

Caucasus ELECTIONSWATCH

A weekly review of elections related processes in the Caucasus Region

Volume 2 Issue 5 | 12 February 2013

A bad week for free speech in the South Caucasus.

The last few days have been unpleasant and disappointing for anyone who cares about the future of the South Caucasus and its people. Freedom of speech has once more been the easy victim of crude political machinations.

In Armenia, a former Soviet dissident who is a candidate in this month's presidential elections was shot and wounded; the Foreign Minister led a chorus of negative reactions to mild criticism expressed by European diplomats in Yerevan ahead of the election; an interim report by the OSCE/ODIHR Mission raised concerns about the lack of a level playing field.

In Azerbaijan, two prominent politicians have been imprisoned on dubious charges of stirring trouble in the town of Ismaili. One of them is a candidate in the Presidential election in October. Several other activists remained imprisoned for peaceful protests in Baku in January. Meanwhile a writer who dared to challenge the official narrative on relations with Armenia has been vilified by the state, had his books burned, and been threatened with physical violence.

In Georgia the Parliament refused to hear the annual address of the president, who then decided to hold the speech at the National Library. A legitimate protest by former political prisoners turned violent when the Presidential administration refused to allow a delegation from the protestors to attend the Presidential speech. The police failed to control the situation. A number of opposition politicians were hurt in the melange. In themselves none of these events was serious enough to

create a crisis but seen together they reflect very badly on the region. It seems that intolerance to the views of others is so entrenched in the mind-set of the political actors that it has become the norm.

Freedom of speech is about the rights of those that one does not agree with to express their views. Protecting these rights is a core element in democratic state building. Those who cite respect for the rule of law as a pretext for some of the actions of the last week need to remember that in each of these three cases, the first law of the land is the Constitution, and that basic freedoms are enshrined in the constitution of their countries. It is time these constitutions are respected.

The events in Georgia showed bad judgement on the part of Georgian leaders. The silver lining is that the incident has forced the two sides to enter into discussions on a number of key issues, including Constitutional changes.

It is important that Georgia adopts changes in the Constitution and that this is done in a transparent way, in consultation with different sectors of society and with the advice of foreign organisations such as the Venice Commission. The disastrous constitutional legacy left behind by the Saakashvili government needs changing, but forcing through changes will simply replace one wrong with another. A full public debate is therefore essential and wide political consensus desirable. The Ivanishvili government needs to show that it is different from its predecessor by doing things differently. ■

Caucasus Elections Watch is a specialised weekly publication focusing on elections related processes in the Caucasus, with news and analysis compiled by experts with long experience of the region.

Caucasus Elections Watch is also distributed electronically. For more in depth articles you may also visit our website www.electionswatch.org or join our facebook page.

Published by

LINKS Analysis,
7-10 Adam House,
Adam Street,
London WC2N 6AA

T +44 2075209308
F + 44 2075209309
E analysis@links-dar.org
W www.links-dar.org

LINKS was established in London in July 1997 as an independent, not-for-profit, think tank, working on areas of conflict and conflict prevention, governance, global security and international relations. Over 15 years it has implemented a wide range of activities in support of its basic aims: the peaceful resolution of conflicts and the promotion of democracy in societies in transition, working most of the time through innovative, ground breaking projects. Around 500 events in more than 30 countries were organised.

Regional Partner

International Centre on Conflict and Negotiation (ICCN)

Machabeli str. No 5;
P.O. Box 38 Tbilisi 0179
Georgia

T: (995 32) 923 920
F: (995 32) 939 178
W www.iccn.ge

Subscription:

Caucasus Election Watch is distributed free electronically.

To subscribe please send empty email with the word subscribe in the subject to subscriptions@links-dar.org. To unsubscribe please send an empty email with the word unsubscribe in the subject to subscriptions@links-dar.org

Printed copies of the report are available against payment.

Price for 1 copy, including p+p:

UK £5, Other EU €7,
Other countries €10

6 months (26 issues) 10% discount Bulk order :
50 copies and more 10% discount.

The EU and the elusive quest for freedom of speech in the South Caucasus: Keep the message simple and consistent.

The European Union has few tools at its disposal when responding to threats to freedom of speech in the South Caucasus, except for its moral authority. The institution and its member states are not perfect by far, but together they represent the best practise on issues related to human rights and democratic traditions. Governments and people in the South Caucasus recognise this even if they do not always admit it.

The events of the last few days in the three South Caucasus countries caused concern. None was serious enough to trigger a crisis but all were serious enough to raise alarm bells and to highlight the question as to what is the end game of the EU with regards to the region on this issue. The soul searching has started and it will continue, probably until November or thereabouts when the EU expects either to welcome Armenia, Azerbaijan and Georgia closer to it through Association Agreements, or relegate all or some of them to the status of trade partners.

Activists in the region are becoming increasingly impatient with the diplomatically worded statements issued by Brussels and Strasbourg. Yet for the moment the best option for the EU is to keep the message simple, clear and consistent: Issues of freedom of speech are central to the way that the relations

will develop, and countries that violate the rights of their citizens to freedom of speech should not expect to have good, let alone privileged, relations with the EU.

The EU needs also to act more united and boldly in the two continent-wide institutions that are entrusted with the protection of human rights and democratic values. The 27 member states of the EU constitute nearly half the member states of the OSCE and nearly three-fifth of the member states of the Council of Europe, yet the EU punches well below its weight in both institutions. It is time for this to change. These two bodies need to act much more robustly and decisively vis-à-vis shortcomings in the three countries and the EU needs to be on the vanguard of this process.

The EU must keep freedom of speech and democratic rights at the top of its agenda in its relations with Armenia, Azerbaijan and Georgia. It needs to be ready to downgrade political relations in case of persistent shortcomings. Its message to Baku, Yerevan and Tbilisi needs to be short and crude, in order that it is not lost in the diplomatic parlance. In November it must than act in a resolute and consistent manner for the sake of both the people of the South Caucasus and of its own credibility. ■

This commentary was prepared by the editorial team of
Caucasus Elections Watch



Pro Government supporters burning books of Akram Ayisli in Ganca.

Azerbaijan, Oh so modern!

Azerbaijan chose the week in which it launched its first communication satellite into space to crack down on a writer who dared challenge the official narrative of history and relations with Armenia.

Observers could not fail to notice the irony that whilst the space launch was being hailed as an example of Azerbaijan's success as a modern state the burning of the books of Akram Ayisli and threats by a pro government politician to put up a prize for the author's ears, sounded more like medieval acts of intolerance.

Akrum Aylisli was last week officially stripped of his "People's Writer" title and his presidentially-awarded pension. He was also expelled from the Union of Azerbaijani Writers. The actions were taken because of Aylisli's novel "Stone Dreams," published in a popular Russian magazine last year. It focuses on clashes between Azerbaijanis and Armenians in Baku and Nagorno-Karabakh in the 1990s and challenges stereotypical characterisations that have been part of the official narrative of events.

"Spontaneous" public protests against Aylisli and rituals in which Ayisli's books were burned have now been followed by a bizarre offer by a pro government politician to pay a prize of 10,000 manats (around US\$12,700) for the ear of Ayisli. Aylisli is now saying he is considering leaving the country because he is afraid for his life. ■



Protestors outside the National Library in Tbilisi demand that their views are heard by President Saakashvili (photo courtesy of IPN).

Georgia: Oh so democratic!

Georgian civil society organisations had tough words for politicians following incidents at a protest in front of the National Library where President Saakashvili was due to speak. The International Society for Fair Elections and Democracy, Transparency International – Georgia, Georgian Young Lawyers' Association and the Open Society – Georgia Foundation condemned the acts of violence that ensued.

In their statement the four NGOs said "We believe that the Ministry of Internal Affairs of Georgia has failed to take preventive measures in an effective manner to avoid injuring of guests of the event. The situation could only be de-escalated after the Interior Minister arrived at the scene. It is clearly a positive fact that the minister personally got involved in the developments; however, we believe that the Interior Ministry has failed to plan adequate measures for ensuring safety of participants, resulting in the necessity to postpone the presidential address."

The NGOs warned that "freedom of assembly and expression is one of the most important values of a democratic society but it must be realized within the legal constraints. We understand that some people have been suffering from the sense of injustice for over the years; nevertheless, this may not justify such illegal acts." ■



Caption: Armenian Foreign Minister Edward Nalbandian (photo courtesy of the UN).

Armenia: Oh so diplomatic!

The Foreign Minister of Armenia, Edward Nalbandian led a chorus of criticism against views expressed by diplomats from EU member states ahead of the presidential elections.

The diplomats, namely British Ambassador Katharine Leach and Polish Ambassador Zdzisław Raczyski's had made mild criticisms and expressed hope for free and fair elections. Pro government politicians lined up to criticise the two Ambassadors and accusing them of interfering in internal affairs. The Foreign Minister then weighed in suggesting that the two Ambassadors had crossed the boundaries of diplomatic practise, with Nalbandian citing his experience as long time Armenian Ambassador to France to show how diplomacy should be done. Diplomatic circles in Yerevan are surprised by the audacity of this criticism given that Armenian diplomats in France, the United States and other countries are often involved in supporting candidates who are sympathetic to pro Armenian issues in the countries they are accredited to, whilst the Polish and British diplomats in Tbilisi were simply making comments about how the democratic process could be consolidated. ■

Armenia's peculiar election.

The OSCE/ODIHR Election Monitoring Mission issued an interim report on 7 February in which it described the first two weeks of the presidential Election Campaign in Armenia as "low-key and of limited visibility".

The Mission has strived to go through the motions of monitoring the campaign despite the somewhat bizarre circumstances that have surrounded this election.

One of the eight candidates in the election formally withdrew from the race on 8 February. The Central Elections Commission duly accepted his withdrawal and cancelled his candidature. Aram Harutyunyan call for the other six candidates challenging incumbent President Serzh Sargsyan to withdraw from the race has so far been unheeded.

Another Presidential candidate Andreas Ghukasyan has been on hunger strike since the campaign started on 21 January. Speaking to journalists two weeks later Ghukasyan lambasted the OSCE/ODIHR Election Mission which he said was there to legitimise a fraudulent election. He accused the mission of misleading the Armenian people and called on them to pack up their bags and leave.

Yes. No. Yes. No..... Yes. Maybe. No

Immediately after the shooting of Presidential candidate Paruyr Hayrekian earlier this month speculation started about a possible postponement of the election. The Armenian Constitution enables a Presidential candidate to petition the Constitutional Court asking for a deferment in case of extraordinary circumstances. It was perceived that the shooting disabled Hayrekian at least for some days during the campaign and that asking for a deferment was a legitimate demand and might be considered.

There however followed a period of indecision on the part of Hayrekian which has not helped make an already troubled election campaign any better. First Hayrekian said that he would not ask for a deferment, than he changed his mind, not once but several times, than he submitted a request for a deferment at the very last moment allowed by law, only to withdraw it the following day. There were in the meantime a number of conditions and provisos raised by Hayrekian, all of which were external to the main argument of whether or not he had been put at a disadvantage by the shooting to the extent that an election postponement was necessary.

Despite a spirited attempt by the incumbent President Serzh Sargsyan to keep the campaign on track and to canvass for votes in a traditional manner the lack of a visible opponent, the overwhelming advantage of incumbency and the decision of a number of political forces to keep aloof from the process has made this election look very peculiar. ■

Excerpt from the blog of the British Ambassador to Armenia Katherine Leach

"I'm pleased to say that the UK will send 25 election observers to join the ODIHR mission. We really welcome President Sargsyan's commitment to holding Armenia's best ever election. But it is disappointing that three of the key non-government parties in parliament are neither putting up a candidate of their own nor backing any other. Are these parties not standing because they lack finance, because they lack trust in a fair result, or because they are not really opposition parties as we would normally understand the concept? If they lack finance, is it because potential wealthy backers are concerned about what will happen to their businesses if they back the wrong horse or because they have not found a way of communicating their message in a way which would inspire donations from the general public? (It's interesting that, despite predictions to the contrary, President Obama raised more funds than Mitt Romney in 2012, largely thanks to his success in connecting with voters and activists and getting many small donations of under \$200). In monitoring the campaign and talking to members of all the parties over the next month, we'll be doing our best to understand what more could be done to promote a truly vibrant spirit of political competition.

But after over a decade of elections badly marred by fraud, perhaps the biggest challenge for the Armenian authorities in this election is trying to rebuild and win the trust of its people and partners. Will this happen? I very much hope so. Looking from the outside, it seems to me that the following three areas are crucial ones for state authorities to focus on during the election period and in the follow-up period afterwards. the voter list. I know there have been commendable efforts by local police and NGOs to check lists and deal with some of the inaccuracies and practices which look open to abuse (e.g. multiple names registered to a garage). But the fact that the list has continued to increase since 1991 when people's day to day experience tells them that the country has lost population creates unease for the ordinary voter. Thinking about ways to give people confidence in the list perhaps by requiring an annual re-registering might be the answer in future. In the meantime, the authorities can make every effort to follow up and investigate precincts where there appear to be unusually high turn-out or vote tabulations showing surprisingly repetitive numbers. the involvement of public servants. It would be great to see strong messages from all senior political figures during the campaign about the importance of impartiality for all public servants (civil servants, teachers, doctors, lawyers, police etc), especially when they are dealing with their colleagues/subordinates, or those members of the public dependent on them (e.g. parents in a school). responding vigorously to complaints. Not all complaints may have sufficient evidence/legal base to result in a criminal charge, but if the authorities can show that they are responding quickly and seriously to concerns raised by citizens, this may have an increasingly preventative/deterrent effect, and will increase the ordinary voter's confidence that the authorities mean what they say.

We're really looking forward to the campaign and hope that there will be a real discussion not just of personalities, but also of policies".