubtedly contained improper signatures, as acknowledged by some parties and candidates, the exclusion of many signatures was debatable. Moreover, contrary to international norms, there were no independent experts to dispute the judgments of official experts, which played crucial role in decisions on the inclusion or exclusion of candidates and parties.

While candidates and parties could appeal to the electorate on state television and radio, in some instances, their remarks were censored. Political censorship of party and independent newspapers, though not officially acknowledged, and though less onerous in the immediate pre-election period, also restricted the freedom of speech of political parties.

Though observers did find precincts which efficiently and honestly conducted the balloting, the voting and vote count featured serious irregularities in at least three respects: widespread interference by representatives of executive authority, including the police; multiple voting, with the acquiescence of election officials; and highly disorganized counting procedures at the precinct and district level.

In particular, the official acceptance of widespread family voting on election day was in stark contrast with the practice followed during the election campaign, when signatures on behalf of candidates and parties were rejected on the basis that one person had signed for several family members. This inconsistency alone places in serious doubt the fairness of the election.

Moreover, the Mission considers there is good reason to suspect that election officials inflated the vote count, so as to increase artificially the voter turnout. In several instances, international observers personally witnessed the exclusion of local observers from polling stations during the vote count and they themselves were at times barred from polling stations.

During the 26 November run-off election, there was some improvement; candidates' poll watchers were generally allowed to observe the voting and counting, and the vote count was generally more organized. Nevertheless, multiple voting persisted in most districts, and the Mission has reason to believe that election officials in some districts inflated the vote count, so as to artificially increase the turnout.

Based on the observations made during the election campaign, the polling of 12 November and the run-off voting of 26 November, the Mission considers that Azerbaijan's first parliamentary election as an independent state in many respects did not correspond to internationally accepted standards, thus depriving the electorate of the possibility to exercise fully its right to choose freely its representatives.

Nevertheless, the districts where the voting and vote count were carried out well during Azerbaijan's November 1995 parliamentary elections demonstrate that Azerbaijan is capable of holding elections according to international norms, given the will to do so, and the readiness to enforce compliance with the law among election officials. The Joint Electoral Observation Mission expresses the hope that those positive examples will inspire the conduct of future elections in Azerbaijan.

POLITICAL CONTEXT

Introduction

For centuries, strategically located Azerbaijan has been the object of competition among neighboring states and empires. After a brief interval of independence between 1918-1920, followed by 70 years of incorporation into the USSR, Azerbaijan declared independence in August 1991. Azerbaijan today is undergoing a difficult transition to overcome the legacy of its Soviet period, develop a functioning democracy and consolidate its position in the international community. Azerbaijan's 12 November 1995, parliamentary election and constitutional referendum represented an attempt to create a permanent legislative body within the framework of a new fundamental law that corresponds to Azerbaijan's status as an independent state.

The political background to the 12 November vote was, unusually unstable, characterized by extra-constitutional changes of government, and frequent coup attempts, with the alleged involvement of outside powers. Consequently, the election sought to create stable structures of government that would enjoy domestic respect and legitimacy, and would create a parliamentary forum for political competition with clear rules of the game. By inviting the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (UN) to organize observation of the election, Azerbaijan's Government also sought to consolidate its legitimacy in the eyes of the international community, and to gain international recognition of its progress towards democracy.

PRE-ELECTION ATMOSPHERE

President Aliev has repeatedly stressed his personal commitment to holding free and fair elections as an integral aspect of transforming Azerbaijan into a democratic, pluralistic society. Efforts to hold free and fair elections, however, have taken place in a complicated context of mutual distrust between the Government and opposition parties.

The series of coups since 1992, and related grievances between victors and vanquished, have determined the nature of relations between the Government of President Haidar Aliev and opposition parties led by the Popular Front of Azerbaijan (PFA) and Musavat, whose leaders were in power from June 1992 to June 1993. The Popular Front and Musavat, for instance, acknowledge Haidar Aliev only as the de facto leader of the country, and maintain that Abulfaz Elchibey is still the legitimate president. President Aliev, for his part, has occasionally accused the Popular Front of being a terrorist organization that has tried to overthrow or assassinate him, a charge echoed by various Government ministers. Various Popular Front leaders have been arrested, PFA headquarters in Baku and elsewhere remain closed, and the PFA alleges continuous police harassment. It was not certain, therefore, until shortly before the election process began that the Popular Front would be allowed to take part. Ultimately, the PFA was able to hold a congress in August, at which it changed its status from a movement to a party, in order to meet requirements for participation.

Government relations had not been as tense with the other leading opposition party, Musavat, which, for example, retains its headquarters in Baku. However, Musavat's leader, Isa Gambar, the Speaker of Parliament during the Popular Front's tenure, is still technically barred from leaving Baku and faces possible criminal indictment for responsibility for deaths caused during Surat Husseinov's June 1993 rebellion. The more moderate Party of National Independence, headed by Etibar Mamedov, though publicly critical of the Government, enjoys much better relations with the authorities.

Arrests of Opposition Candidates

Various members of the Popular Front and Musavat who were candidates on their party lists have been jailed. The authorities accuse them of criminal activity, whereas Musavat and the Popular Front consider the arrests Government intimidation and repression.

On 19 September, the authorities arrested Parliamentary deputy Tofik Gasimov, a physicist, former foreign minister under the Elchibey Government, and number two on the party list of Musavat. He was charged with treason and attempting to overthrow the Government by force during the March 1995 events. Popular Front activists Faraj Guliev and Arif Pashayev (numbers five and six on the popular Front's party list) are also in prison. Guliev is charged with attempting to overthrow Haidar Aliev when the latter chaired the legislature of Nakhichevan; Pashayev is accused of escaping from a KGB prison. Apart from Musavat and Popular Front activists, the police, on 2 October 1995, arrested Sabutay Gadjiyev, leader of the Party of Labor. He was charged with treason and attempting to stage an armed overthrow of the Government. This party has had acknowledged links to former President Ayaz Mutalibov.

Censorship

Newspapers of all political parties, the independent press and other media have been subject to political censorship, which the authorities conceded in private conversations. Government officials, however, only acknowledged military censorship, pointing to the Nagorno-Karabakh conflict. While all parties agreed that political censorship eased before the election, journalists reported as of 1 November that it was still in effect.

Related to issues of censorship, on 3 October the trial of four journalists of the satirical newspaper Cheshme began. They were arrested in March 1995 on charges of insulting the honor and dignity of the President. Two of the journalists were on the Popular Front's party list. In October, three received prison terms of five, three and two years, and one was sentenced to police supervision. On the eve of the 12 November election, the journalists were amnestied.

Opposition parties and candidates frequently pointed to censorship and the above-mentioned arrests, as well as others, as evidence of the state's intention to clamp down on society, and restrict access to the political process. They claimed that the elections were taking place in an atmosphere of fear and intimidation.

THE ELECTORAL PROCESS

Electoral Law

Parliament passed the electoral law on 12 August, 1995. The law established a 125-seat, unicameral Parliament to serve a five-year term, with 100 representatives elected on a majority basis and 25 seats distributed to political parties on a proportional basis.

The Central Election Commission (CEC) was responsible for administering the Constitutional referendum and the Parliamentary elections. President Aliev, in accordance with the law, appointed the CEC's Chairman, Jafar Veliev, in August 1995. Chairman Veliev, in turn, selected the 14 other members. At his request, Parliament approved increasing the CEC's membership, on 3 October 1995, from 15 to 20. The law requires the Commission to be a neutral body and prohibits representatives of political parties from serving as members.

The CEC also oversaw District Election Commissions (DECs), and nominated their chairpersons, whom Parliament approved. DECs consisted of 12 members not affiliated with any political party and selected by lot. They were responsible for organizing the election of the district representative and overseeing the work of the Precinct Election Commissions (PECs).

PECs had between six and eighteen members, and served between 50 and 1,500 eligible voters. Twenty percent of the members of PECs were representatives of candidates, 30 percent were members of political parties and the remaining 50 percent were representatives of state enterprises and entities. Although the electoral law called for PECs to be established by 15 September 1995, the 50 percent who were representatives of political parties and candidates were

only selected after the CEC announced the list of candidates on 19 October. These members had a residency requirement and were selected by lot. Voters had to vote at the precinct in which they were registered.

The CEC divided the country into 100 electoral constituencies; none could have a population more than 15 percent greater than any other. Depending on the size of the eligible voting population, one administrative district could have more than one electoral district, while other administrative districts could be combined into one electoral district, but required contiguous borders.

Candidates had to be 25 years of age or older. Whether running independently or affiliated with a political party, they needed 2,000 valid signatures from eligible voters within their district. Candidates had to present identification and other documentation, including a certification of resignation from their current employment.

In order for district elections to be valid, 50 percent of the electorate needed to participate, and a candidate needed more than 50 percent of the valid votes to be elected. If no candidate received more than 50 percent of the vote, a run-off election between the two biggest vote-getters would take place two weeks later. If the 50 percent minimum voter participation requirement was not met, repeat elections would take place within three months of the first round.

The law stipulated that 25 representatives would be elected nationally, through voting for party lists and distributing the seats proportionally [Hond't method] among parties that received at least eight percent of the vote nationally. To field a party list, a political party had to be legally registered and to collect 50,000 signatures from eligible voters. A 50 percent minimum voter turnout was also required nationally for the election to be valid; otherwise, new elections would take place within six months.

The electoral law permitted representatives of the media, candidates and political parties to observe meetings of election commissions, polling and the vote count. In addition, candidates could designate up to 15 -- and political parties up to 45 -- authorized representatives to be poll watchers and carry out campaign activities.

Candidates and parties could appeal decisions of DEC's to the CEC. CEC decisions could be appealed to the Supreme Court, whose rulings were final and binding. The electoral law also required that decisions be rendered in a timely manner.

In general, the law guaranteed the basic internationally accepted standards for democratic elections. These included multiple candidacies, freedom of speech and assembly, equal access to the media, the right for candidates and parties to observe the voting and vote count, the right of voters individually and privately to cast ballots, plus an appeal mechanism to redress grievances.

However, in some important aspects, the law was unclear or silent. For example, it does not specify the procedures for validating or excluding candidates' signature lists, nor does it state how many signature lists candidates and parties were to receive. And no provisions either

sanction or prohibit the presence of police and executive branch officials in the polling stations. These lapses, as well as poor or inconsistent application of the law, had a fundamental impact on the electoral campaign and its fairness.

Registration of Candidates and Parties

After the re-registration of parties that took place in June, 31 parties remained eligible to participate in the elections. Of them, 12 applied to the CEC for lists to collect the required 50,000 signatures: New Azerbaijan; the Azerbaijan National Independence Party; the Azerbaijan Democratic Independence Party; the Party of the Popular Front of Azerbaijan; the Motherland Party (Ana Vatan); the Azerbaijan Democratic Proprietors Party; Alliance in the Name of Azerbaijan; the Azerbaijan National Statehood Party; Umid [Hope]; the Party of People's Democracy; the Communist Party;¹ and Musavat. Candidates and political parties had 25 days to collect the requisite signatures, beginning 55 days and concluding 30 days prior to polling.

On 18 September, the CEC and DEC's began distributing signature lists to parties and individual candidates. The distribution of signature lists evoked the first complaints by candidates and parties to the Mission. Candidates came to the Mission's offices, protesting that their opponents -- whom they usually described as individuals favored by the local authorities -- had received more sheets than they. The opposition Musavat party charged that it had received only enough lists for 53,000 signatures, leaving almost no margin for error. However, New Azerbaijan, President Aliev's party, also asserted that it could have gathered far more signatures than it ultimately did, had it received more signature lists. CEC Chairman Veliev acknowledged to the Mission that some candidates and parties had received more signature lists than others.

Once signature lists had been distributed, the Mission received complaints from parties, such as the Social Democratic Party, and from individual candidates, that DEC's were not allowing people to sign lists for more than one candidate or party. The Chairman of the CEC said that he had explained on television that individuals could sign as many signature lists as they wanted, and that he had conveyed this message to chairmen of DEC's in person and on the telephone. Nevertheless, complaints persisted.

More frequently, candidates complained about the interference in the work of DEC's by organs of local executive authority, especially in the countryside and regions, on behalf of reportedly favored candidates. Alleged preferential treatment included distributing additional signature sheets, offering help in collecting signatures, and public endorsements of candidates by the local authorities prior to the electoral campaign period. Other complaints ranged from intimidation, intended to discourage people from running, to alleged total control by local executive branch officials of the work of DEC's, which reportedly could not, or did not want to, resist such pressure.

1-The Communist Party actually did not survive the re-registration of parties, because its charter seemed to call for the restoration of the USSR, but the party won a subsequent appeal to the Supreme Court.

However, the most contentious aspect of the campaign was the inclusion or exclusion of parties and candidates by the CEC. Because of the special significance of this aspect of the campaign, and the Mission's involvement in it, it merits particularly close examination.

The CEC used the following criteria to exclude signatures: signatures by persons younger than 18; improper identity documents; one person signing for others, usually family members; deliberately forged signatures. The first two criteria accounted for relatively few excluded signatures, but they also evoked disputes. In a subsequent Supreme Court hearing on the exclusion of Musavat, a CEC member testified that signatures were nullified if the indicated year of birth was 1977, without specifying the month -- even though the signature list did not request the month. He explained that if no month was indicated, it was "more than clear" that the individual was trying to fool the CEC.

Identity documents also generated controversy. Although the law only called for a document certifying citizenship, the CEC accepted only passports, Form #9 (given to refugees who have lost their passports), and military I.D.s for active duty officers. Other documents, such as student I.D.s or pensioners' documents, were invalid. Various parties charged that the CEC specified which documents were acceptable only in October, after the signature collection had already begun; the CEC contended that it had informed parties and candidates about the guidelines in August.

Most problematic, however, was the methodology of validating signatures. DEC's and the CEC disqualified signatures on the basis of a visual examination; they did not consider testimony from the person who collected the signatures, they did not have an original of the signature for purposes of comparison, and they did not generally check with the signer whether he/she had actually signed the list. The CEC used six experts from the Ministry of Justice and at least two from the Ministry of Internal Affairs (Police) to examine the signatures and rule on their authenticity. There were no independent handwriting experts to check the work of the CEC's experts or to contest their findings that hundreds of individual candidates -- ultimately, 63 percent of the 1,040 individuals who tried to enter the race -- and four political parties failed to gather the necessary number of genuine signatures, and were therefore excluded.

Political Parties

The four parties disqualified were Umid [Hope], the Party of People's Democracy, the Communist Party, and Musavat. All those rejected heatedly affirmed the validity of their signatures, and proclaimed their readiness to submit to any sort of objective verification.

In meetings with President Aliiev and Speaker of the Parliament Mr. Guliev, the Mission stressed that these complaints about signatures -- along with the arrest of opposition leaders and the trial of four journalists -- endangered Azerbaijan's prospects of getting a satisfactory assessment from international observers. The Mission suggested, as a confidence-building measure, contacting selected individuals and verifying whether they had indeed signed lists. This proposal was put to the Government, and both President Aliiev and Mr. Guliev accepted the idea.

The agreed upon selective verification involved choosing names from among signatures excluded by a DEC or the CEC. Signature lists were randomly chosen by the two Coordinators of the Mission in the presence of the Chairman of the Supreme Court and official handwriting experts. A representative of the party, of the CEC or DEC, and a member of the Mission would contact individuals, ask them to verify their signature, and to sign a blank sheet of paper. The Supreme Court, to which all four rejected parties had appealed, was expected to consider the findings in ruling on a party's exclusion. After spot checking for parties, a similar process was envisioned for selected candidates.

On 25 October, the Mission's Coordinators took part in selective verification for Umid, accompanied by the party's chairman and the chairman of the DEC. They found four people, all of whose signatures had in fact been signed by someone else, usually a family member, which is sufficient grounds for disqualification. The same day, the Supreme Court examined the electoral fate of Umid, and of the Party of People's Democracy. Umid's chairman acknowledged the failure to collect the needed 50,000 signatures properly. The chairman of the Party of People's Democracy also conceded that some signatures may have been improper, but maintained that he had handed in 50,000 valid signatures. The Supreme Court, after hearing both party leaders and the relevant CEC members and handwriting experts, confirmed the CEC's decision to exclude them.

On 26 October, the Mission tried to do spot checking for the Communist Party, accompanied by its chairman. Efforts to find signers proved unsuccessful, which rendered the findings inconclusive. The Mission shared its doubts about the methodology used by the CEC's handwriting experts with the Supreme Court's presiding judge, but he affirmed the CEC's decision to exclude the Communists.

Nevertheless, the Mission's doubts about the methodology were confirmed by its selective verification of Musavat. They were accompanied by a party representative, who participated in the selection of the signature sheets in the Supreme Court Chairman's office. The CEC initially agreed to send a representative along, but then decided not to do so. Of 13 people the Mission found whose signatures had been excluded, all confirmed having signed for Musavat. One elderly, illiterate woman explained that she had asked her daughter to sign for her.

Musavat claimed that the authorities, knowing of the Mission's spot checking in Baku, had been calling and intimidating people, warning them to deny having signed a Musavat signature list. The Mission received statements to this effect from people protesting this behavior. During the spot-checking, several people said that they had indeed been approached by local housing authorities, asking whether they had signed for Musavat.

On 27 October, the Supreme Court began considering Musavat's case. The hearings lasted three days, with the Mission in constant attendance as had been the case during the hearings of the other parties which were excluded from the elections. Musavat's representatives were able to argue their case. Under questioning, the CEC and its handwriting experts acknowledged having, by mistake, listed 7,000 instead of 6,000, improper signatures for Musavat; not having

counted all of Musavat's signature lists, and having only examined them for four days. The CEC, perhaps trying to respond to the Mission's selective verification, claimed to have spot checked Musavat's signatures in eight or nine regions over the last few days -- without any Musavat participation or observation -- and to have found numerous problems. In fact, they reported having received telegrams from people all over the country, denying that they had ever signed a signature list for Musavat. On 30 October, the Supreme Court confirmed the CEC's exclusion of Musavat, after the judge read some of these telegrams before the TV cameras. Musavat rejected in toto the CEC's case, which, it claimed, was a politically expedient ruling.

The Supreme Court's ruling against all four parties that had appealed their exclusion by the CEC left eight parties in the race. Most were pro-Government, or at least, pro-Aliev, to judge by their public statements. The Party of the Popular Front was oppositionist, while the National independence Party was moderately oppositionist.

Individual Candidates: Of the 1,040 individual candidates who tried to run, the CEC initially registered 359 by 23 October. The CEC -- which had been receiving complaints and appeals directly from candidates, as well as from the Mission -- claimed to have reinstated those unjustly excluded by DEC's. On 31 October, the CEC released a list of another 38 registered candidates. However, the CEC also excluded individuals already registered by DEC's. Those disqualified included candidates who had even received stamped protocols attesting to their having collected over 2,000 valid signatures, but whose names nevertheless did not appear in the printed list of registered candidates.

As of 3 November, 127 of the hundreds of candidates excluded by the CEC had appealed to the Supreme Court, according to its Chairman. He reported that in one of those cases, the Supreme Court overturned the decision of the CEC, and registered the candidate. Subsequently, the Supreme Court ruled in favor of one other candidate, for a total of two.

The Mission attended several Supreme Court hearings of individual candidates' cases. In one enlightening case, the Court heard an appeal by a Popular Front-affiliated candidate, whose signature lists had been approved by handwriting experts from the Ministry of Justice. However, experts from the Ministry of Internal Affairs [Police] disagreed, arguing that the candidate had some 300 fewer proper signatures, invalidating his candidacy. The judge turned down the candidate's appeal.

Ultimately, of the party-affiliated candidates, many linked with the opposition were excluded. Thus, the Party of the Popular Front fielded 86 candidates, of whom only 23 were registered; Musavat fielded 83, of whom 12 were registered. The figures for the less oppositionist Party of National Independence were 33 of 78, while the Party of National Statehood saw 13 of its 53 candidates registered, and for the purportedly pro-Aliev Proprietors Owners Party, 10 of 38. Among the pro-Government parties, three Ana Vatan candidates of 17 were registered, one of two "Alliance" candidates, and four of nine Azerbaijan Democratic Independence Party candidates. Efforts to ascertain the corresponding numbers for President Aliev's party, New Azerbaijan, yielded various, and confusing, figures from party representatives, but it appears that 57 of 89 candidates were registered.

Election Campaign

On 20 October, the election campaign officially began. The election law originally gave candidates five minutes and parties 45 minutes of campaign time on national television. The CEC later increased the amounts to seven minutes and 60 minutes, respectively.

The Mission closely followed the political campaign, and was invited by the head of State Television on 18 October to draw the time slots for political parties, but declined, since no representatives of political parties were present. Subsequently, the political parties, the CEC and State Television reached agreement about the distribution of air time.

Candidates could appeal to the voters in pre-taped TV spots (the head of State Television explained that live appeals were impossible for "technical reasons"). Several opposition candidates, such as Leyla Yunusova, leader of the Independent Democratic Party, and several Popular Front candidates, had their spots cut and censored. Candidates reported being told that they could not criticize President Aliev or his policies.

Nevertheless, opposition parties -- specifically, the Popular Front, the National Independence Party, and the Party of National Statehood (whose leader went into open opposition to President Aliev shortly before the election) -- campaigned on television. They criticized the Government and its policies, sometimes harshly, on the country's most important medium of mass communication, singling out official corruption, the cult of President Aliev, the absence of economic reform and the difficult living conditions for most of the population. Speaking for the Popular Front, former President Elchibey appealed to voters on television for the first time since his ouster. Only his remarks about calling the state language of the country Turkish, as opposed to Azerbaijani, were censored. The leader of the Party of National Statehood even criticized President Aliev himself, and the participation of the President's relatives in the election campaign as candidates.

Opposition parties also made their case through their newspapers, which, however, have small circulation and are difficult to find outside Baku. According to the European Institute for the Media, *Azerbaijan*, the one official daily newspaper, published no party platforms, including pro-Government parties. *Azerbaijan* did, however, print the platforms of pro-Government candidates, but no opposition candidates.

Apart from campaigning in the media, candidates met with voters, though some complained to the Mission that DEC's and local executive authorities helped arrange meetings for favored candidates while hampering others. In Ganja, for instance, the electricity of the local television stations was allegedly cut off when they wanted to report on the rallies of a local candidate (Chingiz Sadigov) running against Foreign Minister Hassan Hassanov. At rallies, candidates generally spoke of their achievements, speakers praised the candidate and children recited patriotic verses. There were no debates, no platforms were presented and only a few pre-arranged questions were asked.

There were relatively few posters on the streets of Baku. Apart from posters of pro-Government parties, the most frequently noticed posters were from the Proprietors Owners Party, chaired by a wealthy businessman.

Perhaps the most sensational aspect of the campaign was the release, on 27 October, of a list of candidates whose victory had allegedly been pre-determined by the authorities. The source of the information was Neimat Panakhov, leader of the Party of National Statehood, and a former state counselor to President Aliev. Opposition newspapers published the list, which many opposition candidates and parties brought to the Mission's attention, as evidence of the election's unfairness.

On 11 November, 24 hours before the start of polling, the campaign officially ended, as stipulated in the electoral law.

Voting

Voting took place on 12 November, in 4,600 polling stations (electoral precincts), from 8.00 hours until 22.00 hours. All Azerbaijani citizens 18 years or older were eligible to vote, including prisoners and military personnel.

Of Azerbaijan's 100 electoral districts, no voting took place in the eight electoral districts of Nagorno-Karabakh and surrounding regions currently occupied by Armenian forces. The parliamentary seat for the district of Khankendi, the capital of Nagorno-Karabakh, will remain empty. Polling stations of the remaining seven districts were artificially relocated within other electoral districts of Azerbaijan, and displaced people from the occupied territories voted in these specially organized precincts for candidates from their home districts. By contrast, refugees from Armenia, who had arrived earlier (1988-1990) and had been resettled, voted for candidates of the districts where they resided at the time of elections.

Voters cast three ballots on election day: 1) for district representatives; 2) for slates of political parties; and 3) a vote approving or rejecting the Constitution. The voters had to cross-out the names of the candidates/parties they did not want and leave untouched the candidates/parties they preferred. Disabled voters could designate a person to cast a ballot on their behalf. In the Autonomous Republic of Nakhichevan, voters cast two additional ballots, one for the election of Nakhichevan's Parliament, and another approving or rejecting Nakhichevan's constitution.

In some polling stations, especially in the countryside, voting was conducted efficiently, and election officials at the precinct level made an honest effort to run the elections according to the electoral law. Moreover, party poll watchers and representatives of candidates were able to observe the voting. But in many polling stations, voting and the vote count featured serious irregularities in at least three respects: multiple voting, with the acquiescence of election officials; widespread interference by representatives of local executive authority, including the police; and highly disorganized counting procedures at precinct and district levels.

MULTIPLE VOTING: Although forbidden by the electoral law (article 58 states that "...The voter shall personally drop the completed ballot in the ballot box"), multiple voting was widespread and tolerated by many election officials. The two Coordinators of the Mission saw the chairman of a polling station tell an election official to stop registering the passport information of several persons given to her by one voter, until the international observers had left the polling station. Nearly all the international observers noted this practice, either by direct observation or by looking at the voter registration lists and noting the many instances where one individual had signed the same name various times. In one district of Ganja city, the chairman of the DEC officially sanctioned multiple voting. In other instances, PECs agreed to permit multiple.

Many heads of families, especially in the countryside, considered it their prerogative to vote for their wives and children, and, admittedly, family voting is a tradition in Azerbaijan. Nevertheless, it is a violation of the electoral law, and in some instances, people voted for neighbors as well. In one case in the south of the country, an observer saw a man present twenty passports and receive as many ballots. Moreover, family voting is not merely a cultural phenomenon; it also has important political implications. The official acceptance of widespread multiple voting on election day starkly contrasted with the electoral authorities' strict adherence to the letter of the law during the election campaign, when they rejected signatures on the grounds that one person had signed for several family members. In sum, multiple voting justified the CEC's exclusion of candidates and parties, yet was exploited to ensure that the election met the turnout requirements to be valid.

INTERFERENCE BY EXECUTIVE AUTHORITIES: Members of executive authorities, particularly the police, were present in many polling stations. Police at times intimidated voters, and mayors reportedly interfered in the voting in support of particular candidates. In two instances, international observers witnessed the theft of empty ballot papers, namely in the district where Foreign Minister Hassanov was running for re-election, and in one extreme case -- in the same district -- armed men stole all the electoral material from the DEC after the completion of voting and the preliminary counting at polling station level. At times, local poll watchers and even several international observers were prevented from observing the voting.

In addition, international observers saw more than one person, and even polling officials in the voting booth. In some polling stations, international observers noted campaign material in and around the polling station in violation of the electoral law.

More seriously, polling station officials, seeking to meet the required 50 percent voter turnout, most probably inflated the generally low voter turnout, by adding names and signatures to the voter rolls. In some polling stations in Baku, international observers noted that the voter turnout increased from 20 percent to 90 percent within two hours between 19.00 and 21.00 hours. International observers even witnessed attempts at stuffing ballot boxes.

Finally, there were killings directly related to voting. In Lachin district, in the southwest of Azerbaijan, a voter shot dead two representatives of a candidate and injured three other

persons after being confronted for having voted for someone else. In another district, a man shot two people in a polling station, after being told that he could not vote for his wife.

Vote Count

Members of PECs counted the ballots after voting ended at 22.00 hours. They also filled out protocols indicating the number of voters in the precinct, how many actually voted, the number of invalid ballots and the number of votes for and against each choice on the ballot. These protocols were signed by PEC members, as well as by observers for the political parties and candidates. Unused and damaged ballots were to be collected, counted, voided and placed in sealed envelopes. Within 12 hours of the close of polling, the protocols were supposed to be brought to the DEC, which would then tabulate the results for district representative, and if the numbers did not add up, recount the ballots. The protocols for voting to elect the 25 representatives of party slates and the Constitutional referendum would be delivered to the CEC for tabulation.

While counting was carried out accurately in some polling stations, the situation in many others -- and above all, in DEC's, which compared and recounted (if necessary) tally sheets from the polling stations -- was often disorderly, if not chaotic. In many instances, counting officials did not seem to have a clear understanding of the counting procedures, did not void unused ballots, and did not affix seals correctly. Furthermore, they artificially balanced out discrepancies between the number of ballots and the corresponding number of voters in the registration lists, instead of recounting. In many instances, when ballot boxes were emptied, international observers saw bunches of ballots folded together among the ballots, clearly indicating ballot stuffing. In some cases, observers reported lights being "accidentally" turned off when the officials began to count the ballots.

According to the electoral law, counting had to be done openly in the presence of observers and designated representatives of candidates. But a major problem during the 12 November vote count was the exclusion of political parties' observers from polling stations by polling officials with the assistance of the police, especially at the district level. In at least three instances, international observers were also prevented from observing the vote count. Observers for candidates also complained to the Mission that the protocols they signed were not the same protocols that were registered at the DEC.

Above all, there were serious problems with ballot security. Individuals brought hundreds of ballots to the Mission's offices on election day and afterwards, sometimes explaining that they had seized them from people who had tried to engage in ballot stuffing. However, candidates had no mechanism to call for a recount, or to verify that the protocols signed by their observers in the polling stations were the protocols recorded by the DEC. The procedures to account for and control the number of ballots printed, distributed to the Precinct Commissions, valid ballots cast, invalid ballots, and unused ballots to be voided and returned to the DEC were not well communicated, were often misunderstood, and were often poorly executed.

RESULTS OF THE 12 NOVEMBER VOTING

The CEC announced on 22 November that 86 percent of the electorate took part in the referendum for the constitution, and 91.9 percent of voters voted in its favor. A 75 percent approval was needed to pass the referendum.

The CEC also announced that 79.5 percent of the electorate had voted to elect 25 national representatives to the Parliament. Only three of the eight participating parties passed the eight percent threshold for representation in parliament: New Azerbaijan (President Aliev's party) won 19 seats; two opposition parties -- the Party of the Popular Front and the National Independence Party of Azerbaijan -- won three seats each.

The race to elect 100 district representatives to Parliament was contested by 386 candidates. In the first round, 71 candidates were elected. Run-offs were necessary in 20 districts because none of the candidates had garnered 50-percent-plus one of the vote.

In eight districts, elections had to be canceled entirely. Four failed to meet the 50 percent minimum turnout requirement; in three others, voting was annulled due to "violations of the electoral law," and in one district in Ganja city, armed, masked individuals stolen all electoral material. New elections in these eight districts will take place on 4 February 1996. The candidates who ran there cannot run again in the same district. However, they may run in one of the other districts in which the 12 November elections were canceled.

The new Parliament, though not yet fully constituted, nevertheless had a quorum, with 83 deputies. Even though run-off elections had not yet taken place, parliament was convened for its first session on 24 November. At the session, the former Speaker, Mr. Rasul Guliev, was reelected unopposed, with the few representatives of opposition parties abstaining.

THE 26 NOVEMBER RUN-OFF ELECTIONS

On 26 November, 1995, run-off elections took place in 20 of Azerbaijan's 100 electoral districts. The Mission was particularly interested to see whether the irregularities observed during the first round would be addressed on 26 November.

Based on the observations of the Mission's international observers, polling station officials in certain districts made an effort to correct these problems. They did not tolerate multiple voting, and in most of the polling stations observed, candidates' representatives were present throughout the voting and vote count.

However, in many other districts, problems observed during the first round continued during the second round. Most international observers noted family voting throughout the country. Conversely, allegations were raised during the second round that in districts where the authorities favored neither candidate, polling officials prohibited multiple voting so that the elections would not be valid and repeat elections, with new candidates, would be needed.

It appeared to the Mission that the required minimum turnout led election officials in some instances to inflate the number of participating voters, and even to engage in ballot stuffing. In this connection, the Mission's observers again saw representatives of local executive authority in polling stations and DECs.

The vote count was generally more efficient than during the first round on 12 November, in part because the choice between two candidates was the only issue of the voting of 26 November. But there were again cases where poll watchers were kept outside during the vote count, or where only one candidate's representatives were permitted to observe the vote count.

According to the CEC, 61 percent of the electorate took part in the run-off election. In 13 districts, representatives were elected; five districts failed to meet turnout requirements, and in two others, various electoral law violations invalidated the voting. In these seven districts -- apart from the eight districts where election were annulled on 12 November -- repeat elections will take place on 4 February 1996.

OPERATIONS OF THE JOINT ELECTORAL OBSERVATION MISSION

The OSCE/UN Joint Electoral Observation Mission began its activities on 15 September 1995 with the arrival of the OSCE Coordinator. He was joined on 23 September by a finance/logistics officer appointed by the UN, and on 9 October by the UN Coordinator (See Annex I). The Mission opened an office at the Azerbaijan Hotel and established contacts with the CEC and other electoral bodies, Government officials, political parties and candidates, the international community and other entities involved in the electoral process.

By the third week of October, the core team in Baku had been completed by six long-term observers seconded by OSCE member states (one from Finland, one from Germany, two from Switzerland, one from Turkey and one from the United Kingdom). In teams of two, they staffed the Mission's regional offices located in Baku, Ganja and Nakhichevan.

The Mission received the backing and administrative support of the United Nations Office in Baku in setting up its operation. Azerbaijan's executive authorities and other Governmental bodies assisted the Mission in renting office space at a reduced rate, arranging telephone lines, travel on the state airline at government rates, entry visas for international observers, visas to the Autonomous Republic of Nakhichevan and to Astara (an area bordering Iran), as well as visas for Azeri interpreters to travel to Nakhichevan with the international observers. Government courtesies were generally extended to all members of the Mission in Baku and observers had access to all levels of Government.

In observing the electoral process, the Mission closely followed the collection of signatures for parties and candidates, the activities of the electoral authorities, the appeals process for excluded candidates and parties, the media, the political campaign, polling, the count and run-off elections. A key source of information was complaints from aggrieved candidates. The

Mission received 173 complaints from candidates and representatives of political parties in the month preceding the 12 November elections. Most (60.11 percent) were filed by independent candidates, 35 (20.23 percent) by the Popular Front and eight (4.62 percent) by Musavat. Forty-eight percent of the complaints were directed against DEC's, of which 32.94 percent protested their refusal to register candidates without producing conclusive reasons for their exclusion, and 9.24 percent for arbitrarily rejecting signatures. An additional 24.27 percent of the complaints were filed against the CEC for excluding candidates. Another 17.34 percent of the complaints related to the interference of local authorities in the election process, 10.4 percent to intimidation of candidates, and 5.2 percent to interference by the police.

All complaints brought to the attention of the Mission were given a complaint number, summarized and copies were delivered to the CEC. The Mission also developed an electronic database for compiling and analyzing complaints. The patterns established in these complaints helped formulate the Mission's overall assessment of the electoral process.

In close collaboration with the UN Representative, the Mission brought many of the issues addressed in these complaints to the attention of the President, the Speaker of Parliament and the CEC. During a meeting called by President Aliiev on 17 October, the Coordinators emphasized that the wrongful exclusion of candidates and parties from participation in the campaign would flaw the 12 November election from the outset. Neither this appeal nor subsequent informal presentations to the President, the speaker, the Chairman of the CEC and the Chairman of the Supreme Court prevented the exclusion of four political parties and many candidates on grounds open to question.

In light of the above, the Mission decided to issue a pre-election statement on 7 November (See Annex II). The statement noted that it was "of significant concern" to the Mission "that some candidates and parties may have been wrongfully excluded from participating in the parliamentary elections on 12 November 1995, thereby depriving the electorate of the possibility to exercise fully its right to freely choose its representatives".

The core team also followed the political campaign on state television. Local staff regularly watched the campaign spots of individual candidates and especially of political parties, and reported on the content of their broadcasts to the Mission's Coordinators.

Concurrently, the Mission started preparations for election day, compiling a handbook for international observers, developing polling day checklists, and recruiting drivers, interpreters and staff to assist with the deployment of international observers. While ODIHR liaised with member states to send international observers for election day, the Mission was in close contact with the local embassies, the United Nations system and international NGOs to recruit as many locally-based international observers as possible.

Activities of the regional offices of Baku, Ganja and Nakhichevan, which had started to operate on 20 October, mirrored those of Headquarters. The regional teams also followed the political campaign in their locales, attended campaign meetings, received complainants, interacted with local election officials, and prepared election day observation plans. Specifically, they had to

map about 800 polling stations (out of 4,600) to be visited on election day. To this end, the six long-term observers made numerous trips to DEC and PEC throughout Azerbaijan, including refugee communities. In order to have a unified approach, two briefings with all the long-term observers were held at the Mission's office in Baku on 27 October and 3 November.

Relations between the Mission and the Central Election Commission

The CEC was generally accessible to the Mission, whose members were invited to CEC press conferences and other functions. The CEC never refused to meet with the Mission, and usually provided the requested information and materials -- e.g., maps, clarifications of electoral law procedure given to DEC -- although at times with substantial delays. Often, however, the Mission felt that the CEC was being obfuscatory and not forthright.

Controversial issues, such as the CEC's methods for verifying signatures, could be discussed. However, the CEC did not change or modify any decisions or policies as a result of an exchange of views with the Mission.

TECHNICAL ASSISTANCE PROJECT: Most significantly, a technical assistance project organized at the request of the Chairman of the CEC to assist with the tabulation of the results was later rejected by that same Chairman. During the Mission's initial meeting with the CEC, on 26 September 1995, the Chairman noted that during the OSCE/UN needs assessment mission in June 1995, computers were promised to assist with the tabulation of the electoral results. He stressed the difficulties involved in the tabulation process, especially in determining the distribution of the 25 seats to political parties on a proportional basis. The Mission promised to discuss with the donor community and the UN Electoral Assistance Division in New York the possibility of providing technical assistance.

These discussions resulted in a program to provide the CEC with five computers, a technical expert to work with the CEC on developing a software programme, and to explain the tabulation method to observers from political parties. One objective of the program was to build public confidence in the integrity of the electoral process by allowing careful scrutiny of the tabulation of the votes by observers from the participating political parties. The Chairman agreed to the modalities of the program, Government officials were informed, and the British Government purchased five computers. On 23 October 1995, the CEC's computer expert even suggested televising the seminar for the observers from political parties on vote tabulation, to publicize the process.

However, on 6 November 1995, during a meeting arranged to introduce the technical advisor provided by Elections Canada to the Chairman of the CEC, the Chairman announced that the technical assistance program was no longer required. He said there "had been a misunderstanding," and in any case, there was not enough time left to implement the program.²

²-Although the technical advisor did not work with the CEC as originally intended, during his 11 days in Baku he systematized the tabulation of the polling day checklists, developed a database for polling day complaints as well as a database for the deployment of international observers on election day. It would be helpful for future observation

At the District level, cooperation between the Mission and the electoral authorities were generally good, but cooperation with the executive authorities at the local level varied from district to district. In Ganja, for example, the city's executive authorities gave little or no assistance to the long-term observers in setting up the logistics for election day observation. In particular, the accommodations and office space previously promised for the long term observers were not provided.

Observation of Voting and Counting by the Joint Electoral Observation Mission

The great majority of observations in this report regarding voting and counting are based on information supplied by international observers. The Mission's approach to polling day observation was to develop a stratified sample covering approximately 15 percent of the polling stations in 70 percent of the districts, deploying observers to both towns and rural areas. Mobile teams, composed of one or two international observers received maps and a list of polling stations, and were expected to visit between 12 to 18 polling station during the day, and if possible, visit several polling stations twice. They stayed an average of 20 minutes in each polling station. With this approach, observers simultaneously performed two types of observation, using a questionnaire (See Annex III) as a guideline. They observed the voting directly by watching, e.g., whether the voters could cast their ballots secretly. International observers also performed indirect observation by asking the electoral authorities in the polling station and the party poll-watchers who were present about problems and irregularities that may have taken place before the arrival of the international observers. If serious irregularities were observed or reported, an observer team attempted to revisit the same polling station unannounced at a later stage, so as to check whether the irregularity or problem had been addressed.

A total of 122 international observers under the auspices of the Mission observed the 12 November parliamentary elections. Apart from the three members of the core team who were assisted by locally recruited administrative staff, the technical expert from Elections Canada at the Mission's head office and the six long-term observers, 52 observers from 21 countries arrived in Baku in the week preceding the elections, and 60 observers volunteered from embassies, the United Nations system and NGOs inside Azerbaijan. Observers attended a general briefing which was held in three separate sessions, as well as special briefings by the regional coordinators in the areas of their deployment. All observers received a manual which acquainted them with the political background to the elections, the voting procedures and the guidelines for voting. They also received a set of checklists which formed the basis for an independent assessment of the voting and counting.

The Mission deployed 77 observers in the capital and in the east of Azerbaijan (Baku, Sumgait and environs), and sent 10 observers to Nakhichevan, while the regional office in Ganja deployed 25 observers. All told, observers visited 870 polling stations in 73 of 100 electoral districts, representing 19 percent of the 4,600 polling stations in the country, and an average of 12

mission to have a systems analyst set up a computer network with the relevant database programmes and train the staff on their use at the beginning of the operation.

polling stations per district. Observers visited 53 polling stations during counting. Save for one instance -- and only after insistence by an international observer (the head of the US Delegation to the OSCE) -- international observers were not allowed to observe voting in military precincts. Nor was the Mission able to learn how many such districts there were in Azerbaijan; the CEC refused to divulge the information, on grounds of state security.

Each team of observers observed the preliminary counting of ballots in the polling station in which it had observed the end of balloting. They also followed the transport of tally sheets from individual polling stations to the District Electoral Commission. Finally, international observers were also present in DEC's, where tally sheets were compared and ballots recounted.

All observers were debriefed upon their return to Baku so as to enable the Mission to make an independent assessment of the elections. They recounted their experiences, detailing the positive and negative aspects of the voting and counting, and gave their checklists to the Mission.

The Mission received 91 complaints regarding polling and the counting of the ballots of which 69 percent were from independent candidates and 13 percent were from the Popular Front. The allegations raised in these complaints include: ballot stuffing; manipulation of the number of the votes; interference by the local executive authorities in polling day activities; expulsion of observers from polling stations; interference by the police; multiple voting; intimidations and threats; campaigning on voting day; and irregularities or difficulties with filling out the protocols.

The Mission issued a public statement about the election on 15 November. Based on the Mission's tracking of the pre-election period, the observation of voting and counting by the international observers under the OSCE/UN umbrella, and the numerous complaints received, the Mission noted its "serious doubts as to the fairness of the election." The statement concluded that Azerbaijan's elections had in many respects not corresponded to international norms (See Annex IV).

In addition to the OSCE/UN Joint Electoral Observation Mission, other delegations observed the 12 November elections, including the OSCE Parliamentary Assembly, the Council of Europe, and the European Parliament. Some groups, such as the OSCE Parliamentary Assembly and the Council of Europe, issued separate statements.

For the 26 November run-off elections, the Mission deployed 26 observers, mostly recruited from among embassy staffs. The Mission arranged a briefing for them, and prepared different checklists, reflecting the experience of the first round. Observers received instructions on what specific problems to look for, to determine whether Azerbaijan's electoral authorities had made efforts to correct them. The 26 observers, using the same methodology as during the first round, observed the voting and vote count in 18 districts located throughout the country. After returning to Baku, they were debriefed and handed in their checklists to the Mission.

The Mission issued a final statement on 1 December 1995 expressing its overall assessment of the election process from the registration of candidates' and parties to the official announcement of the results (See Annex V). Reiterating its findings relating to the entire

electoral process, the Mission concluded that Azerbaijan's election had not, in many respects, corresponded to international norms.

Official Reaction to International Observers' Assessment

Despite the tight Government control of the mass media, state television and radio broadcast the text of the Mission's 7 November pre-election statement, criticizing the methodology used to verify signature lists. When the Coordinators of the Mission read their post-election 15 November statement at a press briefing, state television broadcast a brief story on the press conference, but did not convey the negative aspects of the assessment.

The official, Baku-based press did not print the Mission's statements of 7 November or 15 November. However, a Nakhichevan newspaper (*Nakhichevan*) did publish an interview with the Coordinator, which included the Mission's criticisms of the conduct of the election.

President Aliev, addressing the first session of the newly elected Parliament on 24 November, commented on the 12 November elections. Notably, he conceded mistakes, and recognized that critical comments made by international observers had been justified. He argued, however, that the shortcomings did not affect the overall positive outcome of the election. President Aliev concluded -- as had the Council of Europe -- that the election had been a step towards democracy.

Relations of the Mission with the International Community in Baku

For the purpose of keeping the local diplomatic community informed of the Mission's activities and the electoral process generally, the UN Representative convened weekly meetings of the ambassadors and the Mission. The Mission's members reported on problems in the campaign, contacts with the Government, and its efforts to get the authorities to address concerns before the election. These meetings helped to encourage assistance and support, assure the ambassadors that the Mission was both neutral and independent and to ensure the smooth deployment of international observers on election day, including those traveling to Azerbaijan from abroad, as well as those from the diplomatic community and international volunteers working locally.

The embassies of Egypt, Georgia, Germany, Great Britain, Norway, Russia and the United States provided the Mission with election day observers from among embassy staff on 12 November. Many of these embassies also provided observers for the run-off elections on 26 November. Although, in accordance with Turkish Government policy, staff from the Turkish Embassy did not serve as observers on election day, the Turkish Government did provide one long-term observer who stayed through the run-off elections, and four international observers for election day, as well as financial support. The early arrival of the four Turkish and four German election day observers was especially helpful, as they assisted with the reconnaissance of polling sites.

Canada, Finland, Germany, Norway, Switzerland, Turkey, the United Kingdom and United States provided the Mission either with direct financial support, long term international personnel, a technical advisor to work with the CEC or both personnel and financial support. Funds pledged by the international community totaled USD\$104,724.00. This figure does not include the USD\$8,100.00 earmarked by the British Government for the purchase of computers for the technical assistance project, since these items were returned to the British Embassy in Baku when the project was canceled.

The original budget, which included the purchase of computers for the technical assistance project, was estimated at \$USD78,610.00. Ultimately, the cost of the observation mission totaled approximately USD\$70,663.00 (estimated telecommunication costs are included in this total). The approximate USD\$34,000.00 difference between funds received and actual cost of the operation will be used to reimburse UNDP for the cost of the Financial/Logistics Consultant's contract, per diem and travel expenses (USD\$26,654.00). The remainder of the funds will go towards covering the cost of the UN Coordinator's contract (See Annexure VI(a), VI(b) and VI(c)). All seven computers, four printers, three photocopiers and three fax machines, as previously agreed with the donor community, have been handed over to UNDP in Baku and will be used for UNDP programmes in Azerbaijan.

CONCLUSION

In the eyes of the Government, which had invited international observers, the Mission's role was, above all, to give international credibility to what it considered Azerbaijan's transition to democracy. In the eyes of the opposition, the Mission's role was to help them expose what they considered the Government's undemocratic practices.

Nevertheless, the observance of internationally accepted standards by all parties involved was the only principle guiding the work of the Mission in Azerbaijan. In this respect, the Mission constantly noted both positive and negative aspects of the election process, irrespective of any political consideration.

It is therefore difficult to assess to what extent the advocacy of international standards of democracy has taken root in Azerbaijan, especially considering that the activities of the Mission were limited in time. Ideally, seminars on democracy to Government officials, political parties and the public at large might have been part of the Mission's work. It would have allowed for a wider, and therefore stronger, dissemination of the principles defended by the Mission and the international community in general. If nothing else, however, the three public statements of the Mission should have demonstrated to the Government and the opposition that an observer mission from the OSCE and the UN will objectively assess the correspondence to international norms of an election process, and that the Government and opposition must keep this in mind for future elections.

RECOMMENDATIONS

Specify in the Electoral Law Procedures for Reviewing Signature Lists: Include in the electoral law clearly defined standards and procedures for the review of signatures collected by the political parties and candidates. These procedures would establish criteria that would guide the work of the DEC and CEC and establish the norms to be used by the Supreme Court when adjudicating appeals.

Improve Ballot Security: Establish procedures for the handling, monitoring and securing of ballots beginning with the printing of the ballots, storage, distribution, use and voiding of unused ballots, handling of ballots if a recount is called for up until their disposal after the electoral results are announced. Better accounting and security procedures would improve confidence in the process discourage ballot box stuffing and other irregularities noted in the process.

Allow More Time: The time frames established in the electoral law were too compressed, especially for the review of signature lists, the appeal process and, most important, the political campaign, allowing only 23 days for candidates and parties to present their platforms. Excluded candidates and parties involved in an appeal procedure had virtually no time to campaign if their exclusion was overturned. (Only once was a deadline extended, when the Chairman of the CEC requested an extension of the time allotted to announce the electoral results from seven to fifteen days following the elections.)

Eliminate the 50 Percent Minimum Voter Turnout Requirement: This requirement established an additional and unnecessary hurdle for the election authorities. It also put them under pressure to meet the requirement using any necessary means, thereby fostering falsification and ballot stuffing. Various Government officials, including the CEC Chairman, already favor eliminating this provision of the law, which should promote its reconsideration.

Monitor Mobile Ballot Boxes: The electoral law permitted roving or "flying" ballot boxes to be brought to voters residing in remote or under isolated conditions. This encouraged abuse, especially considering the pressure on election authorities to meet voter turnout requirements, and the fact that people who qualified for this service did not have to register prior to election day. Once the flying ballot boxes left the polling station, there was little or no supervision of the procedure. This practice should either be discontinued or administrative procedures carefully elaborated which include requiring individuals to register in advance to vote at home.

Provide Information about Military Precincts: With one exception, observers were not allowed into these precincts, and the CEC declined to disclose the number of closed precincts and the number of voters in these precincts. Although Azerbaijan may have justifiable security concerns, not making public the number of voters who participated in the elections, especially in District elections, where small differences in numbers can have a significant impact, does not build confidence in the integrity of the electoral process.

Specify Rules on Executive Authorities' Presence in Polling Stations: The electoral law says nothing about the presence of police or administrative authorities during polling. While

ballot security is always an issue, especially during counting and transporting the ballots, an excessive police presence, as well the close supervision of polling by administrative authorities, may unduly influence or intimidate voters. This applies particularly to countries where the division of powers is weakly developed, and local executive authorities have favored candidates.

Close Polls Earlier or Work in Shifts: Polling stations opened at 08:00 hours and closed at 22:00 hours, forcing PEC members to work a 14-hour day, and then count the ballots, secure them, properly fill out the protocols and deliver them to the DEC's within 12 hours of the close of polling. In some cases, carelessness in counting the vote and not recounting the ballots when the numbers did not agree may have been due to exhaustion among the polling officers. Polls should be closed at 18:00 hours or at 20:00 hours, if the same polling officials are expected to count the ballots that same evening. Otherwise, if the concern is to maximize the number of hours the polls remain open, then the work should be divided in shifts among the polling officers.

Strengthen Division of Powers: Individuals in the executive branch charged with ensuring compliance with the electoral law were themselves candidates in various districts. Their obligations in this respect were in obvious conflict with their candidacy. If Azerbaijan continues to permit executive branch officials to run for elected office -- a practice already banned in other former Soviet republics -- efforts should be made to diminish their opportunities to oversee or otherwise to influence the conduct of the campaign.

Train District and Precinct Election Officials: A programme to assist the CEC in training district and precinct election officials would narrow the gap between the law, the understanding of the law and its implementation. By standardizing and publicizing procedures to conduct the elections, such a programme could help to resolve many of the problems encountered during the registration process, polling and vote count.

Civic Education: Along with a training programme for electoral officials a get out and vote campaign would inform the electorate of their rights and role in the electoral process and encourage voter participation. Moreover, civic education programmes, especially in the countryside, could help inculcate the idea and practice of "one person, one vote."