

**Azerbaijan Democratic Republic - 92**

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**Views on the history  
of democracy development in  
AZERBAIJAN  
and  
TURKEY**

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## INTRODUCTION

This book contains a record of the proceedings of the conferences conducted by the Center for National and International Studies in cooperation with scholars from leading Turkish Universities in 2009-2010 and dedicated to the 92nd anniversary of the first democratic republic of Azerbaijan.

One of its aims is to put the current state-and democracy-building efforts in Azerbaijan, as well as the processes taking place in Turkey, in their historical context to make a comparative analysis which can facilitate an understanding of the root causes of the peculiarities of the difficult transition in Azerbaijan and Turkey. This book does not claim to be scholarly research in the strictest sense of that term, although the speakers at the conferences were well-known academicians - professors from leading Turkish Universities and scholars from Azerbaijan's Academy of Sciences. Yet, together with an analysis of current events, this work presents previously unpublicized historical facts related to the process of state-building in both these countries, as well as to different periods of bilateral relations and mutual influences.

There are several ways in which this historical context may be helpful in understanding current events. First, it allows us to see events in their chronological perspective, which may illuminate not only the particular value of an event but also the relative significance of something that might otherwise have been perceived as being of unique importance. This chronological perspective also demonstrates the constant dynamic of social, political and economic events and allows us to appreciate the deep causes of social and political phenomena in a way we might otherwise have failed to do. But most importantly, from our project's perspective, history helps to reveal the true potential of people's social, economic, cultural and political development.

The other feature of this publication is that it includes the discussions that formed an inseparable part of each round table and reflect certain characteristics of Azerbaijan today.

As emerges from this book, the first of these characteristics is the over-riding interest and desire of the public in Azerbaijan to learn from the experience of their important neighbor and to develop skills and knowledge in the area of politics, economics and public administration. Second come the people's obvious capacity and desire for progress, even in conditions when freedoms are restricted, especially freedom of assembly and thought, of full self-expression and critical thinking. Given this, free thought and free speech can easily become a reality through the establishment of conditions conducive to the unrestricted exchange of ideas. The third and no less important factor is that Turkey has an enormous but unrealized potential for influence in terms of promoting state- and democracy-building in Azerbaijan, a country which has been struggling with its Soviet legacies for almost two decades. In actual fact, relations between the two states at the level of the public are mainly confined to the areas of business and TV serials. Despite the fact that Turkish universities host hundreds of students from Azerbaijan, communication at the level of values is still sadly lacking.

The structure of the book reflects in chronological order the eight round tables which the Center for National and International Studies conducted in the regions of Azerbaijan in 2009-2010. It covers topics ranging from European integration (Ganja) to civilian control over the military (Qax). It demonstrates both common and unique features of the transition in Turkey and Azerbaijan in each of the areas reviewed from both the historical perspective and in the current period. This approach permits a better understanding of the current process-

es in domestic politics and international relations. Furthermore, this learning goes both ways as the round tables provided an opportunity for the elite and public of two neighbors to acquire an in-depth knowledge of each other.

Most importantly, what the audience obtained along with self-awareness and a greater knowledge of history and the root causes of current developments was a renewal of trust and a belief in state institutions and their own capacity to reform them.

The Center for National and International Studies would like to express its profound gratitude to the sponsors of this project - the National Endowment for Democracy and the Black Sea Trust Foundation (German Marshall Fund of the United States). Furthermore, this gratitude goes to all the participants from Turkey - professors and scholars who, regardless of the weather or the state of the infrastructure in the regions, committed their time and energy to these seminars. Our thanks must also go to the local coordinators in the regions and scholars of the Azerbaijani Academy of Science, along with NGO experts in the respective areas. Finally, sincere thanks go to the CNIS management and staff - the coordinator of the project Ilgar Hesenli, the operator Mehseti Tahir-zade, as well as Vefa Jafarova, Ali Novruzov and Mushfiq Eminov, whose valuable contributions made this project possible.

**Leila Alieva**  
**Vurgun Ayyub**

# **TURKEY AND AZERBAIJAN ON THE PATH TOWARDS INTEGRATION INTO EUROPE: PROBLEMS AND PROSPECTS**

(Ganja,  
21 November 2009)

**Hasan Huseynli:** Good morning. The Centre for National and International Studies is staging an interesting event in Ganja today. This is the second such event in Ganja since last year. The topic today is "Turkey and Azerbaijan: Integration into Europe - problems and prospects". We have highly esteemed guests at our meeting. I would like to introduce them to you. Dr Leila Alieva is the head of the Centre for National and International Studies. She has led and organized very serious and interesting projects and events for many years. One of our guests is Cinar Ozen, a professor from Ankara University in Turkey. He has carried out numerous studies regarding Turkey's integration into Europe. Political analyst Eldar Namazov is a well known speaker of our meeting today. Kamran Ismayilov is a professor of history, while Alvan Aliyev is one of the most renowned intellectuals in Ganja. Dr Leila Alieva will now take the floor.

**Leila Alieva:** Thank you very much, Mr. Huseynli. We held a meeting last year devoted to the 90th anniversary of the Democratic Republic of Azerbaijan. The events which we are going to organize this year will be dedicated to the 91st anniversary of the Democratic Republic of Azerbaijan. It is a great honour for us to hold this conference in Ganja, the first capital of the Republic of Azerbaijan. Ganja is an example for us to follow. This time we have invited a professor from Turkey as well because I think that a hundred years ago, relations and moral ties between the peoples of Turkey and Azerbaijan were closer than they have been in the post-Soviet period. Now we want



to resume those ties. Therefore, we have invited a Turkish expert on European integration. Why integration into Europe? Because this issue is high on the agenda in both Turkey and Azerbaijan at the moment. The Azerbaijani state built in 1918 was based on European principles and values. In fact, it was a European state. Being a free and democratic republic was the main value of the Azerbaijani state established in 1918. Freedom and liberalism were the bonds linking it to Europe. It is clear that our historians should still carry out a lot of research into such issues. Therefore, Dr. Kamran Ismayilov, a researcher of the history of the Democratic Republic of Azerbaijan, will speak first. Dr Alvan Aliyev will be our second speaker. After that, the view of European integration in Ganja will be discussed. The second part of the conference will focus more on the modern period. We will take a more in-depth look at the process of integration into Europe in both Turkey and Azerbaijan. Dr.Kamran Ismayilov will now take the floor.

**Kamran Ismayilov:** I am very glad to see you all again. The topic of my speech is "Azerbaijan's modern history: being European". The adoption of European values and Europeanization have been a long historical process in Azerbaijan. Dr. Alieva described the People's Republic of Azerbaijan ( Azerbaijan Democratic Republic) as a European state. On the whole, I think we should view Azerbaijan's relations with Europe in the context of East-West relations. Azerbaijan is in fact part of the European system of values - with its geopolitical and geographic location and also as a nation- state with a European historical experience. Many



Western schools exist to study the East, but for many years the East did not have a school to study Western experience. Azerbaijan is a notable exception in this regard. Starting with Bakikhanov and Akhundov, the process of modernization has found a significant path in the history of Azerbaijan's public and political thought. The establishment of the People's Republic of Azerbaijan (Azerbaijan Democratic Republic) was a logical result of this process. On the whole, the People's Republic of Azerbaijan (PRA/ADR) was a phenomenon that brought together the East's ideas of freedom and the West's democratic values. The Azerbaijani people actively participated in this process in the early 20th century. This demonstrates that we have rich experience in this sphere. In Azerbaijan, the process of forming a national identity went hand-in-hand with modernization. It was no coincidence that our famous thinkers Ali bey Huseynzada, Mammadamin Rasulzada and others viewed our Turkic identity in the context of modernization. The establishment of the Azerbaijan Democratic Republic was a logical outcome of this.

It is very important to know the place the ADR occupied within the system of European values. If we look at the history of this state and the policies it pursued, we can see that the main goal in all spheres was Europeanization. Most of the leaders of the ADR had been educated in Europe. They were thoroughly au-fait with Europe and tried to put European experience into practice. From this point of view, the election system that was widely used during the Republic and the status of the media is of particular significance. If we look at the form of the election system, we see a number of interesting points. In many



ways, the election system adopted at the time was even more democratic than the election systems of some European countries. I would like to mention one fact here. The right of passive or active election, which is widespread across Europe now, and the advantages of this system were very clearly explained to people by Mammadamin Rasulzada, our great thinker, who incidentally had not studied law at university.

I would like to note that Azerbaijani thinkers were well aware that Europeanization was a difficult but inevitable process. We may call it integration or globalization, but this process speeded up under the Democratic Republic of Azerbaijan in 1918-1920. A number of experts at that time expressed their views on this problem, i.e. Europeanization in the East-West context. Ahmad Agaoglu's views on this are particularly noteworthy. In his analysis he compared Eastern and Western states. Comparing Western democracies with the closed state structures of the East, Ahmad Agaoglu said that the latter were doomed to failure. He went on to say that sometimes Asians and Turks are described as nations far removed from democracy. However, the Turkish nation has many talents, including brilliant intellects. Turks are ready not only for science and technology but also for cutting-edge (modern methods of) management and law. One simple thing is lacking: the habit of self-criticism and praise. Agaoglu also said that Turkish peoples were doomed to failure as long as they were incapable of viewing themselves from outside.

To take up the point just made by Dr. Alieva, I would like to say that in many respects the Democratic Republic of Azerbaijan was far ahead of the Ottoman Empire in terms of

proximity to Europe. The Ottoman Empire at the time was a despotic state very far removed from European values. It also made attempts to stop Azerbaijan from being a European state. In response to that, Nasib bey Yusufbeyli said that Azerbaijan was not Turkey, and that Azerbaijan could not be ruled from Istanbul. He said that Azerbaijan had a different system of values. In fact, this system of values meant that we had already started to adopt a European system of social and political relationships and in practice we preferred European values to Eastern traditions. This process, as I said, started in the early 19th century. We have to admit that the Russian occupation was another major factor behind our role as a bridge to Europe. Azerbaijan's historical experience shows that our people deserve to be members of the European family of democracies and we will definitely achieve this.

**Leila Alieva:** Thank you very much, Dr. Ismayilov. Our next speaker is Alvan Aliyev.

**Alvan Aliyev:** Our history books say that Ganja was chosen as the capital of the Democratic Republic of Azerbaijan because Baku was under foreign occupation at the time, and it was impossible to get to Baku. This view is well grounded. But I think destiny also played its part here. In every country, there is a city with a special mission. Apart from geographical factors, Ganja was chosen as the capital because it was a city with a special mission. (The late Azerbaijani historian) Ziya Bunyadov wrote that there were three cities in the Turkic-Muslim world "where boys were born armed with swords". In other words, the

peoples of those cities were always ready to fight. One of those cities was Herat. Another was Ganja. In the early 20<sup>th</sup> century, Ganja also played a special role from the viewpoints of politics and statehood. Fatali Khan Khoyski, who grew up on this soil, convinced (British) General Thompson that it was a civilized nation with the right to build its own state. Another man, Alimardan Topchubashov, who convinced the leaders of great powers at the Versailles peace conference (of the need to recognize Azerbaijan's independence), was also from here. The Topchubashov family goes back to the 15<sup>th</sup> century in Ganja. Most intellectuals, including Khalil bey Khasmammadov and Ahmad bey Agayev, also had links with Ganja. A little while ago, Dr Kamran Ismayilov rightly said that a parliamentary republic was established here. An electoral system was established which was the envy of Europe at the time. Over 80 newspapers and journals were published. Thirty of them were in the Turkic language, while the rest were published in other languages. Although the parliamentary republic in Azerbaijan was short-lived, it did a very good job. Ahmad bey Agayev (Agaoglu) said that we could remain Turks and Muslims in spirit, but our minds had to become European if we wanted to be successful.

Ali bey Huseynzada said that we must try to adopt a European mindset. He warned that if we could not do this, we would end up in the stomach of Europe sometime in the future. I believe that Ahmad bey Agaoglu and Ali bey Huseynzada were the first teachers of the Azerbaijani people.

The second part of my speech has to do with the modern period. Our great writer Qarib Mehdi, who lives in Ganja, said: Ganja's tragedy was that Khudadat beys fathered sons like



Khudayar beys. As you know, Khudayar bey is the anti-hero in one of Jalil Mammadquluzada's novels. One of the reasons we are facing problems with European integration today is that people like Alimardan bey Topchubashov are being replaced by other types of people, and the results of this are far from positive. Of course, I have a lot to say here, but I am conscious of time-limits. I would, however, like to mention one thing. The great (poet) Mirza Alakbar Sabir said: We brace ourselves to cross a river before the river runs by (meaning that Azerbaijanis tend not to do things in time). European integration is a good thing. We should do this wittingly. I would like to stress two points: first, European integration should not mean losing our Turkic and Islamic values. Second, European integration is being implemented only in form, not in substance nowadays. Azerbaijan has joined the Bologna system. But many of those who are in charge do not know what this Bologna system is about. The form rather than the essence of European integration is being played up here. Today, the law on the state language is not being implemented, for instance, in some villages of Qusar District. We should resolve such issues before integrating into Europe. Thank you for your attention.

**Dr Leila Alieva:** Your speech was very interesting. I suggest we move on to the second part right away and then continue with general discussions. Our next speaker is Dr Cinar Ozen. He will speak about Turkey's integration into Europe.

**Dr. Cinar Ozen:** I am Cinar Ozen, a teacher at the International Relations Department of the Political Sciences

Faculty of Ankara University. I am doing academic research on the topics of Turkey and Europe. It is always exciting to be in Azerbaijan. This is my first visit to Ganja. Before starting my speech, I would like to briefly comment on the crisis (in Turkish-Azerbaijani relations). Then I will turn to the topic of European-Turkish relations.

I would like to assure you that Turkey would never allow anyone to do even the slightest harm to Azerbaijan. That would be the end of any party or political leader in Turkey. The (Turkish) government did not start the process correctly and has not managed it in the right manner. Why and how did this come about? We can discuss this issue later on. The people of Azerbaijan are our brothers, they are us, ourselves. Our problems with Armenians go back further than yours. I believe Turkey's rapprochement with Armenia and the reopening of the border is impossible before resolution of the Karabakh conflict. This crisis was magnified artificially and played into the hands of those who sought to damage our relations. But acts of provocation can happen at any time. I mean, I can also bring together 30 people, set the Turkish flag on fire and show that on television. This is not what the Turkish people really feel or think. I hope you will have an opportunity to visit Turkey and talk to your Turkish brothers there. If you do so, you will see for yourselves that they (people in Turkey) will say exactly what I am saying here. Similar propaganda has been carried out in Turkey as well. I mean, they said that Turkish flags were being pulled down in Baku. This did not worry people in Turkey. On the contrary, people in Turkey said: They (Azerbaijanis) are doing absolutely the right thing. We did not

support them as much as we could have done. I think that things like this cannot damage fraternal relations between Turkey and Azerbaijan. Such a thing is not possible. But it demonstrated that we should be prepared for things like this. I think that similar acts of provocation may well be repeated.

Now I would like to tell you about Turkey's experience of the European Union. Mustafa Kemal Atatürk was a pasha (general) of the Ottoman Empire. When the Ottoman Empire collapsed, he took off the uniform of emperor, donned the national uniform and started a national struggle. When he started this struggle, what he had in mind was a democratic republic. As Kamran bey said, the Ottoman Empire had launched a constitutional process. But it was a multi-ethnic empire based on religion. What Mustafa Kemal had in mind was a republic of which people could not even begin to conceive. In other words, a multi-ethnic republic based on religion and Turkish culture. He waged a national struggle and established the Turkish Republic as a result. Speaking to his contemporaries, Mustafa Kemal said that the Ottoman Empire actually collapsed because it could not keep pace with developments in the world. In other words, the young republic had to adapt to the system of the powerful states of the time if it was to survive. He laid the foundations for this. National sovereignty was the most important factor. The process of Turkish integration into Europe started right after WWII. Its integration into Europe was completed in the years after the war. If you remember, European countries almost destroyed each other during WWII. This persisted after the war. Half of Europe was under Soviet occupation, while the other half had no economy. The unification of Europe started

economically with the Marshall Plan. NATO was established. West Germany was built. "The European Coal and Steel Community" was founded. This group, which seemed unimportant at the time, in fact formed the nucleus of the organization known today as the European Union. Two things made this initial grouping important. First, coal and steel were of strategic importance at the time. The use of petrol was very limited. France did not have coal. France and Germany were in a dispute over coal-rich regions. Steel was also one of the important raw materials needed for heavy industry.

Second, this organization was established on a supranational basis, meaning it was above the nations mentioned. Other organizations had been established between governments in Europe. Some governments gave up part of their powers in favour of this organization established by Germany and France. Turkey joined this process a bit later on. After the signing of the "Turkey-European Economic Union" agreement of 1958, Turkey tried to join this process. There were several factors behind such a move. First, we inherited this idea from Atatürk. Second, there was a strategy not to leave Greece alone on international platforms due to the problems between Greece and Turkey. Greece drew closer to the European Union during this period. We left Greece alone only once. Since then, we have not been able to rid ourselves of the Greek problem.

Most important of all was the Soviet threat. During the Cold War, the Soviet Union laid claim to Turkish territory. In particular, it demanded a change in the status of the Straits in favour of its own interests. Turkey joined the European security system because of this threat. Turkey concluded an





important agreement within this context. This was called the "Partnership Agreement" and Europe concludes such agreements with third countries. The partnership agreement between Turkey and the full members of the EU was signed right after Greece joined. We call this the "Ankara agreement". Under this agreement, goods, people, services and investments are able to move freely between the sides with Turkey and Europe forming parts of a common market. After that, Turkey was to enter the process of full membership. However, this process did not run smoothly in Turkey. Turkey's lack of success in this can be attributed to both economic and domestic political reasons. On the economic front, the petrol crisis of 1970 was accompanied by major financial crises. This was also the period when the Cyprus issue flared up. Furthermore, the domestic political situation in Turkey was tense. Therefore, Turkey did not implement the Ankara agreement and ties were severed after the military coup of 1980.

In fact, it was under Turgut Ozal that Turkey started moving towards the European Union. After the first post-coup elections held in 1983, Turgut Ozal set up a political party and gained strength. This party, called Ana Vatan (Motherland), came to power. The party made achievement of the goals set in the Ankara agreement a priority. In 1983, Turkey started the full membership process and began taking the necessary measures to integrate into that market. In 1996, the free movement of goods - in terms of customs - was ensured. Turkey is part of Europe in terms of industrial produce. The full membership process, which started in 1987, has brought with it a number of problems.

There were three criteria forming the Copenhagen criteria, which were agreed on with Eastern countries in 1993. The first was political. In other words, there had to be a political system that respected minorities, and there had to be a law-governed state.

The second was the economic criterion, which meant that there had to be a market economy that was capable of competing with other economies.

The third was that the country had to be in a situation to adopt and comply with the legal regulations of the organization called the European Union. Problems emerged concerning Turkey's compliance with the legal criteria. In fact, I have to say that the AKP (Turkey's ruling Justice and Development Party) has made great contributions regarding this process. The AKP was established in 2001 and came to power in 2002. The political reforms the AKP has carried out since 2002 have turned Turkey into a country that complies with the EU criteria. In 2004, the European Union announced that Turkey had met the political criteria. Talks between Turkey and the European Union on the Cyprus problem have been deadlocked. Apart from that, Turkey has one other problem. It seems that France and Germany have changed their minds on Turkey. In other words, they are trying to force Turkey to accept something other than full membership.

To sum up, I would like to say that Turkey had two goals when it started the EU membership process. The first was to grow richer, and the other was to become more independent. These were the two things we wanted to achieve. Thank you.

**Leila Alieva:** Thank you so much, Dr Ozen. The next person to take the floor is Eldar Namazov, the current chair of the Azerbaijani National Committee for European Integration.

**Eldar Namazov:** First of all, I would like to thank Dr Leila Alieva for organizing this conference. I represent the Azerbaijani National Committee for European Integration here. Our committee was established three years ago. It brings together a number of prominent Azerbaijanis. We have very good economists (on our committee). The most well-known political analysts - Leila Alieva, Rasim Musabeyov, Zardusht Alizada and others - are members of this committee. The leading lawyers of Azerbaijan - Intiqam Aliyev, Rashid Hajili, Annagi Hajibeyli and others - are also members of this committee. I would like to say that people who are actively participating in all areas of life in our society are members of this society. Our goal is to help Azerbaijan integrate into Europe, to monitor this process and make people aware of the existing problems and prospects.

The process of European integration started from the very first day when Azerbaijan regained its independence. Historically, integration into Europe has always been a symbol of Azerbaijan's independence. Under the Democratic Republic of Azerbaijan (1918-1920), our foreign policy orientation was to join the European family. After we regained our independence, integration into Europe was again made a key priority of Azerbaijan's foreign policy. After the collapse of the Soviet Union, Europe asked itself: What is this South Caucasus? Is the Caucasus part of Europe? This issue was debated in European capitals for several years after the



break-up of the Soviet Union. Finally, Europe decided that the South Caucasus was part of Europe as well. After that, the republics of the South Caucasus - Azerbaijan, Georgia and Armenia - were admitted to the Council of Europe. Azerbaijan is not a member of the European Union. But not being a member of the European Union does not mean that we are not a European country. There is the Council of Europe which brings Europe together, and we are a member of this organization. Azerbaijani sportsmen participate in a number of championships held in Europe. Azerbaijan has already joined many European organizations. Azerbaijan is part of Europe. Let us accept this as a fact.

It is true that the most powerful organization in Europe is the EU, which is the motor and heart of the European economy. Azerbaijan is not yet a member of the EU. We have joined a number of structures. From now on, we should integrate into the main structures so that we can complete the process of European integration. The European Union has drawn up a special programme for newly-independent countries. It set out a Neighbourhood Policy. When the European Union announced this Neighbourhood Policy in Brussels, government officials, ministers, opposition members and leading members of civil society were invited. I participated in that forum in Brussels as a representative of Azerbaijani society. When the European Neighbourhood Policy was unveiled, some countries said they were not happy with it. They were not happy because the European Neighbourhood Policy covered not only the countries of Eastern Europe and former Soviet states, but also some countries of North Africa - Algeria and Morocco. Some of the countries that were included in this European

Neighbourhood Policy, particularly Ukraine, Moldova and Georgia, protested openly, saying that they wanted to be members of the European Union and not just neighbours of Europe. Therefore, they said a new cooperation programme had to be prepared for these countries. Then a process began to design a separate programme for those five or six countries. However, the Neighbourhood Policy had already been announced, and every country, including Azerbaijan, had signed an agreement with the European Union. This agreement was called the Action Plan. There were 10 main provisions to this agreement which Azerbaijan signed with the EU. They were related to issues like resolution of the Karabakh conflict, democracy, human rights, the fight against corruption, small and medium-sized businesses, etc. Azerbaijan made specific commitments in 10 priority areas. Since then, our National-Public Committee has been monitoring the Azerbaijani government's fulfilment of these commitments. Early this year we presented the results of our two-year monitoring, held in 2007-2008, to the European Commission in Brussels. It transpired that the Azerbaijani government had been successful in the implementation of only part of the agreements in these 10 priority areas. These mostly related to energy cooperation with Europe. But the reforms required had not been carried out in a number of areas, including in the sphere of law, the independence of courts, etc. The assessment of the situation in some areas was negative. In other words, we had regressed. After our monitoring, the European Union released the results of its own monitoring, giving an assessment of the Azerbaijani government's performance in these areas. Our assessment of the situation fully coincided with the assessment by Brussels.

As I have already mentioned, when it was announced the Neighbourhood Policy provoked a debate. Georgia, Ukraine and Moldova protested. In response, in May 2010 the European Union declared its Eastern Partnership policy for six countries. What does this Eastern Partnership policy promise us? It contains several issues that are of major importance to us. The European Union says that an association agreement should be signed between these countries. In other words, what is implied is quite a strong union and not merely cooperation. Some of the current members of the European Union, such as Poland and Hungary, signed similar association agreements before becoming members of the European Union. This is a message. This is a sign that the European Union sees these countries as future members, but it is not announcing this officially for various reasons. There are two main reasons. The first is that this constant enlargement causes very serious discontent within the European Union. Some people think that it will take the European Union many years and huge amounts of money to bring countries such as Poland, Hungary and Romania to the level of France or Italy. The second reason is connected with the constant pressure Russia is putting on the European Union.

What would EU membership give to Azerbaijan? First of all, borders would be opened, and the visa regime banned. Azerbaijani citizens would be able to travel easily to countries of the EU, and Azerbaijani students would have the opportunity to freely go to European countries to study.

But there are also very serious problems for us. We should consider not only the opportunities but the problems as well. The European Union noted two important issues



when it announced the association agreement. The first was that the association agreement would be signed with each country individually at different times, not with everybody at the same time. The countries which get ready for this process quickly, those which carry out legal and political reforms more successfully and get closer to European standards will sign this agreement with the EU more quickly.

Second, members of the World Trade Organization will be able to join the association agreement more quickly. This is because members of the World Trade Organization have already met a number of EU requirements - those concerning the economy, customs and borders. In other words, the same road does not have to be travelled twice. Azerbaijan lags behind other countries when it comes to these two conditions. Ukraine, Moldova, Georgia and Armenia are already members of the World Trade Organization. They are ahead of us on this issue. The European Union will hold no talks with them on these issues.

Secondly, everybody knows how the situation is in Azerbaijan with legal and democratic reforms. It is clear that we lag far behind Ukraine, Georgia and Moldova on these issues.

The Eastern Partnership programme has opened up great opportunities for Azerbaijan to speed up integration into Europe. But there is also a real threat: The association agreements with Ukraine, Moldova and Georgia could be signed in a year or two. Azerbaijan, however, could get bogged down in this process. Azerbaijan should join the World Trade Organization first. We are too late for WTO membership. Our customs, tax and other services must be fully transparent for this. We cannot join the World Trade Organization if we fail to



meet these conditions. Such problems could really delay the process of European integration for Azerbaijan.

There is also an even bigger and general problem here. A while ago, Alvan bey rightly said that we care more about the form rather than the essence. I believe that there are serious political forces in Azerbaijan that are hampering European integration. They do not really want Azerbaijan to become part of Europe. They oppose this because it is not in their political interests. Being a member of the European Union would mean democracy, free and fair elections, an independent media and officials accountable before law just like any other citizen.

These forces do not state their real reasons when they pervert or delay this process. They are looking for false arguments to support their view that we should not hasten to join the European Union. At times, arguments are voiced which are absurd or misguided. They say that our mentality is different from the European mentality, and start playing up the issues of various minorities.

There is a law in the European Union. It says that every country joining the European Union decides on its own what conforms to its culture and conditions. No-one is forced to live like others. The difference between Portugal and England is bigger than the difference between Azerbaijan and Italy. Something that is punishable in one country (member of the EU) is not in another because of national (local) characteristics. For example, a journalist's programme is banned in England. He brings his case to the European court. The same kind of programme is banned in Italy as well. He also files a suit in the European court. The European court decides that, for instance,



the Italian government is guilty and should pay compensation to the journalist. In the other case, the court rules that England is not guilty because the state of England correctly banned the broadcast . In other words, it is European policy to preserve diversity and cultural differences. Not everyone can be the same. Every person is an individual. Peoples and cultures are different. Equality before the law is what unites them all. This is the European principle. It is up to each country to decide for itself what it will be: one country is a presidential republic, another is a parliamentary republic. Every country has its own characteristics, and the European Union cannot prohibit this. But elections must be free and fair. People and society should elect their own parliament and president. There are those who believe that being European is not in the culture of the Azerbaijani people. This idea is totally misguided. The people who say this are sometimes shown on television. They wear Italian suits and wear watches produced by the best-known companies in Switzerland. Their children are being educated in Europe and the USA. What all this means is that individually, these people have fully integrated into Europe. But they are telling other people: No, this is not for you! Therefore, I think that one of the biggest obstacles in the way of our integration into Europe is the (lack of) political will. It is not clear enough whether the political will exists here. On the contrary, we have been hearing threats in recent years. They say: "There are alternatives. We can join the Islamic world or Russia if we wish." Such statements and approaches are not to be taken seriously. Thank you for your attention.

**Leila Alieva:** Dr Namazov, thank you very much for your interesting and detailed speech. I had a very interesting conversation with Cinar bey in Baku. We discussed which country had a better chance of being integrated into Europe: Azerbaijan or Turkey? Cinar bey said he thought that Azerbaijan had the better chance of joining Europe. He gave two arguments to support his view. The first was that Azerbaijan is a country with a smaller population but larger (natural) resources. This makes Azerbaijan of interest to Europe, while on the other hand it does not represent a demographic threat. Now we can start discussions.

**Ramiz Khalilov:** I am Ramiz Khalilov, from the State Agrarian University of Azerbaijan. I would like to greet you all and thank you very much for organizing this conference. A very important and topical issue is being discussed here. That is the topic of European integration. Why Europe? Because it is in Europe where a just society has been established for every individual.

There are some ethnic groups that have lived in Europe throughout history. They are still living in Europe, although as minorities. For instance, Tatars live in Finland and Crimea. They have been exiled from their lands, but have preserved their culture. I wonder if we know all about this? This needs to be researched.

Under the Soviet Union, newspapers affiliated to the central apparatus of all Communist parties could be found in kiosks in Baku. The newspapers of the Communist parties of Lebanon, Uruguay, Iran and others were also there. I used to buy them.

The Turkish Communist Party was based in Berlin at the time. But its newspapers were not available in (Baku) kiosks. They were not to be found because the Soviet government did not allow the sale of Turkish print media (in Azerbaijan). I knew that the Turkish Communist Party published a newspaper in Bulgaria. It was called Yeni Isik (New Light). I met its editor when I visited Bulgaria and signed agreement with him. Under this agreement, I sent copies of the Adabiyat va Incasanat (Literature and Art) newspaper to him from here, and he posted copies of Yeni Isik to me. After the collapse of the Soviet government, people in Qaqauz region started to publish Ana Sozu newspaper. I used to distribute copies of it in Ganja.

In that period, this was not permitted by the Soviet government. Now we have an opportunity to learn about our Turkish heritage, our culture and history.

Do we consider ourselves Europeans? We have to believe in this deep in our hearts. To have such trust, we have to deepen our knowledge of ourselves and Europe. We have to develop science and scholarship. There is something called the "complementary nature of ethnicities". How is this promoted and propagated? Europe has seen anti-Turkish propaganda for many years. How are we going to reduce the impact of such propaganda? One way is through art and culture. The Soviet government no longer exists. But do we have Turkish newspapers here? Can we buy them in kiosks? As a nation, we need to think about these issues.

**Nushaba Mammadli:** There is a novel which I really love. It is about loneliness. It is "The Little Prince" by Antoine



de Saint-Exupery. It says that a Turkish scholar discovers a large planet but Europe does not want to recognize this discovery because he was a Turk.

I believe that all of our woes and tragedies, including the loss of Karabakh, have to do with elections. As long as there are no democratic and free elections in Azerbaijan, we have no moral right to speak of integration. How long will the total falsification of elections continue? Pushkin has a really nice poem, which I have translated into Azeri. It reads: "Does a herd need freedom? They (animals in the herd) need to be either killed or shorn." I am very sorry to say that our people have ended up in a situation like this. We need democratic elections so that Azerbaijan can be integrated into Europe not only as an independent country but also as a democratic and free republic. For me, Europe starts with Turkey. The Turkish Republic is a gateway to Europe. This is the Turkey which was founded by Mustafa (Kemal) Atatürk. I would like to thank you very much for holding this conference in Ganja. I have listened with great pleasure to the excellent speakers.

**Elshad Abbasov:** First of all, I would like to thank Dr Leila Alieva for speaking so highly of Ganja and for holding such an important conference in our city. I would also like to thank our Turkish guest. Indeed, as Ms Mammadli said, Turkey's integration into Europe is very important for us. I am not an historian. I am an ecologist. Today we can all see how the values of the ADR are changing. As an active member of civil society, I am delighted to say that when negative changes (were proposed to) the Azerbaijani law on NGO's,

Azerbaijan's civil society resisted that strongly, and the (draft) law was not approved. Our committee has fulfilled an important role during recent events, particularly regarding relations with Turkey. This means that Azerbaijani society is making progress and emerging from stagnation. This makes us happy. I think that to ensure Azerbaijan's integration into Europe, we have to develop as individuals. If we manage to stop the degradation of our values and mentality, it would be a big step towards integration into Europe. The path to Europe goes through all our hearts. I think that we can ensure our integration into Europe by building a democracy in Azerbaijan. Dr Namazov, I have a question for you. In accordance with the advice of Sabit bey, we have maintained ties with the committee for European integration from the day it was established. You are saying that we should move parliament to Ganja. What if we started with civil society and moved the committee to Ganja? What do you think about this?

**Dr Eldar Namazov:** I would react very positively to this. I did raise the issue which you have just mentioned. We decided to launch special programmes (to work) with the regions, to hold forums in the regions to discuss European integration. We also decided to bring together regional committees dealing with European integration. From now on, the committee for European integration has to cover the whole of Azerbaijan. We have already started this programme. We held our first large meeting in Sumqayit. Then we brought together nearly 40 organizations in Khachmaz, Quba and Siyazan (districts) and held a forum in Khachmaz. We are

preparing for a large forum in Ganja as well. A fourth forum will be held in Lankaran tomorrow. Our goal is to make sure that the Committee for European Integration does not operate only in Baku. We aim to establish a network covering the whole of Azerbaijan. You are right. We are aware of this problem and have already started to tackle it.

**Hasanbala Sadiqov:** I am Hasanbala Sadiqov, head of a department at Ganja University. In this conference, which is called "Turkey and Azerbaijan: European integration - problems and prospects", we have listened to several speeches. The topic is generic, and it is impossible to cover all the issues in detail because of the limited time available. As has been said, the world has one successful political model today. That is the European model. I am not going to say that it is ideal, but there is no better model available. Complacency and the idea that "I am not a European" are out of place. There is the European life style, which has already proved to be good. I think that we should view developments in this context. I think Azerbaijan should turn to Western Europe.

What is our place and future in the Eastern Partnership programme, which Dr Namazov mentioned a while ago? Indeed, the Eastern Partnership is a very important factor and phase on the path to the European Union. We need to resolve our problems within this framework and at this stage.

The second question is: Are we really going to lose our Azerbaijani identity by joining the European Union? I think not. You can visit many places as a guest, but the social situation in the place you are visiting does not make you lose your identity. Shah Abbas resettled 2,000 Georgians in Iran. Five hun-



dred years on, they have preserved their own Georgian identity. You have to set up a model and (think) what kind of a nation and community you are going to represent in Europe.

I have been thinking for years about the issue which Dr Alieva and Dr Ozen talked about. It is a frequently-asked question: What has Turkey done wrong that it has been made to wait for so long at the gates to Europe? Free investment in Europe is what Turkey wants most. As Dr Ozen said, they want to grant Turkey a special privileged status rather than full membership of the European Union. In fact, Turkey is a de-facto member of Europe when it comes to industrial production, but it has yet to be accepted as a de jure member.

When it comes to Azerbaijan, it is a small state. We are trying to adapt to the situation we face but are doing little to preserve our identity. Azerbaijan poses no threat to Europe. It is rather a large source of wealth for Europe. If we manage to bring our laws into line with European laws, we will have a better chance of joining Europe compared to Armenia or Georgia. Governments change in Turkey and elsewhere in the world. A people decides its destiny on its own. Popular diplomacy in Turkey views Azerbaijan as a fraternal country. No matter what the Turkish government decides, it cannot open the Armenian border or reconcile with Armenia without the approval of the Turkish people.

**Vali Huseynov:** I am an activist of the non-governmental organization "Mature Citizen". I have two questions. My first question is to Dr Namazov. You spoke about six priority areas in the Eastern Partnership and the People to People programmes. You said in your report to Brussels that



Azerbaijan had not met these criteria fully. Have there been any changes in Azerbaijan since your report?

**Eldar Namazov:** Our report covered two years - 2007 and 2008. I very much regret to say that there has been no progress in any of those areas. In some areas the situation has even deteriorated. This year's monitoring will be completed by 1 December. We will present it in Brussels by mid-December. For now, I can tell you that our assessment (of the situation) is approximately the same. We have seen some backsliding in certain fields again. For instance, our assessment of the situation of journalists and a free media has been very tough. Eynulla Fatullayev has not yet been released from jail. What is more, Emin Milli and Adnan Hajizada were arrested. We have to say in our assessment that there has been no progress but rather some backsliding in these areas. Work on this report is about to finish. I could email it to you if you like.

**Vali Huseynov:** I would like to ask another question. Following that report, have any efforts been made to change the situation?

**Eldar Namazov:** Of course, civil society does not have the resources to radically change the situation. Civil society has to assess the situation and come up with proposals. Some issues are part of state policy and it is the government and ministries that have to work on this. Civil society cannot do their job for them. Therefore, I regret to say that the European Commission and civil societies do not have the



mechanism to force officials to do anything. I have to tell you that this is a very serious issue. Therefore, people in Azerbaijan are getting frustrated with European structures. The Council of Europe has found itself in a very difficult situation because of Azerbaijan. Never before in its history had it found itself in such a situation. I mean, countries join the Council of Europe of their own free will. No-one forces them to do so. On joining, countries make certain commitments. Azerbaijan too made commitments before joining the Council of Europe. Having begged for membership, we were admitted to the Council of Europe. But now we are saying that we have our own mentality, our own ways of holding elections and treating journalists. The Council of Europe was not ready for this. Its charter does not contain a mechanism to force a country into doing something. European countries make certain commitment when joining the Council of Europe and fulfil these commitments voluntarily. This is what this organization had become accustomed to. The situation of Azerbaijan is something out of the ordinary for the Council of Europe. Now they are asking only one question: the Azerbaijani authorities knocked on our door for years asking for membership, and we let them join us. If they did not need this, if they did not want to carry out reforms but rather wanted to do the opposite, why did they seek membership of our organization? This is how the people and society of the Council of Europe think and they refrain from taking tough measures.

**Gunel Hasanova:** I am from the IREX Community Information Centre. I have a question for our Turkish guest.

Turkey made a statement that it would not sign any protocol with Armenia before resolution of the Karabakh issue. But regrettably, Turkey did sign protocols (with Armenia) after that statement. Now Turkey is saying that although the protocols have been signed and some kind of agreement has been made (with Armenia), the border will be opened only when the Karabakh problem is resolved. Do you not think that Turkey is going to make another statement without Azerbaijan (as given)?

**Cinar Ozen:** First, I would like to say that the decision to sign the protocols was wrong. The AKP government did not do the right thing in signing these protocols. Every April the US Senate puts pressure in connection with the Armenian genocide. The Armenian diaspora is very strong in America. According to these protocols, a joint commission of historians is to be set up to investigate the events of 1915. Armenians did not accept this and strongly rejected any investigation. I assume the first intention of the AKP government (in signing the normalization protocols with Armenia) was to stop American pressure on Turkey. As for the second intention, I will again make an assumption, because the prime minister is not saying this openly: most probably, the Americans and Russians convinced the (Turkish) government that this process would go ahead together with the Karabakh settlement process and that Turkey's step would force Armenia (into concessions on Karabakh). But what happened in the end? The signing of these protocols damaged Turkish-Azerbaijani relations, and the trust between Turkey and Azerbaijan. In Turkey, the Karabakh issue is seen as a

national cause. I did not say this lightly. The (view) of the Turkish people is most important. Millions of people in Turkey are ready to stand together with you for Karabakh. Karabakh is a very sensitive issue in Turkey. The steps taken by the government do not mean everything. There will be elections in 2011. It is impossible to say whether this government will stay or go. If we have damaged ties between Turkey and Azerbaijan, this would make our enemies happy.

**Participant:** I do not have a question, I just want to comment on what has been said here. It has been said here that this is the second republic in Azerbaijan. I graduated from the Law Faculty of (Baku State) University. I read in books there that the word republic comprises two words and means "public work". Yes, we built a democratic republic in 1918. But now we live in the 21st century. What have we built now? Let us explain this and draw conclusions. There is a characteristic of Azerbaijanis: they do not actively look for ways to resolve a problem. They always expect a prophet to come and resolve their problems for them. No-one is coming to help us. We need to resolve our problems on our own. We speak about pan-Turkism and criticize Armenians. Armenians are calling on us to look back to our history, but we do not want to do that.

I would like to comment on Turkish-Azerbaijani relations. Recently, they (Baku authorities) lowered (Turkish) flags (at a memorial to Ottoman troops killed in Azerbaijan in 1918). Suppose Erdogan and Gul have made a mistake somewhere. Are the Turkish martyrs who saved Azerbaijan from Bolsheviks and Armenians responsible for this? (Former US

President Franklin Delano) Roosevelt said in 1934: "The only thing you should fear is fear itself." How long are we going to be afraid? I mean, we have to admit that this is a continuation of neo-Bolshevism because it was Turkish soldiers who liberated Baku from the Bolsheviks and Dashnaks at the time. And now a campaign is being waged against Turkey.

Dr Namazov spoke about membership of the World Trade Organization. Strong US support is required to join this organization. Many of those who call themselves politicians today lambast America. What will we gain by lambasting America? It is the country which draws up the political map of the world today. Why do we criticize the USA? I may agree with this criticism on some issues. But why is nothing said about Russia, a country that occupies our territory? Because we do not have the courage to do so. Because we have not yet rid ourselves of the perception of "big brother". The USA is criticized because of fear at the prospect of liberal values coming to Azerbaijan.

Certain views were recently expressed in Romania. Frightened by these views, they (Azerbaijani authorities) harshly criticized America. Sometimes the issue of mentality creates obstacles for us in terms of adopting "Western" values. I do not accept the term "European values" because what we are talking about are universal values, not exclusively European ones. Moreover, when I was in America, I did not see immorality there. I mean, the West's intellectual growth is viewed as moral breakdown, and its freedom as immorality, but we do not understand that the worst immorality is the failure to be free. We have to try to be free. That is my view. Thank you.



**Participant:** As has been said here, European values and democracy do not have anything to do with national mentality. There is no doubt of this. In the same way, there is no such a thing as national botany or national chemistry. There is not. The whole idea is comical. I just wanted to ask: To what extent should we become Europeans? Until we have completely lost our own identity? When Ataturk was asked this question, he could not answer it. Now I want to ask our Turkish guest: To what extent do you want to become a European? Would you, for example, want an Azerbaijani or a Turkish man called Yaqub to adopt the French name Jacob, the English name Jacobs or the Spanish name Jago to be liked by the French, English and Spanish?

I also want to present the other side of the story. The USA is being praised and idealized. America is a democracy but not an ideal country. Our country is no different from Latin American countries. Azerbaijani employees of oil companies are mocked and called "Latinos". I mean, in appearance we are no different from Paraguayans or Uruguayans. Maybe we are not different mentally either. I know a man who was born as Ibrahim but now his name is McArthur Scott. He was born as an Azerbaijani, but now lives on the Santa Rosa ranch in the state of Arizona. He is a Mormon and has three wives. Is this the kind of high morality we are talking about? Is this what they are trying to hammer into us?

**Cinar Ozen:** When I speak, I do not translate what others say. Similarly, I do not want others to translate what I am saying. I am a person who can speak openly. My name is



Cinar and I am a Turk. I will never ever change my name or Turkishness. The Turkish nation will never change its identity or religion to become European. That is out of the question. Germany has a Turkish population of 2 million. Look, I am talking about Turks living in Germany and not about those living in Azerbaijan or Turkey. Turks have not lost their identity there in Germany. I do not want to interfere in Azerbaijan's affairs. Azerbaijan is an independent state. It is in a position to resolve its own problems. I was very offended by your talk of Yaqub-Jacob. In Turkey, our grandfathers saw a large empire fall apart. They fought wars all the time without respite. The Republic of Turkey wants to be a powerful state. I am a Turk. My father and mother are also Turks.

**Participant:** I would like to speak briefly about the issue of European integration. We have had questions here about European integration in the regions. The regions do have people dealing with this issue. At Ganja State University, we organized a large summer school in 2007 to discuss the problems of European integration and the European Neighbourhood Policy. Part of that summer school was held in Shikhov, in Baku. Another part was held in Ganja. We had a total of 14 European professors - from the universities of Florence and Rome - participating in that summer school. The most important thing is to merge our information systems. In Europe, there are a number of programmes which we should also join. For instance, the city of Ganja participated in the Erasmus Mundus programme. We have students of Ganja State University at this meeting who took part

in that programme. They were educated there (in Europe as part of this programme) and returned home.

But there are some programmes in which third countries like Azerbaijan cannot participate. Education in Europe and learning about Europe's culture, science and environment is very important. Therefore, we should seize upon programmes in this area. Third (world) countries like Azerbaijan cannot join the Erasmus programme, but Turkey can. Why don't we access Europe via Turkey? We tried very hard to organize a conference in Turkey. The Turkish education minister finally gave permission. We held a conference on "Cooperation between the information systems of Turkic-speaking countries" at Firat University in Turkey. The Turkish education minister and heads and teachers from Turkish universities attended the conference. Azerbaijan was represented by 20 delegates. What was our goal? This year the European Union has allocated 54 billion euros for the development of science. A third country like Azerbaijan cannot use that money. There are quotas for Russia and Turkey. Other states have to participate in the general competition.

What I want to say is that young people today should use their brains. We can make use of that money to bring our science to the world. There are some very big programmes included here that individual states can make use of. Furthermore, many programmes have been announced on the common use of electronic libraries. Some 586 programmes were implemented in this area in a single year. European integration needs to be justified in a scholarly sense. Cooperation with European universities was once viewed as a difficult task. But today, Ganja University is pro-

viding education at the levels of bachelor and master's degrees under contracts with 16 state universities of Europe. This also opens up financial opportunities. I think 2009 was a successful year in terms of the promotion of Turkic peoples and states. It was successful for the following reasons: First, we were able to organize the third congress of Turkic scholars in Almaty in May 2009. That conference was attended by 650 scholars. Just for your information, a similar conference will be held in Baku in 2011. This means that Turkic scholars are getting united. We are holding a meeting at Firat University in Elazig (in Turkey) at the moment. Representatives from all Turkic universities have come together there. We are building this unity to develop ourselves by using the scientific resources of Europe.

**Leila Alieva:** It was said here that integration into Europe could destroy our national identity, our mentality and values. This appears to you to be the case, but in fact it is not true. Look how different Norway is from Italy. They are united by two main European values: a fair and free society. This is what being European means. We need to have the same. I mean, people should enjoy equal rights. We must have freedom in our country.

**Alishir Ahmadli:** Dr. Ismayilov said that the Ottoman Empire, which survived for 600 years, was a despotic state. This is not correct. It was the Ottomans from whom Europeans learned lessons of justice and respect for values. The Ottomans were not as cruel or oppressive.

**Cinar Ozen:** You are right. The Ottoman state was not a despotic one. No despotic state could have ruled for 600



years. But the Ottoman Empire could not withstand nationalist trends. It collapsed when the era of nations started. Christian nations rebelled first. Then Muslim nations rebelled and the Ottoman Empire could not preserve its political structure.

**Eldar Namazov:** I would like to comment on some of the views that have been expressed here. Nothing is ideal, and the most appropriate option for Azerbaijanis is integration into Europe. Some views have been expressed about mentality. I would like to say that you cannot generalize. Those going abroad for education indeed include people who may forget their fatherland. But there are also many who love their country and return.

I make speeches in many places, and I am amazed every time I visit Ganja. Ganja has its own view of the world, and of developments in Azerbaijan. We are really proud of Ganja. It is no coincidence that Ganja was the cradle of Azerbaijan's parliament. I would like to express my respect and gratitude to the people of Ganja once again.

**Cinar Ozen:** I would like to say that it is good to have a diversity of views. People have different views. I have taught at Ankara University and then at Gazi University. I have taught students from your country as well. It is interesting for me to speak to students from the Turkic world. I care about them and understand that it is difficult for them because they are far away from their homes. I can assure you that the students I have talked to were patriots. You love your country even more when you are far away from it.

**Leila Alieva:** Dear guests and everybody participating in this meeting, I would like to thank each and every one of you.

## **POLITICAL PLURALISM AND ELECTORAL DEMOCRACY: AZERBAIJANI TRADITIONS AND TURKISH EXPERIENCE**

(Sumqayit, 30  
January 2009)

**Leila Alieva:** Hello to everyone taking part in this conference. We are very glad to see you here. On your behalf, I would also like to welcome the Turkish guest at today's conference, a professor from the Middle East Technical University, Dr Ayse Ayata. As you can see from the schedule, the subject of our conference is "Political Pluralism and Electoral Democracy: Azerbaijani Traditions and Turkish Experience". Before giving the floor to our speakers, I would like to give you some information about our organization and project. This conference has been organized by the Centre for National and International Studies, which is an independent centre. Our centre tries to carry out objective research into domestic and foreign developments. For this project, we have carried out analyses of developments in our country based on international experience and have tried to look at them in their historical context. Our project got under way last year when we held conferences covering various aspects and problems of the transitional period. These conferences were held in the form of discussions. The discussions involved both local and Baku experts. This will be the case today as well. Asabali Mustafayev will present to you his own view of the problems in Sumqayit. But the most important thing is the discussions in which everyone here will be able to take part. There is no one-way learning process here. Anyone can make comments or put questions.

The results of our previous conferences were published in the form of a book. The views reflected in this book prove that the Azerbaijani people have democratic experience and the history of our people proves that they once managed this and established a democracy that met the highest Western



standards. I urge you to feel free and comfortable. After this brief observation, I would first like to give the floor to Maryam Orujlu. She is a leading scholar at the History Institute of Azerbaijan's Academy of Sciences and is the author of numerous publications about the history of political party formation in our country. Dr Orujlu will deliver a paper on the formation of political pluralism and electoral traditions in Azerbaijan in the late 19th century and at the time of the ADR.

**Maryam Orujlu:** I would like to welcome those taking part in this conference and thank you for your participation. I would also like to thank Dr Aliyeva for holding various conferences on the history of the ADR. First of all, this is important in terms of studying and promoting the history of the ADR. Sometimes the view is expressed that the Azerbaijani people are not ready for democracy. But as a nation, we proved in the early 20th century that we can establish a nation- state that meets European standards and is based on democratic principles. In general, in terms of promoting the ideas of equality, freedom, enlightenment and democracy, the early 20th century occupies a special place in the history of Azerbaijan. The press played a great role in the spread of democratic ideas during that period.

In the colonies of the Russian Empire, including Azerbaijan, people had no right to publish their own newspapers until 1865. Only after the tsarist decree of 1865 did different peoples in Azerbaijan and other provinces of the empire gain the right to publish newspapers. Azerbaijan's first newspaper was founded by the great educator Hasan bay



Zardabi in 1875. Although the newspaper was called "Akinchi" and its statute said that it was not a political newspaper, it was critical of many issues and promoted the principles of enlightenment and democracy. For this reason, the newspaper was closed down by the tsarist government two years later. Although several other newspapers were later published in Azerbaijan at intervals, the event that led to political awakening was the 17 October 1905 manifesto. After this manifesto, Azerbaijan's leading intellectuals and enlighteners enjoyed freedom of the press and started to open a large number of newspapers and press outlets. These newspapers played a great role in the creation of democratic principles and ideas in Azerbaijan and in the formation of the people's political consciousness and national perception.

The period after 1905 is characterized as a new period in the development of Azerbaijan's public-political development. It was as a result of the 1905 revolution that Azerbaijan's public servants and political figures tried to use every means possible to defend the national rights of Azerbaijan in the early 20th century. One of these means was the Russian State Duma election held in that year. At that time, the political elite of Azerbaijan realized that the Muslim population of the empire had to take an active part in the State Duma elections because the Azerbaijani elite regarded the State Duma as a forum for protecting its national rights. The newspapers published during that period urged the Azerbaijanis and other Muslim peoples to play an active part in this election, just like other peoples of the Russian Empire. The newspaper "Baki Hayati" wrote that we should



not participate in this election just so that our representative could sit in the State Duma and get a salary. We should participate in this election in order to protect the national rights of the Azerbaijani people and protect the cultural, political and economic rights of Muslims as well as Christians.

Historical evidence also shows that the Azerbaijani public actively participated in those elections. I would like to digress slightly to talk about a situation that was typical of that period. At that time, national political parties had not yet formed in Azerbaijan. There was only one political organization called the Muslim Alliance, which was headed by Topchubashov. Since it did not have branches in cities and provinces, representatives of Azerbaijan could not nominate their candidates on a party ticket. In contrast, all the parties operating in Russia at the time had their own committees in Baku, because Baku was a city of strategic importance. Most of these parties issued populist slogans in order to win over the Muslim population. However, their subsequent actions showed that their actions did not match these slogans.

For example, the Cadet Party, established in Russia, had its own committee in Baku. In its election manifestoes and at its rallies, the Cadet Party spoke out against dividing the peoples living in the empire into aliens and natives and put forward populist demands about granting the same rights to all. Although the Muslim population and Azerbaijan's political elite supported the Cadet Party, they did not include Azerbaijanis on their lists. For this reason, Azerbaijanis were forced to include their candidates to the State Duma on the list of independent candidates. Alimardan bay Topchubashov, who later became chair-



man of the parliament of the Azerbaijan People's Republic, subsequently joined these elections. Along with a great political figure and lawyer like Topchubashov, a prominent merchant with the surname Aliyev, who graduated from the Petrovsky Agricultural Academy and spoke five European languages, and a translator called Ziyadkhanov were also elected to the Duma.

These deputies elected from Azerbaijan went to Saint Petersburg and set up a faction of Muslim deputies elected in Russia. However, subsequent developments showed that the tsarist government looked on the State Duma as a consultative body and had no intention of allowing it to form as a parliament. At the same time, the activities of the Muslim faction and other deputies in the Duma showed that people were already successfully fighting for their national rights. This is the reason why the first State Duma existed for a very short time and was dissolved by the tsar. In protest at the tsar's decree, the Vyborg declaration was signed. Two of the six Muslim deputies who signed this declaration were Topchubashov and Ziyadkhanov who had been elected from Azerbaijan. They were both jailed for three months for signing the Vyborg declaration and were stripped of the right to be elected to the State Duma.

For this reason, they could not stand in the elections to the second State Duma. The second State Duma included great intellectuals and personalities like Fatali khan Khoyski, who subsequently became head of the Azerbaijani government, and Khasmammadov, who held senior positions in that government. Although Haji Zeynalabdin Tagiyev's son Ismayil Tagiyev was also elected to the second State Duma, he failed

to go to Saint Petersburg and work as a deputy for reasons which remain unclear. Muslim deputies set up factions in both State Dumas and they were active and constantly raised the issue of local government in the provinces. The Azerbaijani deputies were not at all submissive as the tsar expected and decisively raised the issue of Azerbaijan's national rights at Duma sessions. The result of this was that in the elections to the third State Duma, the peoples of the Caucasus and Central Asia were declared politically immature and had their representation in the Duma restricted. Thus, in the third State Duma, Azerbaijan was represented by Khasmammadov and in the fourth Duma by Mammad Yusif Jafarzada. Although our people had very restricted representation in these Dumas, the minutes of Duma sessions show that Jafarzada was very active. His speeches about the protection of Muslims' rights show that Jafarzada did not confine himself only to Azerbaijan, but also undertook to protect the rights of Central Asia and Kazakhstan because they did not have their own representatives in the Duma. During that period, the tsarist government resettled Russians to Kazakhstan and Central Asia and gave the most fertile lands to those settlers. This policy of resettlement caused a great deal of discontent. Jafarzada decisively raised the issue of their rights in his speeches.

Thus, although the Muslim population had restricted representation in the State Dumas, this representation laid the foundations of parliamentarianism so our deputies gained parliamentary experience. Perhaps thanks to this experience, most of the people who were members of the State Duma subsequently became members of the parliament of the Azerbaijan People's Republic.

In general, Azerbaijan's political spectrum was very diverse in the early 20th century. Two trends prevailed in Azerbaijan's political life during that period:

- 1) The liberal trend that was trying to implement its aims and goals within the framework of the law;
- 2) The radical trend that rejected these tactics, held revolutionary views and set itself the task of overthrowing the tsarist government.

As I have already mentioned, Russian parties had their own committees in Baku at that time. In the early 20th century, local liberals usually supported Russian liberals and revolutionaries supported Russian revolutionaries. For example, the Hummat organization, of which Mammad Amin Rasulzada was a member, operated as part of the Baku committee of the Social Democratic Party of Russia in 1904. Explaining cooperation between young revolutionaries and Russian revolutionaries, Rasulzada said that at the time, young Azerbaijani revolutionaries saw pro-opposition socialists not as loyal allies in their fight against the tsarist government, but rather as possible allies.

In that period, the most progressive aspect of political life was that national parties started to emerge in the political arena outside the committees of Russian political organizations. One of the first parties of this type was the Qeyrat Party. This party, which was set up in Ganja, was the first organization in Azerbaijan that called for the secession of the Caucasus from Russia and broached the subjects of autonomy, constitutional rule in Russia and its establishment on a federal basis. On the basis of the principles of this party, the





National Party of Turkic Federalists was later set up under the leadership of Nasib bay Yusifbayli. In 1905-1911, three political parties emerged in Azerbaijan's political arena, and one of them was the Difai Party. This party was set up mostly in connection with the Armenian-Muslim conflict that occurred during that period and set itself the task of defending Muslims from Armenian attacks. Since Armenian attacks had become a regular occurrence, this party enjoyed large electoral support from the people. The Mudafia Party, which was set up later, mostly followed the views of the Difai Party and raised the issue of unity, freedom and equality for the Muslim population.

During that period, the largest and longest-standing political party was the Musavat Party, which was founded in 1911. Having been set up secretly, the Musavat Party initially called for Islamic solidarity. Although for some time the party advocated autonomy, it decisively backed Azerbaijan's independence after the 31 March 1918 massacre. As a national party, the main slogan of the Musavat Party was "Freedom for the people and independence for nations", and this slogan remains important to this day. This party played a great role in the establishment of the Azerbaijan Democratic Republic and had the largest faction in parliament at the time of the ADR. Apart from Musavat, the Ittihad and Ahrar parties also had their own factions in parliament.

During that period, other peoples living in Baku also had their own political parties which formed part of Azerbaijan's political scene. Armenian parties were in a majority here. For example, the Hnchak organization, which was set up by a



group of Armenian students in Geneva in 1887, subsequently established its committee in Baku. This organization set itself the task of liberating so-called Eastern Turkish Armenia and establishing a nation state there. The Tbilisi-headquartered Armenian party Dashnaktsutyun also established a committee in Baku. They also shared the ideals of the Hnchak Party.

At that time, Jewish political parties also had their own committees in Baku. Those organizations were divided into two categories. First, there was a social democratic party that acted as a workers' movement. Second, there was a Zionist-type Jewish party. They advocated the establishment of a nation state for Jews. Consequently, Azerbaijan's political scene covered a broad spectrum in terms of diversity of ideas and political pluralism.

During that period, the culmination of the national democratic movement was the establishment of the Azerbaijan Democratic Republic. The Azerbaijan Democratic Republic was the first democratic republic in the whole Muslim world. It should be pointed out that before the ADR, the whole eastern world was dominated by despotic regimes. Historical research shows that the Azerbaijan Democratic Republic was the most democratic of the states that emerged on the territory of the Russian Empire and Eastern Europe after the collapse of the Russian Empire, because none of the other states protected the rights of political parties or national minorities in the way that this was done in the ADR, and they did not have the right to such broad representation in parliament.

I think it is important to touch on a number of points here. Some people say, whether deliberately or not (unfortunately,

some of them are historians), that the Azerbaijani parliament was not formed on the basis of elections. I think this view is mistaken because the provisional government which came to power after the overthrow of the tsarist government in February 1917 adopted an appeal to the Russian parliament for elections. Azerbaijan's national parties and the Baku committees of the Russian parties took part in these elections. As a result of nationwide voting, 44 deputies holding different political views were elected from Azerbaijan. Those 44 people who came together in the Transcaucasia Seim later proclaimed the National Council of Azerbaijan and adopted Azerbaijan's Declaration of Independence after the dissolution of the Seim. Those 44 people, who formed the backbone of the Azerbaijani parliament, gained the people's confidence and were elected deputies. After that, the rights of the political parties of national minorities were also recognized and they were given a quota of representation, and that is how the Azerbaijani parliament formed.

The Azerbaijan People's Republic was a parliamentary republic, and here the government reported to parliament. It can be characterized by political pluralism. Before the opening of parliament, the National Council of Azerbaijan adopted a law on the formation of parliament and granted electoral rights to all the peoples living in Azerbaijan, including women. At that time, women did not enjoy the right to vote in European countries or even in America. The American election law had been valid since 1787. According to that law, not only were women deprived of the right to vote but even men's rights were limited because a property limit was imposed.

Many European countries also had property limits, religious limits or age limits that restricted electoral rights. A country like America only granted women the right to vote in 1920. In Turkey, women's electoral rights were recognized only in 1934. Azerbaijan was well ahead in terms of establishing a democratic republic and enforcing democratic principles.

The Azerbaijani parliament opened in December 1918, and in January 1919, the parliament adopted a strict rule on the separation of the legislative and executive branches of power. In other words, if you were a member of parliament, you could not work for any executive bodies. This was a great democratic principle. In 1919, an election law based on democratic principles was adopted with the participation of all factions. This law encompassed everything related to election campaigns, the establishment of political parties and active and passive electoral rights. Unfortunately, due to the Russian-Bolshevik invasion of 1920, the Azerbaijani government could not enforce that election law.

During that period, most Azerbaijani politicians (both in parliament and government) had been educated in Europe and were familiar with European democracy. For this reason, they took the European legal system as a basis. For example, parliament adopted a law on the press in October 1918. That law contained almost no restrictions and banned censorship. It said that any person who was a citizen of Azerbaijan and was not subject to any civil or criminal conviction could open a newspaper or press organ.

To sum up, I would like to say that the Azerbaijan Democratic Republic is a source of pride for us all and we all



have the right to be proud of being the successors of those who established the first democratic state in the East. Thank you for your attention.

**Participant:** Wasn't the organization established by Mammad Amin Rasulzada a political organization?

**Maryam Orujlu:** Mammad Amin Rasulzada set up a youth organization in 1902. But I believe that regardless of which organization was set up first, Mammad Amin Rasulzada was a great Azerbaijani politician and an undeniable leader of the then Azerbaijan national-democratic movement. All the democratic principles and values advocated today come from the ideas that Rasulzada brought into our political life.

**Leila Alieva:** I would like to thank Dr Oruculu for her speech. Now the floor goes to Asabali Mustafayev.

**Asabali Mustafayev:** It is impossible to separate the development of electoral democracy in Sumqayit from Azerbaijan's electoral history. I would like to start from the 1980's, because it is easier to compare the electoral democracy of that period with today's elections.

I was one of the organizers of the elections held in the 1980's. As I worked in the organizational department of the Sumqayit executive authorities at the time, one of my duties was to prepare and hold elections. It is true that we were more preoccupied with technical issues at the time. It was the party committee that decided who should be a deputy and who should be on the ticket. The following rule existed at the



time: 15 people had to be elected from Sumqayit to the Azerbaijani Supreme Council and one person to the Soviet Supreme Council. It was decided in advance who these deputies should be. There was no electoral competition, and one person was nominated from each constituency. That candidate was elected regardless of whether voters turned out to vote or not. Based on my own experience, I would put the turnout for elections in the 1980's at about 15 per cent.

Elections held in the 1990's were slightly more democratic. Some of the people here today probably remember that I was a candidate in those elections. Elections were scheduled for 1989, but the authorities at the time deemed the prevailing situation too dangerous for holding elections. After that, the bloody January events occurred, and the elections were held in late 1990. I also ran in the elections to Sumqayit City Council. Although my name and the names of some other people were not on the list that was prepared by the government in advance, we still managed to get elected with great difficulty. As a result, 25 of the 100 City Council deputies were in opposition to the then government. It was a great indicator for that period. The electoral process itself was also very interesting and tense. For example, as was the case in the past, some factory directors were elected to the City Council again. But this time their election was slightly different. Previously, they knew that their names were on the list and that they would be elected without doing anything. But this time, they had to do some work. They sent their representatives to various places and got elected as a result of this. The fact that people who held totally contradictory views were represented

in parliament and on the City Council proved that the elections were to a certain degree democratic.

The next biggest election was Ayaz Mutallibov's presidential election in 1991. In accordance with the principles of the Soviet period, it was reported that Mutallibov allegedly gained 98.5 per cent of the vote. The next electoral event in which Sumqayit participated was the 17 March 1991 referendum whereby Azerbaijani citizens were to decide whether they should be part of the USSR or not. The results of this important vote were rigged as well. As a result of these elections, 99.58 per cent allegedly voted in favour of the USSR. Everyone is probably aware that this figure was patently ridiculous. In order to clarify it, I would like to cite an example from my own experience. I had already been elected a member of the City Council, had quit the executive authorities and was one of the leaders of the democratic bloc. In the democratic bloc, we sent one deputy to each polling station. I was also an observer at one polling station. In order to make it easier to rig the vote, all observers, including deputies (who should have had immunity) were taken to the police department and released only after the voting had finished in the evening. This is how they gained 99.58 per cent of the vote.

One of the elections that affected the formation of electoral democracy in Azerbaijan was the 1992 presidential election. If we look at the figures for that election, we can see how different and how democratic it was compared with previous elections. Throughout the whole country, 76.03 per cent of voters turned out to vote. Elchibay, who was elected president, gained 59.03 per cent of the vote, while 38 per cent voted against him. These figures demonstrate electoral democracy.

When speaking about the development of electoral democracy in Sumqayit, two factors must be mentioned - technical and legal support for elections. In the 1980's and early 1990's, we delivered ballot boxes from the Trade Unions and sent them back after voting. At that time, polling stations had no technical equipment. Now, as you know, polling stations are equipped with computers. The fact that web cameras and special ink were used in recent elections should be regarded as a step forward. However, there are problems with the legal support for elections and with the enforcement of electoral laws. This is also acknowledged by international organizations. I would like to leave it to you to compare the elections held in the 1990's and those held now. So, I am now ready to take your questions.

**Participant:** You talk about electoral democracy, but when you write "Peter" on your ballot paper, you see that "Paul" is written there when the ballot box is opened. What do you think should be done to prevent this?

**Asabali Mustafayev:** I often return to the 1990's, and if anyone recalls the situation at the time, they will also remember that public morale was high at the time. First of all, what is needed is to try and interest the public in elections. When I say working with the public, I am not just talking about voters, but also the members of commissions. Some guests and participants today have probably been abroad before. If you ask a commission member involved in elections whether he can cast 10 ballot papers in favour of his own party, he will





look at you as if you are mad. First of all, people should realize that they are citizens first, and then party members. Until people appreciate this, we will suffer from such problems.

**Leila Alieva:** Now I would like to call on Professor Ayse Ayata. She will share with us her personal thoughts and experiences of electoral democracy in Turkey.

**Ayse Ayata:** This is my 10th visit to Azerbaijan and second visit to Sumqayit. Three or four years have passed since my last visit to Sumqayit. This time, I can see that the city has developed and that makes me happy.

First, I would like to talk about the history of elections in Turkey and then about the present day. The Republic of Turkey was established in 1923. From this point of view, we lag behind Azerbaijan, as Azerbaijan established a republic and held elections before us. It is clear from what Dr Orujlu said that women were granted voting rights here before they enjoyed such rights in Turkey. We came into contact with many new ideas from intellectuals who came from Crimea and Azerbaijan. Until 1946, the Republic of Turkey had only one party. As you know, it was Ataturk's party - the Republican People's Party. Until 1946, various parties failed: they closed down of their own volition or were closed down by the Republican People's Party.

Dr Orujlu said just now: the structure of power in Azerbaijan has been quite hegemonic. This can create certain problems on the road to democracy. Since 1923, Turkey has had a parliamentary system. So far, we have not elected



a president in nationwide elections, but this will happen in five years' time. For about 90 years, the people have only elected their parliament. Of course, there are municipal elections as well, but the main election is the parliamentary one.

The Republican People's Party carried out a series of important reforms in Turkey. The first of these was Westernization, which is still important. Unlike Russia, the Ottoman Empire was an Islamic empire. For this reason, under the Ottomans, Islam was everywhere. As you know, Atatürk westernized the state and separated Islam from the state. Atatürk was trying to strengthen the individual - creating a strong and free individual.

In order for an individual to be strong, he/she needs to be educated and have economic power; in other words, the power to support him-/herself. An individual needs to be free of religious pressure and to be in a position to act him-/herself. This was Atatürk's important contribution to democracy. During the one-party system, there were elections, but they were not free. Just now someone here mentioned that one thing went into the ballot box, but something completely different came out. Such things went on in Turkey until 1946. The Republican People's Party established a very good organization for its time and the parties that emerged after that grew stronger by imitating it. Until 1980, party organizations themselves found funding, but since 1980, the state has given some support to parties that run in all elections and greater support to parties that enter parliament.

For example, a ruling party now gets 20 million dollars from the state. This is a very interesting topic and it is worth

underlining that European countries currently give significant support to many political parties.

Democracy came to Turkey in 1946 and there were three reasons for that. First, America and international organizations said that if you want to join us, you need to be democratic. Countries that do not have democracy and elections cannot join NATO and the United Nations. The second reason is that Turkey did not want to go to war, but it was experiencing many difficulties. It wanted democracy in order to avoid a war. Turkey avoided the war, but it suffered a lot and, therefore, the Republican People's Party experienced a lot of trouble. To avoid unrest, Ismet Pasha called for elections so that people could vote and we could have an opposition in parliament. But he never entertained the thought that others could come to power. The third reason is that undemocratic countries were denied Marshall Aid. In order to obtain this aid, Turkey was forced to become democratic.

From 1950 to 1960, Turkey was dominated by a two-party system. But there is a drastic difference between the electoral system that existed before 1960 and today's system. Until 1960, we held elections based on a first-past-the-post system like you have. In other words, the winner was the person who gained a majority of the vote in a constituency. Since we are a big country, there were many candidates in one constituency. For example, one party nominated five candidates from one region. If one of them gained even one vote more, he got the votes gained by all five candidates. The Democratic Party gained most of the vote for many years. At a time when there was a strong pro-government faction in

parliament, the opposition was very weak. The opposition was under a great deal of pressure on many issues.

Prime Minister Menderes said in his address to parliament: If you want, you can create any situation you like. It is good to have a strong government, but that creates despotism and dictatorship. It is good to hold elections, but elections can bring a dictator to power. In the 1960's, this is what we found ourselves facing. Those who came to power in elections started to exert too much pressure. They closed down many newspapers and pressurized the opposition. Unlike Azerbaijan, Turkey experienced three military coups in the 1960's and 1980's.

Unlike Latin America, Portugal and Spain, military rule in Turkey lasted for one or two years and then left. We did not have a military government that lasted for a long time. Soldiers changed our electoral system and established a system of proportional representation. The aim was to ensure that there was no dictatorship in parliament regardless of which party came to power. They tried to bring in a system that would ensure a strengthening of the opposition. This was also problematic because the system did not result in a strong government and there were coalitions all the time. Difficulties ensued as a result of these coalitions.

Now I would like to talk a little about pluralism. There has been pluralism in Turkey since the 1960's, but there was no pluralism before that. As I have already mentioned, there was a one-party system until the 1960's. A decision was made to ensure that different views had a chance to exist in society, but the most important thing was to bring these different views into parliament. Parliament is a place where different views



should exist. In our parliament there are right-wing, left-wing, democratic, social democratic, nationalist, Islamist and other forces, and if these views exist in the country, they should be represented in parliament. In recent times what we have seen in Turkey is that pluralism has emerged as a result of cultural splits. Their representatives can be found in parliament. It is a place where all views are represented. There were splits in parliament from 1960 to the 1980's due to the fact that many views were represented in parliament. The percentage of people turning out to vote in elections is very high in Turkey. On that note I would like to end.

**Leila Alieva:** We thank Dr Ayata for her speech. Now let us move on to the situation in Azerbaijan. I would like to invite Zafar Quliyev to speak on the formation of political pluralism and electoral democracy in Azerbaijan during the post-Soviet period.

**Zafar Quliyev:** I wish to welcome everyone. In fact, Azerbaijan has withstood two tests of electoral democracy in the 20th century. The first experience in 1918 was very brief, but it is nevertheless remembered for its positive results. The second experience began after our country gained its independence in 1991 and is still continuing today. In fact, we have been traveling the road to democracy for 18 years. Nevertheless, it is very difficult to make an unambiguous analysis of these 18 years. Our road has been very controversial. I would like to divide these 18 years into three periods.

The first period covers 1991-95. I think this was a period of spontaneous democratization. During this period, other



post-Soviet states also experienced similar developments and there were similar dynamics because they had emerged from the same totalitarian society and were taking the same path. Azerbaijan was a country that had emerged from a totalitarian society and gained freedom. This freedom, if I can put it this way, created euphoria. In 1991-95, we saw that on the one hand, there was a strong tendency towards democracy and freedom in society. But on the other hand, these democratic developments were not based on appropriate legislation or democratic institutions. Nor did we see the formation of independent state structures. Therefore, there were too many anarchic elements in these democratic processes, and many issues were resolved at rallies, which had become a political tool and means of exerting pressure. However, at the same time, parties had formed in Azerbaijan at that time and independent newspapers and media had been created. In a short period of time, Azerbaijan changed from a one-party system to a multi-party system.

During that period, there were positive moves towards democracy in society. But at the same time, controversial processes were under way. Alongside a tendency towards and faith in democracy in society, there was also lawlessness and anarchy which formed another social order in part of society. In other words, a social order formed that made it possible for an experienced politician to come to power and establish authoritarianism. During that period, there were reasons why Abulfaz Elchibay lost power and Heydar Aliyev came to power. After coming to power, Heydar Aliyev in fact firstly implemented that same order and engaged in strength-

ening the government and the state apparatus. Most importantly, he tried to establish stability, stop the war and make the government manageable.

Why did I say that it lasted until 1995? For the simple reason that there were political clashes before that period. By the end of 1995, a very important election - the parliamentary election - was held in Azerbaijan. At the same time, Azerbaijan was preparing to adopt its constitution as an independent state. The political opposition has not disappeared yet from the political scene and there was an opportunity to resolve issues within the framework of electoral democracy and to establish political pluralism within a legal framework.

The period beginning late 1995 and early 1996 to 2005 can be regarded as the second period in the history of the road to democracy. This stage can principally be characterized as a period of electoral imitation. It was alleged that Azerbaijan was successfully following the path towards democracy, but in fact, Azerbaijan was engaged in imitating democracy in all spheres. Real democratic institutions were replaced by imitations, and laws were adopted but not implemented. During this period, which lasted almost 10 years, elections were held in Azerbaijan. Both the public and other forces which were involved in these elections formally had modern electoral technologies. Positive steps were taken, such as the allocation of funding for elections and improvements to the electoral law. Azerbaijan did not travel this path alone as international organizations constantly offered advice and aid.

Since Azerbaijan joined the Council of Europe in 2001, domestic developments and the electoral process have in

fact been constantly monitored by the Parliamentary Assembly of the Council of Europe. For this reason, Azerbaijan took numerous steps towards democracy. The election law was improved, the new electoral experience of many countries was applied in elections, there was monitoring of elections and so on. Given that this was the case, why do I regard this stage as a period of imitation? The paradox is that although international observers issued standard statements saying that Azerbaijan had taken another step towards democracy from one election to the next, and we took numerous steps towards democratic elections, this path did not bring us any closer to real democracy.

One of the world's most influential international organizations, Freedom House, takes electoral democracy as the main criterion in its annual reports. How come Azerbaijan was assessed negatively in Freedom House reports if year on year it was taking steps towards democracy? Many international organizations believe that elections in Azerbaijan are often just a formality and do not lead to the formation of a pluralist parliament. Azerbaijan has held five presidential elections, three parliamentary elections and three municipal elections. However, we have not witnessed any improvements in the quality of government.

In fact, the requirement of electoral democracy is that elections should always bring innovations to a society. In three of the presidential elections held in our country, first power was seized and then elections served as a formal process to help legalize this. This was the case in 1992. In 1993, Heydar Aliyev first seized power and then held presidential elections in





the autumn and won. In 2003 when Heydar Aliyev was seriously ill, his son was first elected prime minister and all administrative resources were in fact taken over before the elections. After that, the presidential elections were held.

Thus, three of the five presidential elections held in our country were questionable, while the remaining two - in 1998 and 2008 - were formal in nature because the president was being re-elected. The last presidential elections, held in 2008, are a special case because there was no electoral intrigue here and the whole process was far removed from an election. The last election that involved any real competition, was full of intrigue and caught the public imagination was the 2005 parliamentary election.

After that, the new Azerbaijani government which came to power in 2003 gave up even imitating democracy. Therefore, I regard the period since 2006 as a third period. The third period can be called a period in which democracy has been restricted and neo-totalitarian tendencies have increased. The most graphic example of this is that the word democracy is no longer actually used by officials. Pay attention to the speeches made by officials. Do you see the word democracy there? The political opposition has been totally sidelined from the political arena. The most terrible thing is that the scope for freedom of speech is narrowing and the independent press is under serious pressure.

What democratic development can we talk about if there is no independent press or political opposition? Look at the difficult conditions in which NGO's have been operating in recent years. Last year, an attempt was made to adopt a negative decision



against NGO's, but it failed. However, even though it failed last year, it may not fail this year. The recent changes to the constitution and the referendum on the removal of the provision prohibiting the president from being elected for more than two consecutive terms were a step backwards from democracy.

It is regrettable that the current critical situation and regression in the field of democracy in Azerbaijan are phenomena which are not merely confined to Azerbaijan. We can see similar developments taking place in many post-Soviet countries. The Azerbaijani government is following Russia's example. In Russia, Putin resigned from power and brought Medvedev to power instead. Does that conform to any democratic traditions or standards? Russia still does not know who is running the country - Putin or Medvedev. Who will come next? Putin again, or Medvedev? It is a mockery of democracy. It is to be regretted that the West has greatly influenced this situation. It is the West itself that has unofficially allowed this imitation of democracy. As an oil-producing country that is of great geopolitical importance, Azerbaijan is in the sphere of interests of many official Western circles which are turning a blind eye to negative developments in our country. In the late 20th and early 21st century, the world experienced a crisis of democracy. For this reason, governments not only in Azerbaijan, but in many other countries are taking advantage of this situation. The emergence of authoritarianism, oppression of the opposition and the fight against freedom of speech are all obvious and plain to see at this current stage.

I would like to briefly express my views on one issue by

using a comparison. The Azerbaijan Democratic Republic was the first democratic project involving our people. In fact, in many respects the situation was most unfavourable for such a project. It was difficult to implement this project because the whole world had little experience of democracy, the environment surrounding Azerbaijan was not favourable, the country was at war, the political culture of society was low and the country's socioeconomic potential was poor. The political elite at the time compensated for this unfavourable situation by using the only resource they had at their disposal - their faith in democracy and their desire to follow this path. This faith and desire meant a lot.

What can we see now? A favourable situation emerged after the break-up of the Soviet Union. A wave of democracy was spreading across the whole world, while international institutions were queuing up to help us. Now there are many factors for the establishment of a democratic state, but the main resource - the political will- does not exist as they do not want to take this path. Society's lack of activity in this sphere has resulted in Azerbaijan plunging into the current situation we can see today. Parliamentary elections will be held this year. Is there anything telling us that these elections are approaching? No! The presidential elections were also held in silence, while people could not muster any enthusiasm for the municipal elections, and the same thing will happen again for the parliamentary elections. We gave up Soviet totalitarianism and allegedly took the path of democracy. As a result though, we have come full circle and returned to our starting point. It is true that we are not at precisely the same point and some things have been

achieved. However, we have still not drawn closer to democracy. I do not want to end my paper on a pessimistic note. Every country has been through situations like this. But we should recognize that mankind has found no better method of government than democracy. Therefore, I believe that Azerbaijan will sooner or later return to the path of democracy.

**Leila Alieva:** Dr Guliyev, thank you. And I would once again like to thank all our guests who spoke today. I would like to point out that political freedom and pluralism are certainly based on economic freedom. Unfortunately, the developments taking place in the economy are not conducive to this. The economy is being monopolized. For this reason, opposition parties and other groups are restricted in their scope for development.

**Participant:** First of all, I would like to thank Prof Ayata for her report. I have a question: so many anti-democratic elections have been held in Azerbaijan, yet fraternal Turkey appears indifferent to such anti-democratic developments in Azerbaijan. Why is that?

**Ayşe Ayata:** There are several reasons for that. Heads of state work with heads of state, and they want to maintain a good relationship in order to be able to work together. In order to maintain such a close relationship with Azerbaijan, which has lasted for many years, heads of state opt to remain silent.

**Participant:** Turkey is the most important Turkic state and should undertake to establish a great Turkic union,



where there is no place for corruption. Do you think it is possible to establish such a union?

**Ayşe Ayata:** First of all, I should say that the current JDP government has no such intention. The JDP government is too far removed from the Turkic world, and its intention is to move closer to the Islamic world. This is a political choice for Turkey. For example, Turkey is close to Azerbaijan, but the same is not true for Kazakhstan. For example, neither you nor Turkey has a close relationship with Turkmenistan. The issue is not just about relationships between states, but also between peoples.

**Participant:** I have a question for Dr Guliyev. You said there is no democracy in Azerbaijan, and that's clear. We are under pressure from everywhere. Do you think we will ever attain democracy?

**Zafar Quliyev:** It is clear that democracy is not something which takes one or two years. It is a lengthy process. Everyone is probably aware of this. In 1991, we plunged into euphoria and everyone thought that democracy could be achieved in one year. Now everyone understands that it is a long and difficult path. However, the issue is not about this path being too long. The issue is that we are moving along this path in the opposite direction.

**Vurgun Ayyub:** I would like to welcome everyone. Very interesting speeches have been delivered here. Dr Quliyev's speech was interesting, but there are some ideas that seem



controversial to me. Without dwelling on the issues which I think are controversial, I should say that, in general, I regard his conclusions as correct. Someone here asked what we can do to hold democratic elections. An election is not just one stage or event, and we cannot take it as a basis and say that if something happens, democratic elections will be held. An election is a lengthy process. This process has legislative and organizational aspects. The most important aspect of elections today is the mechanism of creating electoral commissions. As electoral commission are not overseen by society and the political forces involved in the elections, these commissions are able to pull any name they like out of ballot boxes. This is one of the most serious issues in our electoral democracy.

The second serious issue is the attitude of the international community to these elections. This attitude is sometimes absolutely at variance with the elections themselves. But I think that we are going to extremes regarding the issue of the role of international organizations. Our people think that if a wonderful society has been established in Norway, it was by the grace of God or someone brought this happiness from outside, whereas the Norwegians waged a great struggle to establish their wonderful society. What I want to say is that responsibility rests first and foremost with us. One of participants said that our government is paying bribes in Europe to resolve issues in its favour. I think such a view is exaggerated or incorrect. Andres Herkel is also European, and who could say that he has been bribed? Many international organizations have adopted firm positions regarding the situation in Azerbaijan. How can we say that they have all been bribed? Such erroneous views could lead us in the wrong direction.

Dr Quliyev said just now that if we see serious mistakes in the field of democracy, we should not lose hope or give up our struggle. It is absolutely true that modern democracy did not emerge out of nowhere. If we want change in our country, we need to follow the path of elections. Democracy in our country is rapidly developing in the opposite direction, and if we are not able to stop this, we will face even more problems as a nation. I believe that the Azerbaijani people will have the power to return to the path towards democracy upon which they have embarked. I would like to thank Leila Alieva for this conference.

**Participant:** Prof Ayata, do you think that the introduction of a system of proportional representation could change the situation?

**Ayse Ayata:** Easier said than done. It is necessary to introduce a system of proportional representation in Azerbaijan. The opposition must be represented in parliament. A parliament needs an opposition. For this reason, it is necessary to have an electoral system that will ensure that the opposition is represented in parliament. Strong government representation paves the way for little opposition representation. It is important for society to play an active part in elections and in counting ballot papers. For example, if there are as many observers as there are ballot boxes when elections are held in Sumgayit, the results will be better.

**Participant:** I have a question for Dr Quliyev. What is the situation like regarding elections in other countries?

**Zafar Quliyev:** Even in America, irregularities could be observed during recent elections. It is true that we cannot compare elections in Turkey or America with our elections. However, the recent elections in Turkey resulted in parliament being dominated by a single party. This is a great danger. In order to eliminate such a danger, it is necessary to make changes to the election law and politicians themselves should think about this. Changes must be made to the election system in Azerbaijan, too. I agree that the proportional system was deliberately eliminated in Azerbaijan. In 2002, the aim was to depoliticize society. By lowering the degree of political activity in society, the government is able to hold elections as it wants and this makes people easier to govern. The way out for Azerbaijan is for society to actively fight for restoration of a proportional system.

**Leila Alieva:** We have brought some of the books we published based on last year's seminars. At the seminar held in Sheki last year, Erkin Gadirli spoke about the difference between the proportional and first-past-the-post systems. You can obtain detailed information about these issues from this book.

**Participant:** I have a question for Prof Ayata. Turkey used to have a first-past-the-post electoral system, but now a different system has been adopted. How has this change influenced democracy? Can you give us some information on this?



**Ayşe Ayata:** It made a big difference. The first-past-the-post system reduces the number of parties that can get into parliament. When there is a barrier, the votes gained by parties are counted in favour of the government. This resulted in the parliament being dominated by one party. When soldiers came, this is the system that was in place. They eliminated this system.

**Participant:** We like to blame others for our problems. But I think that the problem is about us. What the people are now confronted with is Heydar Aliyev's path. The lack of electoral culture is a problem not only for the government, but for everyone. Every single one of us should be determined to make serious sacrifices.

**Leila Aliyeva:** I would like to thank everyone for participating and speaking at this conference.

## THE ROLE OF CIVIL SOCIETY IN THE DEVELOPMENT OF DEMOCRACY IN TURKEY AND AZERBAIJAN

(Baku,  
27 February 2010)

**Leila Alieva:** Dear guests, I would like to greet you all on behalf of the Centre for National and International Studies. Thank you very much for coming. I would like to say a few words about the topic we are going to discuss today. Assessments of the development of civil society since 1993 have been rather contradictory. On the one hand, some say that civil society has made considerable progress in Azerbaijan, and as a result quite a powerful civil society has developed in the country. On the other hand, what can be observed is a worsening situation regarding democracy and freedoms. Some unfortunate developments took place last year, such as a worsening of the position of journalists and the arrest of young bloggers. Our objective at this conference is to assess the situation regarding civil society and its contribution and role in the development of democracy. The second objective is to analyze the reasons behind any worsening of the situation and to explore ways to extricate ourselves from this. We shall try to find answers to these questions today.

We are joined at this conference by a highly esteemed guest from Turkey, Dr Ayca Ergun. There will be two papers during the first half of the conference. Dr Ergun will give a paper on the role of civil society in the democratization of Turkey. The next speaker, Hikmat Hajizada, will speak about the state and problems of civil society in Azerbaijan. The second half of our conference will be more practical. Our distinguished speakers Ilqar Mammadov and Rashad Shirin will try to explore ways out of this situation. Now Dr Ergun will take the floor.

**Ayca Ergun:** First of all, I would like to express my gratitude to Leila Alieva for inviting me here to Baku. For me,



Baku is like my home, therefore let me welcome you as well. In today's lecture, I will try to give an historical overview of the formation and development of Turkish civil society. While doing this, I will focus on the sphere and types of activities of the Turkish civil society organizations (CSO), Then I'll present my views of the relations between civil society and the state, political parties and media. I will then discuss the formation of cooperation mechanisms among Turkish CSOs. Finally, I will focus on the international dimensions of civil society development in Turkey.

Firstly, in Turkey and like Azerbaijan and many other countries, we have organizations which work in the sphere of human rights, women and gender issues, democratization, economic, social and political rights and protection of the rights of children along with trade unions and professional associations. There are also think-tanks which focus mainly on research, assessment and policy making. By the early 2000s all these organization became very active. Moreover, we have braches of international NGOs in Turkey. When we look at the types of civil society organizations in Turkey, we can see different naming of these organizations including organization, union, association or foundation and their legal status are different. The 1980 military coup in Turkey was a turning point in the formation of a civil society. Before 1980, there were of course numerous organizations under the name of social organizations and they were not named as 'civil society' and/or NGOs. Before 1980, NGO were less visible since party politics and discourses of political parties largely determined the social, political and economic trans-



formation of Turkey. Professional unions and trade unions were the types of social organizations which were active.

The reason why the CSOs were less visible than today is that the activities of the political parties and their youth and women branches were found satisfactory and sufficient by the public. The public did not feel any need to establish more CSOs. Even women branches of the political parties did not initiate the establishment of women's organizations. After the 1980 coup, however, with the banning of political parties, the previously active groups tried to find out new types of organizational activities. As a result of the repressive policies following the military coup, human rights organizations were established. This started in 1985 and the organizations which were established dealt with the protection of the rights of the political prisoners and provided assistance to their families. Then, we witnessed the formation of gender and women's organizations. The feminist movement in Turkey and the establishment of women's organizations had been supported by the experts of women's problems and academics from the universities. In the period between the late 1990s and 2010 we see that the number of organizations increased, their types of activities have been diversified and the spheres of activities have changed. I will focus on this a bit later.

When we look at the types activities of Turkish NGO's, we can say that these are mainly research, consciousness raising, awareness raising, lobbying, organization of campaigns, fund-raising, providing grants and scholarships, projects and project related activities, organization of conferences and workshops.



In order to better understand the formation and development of civil society I think we should look at the relations between the state and civil society. There are, in fact, two views on this relationship. First view is that the state in Turkey is strong and its activities are wide-ranging, so civil society is weak since its sphere is very limited. According to the second approach, civil society is weak in Turkey because the state is weak. What is implied here is weakness in terms of providing social welfare, services and institutionalization. The dominant view in Turkey is that the weakness of civil society in Turkey mainly derives from the strong state tradition. Yet I think that international organizations have played an important role in the transformation of civil society and in shaping of the relations between the state and civil society, especially since 2000. I will return to this point later. The CSOs, and state of course, have perceptions about each other. I am not speaking exclusively of the current government, but governments in general have certain perceptions of NGOs. The most important one is that civil society is not predominantly considered as an important group by state structures and bureaucrats until recently. Another, perhaps less dominant perception is that some of the CSOs are seen as if they have the potential to harm national interests. Over the last 10 years this latter view has been changing as well. The culture of cooperation between state and civil society in Turkey is yet to be developed. It is a fact in most instances that neither state nor civil society do consider each other as partners and/or stakeholders.

Not only the state, but the CSOs have their own perceptions about the state. When we look at how Turkish CSOs

perceive the state and government, we can see that most of the CSOs think that the state is not open to cooperation with them, does not consider them as equal partners and does not provide resources for them. They also think that state does not necessarily prevent their activities yet is neither supportive nor promoting. They state that their activities are not visible and are not taken into consideration at the state level. We can say that there is not institutionalized and sustainable relationship between state and civil society in Turkey. Moreover, the CSOs think that personal choices and preferences are also important. For example, if the mayor of a city today implements a good project in cooperation with CSOs, his/her successor may not maintain the same relations with the CSOs. This demonstrates that state and civil society relations have not been institutionalized yet. In this sense, we can speak of three types of relations: relations excluding civil society; friendly relations based on cooperation; and indifference and/or a lack of interest in civil society.

All these generalizations that I made up until now started to change after 2000. There has been a compulsory change in the perceptions of state and civil society towards each other. The international organizations, grant schemes emphasized on the necessity of the collaboration between state and civil society. For instance they told to a CSO that "If I am giving you this funding, you have to work with an expert in the municipality". Or if they provide funding in order to prevent human trafficking they asked state institutions to work with the CSOs. Therefore we can say that in the last ten years state and civil society acquired experience in working together, in coopera-



tion with each other. They are both aware of the fact that they have to provide a milieu and conditions to work together.

A common problem encountered by Turkish NGO's today is the problem of financial resources. Until 1998, NGO's in Turkey were not working on a project basis and most of their activities were realized through the voluntary participation of their members. They were relying on their own limited resources. The problem of financial resources actually emerged after the international grant schemes had been introduced to the Turkish civil society since not all organizations had the chance to benefit from the international funding. Moreover if a CSO is able to secure a grant for three years, after the completion of the project if they are not able to have another grant they say they have financial problems. Civil society in Turkey has learned to conduct activities through funding after 2000. Before that time, they did not have significant resources, they were relying on the membership fees and donations. Yet, problems over financial resources appeared significantly after 2000. As you know well, the grants and funding provided by international organizations resulted in a competition among NGO's. Who will get what and how much become an important question and new CSO have also been established in order to get a share from the international funding.

Another problem is that the activity of NGO's has not spread widely enough to the rest of country, there is the absence of branches of central NGO's in the provinces. I am talking about the provinces and small cities outside Ankara, Istanbul and Izmir. This includes the big trade centres like Trabzon, Antalya and Adana. The CSOs outside the three



big cities, operate in a very local level, cannot be integrated to the international cooperation mechanisms. This prevents the consolidation of civil societal activity outside the center. Yet another problem is the fact that the idea of voluntary activity is becoming less important, professionalization and working on the project basis is becoming widespread, the number of local donors are limited and the internal cooperation networks are weak as I mentioned earlier.

What are the financial resources of NGO's? As I mentioned earlier these are funding and/or donations provided by the local donors, international funding, funding provided by the state or municipalities and the private sector.

Finally, I would like to talk about the international dimensions of the development of civil society in Turkey. There are three main actors to promote international assistance: international organizations, the state and civil society. In my opinion, the relations between these three actors are crucial. The important question is how international actors perceive of the local organizations. Moreover, the nature of the relations between state and civil society is very important. In Turkey while some NGO's are willing to take part in international projects, whereas some others do not want to be in cooperation with international organizations. One of the significant differences between Turkish and post-Soviet CSOs is that Turkish CSOs are not dependent on the international funding. In other words, today there is funding and they work. However, even if there would be not funding tomorrow, they will keep on working.

Lastly, I would like to say something about the interna-



tionalization of civil society in Turkey. The international cooperation mechanisms of Turkish NGO's are defined by international organizations. In other words, Turkey is not a donor country. This means that the Turkish CSOs do not provide funding to any CSOs abroad. Therefore, Turkish CSOs do not initiate any type of the cooperation mechanisms which require funding even with the neighboring countries. That is all I want to say. If you have any questions, I will be very pleased to answer them. Thank you for your attention.

**Leila Alieva:** Dr Ergun, thank you for your presentation. Now let us move on to questions.

**Vahid Gazi:** I found a number of interesting points in Dr Ergun's speech. Of particular interest to me was what she said concerning the phases of public and political activity before and after the advent of grants. Before grants appeared, voluntary activities were popular in Azerbaijan, too. However, once grants started to flow in, the situation changed. I would like to ask you another question. When talking to friends and public activists in Turkey, I felt what we call "Sorosophobia" in your country. Timur Hocaoglu (Temur Hoca), head of the Centre for Strategic Studies at Koc University, wrote an interesting article in a magazine on democracy (The Third Sector) which we used to publish in the past. The article, headlined "Dictatorial regimes, democracy and the Soros knot", spoke of the skepticism with regard to Soros and fear of him. What is behind this fear of Soros in Turkey?



**Ayca Ergun:** This process is not only related to the activities of the SOROS Foundation in Turkey. For instance, there were negative views on the activities of the German Foundations 6-7 year ago. These organizations had been criticized by the state representatives, the public and some academics. This means that this negative view is not constructed for the first time about the SOROS Foundation.

One should ask the question of "why don't people like the activities of international organizations" instead of that of "why don't they like the SOROS Foundation?". There are some people who would consider the activities of international organizations as the mechanisms of intervention to the internal affairs whereas some others would consider these as against to the national interests.

**Leila Alieva:** I have a question. What was the role of civil society in the democratization of Turkey? Was it large or small? I think it was mostly in the 1940's and 1950's when the process of democratization accelerated in Turkey. What were the main factors? Was civil society weak back then?

**Ayca Ergun:** In the period before the establishment of the multiparty system, we did not see any particular role for the social organizations. Rather, we witnessed the emergence of a movement for democratization deriving from the formation of the multiparty system. Despite the fact there was no serious institutional structure supporting the formation of a multiparty system, the process had been supported by a large group of intellectuals, academics, journalists and the media and the

creation of the Democrat Party in Turkey. The 1962 constitution, adopted after the 1960 coup, was a constitution which provided opportunities for the development of both political parties and civil society organizations. Therefore, we can see the institutionalization of public activity after the 1960's. When we look at the contribution of the CSOs to the consolidation of democratization in Turkey, we can say that civil society is very active in the last 10-15 years; is independent from both governmental structures and political parties but they have relations with both stakeholders. CSOs have been influential in national law making particularly in the amendments to the Civil Code, on the issues related to the discrimination against women etc. Yet, it should be also noted that their impact on the democratic consolidation is limited, at least it is less than expected. This is not only originates from the state's policies but it is also due to the weaknesses of civil society.

**Malahat Murshudlu:** Dr Ergun, Turkey had a very strong KAMU-SEN federation five or six years ago. I have not heard of it in recent times. I do not know whether it has been dissolved. I would appreciate it if you could give us some information on that federation. I have a second question. What are the tasks of NGO's ahead of elections? By law, do they have the right to maintain relations with political parties?

**Ayca Ergun:** I do not have particularly detailed information on the KAMU-SEN . KAMU-SEN is a trade union of public employees and is still active. But in general, there has been a decline in the activity of trade unions over the last 5-6 years. I should note that the organizations that I covered

today do not include trade unions. Coming to the question about the elections, I can say that since we do not have problems in holding of democratic elections, the CSOs in Turkey are not actively involved in the process of monitoring the elections in the pre-election and post-election period. But if they want to, they can be observers and watch the counting of votes. Our CSOs do not take part in any electoral propaganda campaigns. Additionally, one of the characteristics of Turkish CSOs is that they usually prefer to keep distance from political parties since they do not want to be perceived as a branch of any particular political party.

**Ruslan Asad:** Thank you for the interesting intervention. My question is more about the various components that make up the concept of civil society. I think that the owners of small and medium-sized businesses should also make up part of the institution of civil society, and they should actively participate in the work of civil society. This is true especially if they own property. This places public responsibility on them and society could also benefit from that. What is the situation like in Turkey? I mean, how do entrepreneurs participate in non-governmental organizations and political parties?

**Ayza Ergun:** In every city now we have a chamber of commerce, and the small- and medium-sized businessmen you mentioned are members of these chambers. The umbrella organizations uniting them all is the Union of Chambers and Commodity Exchanges in Turkey (TOBB), which is based in Ankara. As a central organization, this



Union channels the voices of small- and medium-sized businessmen from every part of Turkey to the government, because the TOBB is one of the strongest civil society organizations in Turkey. In addition to the chambers of trade and industry, there are other civil society organizations in each city, like the association of businessmen from Kayseri or Izmir. It is difficult to speak of the influence of the individual organization on the government, but when united, that is through the TOBB can, influence the policy-making.

**Farda Asadov:** Your presentation was very interesting. It gave us some idea of how the phenomenon of civil society has developed in Turkey, keeping pace with the political situation in your country. What was of particular interest to me was the support the Turkish military rendered to the development of civil society during its rule. What transpires is that non-governmental organizations emerged as the promoters of freedom of speech and thought at a time when political parties were banned. Did the military rulers have a particular policy in this regard?

**Ayca Ergun:** My presentation is based on the data collected within the framework of a research project. When they were asked, they said there was no concept of civil society organizations or civil society under the military government because - in their words - the military government did not see them as a threat. Until the 1980s, what was understood by the term civil society is the social organizations, particularly youth organizations, professional associations and trade unions. When I talk of professional organizations, I mean the

union of writers, lawyers, engineers etc. These were the types of organizations existed before 1980s. For instance, the first human rights organization in Turkey was the Association of Human Rights. Its aim was to provide legal assistance to the families of political prisoners. Later, it became a human rights organization. When we asked them the reason why nobody had intervened to their activities, they said that evidently nobody had known what they were doing.

**Hikmat Hajizada:** I would like to thank Dr Ergun. It is clear from her speech that civil society has made great progress in Turkey. Dr Ergun said that the state even helps municipalities in certain ways. I am interested in civil society under the Ottoman Empire. Could you please give us some information about that?

**Rasim Musabayov:** My question is a continuation of the one asked by Dr Hajizada. It seems to me that when we speak about civil society, we view this more as a Western concept. But it is not a Western concept at all. In the West, civil societies were born in religious communities. It is as though the modern state in Turkey does not want to see the organizations over there. When the communists came to power in Azerbaijan, they destroyed many things. They demolished mosques. They certainly had an influence over the non-religious society. But Turkey still has communities connected with religion. They have closed them down with the help of Islamist parties. But traditionally, they have had ties with civil society. They are up and running. There are organizations that defend European



style rights for women. However, these organizations also include societies which say that women should wear headscarves in public. I would like to ask about the position of such organizations. Is their influence over society stronger than that of modern civil society?

**Leila Alieva:** I would like to comment briefly here. The development of civil society in Turkey looks like the development of civil society in Azerbaijan in the 19th century. Back then, Azerbaijan really had a market economy and independent economic groups which gave birth to political parties and charities. I mean, if we take a look at the 19th century, we can see that Azerbaijan had a developed “civil society”, on the basis of which many other democratic institutions were founded.

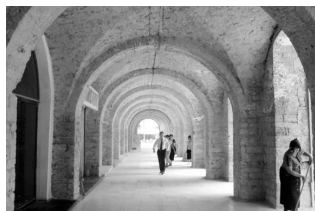
**Ayca Ergun:** I would like to thank both Dr Hajizada and Dr Musabeyov for their questions. You rightly noted that my lecture today was indeed prepared with reference to the Western theories on and definitions of civil society. Coming to the topic of a religious society, most sources in the literature do not refer to this as civil society. For instance, when one talk about a religious community, this may or may not be not included in the category of civil society. There are also some ideological reasons for this. If one agrees with the Western model of civil society, he/she can refuse to see religious communities as part of civil society. Some religious communities operate on the basis of solidarity networks and one can choose not to consider them as civil society organizations. Of course, in any society there can be other forms of

civil society and more rooted and stronger organizations than what I have mentioned here.

**Maryam Orujlu:** Dr Ergun, you said, and we also know from our own observations, that doubts do not arise about election results in Turkey. This is an issue that has been resolved once and for all. No opposition party cries foul after elections in Turkey. How did you achieve this? This is of great interest to me.

**Ayca Ergun:** Dr Oruclu, thank you for your question. As you probably know, from 1923 to 1946 there was a single-party system in Turkey. That is to say, although Atatürk himself wanted the formation of a multiparty system, supported this idea and made some efforts to achieve this aim over a period of 20 years, this could not be possible. However, the foundation of a new political party, the Democratic Party, as an alternative to the Republican People's Party (RPP) became possible in the 1940's as a result of the need and consensus, and with the opportunity provided by the RPP. There were of course problems in the consolidation of multiparty system in Turkey especially in the early years of the transition to a multiparty system, but they were all addressed and eventually eliminated. For example, people were required to enter the polling booth alone to vote. Some 30 years ago there may have been instances of whole families going in together, but these have now been eliminated. Now I can say that there is a belief that elections in Turkey are free and fair. This has been the case for a very long time, not just today. It





derives from the strong belief of both the political power and the public opinion to the necessity of holding democratic elections for the democratization and democratic consolidation.

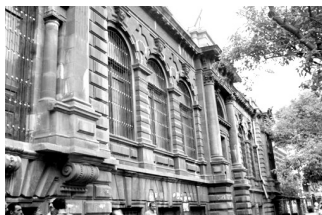
**Leila Alieva:** Dr Ergun, thank you very much for your speech. Now Hikmat Hajizada will take the floor.

**Hikmat Hajizada:** I would like to thank the guests and organizers of today's event. Dear friends, I am going to speak about the problems facing civil society in Azerbaijan. The suppression of civil society is the biggest problem of all for us. Therefore, I will talk briefly about the history of civil society.

**Leila Alieva:** I would like to put the issue more specifically to you: do we have a strong civil society or not? And why is it so?

**Hikmat Hajizada:** Of course, it is not strong. And the reason is that we are being suppressed.

Now I want to move on to my speech. First, the phrase "sivil cemiyet" is used in the Turkish language. This is not right. The phrase "mulki cemiyet", which is used in Azeri, is more correct. For instance, we say "Mulki Macalla" (Civil Code). The issue of civil society started to be discussed at the end of the Middle Ages - when capitalism emerged and self-governance started to grow. One of the philosophers between the 16th and 18th centuries used the phrase "civil society". After that, Scottish philosophers like Boden and Fergusson seriously studied this issue. They believed that in the past



only military or political societies existed. Everybody had his own sword. You could be a farmer or a cobbler, but you had your own sword to protect yourself. Then, as capitalism developed, the cobblers moved aside. I mean, they handed over their swords to special people [to protect them]. Those special people came to power. After this happened, philosophers spoke of "political society" and described craftsmen as "civil society". A political society is one run by rulers. But as society developed further, a transition took place from a society ruled by others to one that runs its own affairs.

The system in which a society runs its own affairs is more progressive. It also exercises civil control over the government. Parliament exercises both political and civil control. Civil control is essential for a democracy. It is administered by the courts, newspapers and associations of various kinds. Those exercising civil control can raise a particular problem in an association. That problem can then be discussed in newspapers before matters go to court. In this way, a citizen has the power to influence the government by non-political means. Issues of self-government can also be resolved at the same time.

Civil societies have always existed. No-one can say that non-political relations did not exist in a particular place or at a particular time. Civil society existed even under Stalin, who restricted all activity which lay outside his control. I will give you an example. When a person died, his neighbours collected money and provided other help to bury him. All these are attributes of a civil society. Such attributes of a civil society evolved in certain communities but their development was delayed in others.

Civil societies have played, and still play, a very important role in the Islamic world as well. Ibn Khaldun, who was the founder of sociology, started to write about this back in the Middle Ages. He studied civil society. In the medieval period, the situation in Azerbaijan and Turkey was almost the same. Independent associations made up a very important part of civil society. Capitalism developed and therefore the scope for civil society increased once Azerbaijan was occupied by tsarist Russia. Millionaires, such as Tagiyev, Nagiyev and Hajinski emerged. The newly-formed civil society was a very progressive one. Those supporting civil society were very liberal and progressive people.

On 28 April 1920, the communists came and said: "Everything must be controlled." The state became totalitarian in nature. The 70 years of Communist rule were a serious blow to civil society. Falsehood entered politics, as well as people's hearts and minds. We have not yet been able to get rid of it. But in the 1980's, the Soviet Union started to weaken. This weakening took place all over the Soviet and Communist bloc. Intellectuals pulled the idea of civil society out of the archives. They started to discuss its theory and practice.

Civil societies were in such a dire situation in Russia, Georgia, Ukraine and Azerbaijan that Gorbachev showed particular interest in civil society. In every speech, Gorbachev raised the issues of civil society and independent associations. No civil society or independent association existed at the time, and Gorbachev made efforts to build them. He had realized that a transition from total control to self-governance was needed if the country was to develop.

The starting point was ecology! If you remember, ecological clubs were opened all over the Soviet Union. This network of clubs started to spread everywhere. Next came the Popular Front movements, including in Azerbaijan. This movement, which spread very quickly, still makes up the backbone of the independent political and civil societies in Azerbaijan. Article 1 of the programme of the Popular Front of Azerbaijan said that the movement would work to build a law-governed state and a developed civil society in the country. Honestly speaking, we ourselves did not know at the time what a developed civil society would look like. But we started to research it. The Popular Front made efforts to establish independent associations. Various organizations emerged at the same time as the Popular Front.

Regrettably, the war [with Armenia] hampered the development of civil society in our country, and our first democratic experience [government] was overthrown. The democrats who were ousted from power in 1993 joined civil society and established non-governmental organizations. In particular, strong human rights organizations were developed. There was a lack of funds to operate those organizations. The world's democracies helped us with this. The help provided by democrats of the world in 1995-1996 was very important for Azerbaijani society. Millions [of dollars] were spent on preparing new textbooks, books, draft laws, etc. But the older generation and business people are yet to help civil society. In fact, our civil society lives on money allocated by Western democracies. But the situation is changing. I first felt that in 2005. A new generation came in and started to deal with the issues of civil society in a consistent and serious manner.



Some of our young people have got involved in politics. Others are dealing with the problems of civil society. Another part of our youth has joined the world's civil society. All these developments are very important for Azerbaijan.

**Participant:** I have a question. What is your take on the role of civil society in Azerbaijan and Turkey at the moment? Does civil society take the country towards liberalism, religion, nationalism, the West or the Turkic world? In which direction is it taking us? I would like both Dr Ergun and Dr.Hajizada to answer this question.

**Ayca Ergun:** Civil society in Turkey is not dominant. For example, organizations dealing with human rights can be ideologically close to the Justice and Development Party, the RRP or to the left-wing socialists. It is not possible to say that civil society in Turkey can lead the country to this or that direction. There are various ideologies in Turkey: there are pro-Western groups, pro-Eastern groups etc. Nevertheless, it is not possible to conclude that civil society in Turkey has an ideology or direction which can dominate the country.

**Hikmat Hajizada:** Civil society is certainly playing a very progressive role in Azerbaijan. It is now clear to everybody that political society has totally collapsed. Civil society today is the last hope of democracy in Azerbaijan. And civil society is liberal everywhere, because it has been established in a system where one can express and manage oneself. You can be a nationalist, but you are still given the opportunity to



express yourself. If a person comes under pressure in a nationalist organization because of his/her views, he/she can leave and establish his/her own organization.

**Leila Alieva:** I would like to thank Dr Hajizada for the very thought-provoking speech. Now I suggest that we invite Rashad Shirin and Ilqar Mammadov to speak. Rashad Shirin, the floor is yours.

**Rashad Shirin:** Thank you very much. We have had really interesting discussions here. I believe that we will be able to touch on some practical issues now. Today we have considered some terms like civil society and democratization. But do we need all these? I want us to consider the issue of civil society from a practical point of view. For instance, John Locke said that civil society is a society of free people. Is civil society the same as a society in general? This is an interesting question. If we accept that civil society is a society of free people, or civil society is the free people themselves, then we can take a broader look at monopolization of power. Now what we want to achieve is to make sure that we do not have monopolization of power, we have various groups within society, we exercise control over the government and ensure the division of power.

In the past 20 years, we have not been able to do so by political means. Society once again lost the struggle against the government. The main question for me is this: How shall we end the monopoly of the government? Therefore, I suggest that instead of discussing what is good and what is bad, we discuss what we should achieve and how. What shall we get from a broader approach to civil society? This can help

us find out and strengthen groups that have been left aside. Within society, there are a number of different groups that make society dynamic. It is frequently said that democracy is something built on group interests. In British history, there were "friendly societies". These were not professional unions or political parties. They simply brought together people with common interests. People would come together and collect money, which they used to help those in trouble.

In 1910, nearly 7 million people in England were members of these "friendly societies". At the same time, trade unions had only 2 million members. Other organizations had even fewer members. It was very important to band together around common interests.

What is civil society? Is it three or five people coming together to educate people? Can we call them "civil society" at all? In fact, I would like to speak more on how the modern nation state has merged with the capitalist system to make our state very strong today. We are not only facing problems because an authoritarian system has been established here. We are also facing them because of the fact that, from an historical point of view, Azerbaijan only recently started to rebuild a nation-state. As prominent sociologists have said, a nation state becomes a powerful dragon only if it merges with the capitalist system. As Azerbaijan is developing because of its oil, and as we are experiencing a very big jump [in the economy], the system has destroyed and thrown away all political forces that might have challenged it.

What can we do in a situation like this? First, we should strengthen "the movements of ideas". Azerbaijan has had var-

ious groups doing this job. But we have not had organizations, such as the Turkish Union of Liberal Thought, which could influence the government with its thoughts and ideas and produce and spread ideas that are read and, in some ways, accepted by society. I think that to date, no-one has been able to achieve this in Azerbaijan. It sounds very radical when I say "no-one". Perhaps there have been some attempts [to establish such an organization], but we have not come up with an ideology or brilliant idea capable of influencing the masses.

I would like to make a very simple comparison here. Yesterday we marked the anniversary of the Khojali tragedy. We saw a Khojali discourse carried out by the state on television and through state propaganda. Yesterday I was thinking of the Moharram discourse, which we have been having for 1,400 years without any state, political party or NGO propaganda. [Moharram, or Ashura, marks the anniversary of the killing of Imam Husayn, a grandson of the Prophet Muhammad, together with his family and followers in the seventh century.]

As I said, democracy means strengthening the centres of power. Dr Ergun touched upon the relationship between the state and civil society. In Azerbaijan, we have a situation where there is only the state and society. I think that civil society should not view the government as a monolithic entity because there are various interest groups and tendencies within the government. There are groups that want to change and reform things. This opens up very good opportunities for professional groups to cooperate with government bodies and carry out the task that lies ahead.

In conclusion, I would like to say one more thing. I recently visited Brussels. The Centre for European Policy





Studies over there had published a book in which a very interesting comparison was made. [The book says that] Georgia, Moldova and Ukraine are democracies, i.e. people there are in charge of their own countries. But countries like Azerbaijan and Kazakhstan seem already to have chosen the path of despotism. This is just for your information. It includes a number of points for us to think about.

**Leila Alieva:** Thank you for your interesting thoughts, Rashad. I suggest that we move on to Ilqar Mammadov's presentation right away, after which we will hold discussions. I would like to draw your attention to quite a serious issue. Civil society [in Azerbaijan] indeed faces a very big threat. As you know, a law has been adopted in our country. This law will hamper the development of civil society in the future. We have to think seriously about ways out of this situation.

**Ilqar Mammadov:** The dispute over terminology we have had here is very important in terms of defining the role of civil society. Dr Hajizada explained in his speech what is meant by civil society. I had a small argument with Dr Hajizada a few years ago. Are those driving their cars very fast in the street at night, the so-called "avtoshes" [automobile hooligans], members of civil society? Hikmat Hajizada said they were. But for me, they are not because, in my view, only those groups that do not have any hidden agenda and those who act in keeping with the basic principles of democracy can join civil society. For instance, are clans a part of civil society? In some countries, yes, they are. But in Azerbaijan, they can never be accepted as members of civil society. Not every informal organization or union is part of civil society.

Only the unions that do not damage public interests and act in line with democratic principles can be viewed as members of civil society. The situation in Azerbaijan is not that good from this point of view. Apart from that, we are not in a good situation in view of the strength of the state, because unions that ignore common and public interests have in fact taken control of the state. The unions that defend public interests are fighting against a state that is controlled by others. In fact, it turns out that non-civil society and civil society have entered into a battle for control of the state. The situation in Azerbaijan can be described in this way. The forces in this fight are not equal.

I have been a member of the board of the [George] Soros Foundation for four years now. The Soros Foundation spends about 2.5 million [dollars] a year. A further 1-2 million [dollars] are sent in by another network. In total, the Soros Foundation spends approximately 4 million dollars in Azerbaijan a year. There are also NED and some other organizations. Let us say that a total of 10 million dollars are allocated to Azerbaijan by international donors. This amount of money cannot be compared with the funds possessed by the current state of Azerbaijan. We should also bear in mind that a large part of the 10 million dollars goes to non-governmental organizations that are independent in name only, but are in fact controlled by the state.

Thus, only 1-2 million dollars are left for those who are fighting for a civilized state. The situation is getting worse by the day. As the Azerbaijani state grows richer, it exerts more pressure and shows more signs of totalitarianism. It wants to keep everything under its control. Recently, new restrictions were imposed on NGO's, political parties and also journalists. Our situation will get worse as the state is abusing its powers and the authorities do not have a proper view of civil society.

I mean, from now on, civil society organizations will not be able to work here. Attempts were made to impose restrictions last summer. These efforts have now been resumed.

Under these circumstances, how should Azerbaijan's civil society react? One answer to this is that Azerbaijan's civil society should not be based on provincialism. We used to be a province of Russia in the past. Now we appear to be a province of the West. We are thinking of a beautiful West, where we believe that everything is good, and therefore we should bring our state structures and civil standards into line with it and integrate into Europe. I also like the idea of integration into Europe, but we have to be realistic. Let us take Greece, for example. In that country, the role of the church is enshrined in the constitution. Can you imagine what would have happened if Allahshukur's role had been enshrined in the constitution? [reference to Allahshukur Pashazada, head of the Board of Muslims of the Caucasus] In Greece, the prime minister is sworn in before the Catholicos. If the same was true in our country, they would have made a fuss about it.

There are serious restrictions on freedom of speech in France, Switzerland and other countries. A famous theologian in the Netherlands was recently sacked for giving an interview to Iranian television. He was expelled from the university where he worked, and also from the town council. The British Queen gets the largest compensation from the European Union as she is the biggest land owner.

I say all this because I think Azerbaijan's civil society should not cite America, France or England when expressing its own social goals. There are both good and bad things over there. We have to be rational. I regret to say that there is a

provincial mindset in Azerbaijan. Therefore, this discourse needs to be changed. We need freedom, democracy and free elections not because Europe has them, but because they are useful and this has been proven in practice. There is a problem of thought in Azerbaijan's civil society. There was the Communist ideal during the Soviet period, and we all used to compare our lives with that ideal. And now there is the democratic ideal, with which we compare our lives. This is wrong. Not every European country is an ideal democracy. Our goal has to protect and encourage democratic values.

We know full well that a monarchy is being built in the country. After this year's parliamentary election, the president will have three more years (in office). Azerbaijan's oil revenues will peak within the next three years. There will be no elections, no political parties, nor municipalities over the next three years, which will be like a period of "Communism" for him. Can you imagine? Ilham Aliyev will come up with a new agenda in 2010. He will try to institutionalize the monarchy.

In conclusion, I want to say that Rashad was not right when he said that there has been no movement of thought in Azerbaijan. Elmar Huseynov used to publish a journal with a print run of 3,000 copies, and all those copies used to sell. Where is Elmar Huseynov now? He has been murdered. Eynulla Fatullayev used to publish a newspaper with a print run of 26,000-27,000 copies. Where is Eynulla Fatullayev now? He is in prison. Despite all of its shortcomings, Day.az was a popular website. During the Russian-Georgian war [of 2008], the website was visited by 100,000 people a day. Where is it now? It has been taken from its owner and killed. The authorities have set a digital boundary. If your moral authority goes beyond

this boundary, you are either sent to prison or killed. This is a very oppressive regime. That is all I have to say.

**Leila Alieva:** I was interested to learn what the Spanish people did under the Franco regime? I was told that active part of the population used to join neighborhood communities or women's rights societies. In other words, civil society existed but in selected areas and in a non-confrontational form. Of course, the most important factor [in ousting Franco] was the large financial aid various political parties received from abroad. Second - Erkin Gadirli said, I believe - there can be another way out. I mean, we can shift from the political arena to the moral one and assess developments from a moral standpoint. This would be more useful and more effective, because it has been ages since we judged anything. This would have laid a basis for civil society to function.

**Vahid Gazi:** I would like to comment on Rashad's speech. I could not quite understand what he meant by the movements of ideas. As far as I know, the first centres of thought that I saw were the former teahouses. I remember an article I wrote on this in 1992. It was headlined "Residents of the Azneft tea-house" [Azneft is a place in central Baku]. In those teahouses, we used to get information that was not accessible at the university. Painters, poets, scientists, in short - thinkers - would come together in the teahouse on Azneft, where we received information about foreign literature, new movies, true historical facts and national identity. Such interesting pieces of information could not be obtained from textbooks or television at the time. You could also hear expert analysis on political issues there. For instance, I first heard of [Abdurrahman] Vazirov [for-

mer head of Soviet Azerbaijan] there in 1985. Gorbachev had just been elected secretary [-general of the Communist Party of the Soviet Union]. It was said that Gorbachev would appoint him head of Azerbaijan. This political forecast was confirmed three years later. Vazirov came to Azerbaijan. In those tea-houses, you could also obtain information about the Soviet Union that was not available anywhere else. I mean, it was like the kind of centre of thought that you have talked about. It is true that it was not a movement with a specific purpose or goal. It was something like a club where people could get together to hear and talk about different topics.

I have a question to Ilqar Mammadov. Over the past 15 years, we have been propagating international experience. So many books and brochures have been published. What should we say now? Should we say that we were wrong, and that we did not need foreign experience? You have to compare things to make a decision. If we say, "It is not good to turn to Iran. It is also bad to turn to the East. We should not take anything from the West either." What then should we do? We do not have anything in our country. We need to take it from somewhere else. Your speech was interesting. But I could not see what you are proposing.

**Rashad Shirin:** I view "a movement of ideas" a bit differently. The delivery of information does not mean that a movement of ideas has taken shape. A movement of thought is a movement with an ideology. I mean, it is a movement that is capable of explaining social developments, opening up some prospects for the future and spreading some powerful ideas among people. This could be liberalism, social

democracy or Islam. There are some classic political ideologies. Ideas serve as a tool in the political struggle. In other words, you have to have ideas to share with people and say, "Look, this will ensure a better life for you".

**Ilqar Mammadov:** My words about international experience might have sounded tough. But I also said in my presentation that it was about the protection of democracy. It is not about rejecting them altogether and bringing in something new. What I am saying is that better methods need to be used to promote democracy. For instance, we should always say what is wrong in the West. If we talk about the wrongs of Azerbaijan, we should also mention what is wrong in the West. Let us take Greece as a European example again. Two families are active in politics over there: Karamannis and Papandreou. For 15 years, elections in Greece have been won by these families. Now the situation in Greece is bad. What I want to say is that democratic people in Azerbaijan have a distorted view of civil society. This image needs to be changed. If you say that everything is nice over there, and that everything is bad over here, our society could be adversely affected by this. This is very important when it comes to expressing the public view.

**Participant:** I would like to comment on Rashad Shirin's speech. You proposed some directions for us to work on. One of your proposals was that we should start with policy issues. I represent civil society and I am also doing economic research. Over the past five years, we have prepared "policy papers" and submitted them to the Azerbaijani government. The government gets those papers and puts them on the table. When we

speak, the government says that we represent the political opposition. We need to discuss the politicization of civil society.

**Participant:** I am going to comment on İlqar Mammadov's speech. Mr Mammadov, I am sure that you share and believe in the values that Europe and America share with us. We have to use them as successful examples. We can put the issue this way: When a problem emerges in Europe, and when the problems that we have mentioned become a crisis, public (social) institutions over there react to this. But when there is a crisis in our country, we cannot discuss it. We do not have a format to do so. Therefore, if you want to change the discourse, I think there is a greater need for organizations producing ideas, as Rashad has just said. I think the issue of example is important. I would like to say something to the experienced politicians we have with us here. I think that Europeans and our politicians alike have to accept that we need to shift to the concept of "politics without a necktie". By "without a necktie", I mean brains without neckties. This would enable politicians to better communicate with the people.

**Rasim Musabayov:** I think we should be aware of the opportunities here as well. The Internet has opened up great opportunities for the spread of ideas. But there is also a trap here. It is in our nature to speak out. But regrettably, it is very difficult to translate our words into action. I am afraid that, in many cases our social energy is limited to conversations on the Internet alone. In Moldova, there were many calls on Facebook regarding the elections. People came out to overthrow the Communist government and succeeded in that. It



was not something pre-planned. We had a lot of discussion about the bloggers' -Adnan's and Emin's- arrest. But when it comes to protest meetings or trials, the number of people attending them from our generation is no smaller or greater than the number of young people. This should change. The issue of shifting from talk and discussion to action needs to be discussed and resolved by society.

**Leila Alieva:** I also would like to say something. I am sorry, Mr Mammadov, but I think the problem that you raised is slightly exaggerated because the government simply manipulates the issue, although without much success. I think there are issues that are more important than this. Look into the eyes of people in the street, and compare today's people with the people we had before. Do average Azerbaijanis know about Adnan or Emin today? They do not. Do they know about Eynulla Fatullayev? They do not. Even if they do, is a way out or an alternative way of fighting suggested to them? There is a very big difference between the people of the early 1990's and those living in the early 2000's. Most people are passive and uninformed. They are not mobilized. I think this is the main problem. We should ask ourselves a question: Why has civil society not attracted these people? Why do we not provide people in the regions with information? Yes, the state is very guilty. But we are not innocent either.

**Malahat Murshudlu:** I think we ourselves are to blame. We do not have the right approach to these issues. Our society is like a tree with roots. There are problems in the roots of the tree. But we are working on the branches of the tree.

Nasiraddin Tusi [a 13th century Azerbaijani thinker] called a newly-born child "adam" and not "insan". [Both words mean human in Azeri, but according to some interpretations, "insan" is a more developed and cultured human than "adam".] He said that one had to go a long way from "adam" to "insan". What is this way like? You have to have knowledge and faith. In our society today, those who have knowledge do not have faith. Tusi said that those who have knowledge but no faith are devils. Those who have faith but no knowledge are jahil (superficial) people. Those who have neither knowledge nor faith are nadan [Persian word meaning ignorant]. Today we have three groups of people in our society. I do not know which group we belong to as members of civil society. I think that our problems lie in the roots of the tree.

**Hikmat Hajizada:** Apart from the political difficulties, we also have psychological and historical difficulty establishing a civil society, communicating and building trust. These have cultural roots, which can be fought against under this regime as well. When I was in Germany, I was told that the Americans captured that country after the fall of fascism and started implementing various programmes. One of those programmes had to do with the development of civil society. They (Americans) made great efforts in that direction. But after Hitler, Germans did not want to go out, communicate or set up organizations. There was very great psychological barrier. The USA conducted a major programme to help the reclusive Germans go out and communicate with each other. Of course, we do not have the same opportunities. But we

are facing the same problem. These are the shortcomings of our culture. We have to think of ways to get rid of them.

**Zardusht Alizada:** I suggest that we should view developments from a broader historical perspective. In the late 19th century and early 20th century, Azerbaijani society chose to build a democratic republic. It was a time when the whole of the Russian Empire was moving towards a bourgeois democracy, and we were moving together with them. In 1988-1992, Azerbaijani society once again chose democratic values and European rules. Why did that happen? It was because the Communist regime in the Soviet Union was falling apart, and we were also part of that process. But after the fall of the regime, and after we had become independent, we built a society of organized crime. In this society, everything is up for sale - the country's territory, religion and profession. I am saying this so that you do not have any illusions. I think two reasonable ideas have been expressed here. The first had to do with moral politics, and the other was that we have to work with ordinary people.

**Dr Leila Alieva:** I would just like to add, that as the literature on resource-based economies proves, when oil development starts in the absence of mature democratic and state institutions, the prospects for the development of democracy are very low. In spite of that, Azerbaijan still has journalists prepared to resist, a battling opposition and a vibrant civil society - and this is what makes us all hopeful. I would like to thank all of you, especially our guest from Turkey. Thank you for coming.

## THE BUILDING OF RULE OF LAW STATE: AZERBAIJAN'S AND TURKEY'S EXPERIENCE.

(Hajiqabul,  
3 April , 2010)

**Leila Alieva:** Dear participants in this conference, greetings to you all and thank you for coming here today. We are holding seminars in many regions of Azerbaijan. But this is the first one in Hajiqabul. It is also the first Azerbaijani region our Turkish guest has visited. By the way, it is her first visit to Azerbaijan. We hope that we will enjoy free and intellectual discussions during this conference today.

A hundred years ago, Azerbaijan adopted some laws which even some European countries did not yet have. For instance, in 1918 the Azerbaijani parliament adopted legislation on equal voting rights of women. This law was adopted in France in the 1940's, and in Switzerland only in the 1970's. So at the time [in 1918-1920], Azerbaijan's progress in this field was immense.

Today's discussions will be about the concept of a law-governed state. We are joined by several prominent experts in this field to compare the history and challenges of building a law-governed state in Turkey and Azerbaijan. One of the speakers, Dr Zehra Odyakmaz, is a professor of Ankara's Gazi University. It is a great honour to have her here. She has travelled a long way to get here.

Other guests include Dr Irada Bagirova, Dr Alasgar Mammadli and Mubariz Khalilov. So, let us start our first session. Dr Bagirova will be the first to take the floor.

**Irada Bagirova:** As you can see from the conference programme, my presentation is entitled "The formation of the basis of a Rule of law in Azerbaijan in the modern period". Of course, it would be too early to speak about a law-governed state in



Azerbaijan in the late 19th and early 20th centuries. But there are some important issues I would like to discuss.

Many of you may know full well that the concept of a "law-governed state", which is quite popular nowadays, was known back in the ancient period, during the days of Plato and Aristotle. A law called "human rights" was first drawn up in Rome. Lawyers in Medieval Europe also used that law. I would like to remind you of the main principles of a law-governed state. The first is equality of people before the law. Next is the principle of distribution of power and the principle of fair resolution of all conflicts. The concept of "law-governed state" was coined by Immanuel Kant.

When it comes to Azerbaijan, I believe that the foundation of a law-governed state began to be laid in the late 19th century. As you know, Azerbaijan was part of the Russian Empire at that time. Russia was influenced by all the developments going on in Europe during that period. It was under Alexander II in the 1860's when Russia started to carry out major reforms. Azerbaijan was directly affected by those reforms. The system of serfdom was abolished in Russia in 1861. But this law was enforced in Azerbaijan in 1864-1865, and in a very specific manner. Under the laws adopted in 1864, reform of the courts and town management were carried out. But these reforms started to be implemented in Azerbaijan only after 1870. A jury system was established in Russia. But this system was not established in Azerbaijan, because [Russia] did not trust the local population. The Russian Empire was very afraid of the prospect of local people participating in the work of courts. Instead, so-called rec-

conciliation courts were established where judges acted as judges of reconciliation.

Judges were supposed to be elected. But in Azerbaijan, they were appointed by the governors of the Caucasus. These reforms were incomplete, and restricted local people's participation in government bodies. Despite all this, city charters enabled locals to establish their own self-government bodies such as city Dumas, which acted like legislatures, and city municipalities called "uprava", which were executive bodies.

In 1877-1878, a city Duma was established in Baku. Such Dumas did not exist in the regions of Azerbaijan at that time. The Baku Duma was a legislative body which was formed through elections. At the end of the 19th century, Azerbaijanis started for the first time to comprise over 50 per cent of members of the Baku Duma. They were called "glasniy". Many well-known public figures of Azerbaijan were members of the Baku Duma. While only one-third of the population in other remote regions of Russia had the right to be elected to Dumas, the city legislatures, Baku was an exception. In Baku, 50 per cent of the Azerbaijani population had the right to be elected to the city Duma. This was a great achievement. Why 50 per cent? Because there were property and other restrictions in place. For instance, people who were worth less than 1,500 roubles were not allowed to run for the Duma. This certainly restricted people's chances of being elected to the legislature. However, some intellectuals managed to make it into the Duma. They included Hasan bay Zardabi, Mahmudbayov, Alimardan bay Topchubashov, Mammad Hasan Hacinski, Mirza Asadullayev and others. Well-known businessmen,

such as Haji Zeynalabdin Tagiyev and Musa Nagiyev, were also among the "glasniys" of the Baku Duma. A number of issues concerning management of the city were discussed there. These included issues like the construction of water pipelines and schools. It is clear from media reports at the time that the Duma's meetings were open and transparent. Almost all protocols of the Duma meetings were published by Kaspiy, Irshad and other newspapers. Hasan bay Zardabi joined discussions of issues ranging from agriculture to water pipelines and the powers of city management bodies.

As you know, Tagiyev led a project to build the Shollar water pipeline in the early 20th century. Before that, a British expert called Lindley had been tasked with this project. Discussions of this water pipeline project took over ten years. All these debates were reported by the media. Business people had to ask the city executive authority, the "uprava", for permission to build a house in Baku. The "glava [head of] upravi" was the head of Baku. In other words, Baku had a municipality at the beginning of the 20th century. This executive body included representatives of non-Muslim peoples as well. In return for permission to build a house, trees had to be planted outside buildings. The Baku Duma closely monitored these activities. Schools started to be built and repaired by decision of the Baku Duma.

In the early 20th century, Russia and its remote regions enjoyed an economic boom, which was followed by a crisis. It was also a period of revolutions, social unrest and national liberation movements. Suppressing all ethnic minorities was the state policy of the Russian empire, which comprised over 100

nationalities. This policy was targeted particularly at Muslims, including Azerbaijanis. They did not have the right to be educated in their native language, nor were they entitled to be represented in government bodies or in the army. However, the Azerbaijani people did raise brilliant intellectuals. Highly-educated Azerbaijanis, who had graduated from universities in Russia and abroad, started to play important roles in public and political life at that time. They included both liberal and democratic-minded intellectuals and business people. The intellectual elite that formed in Azerbaijan in the early 20th century comprised representatives of the nobility and also other social classes. The Azerbaijani intellectuals realized full well how both the upper and lower classes in Azerbaijan had been belittled, although they represented one of the most loyal nationalities in the empire.

Some of them believed that participation in the enlightenment movement that took shape in the late 19th century was a way out of this situation. Others supported a more active form of national liberation movement. Soon, people emerged who were not only the bearers of new ideas but were also in a position to unite part of society around such ideas. For the first time in Azerbaijan's political and public life, non-governmental organizations and political parties were established. Of course, there was a certain factor behind this process. It was the manifesto signed by Tsar Nicholas II in October 1905 after a revolutionary movement and social explosion. This manifesto created an opportunity to carry out democratic reforms. It guaranteed freedom of speech, freedom of assembly and other democratic rights.

Naturally, this led to a serious awakening of social and





political life. It was a time when myriad newspapers and magazines were launched in Azerbaijan. Members of the enlightenment movement stepped up their efforts. A number of non-governmental organizations and charities were established. Some underground national organizations started to operate openly. Organizations like Difai, Qeyrat and the Musavat party managed to reach out to people via these organizations.

Starting in 1906, elections were held to the Russian State Duma. Although it was not a fully-fledged parliament, the foundations of a parliament were laid at the Duma. Elections to the State Duma were very active in Azerbaijan as well. You may know from some television programmes and recent books that the people of Azerbaijan were very active during those elections, nominating the most prominent Azerbaijanis to the Duma. The Azerbaijani intellectuals who had been nominated by the people first launched the "Petitsiya" [Petition] campaign addressed to Nicholas II and the Russian Ministry of Internal Affairs. Those petitions called for equal rights for Muslims, including Azerbaijanis, and Christian nationalities.

Of course, it was too early to talk of human rights at the time, because national (ethnic) rights had been trampled on in the first place. The first thing our prominent intellectuals had to do was to speak of violations of our national rights. They demanded that Russian officials provide all Muslim peoples of the country with the same opportunities enjoyed by Christians: the opening of schools; military service; the right to study at universities; the opening of schools teaching in native languages. They also demanded that Azerbaijanis be allowed to be represented in the government system.

Then the election campaign to the State Duma kicked off. Prominent intellectuals - Alimardan bay Topchubashov, Ziyadkhanov, Zeynal Zeynalov and three others - were elected to the First State Duma by the people of Azerbaijan. Before the State Duma opened, a Muslim constitutional party called "Ittifaqi-Muslim" (the Muslim Union) was established. This party held its first congress in the town of Nizhniy Novgorod in 1906. Alimardan bay Topchubashov wrote the manifesto of that party and became its chairman. After the elections, the first Muslim faction was established in the State Duma in St Petersburg. Alimardan bay Topchubashov was elected head of this fraction. He also wrote the programme of the faction.

Alimardan bay Topchubashov wrote an article headlined "The Muslim faction in parliament". I would like to quote from that article: "The programme of the Muslims was based on the principles of the constitution. It called for the nationalization of provincial lands, full autonomy in religious affairs, and the establishment of self-governing units throughout the empire based on the principle of autonomy with expanded powers." These were the main demands put forward by the Muslim faction at the State Duma.

"Zemstvos", which acted as self-governing bodies, had been established in Russian regions. But Azerbaijan did not have them. Only Baku did, and this issue had just started to be discussed in the Yelizavetpol (Ganja) Duma. In 1906, our intellectuals demanded that local self-governing bodies be established in all regions of Azerbaijan.

The First Duma existed for only 72 days. It was followed by elections to the Second State Duma. Mammadaga

Shahtakhtinskiy, Khalil bay Khasmammadov, Mustafa Mahmudov and Zeynal Zeynalov were elected to the Second Duma. Then elections were held to the third and fourth Dumas. At each of these elections, the number of Muslim deputies, including Azerbaijanis, fell. After the passing of a reactionary law on 3 June 1907, only two or three people were allowed to be elected to the Duma from the Muslim provinces.

The Fourth State Duma had only one representative from Azerbaijan - Mammad Yusif Jafarov. At the same time, Central Asia had been totally deprived of the right to be represented at the Duma. But our representatives to the Duma protected the interests of all the Muslim peoples of Russia.

The prominent public figures that were elected to the Russian State Duma later became members of the Azerbaijani parliament. The coup of October 1917 sent shockwaves across Russia, including the South Caucasus region. Unlike Georgia and Armenia, Azerbaijan saw three changes of government in a year. The government bodies established by Russia's interim government were replaced by Bolshevik communes in November 1917. Eight months later, the communes were forced to hand over power to the Centrocaspian government of Mensheviks and SRs. The Bolshevik-Dashnak government, which was responsible for the killings of thousands of Azerbaijanis in March 1918, was temporarily forced from power in June 1918. But the Centrocaspian government was also shortlived. Azerbaijan established its own national government. As you know, Azerbaijan declared its national independence on 28 May 1918, after the fall of the Trans-Caucasus government. Following heated debates, the

National Council of Azerbaijan adopted Azerbaijan's Act of Independence by 24 votes in favour and two abstentions. The Act read: "From today onwards, the people of Azerbaijan have sovereign rights. Azerbaijan, located in south and east of the Trans-Caucasus, is declared a fully independent state."

Article Two of the Act of Independence, which in fact served as a constitution, read: "The form of government of the state of independent Azerbaijan is defined as a people's republic. The Democratic Republic of Azerbaijan provides all citizens within its borders with political and civil rights irrespective of their nationality, religion, class or sex." So it was the first democratic republic in the eastern and Muslim world. Although it survived for only 23 months, Azerbaijanis demonstrated to the whole world that they deserved to be free and independent.

As a parliamentary republic, the Democratic Republic of Azerbaijan had all the attributes of a truly Rule of Law state: it had a parliament elected through a free and fair election to the Constituent Assembly in 1917. It also had a government that reported to parliament and an independent judiciary that had just been established. Over this period (from May 1918 to April 1920), the cabinet changed five times. A culture of resignation took shape.

Armenians were represented in the parliament by two factions - the Armenian faction and a separate Dashnaktsyutyun faction. Only a few months from the March killings of Azerbaijanis, Armenians had their own factions in the Azerbaijani parliament. Can you imagine that? This was an example of rare tolerance never before witnessed.



The most important law concerning human rights was adopted by parliament in February 1919. The law "on citizenship" said that every person born on Azerbaijani territory was considered an Azerbaijani citizen irrespective of their nationality or religion. Despite frequent crises in parliament, a very important task was accomplished in terms of the development of democracy at the time. For instance, on 30 October 1919 a regulation was approved on the media. This regulation ensured freedom of speech and thought. According to that law, every educated and adult citizen of Azerbaijan was allowed to establish a media outlet. A media organization was accountable only to a court should a crime be committed.

I would like to stress the right of women to be elected to parliament. We were ahead of the USA in this regard. Such a law was adopted in the USA in only 1920. But in Azerbaijan, women had the right to be elected to parliament in 1919. Underground and illegal parties that emerged at the beginning of the century started to operate openly for the first time. Except for Bolsheviks and Russian nationalists, they were all represented in parliament by their own factions.

I would like to stress one more point. As you know, under the Russian empire Azerbaijanis had no schools or universities where they could be taught in their own language. Most of the founders of the Republic of Azerbaijan had been educated in either Russia or Western Europe. When a law was passed on the language, Fatali Khan Khoyskiy asked: "I wonder how we are going to read and speak in Turkish."

They took the decision although many state officials had poor Azeri (Turkish). Had they not established Azerbaijani

schools at that time, the central government would probably not have allowed the establishment of such schools in the Soviet period.

They laid the foundations of Azerbaijani statehood and brought about many changes in a number of fields ranging from the economic to the cultural. Azerbaijan remained a republic even after the Bolshevik invasion, and I think that was one of the major achievements of the People's Republic of Azerbaijan. I have a lot to say, but need to stop here because our time is limited.

**Leila Alieva:** Thank you, Dr Bagirova. There is much to learn about and from our past experience. The next speaker is our guest from Turkey, Prof Zehra Odyakmaz.

**Zehra Odyakmaz:** My respected audience, I am very delighted to be in Azerbaijan and also very happy to be in beautiful city of Baku and Hajigabul. It is a pleasure to be speaking to you. My topic is The state under rule of law in Turkey, its elements and the importance of administrative judiciary system

*Introduction.* In this century, all states want to be called as a state under rule of law. A state under rule of law with its shortest definition is; a state that obeys the rules put by itself and knows very well that it has to obey these rules. It means a state which provides legal security for its citizens. Rather than trying to define the term of state under rule of law, we need to touch upon its elements. The state under rule of law has some elements. These elements makes a state, state

under rule of law, in case of absence of one of these, we cannot speak about a state under rule of law. We will first list these elements down and will only briefly explain some of them, and then focus on one of them. Initial elements of state under rule of law are;

- Human dignity,
- freedom,
- justice,
- judicial supervision of administrative acts and actions.

That is to say, the establishment of administrative judicial system in a country. (we shall examine this subject later).

- Judicial supervision of legislative acts. That is, laws accepted by the parliament should be subject to constitutional judiciary, this means the existence of a constitutional court.

- Independency of judiciary

Independency of judiciary means; judicial organs don't receive command and orders from the executive (government) and legislative organ (parliament). Impartiality of judiciary means; a judge in a court treats disputing sides equally and stands in equal distance to both sides. In my opinion, the basic matter here is maintaining impartiality of the judicial organs. One of the terms for a judge to act impartial is to provide his or her independency, because a judge might be independent, which means he/she may not be receiving orders from the government and the parliament, but he/she may act impartially to the defendant or the plaintiff.

One of the fundamental requirements of principle of rule of law is the control of administration's acts and actions. In Turkey, this supervision is divided to two: 1. Non-judiciary control

## 2. Judiciary control.

Non-judicial control is also divided into five groups:

(1. Administrative control 2. Political control 3. Public control 4. Ombudsmanship 5. Alternative dispute resolutions).

- Guaranteeing the fundamental rights and freedoms,
- embracement of separation of powers,
- obedience to general principles of law,
- application of universal principles of penal code,
- the principle of equality, (Turkish Constitution Article 10) ( principle of equality of citizens before public services in terms of administrative law).

- financial liability of administration (Turkish Constitution Article 125/last) ("administration shall be liable to compensate for damages resulting from its actions and acts.....").

- Democratic regime,
- Principle of certainty in administration's activities,
- Principle of lawfulness of administration,

## *II. Judicial Control of Administration's Acts and Actions*

We divide the judicial control of administration's acts and actions into two groups:

- First, control made by international law: - We have already recognised the European Convention on Human Rights and judiciary power of the European Court of Human Rights.

- Second, administration's judicial control through national law.

There are two primary systems in various countries on administration's judicial control:





- System of judicial unity (Anglo-American system) and
- administrative judicial system (separation of judiciary).

In Anglo-American countries, where the judicial unity is accepted, control of disputes arising from administration's activities related with administrative law are made in general courts.

The main topic that I want to focus on, is an administrative judicial regime accepted by continental European countries, in other words separation of judiciary.

It can be defined as: resolution of disputes arising from administration's activities related with administrative law in administrative courts, tax courts but not in general courts.

By the way, I want to very briefly speak about history of administrative law in Turkey. The Council of State has been established in 1868. However, administrative judiciary has largely developed during the Republican period. In 1972 The Military High Administrative Court (AYM) was launched. This is a supreme court dealing with military administrative problems. Currently, there is a very strong administrative judicial regime in Turkey.

### *III. The benefits of Adopting a Separate Administrative Judiciary Regime*

#### *1. Protection Of Individual Against Administration Is Ensured By This Regime.*

Protection of the individual is ensured through "action of annulment" of the illegal acts and actions of the administration.

Material and moral damages of the individual arising from the acts or actions of the administration are compen-

sated by "full remedy action".

In system of judicial unity, it is not possible to protect the individual that much. Because general rules of law are different than rules of administrative law and solve the disputes among equal parties.

However, the administration, actually the administrators, prevail over the administered individual in fact and legally. This supremacy can only be balanced by rules of administrative law and defeat of individual can be prevented consequently.

## *2. Protection Of Administration Against Individual Can Be Maintained By Administrative Judiciary Regime.*

Administration's acts and actions should not be prevented.

Administration's discretionary power should not be abolished.

Administration's public service execution should not be avoided by altering legality control to expediency control.

Individual's and the administration's rights should be balanced through public interest criteria.

These can only be ensured by rules of administrative law.

Whereas, according to general rules of law, superiority of the administration present in practice between the administration liable for public service and the individual, is not considered, administration is considered equal with the individual.

In this case, the fact that the administration should use its public power and discretionary power when necessary, is ignored.

## *3. Protection Of Administration's "discretionary power" can be maintained only by the administrative judiciary system.*

Administration's duty is to execute public services in conformity with rules of law.

It is not possible to determine beforehand how and under which circumstances shall all public services be executed and to regulate them in written form.

It is obligatory to grant "discretionary power" to the administrators.

Grant of discretionary power to administration should not stop the administration from showing the reasons for its decisions.

Discretionary power is not subjective action power, but can only be used in conformity with law.

It is important that administrative courts should not interfere with the field where administration uses its discretionary power.

This matter is regulated in the Turkish Constitution (article 125/last) as follows:

".... Judicial power is limited to the verification of the conformity of the actions and acts of the administration with law. No judicial ruling shall be passed which restricts the exercise of the executive function in accordance with the forms and principles prescribed by law, which has the quality of an administrative action or act, or which removes discretionary powers".

The administration should follow some principles while using its discretionary power. They are as follows:

- The administration should stay "within the limits of law".
- The administration, should value the "principle of equality" while using its discretionary power.

- The discretionary power should be used for "public interest".

- The discretionary power should be used with "reasoning".

- If "special conditions" are deemed for the using of the discretionary power, administration should comply with them.

As it is understood by all these explanations; in my opinion administration's discretionary power can not be taken into consideration in "system of judicial unity".

#### *4. Administration's Financial Responsibility*

The determination of service failure which causes administration's responsibility is up to knowing the speciality of administrative services.

As said before according to the Turkish Constitution (article 125/last): "... The administration shall be liable to compensate for damages resulting from its actions and acts..."

As a requirement of principle of rule of law; the financial responsibility of the administration was previously based on "fault". That is to say, if the administration had a failure it used to compensate. As the concept of state under rule of law improved, today for the financial responsibility of administration, the administration does not have to be faulty or even if it has no fault it may be responsible.

#### *5. General Jurisdiction Fails To Control The Unilateral Acts Of The Administration*

Unilateral act is: "the act which makes a difference or improvement in the field of law by administration's unilateral statement" (such as public officer's promotion).

To fill in this gap, in Anglo-American countries, administrative institutions with judiciary functions have been established.



*6. It is Very Important For Administrative Case To Be Solved By Administrative Judges In Terms of Specialisation.*

Because the administrative judge specialised in matters of "public service", "public ?nterest" should take the case. Therefore, administrative conflicts solved by general courts is against specialisation. Training of judges who work in general courts is not sufficient for solving administrative conflicts.

Solving administrative conflicts requires close recognisition of the administration and its duties and powers.

Administrative law is very different from private law.

While there is equality between the parties in private law, the administration is considered different than the individual in administrative law, as it uses public power and has to regard the public interest superior to individual's interest due to public ?nterest. Rules of administrative law are developed through judgements by the administrative jurisdiction.

*7. Comparison of Judges' Decisions In General and Administrative Courts*

In general courts judge attempts to solve a conflict based on law and she/he is not bound to consider the effect of his/her ruling on parties. However, an administrative judge must consider the reflections of the ruling on public service. For instance, if a judge annuls results of a single exam due to a fraud after two years, then what will the situation of hundreds of people be in this case? Will they sit for another exam as it was two years ago? No, an administrative judge would not cancel it. In general courts, a judge thinks about laws. For instance, if the case is about divorce, a woman might go astray following the divorce but the general court does not

think about that. But in an administrative court, judge has to think about the impacts of his/her ruling in a society.

#### *8. Administrative Legislation Is Different From Private Legislation*

Administrative legislation has not been completely codified yet. It has gaps.

While deciding, filling these gaps administrative judge takes into consideration public law principles. In the case that there are gaps in legislation, judges in general courts consider private law principles. Such a decision damages administration's nature and superiority of public interest to individual interest.

In fact, "administrative judiciary sisitem" as I said before, does not only protect the individual from the administration but also protects the administration from general courts' judiciary.

Concepts such as "public interest", "discretionary power" may not be necessary just in terms of law. Only the administrative courts shall understand and appreciate these kinds of situations.

Therefore, members of administrative courts are not elected only among lawyers (they can be elected among graduates of faculties of economical and administrative sciences, public administration and finance department). Among the members of the Council of State, there are judges who are not lawyers but who have been involved in public service for a certain while as governor, undersecretary, general, ambassador. Because only certain types of people with different professions know under which conditions an administration functions.

There are two types of lawsuits in Turkish administrative law today: Annulment action and full remedy action.

#### *IV. Annulment Action*

Annulment action is very important in terms of our subject because it is necessity and result of being subject to law and being a state under rule of law. Among several conditions required to file an annulment action, we will focus on one of them which is "interest". To file a lawsuit against an administrative act, the plaintiff's interest has to be violated. This interest has to be legal, personal and up-to-date. What should be understood from violation of interest? Interest is a private relation which exists and accepted sufficient between the administrative act which is the subject of the lawsuit and the plaintiff. In order to file an annulment action, it is sufficient for the violation of plaintiff's interest with an administrative act. Whereas, in order to file a full remedy action, violation of plaintiff's right is necessary.

There is a difference between right and interest. In terms of a state under rule of law, for filing an annulment action, interest violation is a sufficient reason. Turkish laws do not look for the violation of a right. This interest can be material and moral. It can be important or not important. Surely, the purpose of looking for interest is to ensure seriousness in the cases. If everyone files a lawsuit, administrative courts will be overwhelmed by the heavy work load. And this is acting against principle of "resolution of disputes within a reasonable period of time" which takes place in the principle of "right for fair trial" which is regulated with article 6 of the European Convention on Human Rights.

With an annulment action of an administrative act's conformity with the law, is determined. Through this, the rule of



law is maintained; adherence of the administration to the law is detected. As a result through the annulment action, there is now an opportunity to realise the principle of a state under rule of law. In actions for annulment, interest must not be commented with a narrow understanding, it should be based on large interpretation by courts.

Let us touch briefly to personal interest and interest groups. It is important for interest to be personal, that is, the action in question must violate the right of a plaintiff. Personal interest can be examined under the following topics:

- Being a citizen is not enough for action of annulment.
- Not only certain people, but if all people's interest are concerned, then a citizen may file a lawsuit.
- There was an incident in Turkey several years ago. The Council of Ministers decided to bury someone in the courtyard of a mosque. Another citizen claimed that the mosque and its vicinity has historical-archeological importance and filed a lawsuit complaint of cancellation to cancel out the decision. The Council of State interpreted widely by saying that every citizen has an interest in protecting natural and cultural properties. The Council accepted that there is an interest of every citizen in claiming the cancellation of the decision of the Council of Ministers.
- For interest it is enough to be from that village, neighbourhood in question. For example, if the number of bus services of a village where I live is decreased, I can immediately file a lawsuit. If a green park in the neighborhood where I live is closed down, and a trade center or a building will be built on its site, I can file a lawsuit claiming that they



cannot build a building on my green park area, because they damage my interest.

### *V. Proposals*

Now, for a development or consolidation of a state under rule of law, I would like to make proposals for solution, by taking some of the elements of a state under the rule of law.

1. To provide the principle of equality - principle of gender equality - positive discrimination needs to be stated in the constitution.

Turkish Constitution's article 10 with topic "Equality before the law", says: "..All individuals are equal without any discrimination before law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations".

The same or similar provision takes place in constitutions of almost every country. However, an important paragraph was added to this article in 2004. According to this, "..Women and men have equal rights. The state shall have the obligation to ensure that this equality exists in practice..."

By adding this paragraph, the state accepts the principle of "positive discrimination". This principle is also crucial in terms of human rights of women. Positive discrimination can be briefly defined as: if there are two unequal sides, state will discriminate until the unequal side becomes equal. For example, the state pays fathers of girls for school expenses, because there are fathers sending their sons to schools, but not their daughters. The state pays this amount just only to push fathers to send their daughters to schools.

If women actively get involved in public life, democracy will further be consolidated. Women comprise half of a society in a country.

2. In order to provide women to take more place in politics **"quota system"** should be accepted.

3. *"Equality bodies"* should be established in terms of the European Union Council of Europe Directives, to provide equal opportunity and to prevent discrimination.

4. The workload of administrative courts need to be decreased to allow them work better. We can do this by adjusting applying to alternative dispute resolutions; some of them are negotiation, conciliation, mediation.

5. The European Parliament adopted a law of *"European Code of Good Behaviour"* on Sept. 6, 2001. In this law, there are dozens of principles regulating relations between public officers and citizens and ways how to please citizens. I will tell you about one of them. Administration has a duty of not surprising citizen; it has a duty to behave in accordance to rightful expectations of citizens. For example, a student steals a booklet from a faculty's library. Its punishment is one month suspension from the faculty. Another student steals a book and the administration suspends him up to six months. In this case, the citizen becomes surprised. Not surprising citizens is important according to the equality principle.

6. Being a state under rule of law means the state keeping its citizens under security. Justice delayed is justice denied. Cases need to be completed in short period of time. Article 6 of the European Convention of Human Rights regulates this.

*Conclusion* The most important thing of all, is the "human element". If laws and constitutions have shortcomings, these

laws become good at the hands of good executives. Even the best rules become bad at the hands of bad executives. Whatever rule is established, if a member of a judiciary does not understand the sanctitude of his/her duty, and does not perceive the responsibility put on him/her shoulders, then a fair, appropriate result is impossible to acquire. For this reason, a judge needs to be erudite, philosopher, honest and a trusted one. Such person, whoever tells what, will never be under pressure, will decide based on conscience and knowledge. We need to raise citizens with conscience for every sphere. I am thankful for your attention.

**Leila Alieva:** Thank you, Prof. Odyakmaz for this exceedingly interesting analysis. I am sure now there will be a lot of questions.

**Participant:** I have a question. Is there indeed such a court system in Turkey?

**Zehra Odyakmaz:** Of course, there is. There is Council of State in Turkey since 1868. A citizen then was filing a complaint to a Council of State court as a first instance and as the high judiciary, there was a court of appeals within the Council of State. Administrative courts were restructured in 1982. Today there are two first-instance courts in Turkey: administrative courts and tax courts. If you have a problem related to taxes, then you file a lawsuit against the state in the tax courts. Along this, anything related to the state, you file a complaint in the administrative courts. These courts decide on some cases with a single judge. According to the law, three judges decide. Above this, there is a regional administrative court. If in administrative court or in tax

court, a single judge decides on cases below a certain amount (for example, below TL1 billion), then the losing party can apply to the regional court to defy the previous ruling. But if the three judges as a committee decide on the case in the administrative or tax courts, then the losing side goes to Council of State. This is the case since 1982 and it has never been violated thus far. In all over Turkey, there are administrative and tax courts. Only in certain places, there are regional administrative courts. They examine appealed cases, in which decision has been given by a single judge in the first instance courts.

**Leila Alieva:** Do you think, that Turkey's judicial system is perfect, or is there room for improvement?

**Zehra Odyakmaz:** In my personal opinion, court organization in Turkey is very well. There are eight different groups of judiciary, eight different court groups as a pyramid. None of them interferes in affairs of the others. There is a well-established system. Rules are very well, but decision-maker human factor is important here. For example, our civil code was adopted in 1926. I think, this was a perfect law. But a new civil code was prepared and accepted in 2001. It is correct that not many things have changed, but still the element of human is important. In all courts, if a judge is prepared, everything what an advocate says to gain time is rejected. But if a judge starts the session unprepared, then the advocate says "Mr. Judge, let's indicate a discussion on suspect's retirement fund". As the judge is unprepared for the hearing, he immediately says "Let's write". But it has nothing to do with the case, and that's why the judge should have rejected



the claim. Then the case would be finalised in a shorter period of time. Our court organization is very well developed.

**Participant:** Everybody knows that the laws adopted by Mustafa Kemal Atatürk were pro-Western. The entire constitutional and legal system (of Turkey) was a Western system. But Turkey also has a great history of statehood. It had a strong legal system adopted by Sultan Süleyman Kanuni in the 16th century. There is a sculpture of him (Kanuni) in Hungary, which lived under Turkish occupation for many years. Does Turkey still use the laws adopted in the 16th century?

**Zehra Odyakmaz:** There are still such laws. Laws dating back to 1910-1911 still exist. There are no laws remaining from 1880s. After Sultan Süleyman, our Sharia laws have been modernized. Even before Turks accepted Islam, the place of women in the society was high and women were equal to men. In early period of Ottoman Empire, in 1333, a foreign traveller arrives in Turkey. He meets with the spouse of Sultan Orhan, Nilüfer. They held a nice talk and that man writes in his travel book that he saw very extraordinary things here. What a respect they pay to women! Among ancient Turks, women and men rights were equal, even women were held superior.

Even after accepting Islam, Turkish traditions continue, Sharia laws are not becoming effective anymore. Even in Seljuks, these continue. During the Ottoman period, in the first 300 years, Turkish traditions continue and Sharia laws cannot prevail. But in second 300-years, Sharia laws prevail a little bit, but still Turkish traditions continue. Now there is a "stoning" punishment for those who commit adultery. Despite all pressure by

Sharia laws, Sultan Mehmet the Conquerer, before Suleyman the Magnificent, replaces "stoning punishment" with "beating punishment". More important than this, Sultan Mehmet is not the Khalife, but Sultan Suleyman is the Khalife. Although Sultan Suleyman is the religious leader, in his laws stoning punishment took place as "beating punishment which can be exchanged to money punishment". This means Turkish traditions continued.

But afterwards, Sharia laws started to prevail and the principle of secularity was ignored. There are even people who say Ottoman state was a secular state. No, it was not like that. Ottoman state was tolerant for followers of different faiths. Being tolerant to non-Muslims is different and forcing people to fasting is another thing. Ataturk did not completely change all of these laws. He only saved us from religion-dominated laws. Still there exist some of the ancient laws.

**Participant:** I would like to continue. The Turkish and Azerbaijani experience is being discussed here today, which is very good to see. Azerbaijani statehood is about 700 years old. It has had its ups and downs throughout history. Regrettably, the traditions of Azerbaijani statehood were lost during certain periods of history. Foreigners forced their own laws on our people during their rule in Azerbaijan. Had the independent and democratic Azerbaijani state built in 1918 survived, it would have been the best law-governed state now. Azerbaijan has regained independence. Now we badly need the experience of (democracies). I think that we are progressing very fast. We are moving towards Europe on legal issues, on gender equality, children's rights and traditions of state hood. Dr Odyakmaz, you said that there are eight [kinds of] courts in Turkey. Of course, we do not have this many. The

number is not very important. They should also be of (high) quality. Has Azerbaijan achieved more or less in its legal system over such a short period of time? What do you think?

**Zehra Odyakmaz:** Your country is capable of developing your law system in a short period of time. Through adaptation, it can embrace the best laws, as in Ataturk's period how we could embrace the world's best penal, civil, commercial laws. In terms of sociological structure, it takes time to digest these. Between 1923-1926, we adopted the best laws from various parts of the world. But practice is something very different. People need not to be ignorant, development of perception is a must, embracement of these is a necessity. We need to educate our children one by one starting from our own families and raise them to a civilized level. Respect to law starts from the family.

**Participant:** We can change laws, but it is more important to change the human factor. What can we do to ensure that a judge is honest and righteous? We mostly want to integrate into Europe. But in Europe, material rather than human values are appreciated.

**Leila Alieva:** I would like to comment on this. You just said about material values in the West and Europe. The supremacy of the law is the main characteristic of Europe. Are these values not dear to us as well? The supremacy of the law is built on respect for humans. The next speaker is Mr Khalilov.

**Mubariz Khalilov:** The speeches delivered by well-known historians and scholars at this conference today will help to educate our people. Thank you very much for that. I would like to elaborate on some of the ideas of Dr Irada Bagirova.

First, I would like to say that Hajiqabul, which hosts you today, is over 5,000 years old. In Hajiqabul, there are barrows and other artifacts dating back to the Bronze Age. But I regret to say that they have not been fully researched. Hajiqabul is located at a crossroads. It has been part of various states since ancient times. I would also like to say a few words about the meaning of the word Hajiqabul. Under Shah Abbas, there was a *caravanserai* near the lake of Hajiqabul. There is also a unique monument in this area. It is *Pir Huseyn khanagah*. This historical and architectural monument has remained intact. After (Azerbaijan regained its) independence, the Ministry of Culture and Tourism repaired this monument at the request of intellectuals and established a nature reserve here. Even under Shah Abbas, pilgrims travelling to Mecca would first visit *Pir Huseyn khanagah* and then set off from the caravanserai there. They would also stay in the *caravanserai* on their return and would tell those returning from Mecca: Hajjin qabul olsun! (May God accept your pilgrimage!) This is where the word Hajiqabul comes from.

Dr Bagirova mentioned that Ottoman Turkey was the first state to recognize us in 1918. The recognition of our republic was important for its survival. When we declared our independence (again) in 1991, Turkey was the first to recognize us again. These ties had been severed for 70 years (when Azerbaijan was under Soviet rule between 1920 and 1991). In this region of Azerbaijan, 400 people were oppressed during the purge of 1937, most of whom were branded "pan-Turkists". Now we have very extensive ties with Turkey. Turkish schools are being opened here, and many people (from Turkey) visit us. The visit by Dr Zehra Odyakmaz also





morally enriches us. First, I would like to tell Dr Odyakmaz that every development in Turkey prompts a reaction here in Azerbaijan. We are following the issue of the "Armenian genocide" and European pressure on Turkey on television.

Dr Bagirova said in her speech that some changes took place in the structure of land administration in the 19th century. I have to say that when (Azerbaijan) was divided into *guberniyas* (provinces), Hajiqabul was made part of the Shamakhi *guberniya*. After the earthquake in Shamakhi, Baku became the capital of that *guberniya*. Then Hajiqabul was part of the Abdulyan *nahiye* (township) of Shamakhi qaza (district) in Baku *guberniya*. This *nahiye* included 15 villages.

Dr Bagirova spoke about elections to the Baku Duma. During that period, a prominent figure called Haji Movsum (who was from the village of Navahi) was elected to the Baku Duma from this area. He protected the interests of this region at the Baku Duma. The intellectuals represented in both the Baku and Russian State Dumas had received their legal education at foreign universities. They defended the interests of the entire Turkish world, and that was no easy job. They secured the de-facto recognition of Azerbaijan by the Paris Peace Conference. Many of those intellectuals later moved to Turkey. They included such personalities as Mammadamin Rasulzada and Ahmad bay Agaoglu. We were lucky to have such figures at the time. They built this state and bequeathed it to us. As you know, the republic survived only 23 months. When Stalin released Rasulzada from prison, he asked: "What did you give your people during such a short period of time?" Rasulzada answered: "Although briefly, we managed to give our people a taste freedom!"

While in Shusha, Ahmad bey wrote that there were only three Azerbaijanis at the school there. The rest were Armenians.

"They would push us against the wall and beat us. I was the only person to endure all that until school ended." As we know, Ahmad bey later went on to complete his higher education and defended the rights of Azerbaijanis before the Caucasus governor during the massacres of 1905. I have to add that during the genocide of 1918, some 955 people were killed in this area, in the village of Navahi. In the villages of Qubali and Baloglan, 535 people were killed. The monument I just mentioned (Pir Huseyn khanagahi) was attacked five times by Armenians.

Over this short period of time, some work has been done in our country in the legal area. After the abolition of capital punishment by our state, several decrees of pardon were issued. I personally participated in the preparation of paperwork for several people, whose names I submitted for pardon. These people were pardoned and released from prison on the basis of these documents. But there is something else to think about here. Between 1995 and 2000, tens of thousands of people have been pardoned. On the one hand, this can be viewed as something really positive. But on the other, the fate of these people is also an issue. There have been instances of some of these people not being given jobs because they were "criminals". People have a low opinion of them [former convicts]. Having served their prison sentences and been released, they cannot find a proper place for themselves in society and, unfortunately, they commit crimes again.

Our state has adopted a law on the fight against drug addiction. As you know, Azerbaijan is located on the Silk Route and on one of the routes for the drugs trade. Some people are forced by economic hardship to get involved in the drugs trade, ruining their own lives and the lives of others.

According to statistics, the number of drug addicts is very high. This indicates that the level of practical measures being taken is low. A number of NGO's have been established to tackle this issue. I regret to say that the large number of such NGO's is of little significance. There are some legal advice offices but they are preoccupied with improving their own financial situation rather than protecting people's rights.

We should use our election rights properly and elect educated people. A session of the Soviet Supreme Council took place in Moscow in 1988. Armenians had elected good and educated people (to the council). One of the people elected to the presidium was an Azerbaijani, but he did not speak Russian. People who could not speak Russian were there to make decisions regarding our lives. I sent a telegram from here to that session asking why that was not mentioned, but I was criticized for my telegram.

We need to pay attention to the patriotic education (of our children). There are many acts of provocation against the Republic of Turkey, but the patriotic spirit of the Turkish people is very well-developed. We too should raise our young people in this spirit. I am going to stop here. Thank you very much for coming here today.

**Leila Alieva:** Thank you very much for your contribution. You have mentioned a number of important issues. In particular, this feeling of fear is a legacy of the Soviet past, which means that fear still stops people telling the truth. We need to get rid of this feeling. Now Alasgar Mammadli will take the floor.

**Alasgar Mammadli:** We have heard important speeches here today. I would like to thank everyone for their contribution.

I am now going to tell you as much as I can about the measures that Azerbaijan has taken recently to achieve a law-governed state and what further steps still need to be taken.

Most importantly, it has been correctly observed here that self-governance existed (in Azerbaijan) 92 years ago, and we are very proud of this fact. Back in 1918, human rights that do not exist in Europe today were enjoyed (by people in Azerbaijan). Women were granted rights. National consciousness was in place. All these achievements were highly significant at the time. We are continuing this process today as well. After Azerbaijan regained its independence in 1991, our first task was to draw up a constitution for this state. There were many initiatives (to prepare a constitution). Regrettably, Azerbaijan had to fight on several fronts at the same time during that period. No other state has had such a difficult transitional period as Azerbaijan had. We had to meet three objectives simultaneously. First, Azerbaijan had to build a new state and establish a new system of governance. Second, we had to seriously change the economic system. I mean, we had to make the transition from a Soviet controlled economy to a market economy. Third, a large swathe of our territory was occupied and a war broke out. To cope with all that and to build a Rule of law state at the same time was a very difficult task. There was no legal basis for economic transformation and the necessary infrastructure did not exist. Money was also required to fight and liberate territory (from foreign occupation).

We started to build a state under these harsh conditions. In 1995, Azerbaijan established its first constitutional commission, which drafted the text of the first constitution and put it to a referendum. To what extent did that text reflect the

views of Azerbaijani society? Well, this may and in fact does raise questions within scholarly circles. The reality is, however, that the Azerbaijani constitution adopted in 1995 focused extensively on human rights and freedoms. The principle of equality, which Dr Odyakmaz mentioned a little while ago, other issues of human rights, as well as state-citizen relations and the division of power - all these principles were enshrined in about 50 articles of the constitution.

But it is also true that in 12 of the 15 republics that emerged after the collapse of the Soviet Union in 1991, one branch of power - the executive - has been strengthened as much as possible. There are various systems in the world. They are all well-known to us. The USA has a presidential system, while a number of states in Europe have a parliamentary system. If we speak about the principle of a democratic distribution of power, the branches of power - the legislative, executive and judiciary - are equal. But we gave prominence to the executive branch, which is stronger than the other two.

I just spoke about the struggle on three fronts. Given the toughness of that fight, it was accepted that the executive power should be stronger. Today if we look at Azerbaijan's constitution - which has been amended twice through referenda - we can clearly see that the executive branch has been given more power than the US president has. We have a system of government that is stronger than the semi-parliamentary and semi-presidential system in France. True, according to our constitution, parliament has the right to hear reports by the Cabinet of Ministers from time to time. All three branches of power are independent in Azerbaijan as well, although this is in word not reality. However, relatively speaking the judiciary

is less independent than the others because all court appointments are made by the president. This shows that, in legal terms, the balance between the branches of power has been distorted in favour of the president, i.e. the executive branch.

Dr Odyakmaz has said that there are eight different pyramids or forms of courts in the Turkish judiciary. Our judiciary differs from that of Turkey. Let us take as an example the Central Electoral Commission, which is in charge of elections. In Turkey, this commission is made up of judges. But in Azerbaijan, it is formed by political structures. Given its functions, this commission is like a judge - it announces the results of elections. But on the issues of independence and lack of bias, which are the main criteria for its functions, the interests of political forces are protected.

Under Azerbaijani civil law, our system of civil courts comprises one court. For instance, there is a court of appeal in Ali-Bayramli. This is a regional court. Above such courts, we also have a Supreme Court. This is in charge of all issues concerning courts.

Azerbaijan has a Constitutional Court. It monitors observance of the constitution. The Constitutional Court is another part of the pyramid. A fourth pyramid is the system of military courts. We have military courts - from lower instances to higher ones.

The most important courts, and the ones that are crucial to all of us from the viewpoint of a law-governed state as well as having a bearing on our daily lives, are the administrative courts, which regulate and monitor the executive's accountability to the people. As a member of the Council of Europe, Azerbaijan has made a commitment to create such courts. In 2008, Azerbaijan adopted a law on these courts. It was called "The Court of Administrative Implementation". The country

was due to start establishing these courts in January 2010. But as there were not enough judges, the government decided to delay the process until 1 September. So, starting on 1 September 2010, administrative courts will be established in each region of Azerbaijan. Later on, a Supreme Administrative Court will be set up in Baku. These courts will focus more on problems between the authorities and citizens, between executive bodies and legal entities.

In a Rule of law, one of the most important issues is whether both rulers and the ruled abide by the law established by the state. We significantly upgraded our laws in 2001 and 2005. In particular, laws that give prominence to human rights and freedoms and protect human rights and freedoms in terms of relations between the state and its citizens have been created. At the same time, some initiatives have been embarked upon to establish a mechanism to control this.

For instance, the Supreme Court of Azerbaijan made a decision last year. According to that decision, it is mandatory for our local courts to implement decisions made by the European Court of Human Rights. Before that, our local courts issued verdicts on the basis of our constitution and laws. But now the Supreme Court has advised that verdicts should be issued which comply with the decisions of the European Court of Human Rights.

In recent years, 16 cases have been lodged at the European court against Azerbaijan. In all of these cases, verdicts were issued against the government of Azerbaijan. I hope that in the near future we will be able to fill a gap in the work towards building a rule of law state, particularly in the training of young judges, politicians and economists. We can

make use of Europe's experience to more quickly complete a journey that has taken others 50 years to make.

**Zehra Odyakmaz:** I thank for the speech of Mr. Mubariz. You talked about the situation in prisons. They are called as "crime laboratory" in our country. But we have a rule that all private, public institutions must employ former criminals and disabled people.

Second issue is that the patriotism and national consciousness should come from family. You know that our soldiers are slain en masse and last year eight of our soldiers were killed. Even women, including me, tried to go to military service, but they did not allow. A homeland is the most important thing of all. I have two grown up daughters; they have completed their education long ago.

My elder daughter one day came to me when she was only 12 years old and said: "Two - three of my friends' families arranged a place abroad if anything bad happens in Turkey. One of them has a place in Canada by his uncle, one of them in Germany by his aunt, but which place you arranged for us", she asked. I said we will not go anywhere, this is our homeland, let us stay here and that whatever happens to Turkey so that we save it. Now my daughter is a huge nationalist, because this national feeling occupied her brain. Now I want to come to Mr. Elesger's speech.

You said it is not easy to be a state under rule of law. I will give a few examples. We adopted the law of right to access information. It means a citizen has a right to acquire information and documents about him/her from the public office. Public officers were so much irritated from this that, they were



swearing and saying why this man came and asked for a document. In every state institutions, information desks were established. All public officers, despite the adoption of the law, were angry with those who asked for information. But by the time, these things got in order.

You mentioned about the European Court of Human Rights. We made an amendment in the Turkish Constitution's article 90 within the framework of integration into Europe, two years ago. Sometimes, some clauses in international agreements were conflicting with our national laws. The amendment was: "...if there is a conflict between signed international agreements and our domestic law, then if the issue is related to human rights and freedoms, international laws would be superior."

**Participant:** Today we have had a very good meeting. I would like to thank our guests for coming here today. As a participant, I have been very impressed by what has been said at this meeting. A number of issues, including the work done in Azerbaijan and Turkey to establish and develop a law-governed state, have been discussed. I think that every person has to respect the law. They should abide by the law not because they are afraid of violating it. We should be citizens first and foremost. If we are, then it is our duty to abide by our laws. There are many situations which require that a citizen's public interests should take precedence over his/her own interests. Thank you very much for reminding us of this once again.

**Leila Alieva:** I would like to thank you all for coming to this meeting today.

## RELIGION, STATE AND SOCIETY: RELATIONS IN THE SECULAR STATE

(Lankaran,  
8 May, 2010)

**Leila Alieva:** Dear friends, I am very glad to be here and to see you all. This is not just because Lankaran is a beautiful and old city, but also because one part of my family is closely related to Lankaran (my grandfather's brother has a house here, Isa bey's house) and every time I come here, I feel at home.

I would like to say a couple of words about today's subject. I still remember how several years ago, Jean Pierre Guinhut, the French ambassador, mentioned in conversation with me that there were in fact only a few secular states in the world, and France, Turkey, Azerbaijan and Iraq were among them. In other words, secularism is enshrined in the constitutions of these states. I think that this is one of the main achievements of the Azerbaijan Democratic Republic. This secularism was already enshrined in our constitution in 1918.

As you know, the current project by our Centre for National and International Studies is dedicated to the 92nd anniversary of ADR-our modern nation-state, which was established in 1918 and lasted for two years. Despite the brevity of its existence, this was no accidental historical experience. In order to talk about how the highly complex issue of relations between the state and religion was resolved by the founders of this republic, we have invited the respected historian, Dr Kamran Ismayilov, here.

Other prominent people have also come here today. You are well aware that interesting events are taking place in Turkey now. On the one hand, a religious party is in power there yet on the other, it is a secular state, so the government and religion are independent of each other. The esteemed



Turkish professor, Dr. Alaeddin Yalcinkaya, has kindly agreed to come here from Turkey. I also take great pride in introducing to you one of Azerbaijan's prominent public figures, Dr Hikmat Hajizada.

Our subject today is relations between the state and religion. First of all, I would like to give the floor to Dr Ismayilov. He will talk about relations between religion and the state in Azerbaijan during the period of ADR

**Kamran Ismayilov:** Thank you, Dr. Alieva. I would like to welcome you all. Indeed, the issue we are going to talk about today is of great importance both in terms of history and in terms of modern development. For the first time in the history of Azerbaijan, relations between the state and religion started taking on a civilized form during the rule of the ADR. Unfortunately, relations between the state and religion in the by Azerbaijan Democratic Republic have not yet been studied extensively and the general public knows little of this subject.

Relations between religion and the state in the ADR are first and foremost reflected in our state flag. In other words, one of the symbols on the state flag of the Azerbaijan Republic that was first adopted on 9 November 1918 - a green stripe - reflects the fact that we belong to Islamic civilization.

Secularism became state policy in the by Azerbaijan Democratic Republic before the Republic of Turkey was established. In other words, religion was separated from the state and education for the first time in the republican period.

Most of you are probably aware that after Azerbaijan was occupied by tsarist Russia in the early 19th century, they

resorted to a "divide and rule" policy and created separate religious departments for each denomination in order to deepen the split between Shiites and Sunnites. I think that one of the biggest successes of the republican period was that the foundations of religious unity were laid in Azerbaijan for the first time. The Department of the Muslims of the Caucasus moved from Tbilisi to Baku under the leadership of the sheikh ul-Islam in 1918.

At that time, as you know, the Shiites were headed by the sheikh ul-Islam and the Sunnites by a mufti. According to the decision adopted by the republican government, a single spiritual department was set up in November 1918 which covered the whole of Azerbaijan and two chairmen of this department were elected. The Shiites were headed by Aga Alizada and the Sunnites (by the way, most of them came from our southern region) were headed by Subhan Quluzada and then by Akhund Akhundzada and others.

The second change in the Azerbaijan People's Republic was that spiritual departments started to play a more active role in the patriotic education of the people for the first time, particularly the young. One of the most important reflections of this was that clerics had a special duty in the national army at the time. Before every battle, they addressed the soldiers and appealed to their love for the motherland. As an example, there is an interesting document containing the spiritual department's appeal to the people. Further confirmation can be found by looking through the newspaper headlines of that period.

During this time, believers were always invited to participate in resolving the problems faced by society, which includ-



ed the war in Karabakh. In terms of relations between the state and religion, specific decisions were adopted for the first time after the establishment of the republic in order to put these relations on a civilized basis in Azerbaijan. I have already mentioned one: the establishment of the spiritual department.

Another important step was that a special ministry was established in Azerbaijan to regulate such matters at state level - the Azerbaijani Ministry of Enlightenment and Faith. Although different sources give this ministry different names, it was authorized to deal not just with issues of enlightenment, but also with religious issues. Religious figures were also involved in state administration at the time. For example, the *Sheikh Ul-Islam* actively participated in all parliamentary discussions on religious issues. It was a very big issue in itself. But of course, the by Azerbaijan Democratic Republic was a secular state, and religion was separate from the state.

A number of problems arose at this time. Government agencies attempted to interfere in religious issues, too. For example, in December 1918 the Azerbaijan newspaper published an article saying that clerical leaders had been using the *khums*, donations and other sources of income for their own ends and the state would, henceforth, assume this function and try to regulate such issues so all the income would go to the state treasury. Another point I would like to highlight is the separation of the duties and authorities of religious organizations. In other words, a number of family and domestic issues were taken away from the state and handed over to them. For example, the registration of births, marriages and other issues.

Another factor that shaped relations between the state and religion was that a real electoral system was taking shape in Azerbaijan. According to the election law adopted in 1919, clerics were deprived of their passive electoral rights. In short, they did not have the right to be elected. Furthermore, campaigning was totally banned in religious departments.

At that time, the Azerbaijan Republic took specific steps to mark religious ceremonies and holidays. For example, Qurban Bayram and other religious holidays were celebrated at a high level, for three days in some cases. A lot can be said on this subject, but given time constraints, I would like to stress once more that for the first time in Azerbaijan's history, relations between the state and religion were set on a civilized basis in the by Azerbaijan Democratic Republic, in a form typical of secular states. Of course, there were problems, but I think that it would be useful for us to study the republic's experience in this area and learn some lessons from it.

**Leila Alieva:** Thank you, Dr Ismayilov. Now I would like to call on our guest Dr Alaeddin Yalcinkaya. He will talk about this issue in terms of Turkey's experience and current developments in Turkey.

**Alaeddin Yalcinkaya:** I would like to express my gratitude to the CNIS for organizing this conference, Dr. Leila Alieva and those who have come here. On my way here today, I noticed one inscription on the road - a country with a

strong economy is capable of everything! The economy is very important, but if a crisis starts, the economy may not be able to withstand events on its own, no matter how healthy it is. The economy certainly needs to be healthy. It is our conviction that the economy is very important. But along with that, thinking should also be healthy. Healthy thinking emerges when there is pluralism of ideas. Different opinions are discussed in a free environment, correct views emerge more easily and a country becomes healthier. Secularism is another foundation for healthy thinking. The state should not put pressure on religion. From this point of view, religious freedom is required as well.

In Turkey, we took our secularism from France. You may ask why we appropriated it from the West. To be honest, we appropriated, and are still appropriating, many ideas from the West. There is a saying: "As long as the sun does not rise in the west, there will be no judgment day." Until recently, that's to say until two centuries ago, all science, wealth and everything else came from the East. No matter how much you dig into the past of Germany or Britain, which we call the West today, there is not a single masterpiece there dating back 1,000 years. But in the East, there is a great number of works, books and other things dating back 2,000 years. But for today, we have to admit that we are buying cars made in the West and adopting their ideas.

However, the crux of the issue of secularism exists to a large extent in our Turkish and Islamic history as well. In Osman Turan's valuable two-volume book entitled "The idea of global Turkic rule", you will find important traces of secu-

larism among Turks even in the pre-Islamic period. For example, Jewish people encountered great oppression in Iran and sought refuge among the Uighurs. At the time of Uighur rule, there were four types of courts in Samarkand: three Buddhist courts, two Shamanic courts, one Jewish court and one Manichaeian court. Concerning secularism, the Uighur khan Bilge told his vizier Tonyukuk - my vizier, many Turks have converted to Buddhism, so in this case, we should also become Buddhists. Tonyukuk was also a scholar and a teacher, and he replied - my khan, we cannot interfere with people's religion. They might want to become Buddhists or remain Shamans. We cannot interfere with this. Buddhism recommends docility. We will have no scope left for defending our homeland from the Chinese.

That is secularism.

Bukhara's real name is Bihara. There used to be Buddhist monuments there. These countries were governed by Shariah and the Koran for centuries, but no-one destroyed Buddhist monuments in the mountains, yet the Taliban did. Who adheres more closely to the Koran - the Taliban or previous kingdoms? By their actions, the Taliban signalled to the world that Muslims are the enemies of culture. The Taliban serves this goal today.

I should reiterate that you can find many examples of religious freedom in Turkish history, Islamic history and Ottoman history, and there is no religious coercion in the Koran. However, in our discussions today, we are more concerned with the secularism which we have appropriated from the West. According to Western logic, relations between reli-



gion and the state can be divided into four types: religious state, intermediate state, liberal state and critical state. When we say religious state, we imply that the state is controlled by religion and that the religious leader is also the head of state. The Vatican is a contemporary example of a religious state, but along with the Vatican, there are two other important religious states - one is Israel and the other is Iran. In Iran, a person rejected by a council of mullahs cannot become head of state, and a law rejected by them cannot be adopted either. This is a sign of a religious state.

The second type is an intermediate state. This state uses religion as a tool and establishes a religion itself. At some point, many states adopted such a path. In fact, there are also many examples of this in the West when it was said: "we cannot make religion separate, we cannot be against religion, so let us use religion". We call Turkey "a completely secular state", but in Turkey, the state prepared religious books and opened a faculty of theology in order to control religion. However, the state will not interfere in the issue of whether the call to prayer should be read in Turkish or Arabic, for example.

The third type is a liberal state. Here the state does not interfere with religion and religion does not interfere with the state. We use the word "laic" when we talk about Turkey and "secular" when we talk about America.

Under all Islamic law and Turkish law, the courts are independent. However, judges are paid by the state and the state appoints judges. For example, in the USA there is a supreme court, and US government agencies decide who should be

appointed to it. However, when there is a dispute, the judge makes an independent decision, and the state cannot interfere in this. It is the same in Turkey, and I believe it is the same here. For example, one exception is when an imam or a professor sets the truth aside and promotes an erroneous state ideology on an instruction from somebody else. He/she should say whatever is true. A judge should make a decision based on whatever his/her conscience says. Even though he/she is paid by the state, he/she can issue a ruling against the state. For example, in Turkey, the issue of the appointment of an official working for the Ministry of Justice was raised and he was sent away from Ankara. He sued the Ministry of Justice. A judge who is paid by the Ministry of Justice said: "No, you are wrong, you should pay compensation to this official and I am repealing your decision." A judge who is paid by the state issued an independent decision against an agency of the state. The state pays the judge to serve society, not to strip him/her of independence.

Until quite recently, there were various bans in Turkey. Under Ataturk, some of these bans were misguided as well. However, the greatness of a great statesman comes from his awareness of his mistakes. For example, as far as the language is concerned, a decision was made to Turkicize the language. Three years later, this incorrect decision was repealed. Had he lived long enough, I think he would have given up on such extreme secularism. Had he lived, he would have repealed the ban on the reading of the call to prayer.

There are still problems with headscarves in Turkey. If a girl wears a headscarf, she cannot go to university and is not



allowed to enter university. In Iran, it is illegal to go out without a headscarf. God willing, Azerbaijan will not experience such problems. In Turkey, there was a caliphate or sultanate, but we became a nation state and this underlies secularism. Azerbaijan broke away from an irreligious socialist state and gained its independence. Of course, there are problematic issues. However, we must be free and independent regardless of what happens.

**Leila Alieva:** Thank you for your interesting presentation, Dr Yancinkaya. I would just like to point out that we did not gain our independence after the Soviet period, we restored it. Now I would like to give the floor to Hikmat Hajizada.

**Hikmat Hajizada:** Dear guests, I am very glad to see you all. Although our subject today was of interest to everyone before, it has now become a rather painful subject. I will be talking rather harshly and very frankly, so I hope you will forgive me for that.

We have recently witnessed significant crises between the state and religion - mosques have been closed, religious books have been banned and the issue of headscarves has been raised. All these issues need to be discussed. When we talk about religious freedom, our constitution and international agreements on human rights say the following: everyone can choose their religion, gather and pray with their co-religionists, have free access to information and freely disseminate information about their religion.



But we see that these freedoms are being violated or restricted almost everywhere. I would like to talk about the theory behind this. You probably know that the constitution of the modern Azerbaijan Republic and the international agreements we have signed regulate our life in the area of human rights, although this exists merely on paper. If you open our constitution, you will see that one third of it is focused on human rights. If you look carefully at it, you will see how free we are in religion.

But we have travelled a long path of struggle for what is written there. For example, over the last 12 years since our independence, human rights have been a most popular subject. It is true that human rights, freedom of speech, political views and religious freedoms were enshrined in the Soviet constitution as well, but along with that, anti-Soviet and anti-communist propaganda was also banned. As a result, nothing was left of these freedoms.

Human rights started to be actively discussed again from 1988 - after the creation of the Popular Front programme. That document described human rights as the main value of humanity and their protection as the main duty of the state. I should point out that the programme did not restrict these rights, spoke a lot about freedom and did not say anything about accountability.

However, after the Popular Front came to power and encountered reality, this unlimited freedom started to shrink gradually. It is true that political parties were granted the right to operate openly and criticize the government. However, the following questions were raised: can we write openly about

the army in a country which is at war? Can we stage a rally without the authorities' permission? Can we be critical of the president in the press? Can we call for the establishment of an Islamic republic in the country? How should we establish limits? How much freedom of speech should people have? Sometimes people say in private conversations that the president has established a dictatorial regime in the country and is plundering state reserves. Can we interpret such views as a call for the overthrow of the legal government?

History shows that the problem of limited freedom of expression existed after the English, American, French and even Islamic revolutions.

Dear participants in this seminar! Put yourselves in the shoes of the leaders of these young republics at least for a moment and try to adopt laws that ensure freedom yet do not undermine the foundations of the state. Then you will see that this issue is extremely difficult.

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Let's take a look at history. In the history of mankind there are many instances of the fight for human rights. However, this principle was legalized only in the 18th century during the revolutions in America (1776) and France (1789).

This spiritual and legal principle is that people are born free regardless of sex, nationality, religion or social origin: people have equal rights to life, freedom and security from birth. These rights are not granted by the state. People themselves gain these rights when they are born simply by virtue

of the fact of being human. The state cannot restrict these rights. On the contrary, the main duty of the state is to protect these rights.

Such an interpretation of human rights is called the "French concept" in scholarly works. In that period, not a single word can be found about the need to limit human rights in the American or French constitutions. This is clear because a person fighting for freedom is not inclined to think about limiting that freedom.

During that period, the French revolution and the French concept of "unlimited" freedom were carefully scrutinized in Europe. This concept was opposed not just by old feudal ideologists, but also by famous English liberals. For example, the famous English philosopher and "father of liberalism", Jeremy Bentham (1748-1832), totally disagreed with the French concept of human rights: "People have no innate rights free from society. People can have as much freedom as society gives them in real life," Bentham said.<sup>1</sup>

Two hundred years have already passed since that historical discussion. Today, the French concept of human rights has turned into an ideal in the world, but in the legal experience of democratic states, it is the "English" concept that has gained the upper hand. According to that concept, in real life, people only have the rights granted by society and the state.

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<sup>1</sup> *It was Bentham who put forward this idea first, and he claimed that human rights and freedoms are an important component in the development of people and society. According to Bentham, people should have those rights and freedoms not because they were born, but because they are useful to society.*

In this sense, let us take a look at the UN Universal Declaration of Human Rights. The declaration confirms 28 innate and integral human rights and only Article 29 demands that people should be accountable to society, because people can develop and exercise their rights only in society... This provision is also enshrined in the European Convention of Human Rights.

Today even democratic states have the following article restricting human rights in their legislation: "people... have rights, but these rights can be restricted for the sake of morality, public order, society's welfare and national security."

In such a case, what remains of human rights? When we look at the situation in Azerbaijan, we can see that the "English" Article 29 can legalize the restriction of almost any freedom.

Do you want to stage a rally? You cannot because it may jeopardize public order. Do you want to criticize the president? You cannot because this is against our national morality. Do you want to pray to God as you want? You cannot because this may jeopardize national security and so on.

And all these "bans" seem legal! All this is clearly written not only in the laws of our country, but also in those of any democratic country.

This means that our rights can be restricted if they run counter to public order, morality or security. If we cite an example from America to protect our rights, then our court will say: what is allowed in America may not be allowed in Azerbaijan. After all, we live in a different society. Americans have their own society, Azerbaijanis have their own society,

and Turkmens, for example, have their own totally different society. How can you object to such a "correct" argument?

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A judge of the US Supreme Court, Oliver Wendell Holmes, proposed the first ever solution to this problem in 1919. Up to that point in time, the situation surrounding freedom of expression in the USA was as follows: as I said just now, the US Constitution did not impose any restrictions on freedom of self-expression. However, the US courts used laws adopted in individual states or Congress in this field. Those laws envisaged "English-style" restrictions in the name of public order, morality, national security and so on. Today it is difficult to imagine this. However, in the early 20th century, people were brought before court for anti-war propaganda or for criticizing the government or the constitution.

When the case of the Russian immigrant Abrams and three of his companions, who were charged with distributing anti-war fliers, was examined in the Supreme Court, Holmes did not agree with the general position. Holmes said that he did not see an immediate clear and present threat to national security in those fliers. Holmes stated that no idea or thought can be prosecuted by the state and the best way to confront intellectual thoughts is to put forward other ideas.

Of course, such an exchange of views is possible only as long as there is an opportunity for such discussions. In other words, we need to be sure that anti-government calls will not immediately lead to public unrest or the overthrow of the legal government, Holmes went on to say.





The theory put forward by Holmes was called "the market of open ideas". It was developed later and was first criticized in the USA and, after the war, in Europe. As you can see, based on the "English" concept of human rights, Holmes managed to eliminate the problem of the limits on freedom of self-expression. Thus, a ways of solving the problem of the "English Article" 29 of the UN Universal Declaration of Human Rights was found, and it is currently used successfully in democratic countries.

If our courts take Holmes' "market of open ideas" as a basis, then it will be impossible to restrict our rights to hold peaceful rallies and criticize or even insult the government. Even if it is clearly seen that the spread of an idea poses a public threat, but does not represent a clear and present danger to society - in other words, if society has an opportunity to start discussions to convince the person spreading that idea or to find a compromise - then the spread of those ideas cannot be prevented...

\* \* \*

*On Freedom of Faith and the Market of Open Ideas.* Religious freedom is often confused with the truthfulness of a religion or the problem of religious reform. In fact, this problem covers: a) spiritual problems between a religious person and society; b) legal problems between a religious person and the state.

The problems of religious freedom include non-traditional sects, missionaries, the legal privileges of religious persons, financial problems in the activities of religious communities, as well as "the use of religion for political ends".

Today, there is concern in our society about two main religious issues. These are non-traditional sects and missionaries who spread such ideas, as well as "political Islam" - the "problem of religion being used for political purposes". Nowhere in the world has a solution been found to this issue so far.

\* \* \*

*Briefly on Sects and Missionaries.* We are all well aware of numerous international documents on human rights. These documents constantly say that every person is free to choose his/her religion, conviction and lifestyle and every person has the right to access and disseminate information regardless of state borders. These provisions are enshrined in our constitution as well. Despite all this, I can assume that among those taking part in this seminar, there are people who hate new sects and believe that these sects can damage our national unity. However, the duty of a person who calls himself/herself a democrat is to hold back his/her emotions and adopt a wise approach to this problem.

I wonder why Islamic missionaries can freely build mosques in the United States, where seven million Muslims live, while American missionaries have no opportunity to spread their faith in Muslim countries.

Is your attitude to sects negative? If you open the Encyclopedia Britannica, you will see that it says: "Shiites - a distinct collection of sects in Islam." Shiites are being persecuted in Saudi Arabia just like Jehovah's Witnesses are being persecuted here. I should add that sects usually deal

with helpless and miserable people with whom nobody else wishes to deal.

Today you are in the majority on this issue. But believe me, any of us can find ourselves in a minority at some point. We should brace ourselves and others for such a moment.

As for the problem of national unity, this is another big subject, and I can only say that we should accept this today and even rejoice in the fact that our society is entering a new stage in its development. From now on, we will not have a common truth, faith, favourite song and so on. Democratic people are united by only one idea: "All people are born free and have equal rights before the law."

Do not be afraid of various forms of public life. Diversity (pluralism) generates information. Today, diversity is not regarded as a factor causing instability but a factor in our successful development.

\* \* \*

*On Political Islam.* The situation is rather tricky here. In any case, this problem has not been resolved anywhere in the world. It is well known that the difference between Islam and other religions is that apart from entering man's spiritual world, it calls on Muslims to observe the political and legal norms enshrined in the Koran and Sunnah. It is clear that any religious Muslim cannot but think about the establishment of an Islamic state.

Any person researching into the period when Islam emerged can confirm that the political and legal norms reflected in the Koran were an extremely progressive step for

their own period in the fields of morality, human rights and social justice.

The norms proclaimed by Islam, for example, moral norms such as "do not worship anyone but God; do not kill; do not steal; do not lie; do not engage in adultery; help the poor, fight injustice" are still important and are universal in nature.

As for the legal norms of Islam, the situation is deplorable here. Over the last 15 centuries, the world has made significant progress in the establishment of a fair society. However, Shariah, which is regarded as Islam's political and legal system, has remained mired in the Middle Ages.

Let us take a look at the main principles of the legal systems of a liberal-democratic and Islamic state:

<b>Liberal legislation</b>	<b>Islamic legislation (Shariah)</b>
All people are born free and have equal rights before the law	<ul style="list-style-type: none"> <li>- Men have more rights than women;</li> <li>- Muslims have more rights than non-Muslims;</li> <li>- Those who believe in the Koran and the Bible have more rights than pagans;</li> <li>- Slavery is not prohibited;</li> </ul>
Any form of discrimination is prohibited	There is sexual, religious and social discrimination.

Can we observe the moral norms proclaimed by Islam 15 centuries ago? Of course, we can.

But can we replace the liberal legal system of the Azerbaijan Republic with Shariah principles? Of course not! As we can see from the table, compared with our current



constitution, Shariah is a great step backwards - towards discrimination.

In fact, the promotion of an Islamic state system (a legal system based on the principles of Shariah) constitutes discrimination against women, non-Muslims and those without a religion. This runs counter to international agreements on human rights, as well as the constitution.

\* \* \*

Now let us take a look at the formula that is often voiced in the public sphere: "religion should be separated from politics", or "Islam cannot be used for political purposes". I should note that the founder of the Democratic Republic of Azerbaijan, Mammad Amin Rasulzada, touched upon this issue in the early 20th century: "When someone enters the mosque, they should forget about politics."

What does this phrase mean? It means that a cleric should not touch on politics in his prayers and believers attending a mosque should not talk about politics.

By what law should we impose such bans? There is no such law! People have the right to freely express their opinion even in a mosque. Someone recommends to an akhund or those who come to the mosque that they should talk only about spiritual issues. For example: truth and lies; conscience and treason and so on. Can we discuss the Karabakh problem in a mosque? Can we say in a mosque that someone's policy is unfair or they have not kept their campaign promises? Can we praise the policy of the incum-

bent president? (I believe that if Mammad Amin Rasulzada had been asked whether Musavat could be promoted in a mosque, he would not really have minded.)

The only thing at odds with our constitution are speeches calling for discrimination, violence or inequality between men and women or between the religious and non-religious be they made in a mosque, from a party rostrum or on our TV screens. It is clear that calls for the establishment of a Shariah state in Azerbaijan run counter to the principle we have adopted (all people are born free and with equal rights).

Thus, we have become convinced that we cannot separate religion from politics. "Everything in the world is politics." The formula that "Islam cannot be used for political purposes" is very vague. Democratic principles do not prohibit the use of Islam's spiritual values to beautify the world and fight injustice. The duty of democratic Muslims is to carry out reforms that can separate Islam's high religious values from its outdated legal norms. Religious people in democratic Western countries have already travelled this path of religious reform.

However, let us assume that believers are saying in the mosque that their salvation lies in the establishment of an Islamic state. Should we immediately arrest the proponents of such views and close the mosque?

Do not rush to do so. After all, they are our citizens. Some of them could be our loved ones or relatives. Try to apply Holmes' "open market of free ideas" to such cases. If there is no clear and present (immediate) threat to our constitution, then we have time to make those people change their minds through open discussion. Persecuting people for

their views could set a very bad precedent in our society. After all, we may all end up in a minority one day.

**Leila Alieva:** Thank you very much, Dr Hajizada for such a thought-provoking presentation. I would like just to add something. You said that all these rights apply to religious people. But for my part, the same applies to those who criticize religion. They are free as well. Both sides should be tolerant. Now I would like to give the floor to our venerable speaker Mrs Esmira Turhida.

**Esmira Turhida:** Since the dawn of humanity, people have always sought refuge in some force and have always expected help from this force. People have always needed protection. When they do not find it in the state, religion probably starts to dominate people's lives. Our religion, Islam, is first and foremost a religion of spirituality and morality. Europe has been mentioned here. The French historian Gustave Leveau once said that while Europe was choking on violence and darkness, cultural and scientific centres such as Baghdad and Kurtiva were emitting light to the world during the golden age of Islam. Today we are saying that religion is separate from the state, however, there was a period when states established during the Islamic period were strong and powerful and these states promoted craftsmanship, science and culture and the Islamic world developed.

All development gradually moved to the West. We are used to appropriating and learning many things from the West. The geographical location of our homeland, Azerbaijan, is

such that different religions and ethnic groups have co-existed here historically. As far as I know, religious clashes have rarely taken place in Azerbaijan, and people of different faiths have always been respected here and have participated alongside us in the life of our country and in public developments. Under Article 24 of the constitution, when people are born, they have inalienable, inviolable and inseparable rights and freedoms.

Lankaran is part of Azerbaijan, but for some reason, when we talk about early marriages, religion and drug addiction, we think of this southern region. I think that since the Soviet period, respect and belief in religion in Lankaran has differed from other regions. I would like to quote a phrase that Hazrat Ali said 1,400 years ago. He said: "The time will come when the Koran will be there, its official nature will be there and mosques will be there, but there will be no prayers, and those mosques will be beautiful, but those who built the minarets will not be people of religion at all."

The state has given us freedom, but I am simply against dividing Islam into different denominations and groups. It is a religion of morality. In our region, there are many helpful people, and many religious organizations and communities. Have you ever seen them help anyone? Personally, I have not experienced that. Islam should not be remembered only during the months of Muharram or Ramadan. I would like the Koran to be taught in our schools. If people are spiritually rich, they can have a powerful state and a free society.

**Leila Alieva:** Thank you so much. Mrs Turhida is not just an intellectual, but also a public and political figure. Our next





speaker is the editor of "The Southern News" independent newspaper, Mr Zahir Amanov.

**Zahir Amanov:** I would like to talk about local problems. While preparing my speech, I talked to a couple of clerics and asked specifically where the boundary between religion and the state diverges and merges in our country. They were almost unanimous in saying that they do not regard themselves as separate from the state. When you look for this boundary, it cannot really be found.

I told them that they only quote the Prophet in ways that suit them. For example, they say that a certain quotation says that God is in heaven and the king is on the earth - in other words, you should definitely obey the government on earth. But Our Prophet also said that he who tolerates oppression is an oppressor himself. For example, a mullah sits in a shop on the edge of a ruined road and I tell him - you see the condition of this street? Why didn't you tell the official at that meeting that hundreds of people use this road every day so why not repair it? Why do you not help people when they are stifled or oppressed? The mullah kept silent. Our religious figures sometimes go on "shopping" trips to see the head of the executive authorities. I do not mean to criticize mullahs. But we cannot turn a blind eye to such facts either.

I also want to touch on Mrs Turhida's idea that theology should be taught at schools. We once asked Ilqar Ibrahimoglu at a seminar why he did not object to the fact that theology was not being taught at secondary schools. In response, he said that there were no specialists who could teach theology in schools.

Many people in our country still see religion not as a culture, but as prejudice. Or, when they say religion, they think only of Islam, but there is also Christianity, Judaism and other religions.

When we published an article about Ramadan in our newspaper, we told our clerics that they should probably inform Jews and Christians about how Ramadan is observed. None of them knew anything about this. Blind religious propaganda will give us nothing. There are religious books in our school libraries, but not even the teachers, never mind the children, read such books.

The number of magic men/women in our country is increasing every day, and more people are going to them to complain rather than government officials. Some government officials even visit them.

Dr Ismayilov said in his report that when you talk to people, you need to speak a language they understand. But some of our clerics have no education or desire for this. Thank you. That is all I wanted to say.

**Leila Alieva:** Mr Amanov has touched on a very important subject, and I am sure that there will be a lot of discussion and comment. Please ask your questions.

**Participant:** I have two comments to make. The first one is for our Turkish friend. When you talked about the states that were established, you said that we created a democratic state from an irreligious state. We did have religion, but there were some restrictions.

Mr Hajizada said that we got rid of oppression and established a democratic state. I do not agree with this view. The Koran says that there is a concept between appearance and creation, and that is work. It will be expedient when three parameters of life underlie this - the cause of creation, the cause of development and the cause of preservation.

**Participant:** You just touched on the issue of the state and religious people. The very idea of Islam is seen as a way of life. For example, the Koran has ayats that cannot be put up for debate. You are saying that they should be debated. The way of life of religious people and believers cannot coincide with the way of life promoted by the state.

**Hikmet Hajizada:** Of course, a Muslim believer tries to live as prescribed by the Koran. But the constitution is different in our country. For example, religious books say that a husband can beat his wife. But our law prohibits this and does not allow anyone to beat another person. If we have equal rights, then if a husband can beat his wife, the wife can also beat her husband. Of course, my last sentence is a joke.

All holy books say that our religion is the most beautiful religion, while all others are crazy. It is the same in the Bible and the Koran. But there is no such thing in our constitution. How then can we compare them? The only way is to hold discussions. Probably, in the end, we have to gradually move from the legal issues of each religion to our constitution.

**Participant:** I would like to thank those who organized this conference. I would also like to thank Mrs Turhida for her com-



ments about religion. I also heard some words of disapproval about religion here. The subject of this conference is religion and the state, but not a single theologian or worshipper has been invited as a main speaker here. It was very important for such a person to be here to express their views. Mr Hajizada spoke about our Constitution. If there are people who interpret the Constitution, there are also people who interpret the Koran. Our religion holds women in great esteem. More conferences like this on the subject of religion and the state should be held. Religion is not separate from the state. We are always with the state.

**Participant:** I have a question for Prof Yalcinkaya. Muslims comprise almost 90 per cent of Turkey's population. But they have taken the path of Europeanization, and because of these issues of secularism, they have given up their interests in the world. But it would not be a bad thing if Islam was promoted in Turkey itself at the appropriate level. Mrs Turhida said something very interesting: there is one Islam, and it has been put forward by God. What we need today is not the Islam wanted by Iran, Turkey or France, but the Islam wanted by God. I cannot understand the principle that "religion is separate from the state". Islam is a state and the state is Islam. How come there is a religion inside a state, but it is separate or there is a state, but religion does not accept it? My question to the professor is how would you like to see such unity in the future?

**Alaeddin Yalcinkaya:** I did not say, and am not saying, that Turkey "has taken the best path in terms of the issue of secularism". In Turkey, many mistakes have been made on

the issue of the state and religion. At some point, mosques were closed in Turkey, it was illegal to read the Koran, it was a sin to wear a headscarf and those who did were executed. I just said that if Atatürk were alive, then as a great statesman he would have probably given up most of those bans.

Today Muslims comprise some 70-80 per cent of Turkey's population. Many people say "I am an atheist". There are Christians, and there are people who say "I am Jewish", while Alavits comprise 30-40 per cent of the population, but the state belongs to everyone. What sort of relationship needs to be established here? A lot of progress was made under the Ottomans, and every community had its own courts. Do you mean that we should return to that time? There are Shariah courts in Britain as well. For example, a Shariah court looks into issues of inheritance, but that court cannot sentence someone to stoning for adultery.

What is the most correct and best thing today? We do not know. Relations between religion and the state are very complicated. At every stage of history, religion has attempted to take control of politics. This has happened in Christianity as well. Religion runs the state to a great extent in Judaism. When we say that "religion should run the state in our country", I do not think this will lead to peace and stability. For both Azerbaijan and Turkey, such a system is not appropriate at the moment.

**Participant:** I would like to thank you all for today's interesting conference on the subject of "religion and the state". I would like detailed discussions on the state of reli-

gion in Azerbaijan at future conferences. I think it is a very topical issue. There is not a single religious programme on Azerbaijani television. We say that Islam is a perfect religion and is the most democratic religion in the world, but I would like these subjects to be discussed more extensively.

**Leila Alieva:** I have some comments to make as well. When we talk about the state, let us not confuse the state with people and society. These are different ideas. People are more important than the state. There can be different relations between the state and religion, but most importantly religious people should think about their relationship with the people. Their path is to win the hearts and minds of the people, rather than think of taking over the state.

Another issue of concern is religious propaganda. Education and enlightenment rather than propaganda seem the best way to describe how religion can reach people.

**Yadigar Sadiqov:** Our guest from Turkey, Prof Yalcinkaya, touched on issues of religion in the Ottoman Empire, then in the Republic of Turkey after the Ottoman period and in independent Azerbaijan after the Soviet period. I would like to note some issues as well. In the early 17th century, the Ottoman Empire went into decline and reforms were needed. However, clerics resisted those reforms for two centuries.

An end was put to these reforms after Sultan Osman II was deposed and executed in 1622. Until the abolition of janissaries in 1826, clerics did not allow any reforms for two centuries. The janissaries were abolished only under

Mahmud II, and reforms were conducted after that. The Ottoman constitution was adopted in 1876. I would like to cite another example. A person named Ibrahim Mutfakkiri spent more than 10 years waiting for the sheikh ul-Islam's decision to authorize the printing of books during the Ottoman period. Islam itself favours innovations, but those who interpret it create obstacles. The experience of these two centuries played a role in Ataturk's harsh position on religion.

The current Azerbaijani state emerged from the atheist Soviet state. In the Soviet period, there were a lot of clerics (they included both Russian Orthodox priests and Muslim mullahs) who presented themselves as clerics, but at the same time served the godless Bolshevik government and the KGB. Instead of serving religion, they served the official ideology. Unfortunately, the same line continues today. I do not see clerics taking any position on injustice or bribery at either a national level or at the level of the Lankaran region. Unfortunately, clerics are not involved at the appropriate level in tackling drug addiction, which is the greatest problem facing the country, whereas religion is a great force. Religion is not separate from political developments or the state. It should express a position on improving society.

**Participant:** Several issues were touched upon here, and I would like to make my own remarks on this matter.

You mentioned the period of the ADR and said that Russia was inflaming tensions between Sunnites and Shiites at the time. There is no doubt that enemies have always tried to take advantage of this issue, but we should not allow them

to do so. The Sunnite-Shiite issue existed before Russia, America or Britain appeared in Muslim lands. Such things existed in the Ottoman state as well. Tsarist Russia set up the spiritual department of Muslims of the Caucasus in order to separate us from Najaf and Qom. The Koran urges us to establish a religious state, which is why these subjects should be discussed extensively.

**Participant:** I would like to thank you all for today's discussions. You have touched upon a very interesting issue here. It is a sore point with me. The activities of religious organizations are not satisfactory in Azerbaijan. People who hold religious positions today are actually creating a gulf between the state and the people. If people's rights are being violated to such an extent in Lankaran, religious organizations should prevent this.

**Participant:** We all know about our domestic situation, but we are deceiving each other. Religion has its own way and the state has its own way! Everyone should mind their own business. If there is human trafficking in a country and money is made from this, what can we say about religion here?

**Participant:** I would also like to thank the people who organized today's conference. We can see that people need to be enlightened. We have spoken about religion, the state and secularism here. First and foremost, the linguistic meaning of secularism should have been explained here. What is religion's attitude towards the principle of secularism?



**Alaeddin Yalcinkaya:** We have learnt a lot of things from the West. Secularism has been very successful in the West. As for today, we have not experienced the process gone through by the West. As for the Koran's view of secularism, the Koran does not accept coercion in religion.

**Leila Alieva:** Many views have been expressed here and we will take into account your comments when holding our conferences in the future. I would like to call on everyone to be calm and tolerant. Not just Muslims and religious people, but also agnostics and atheists, people from different religions and people who believe in philosophies and principles other than religion often live in one state, and their views should also be respected. This is the highest level of democracy and culture. Our conference is nearing its end, and I would like to thank everyone for attending.

## THE EVOLUTION AND ROLE OF LOCAL SELF GOVERNANCE IN TURKEY AND AZERBAIJAN.

(Lahij, 31  
May, 2010)

**Hikmet Hagverdili:** Dear participants in this conference, today is a wonderful day. The holding of this conference in Lahij is highly significant. Yesterday, we celebrated the 92nd anniversary of the Azerbaijan Democratic Republic. Lahij intellectuals played a great role in that republic. This conference is dedicated to the 92nd anniversary of the ADR and is about traditions and development of local government in Azerbaijan and Turkey. There are distinguished guests participating in this conference. I would like to give the floor to Leila khanim.

**Leila Alieva:** I would like to thank you all for coming here today. For me, Lahij is a very special place. It is one of Azerbaijan's most beautiful regions, with a rich and ancient history. My mother, the writer Gulrukh Alibayli, lived here for several months and wrote a book here. I myself have also been very inspired by this place, so Lahij and its people have played an important role in my life. I have met wonderful people here and have learnt of their thoughts, traditions and history. I even learnt how to weave carpets here.

This project is linked to our historical memory and to a very important historical moment - the creation of the Azerbaijan Democratic Republic in 1918. Why is this such an important moment? It is because the Azerbaijani modern nation state was established in 1918. You can say that we had our own state even before that, and that is true, but the formation of ADR was similar to the other democratic and modern nation-states established in Europe. A researcher specializing in the ADR and Mammad Amin Rasulzada, Professor Nasiman Yaqublu, has said that there were many



independent states in the world, but few democratic ones. The main achievement of our history and people was that the ADR was not just an independent state but also a democratic one. One hundred years ago, we adopted laws and created an environment that even put us ahead of certain European countries: for example, in the areas of women's emancipation and the media.

The subject of today's conference is local government, and I would say that this is a major element for a civil and democratic country. In other words, if people can govern themselves, then the democratic state has a future. As far as I know, Lahij itself also has ancient traditions of local government.

First of all, I would like to invite Dr Kamran Ismayilov to take the floor. He is one of the leading scholars at the History Institute of Azerbaijan's Academy of Sciences. He has published up to 100 papers on the Azerbaijan People's Republic. Dr Ismayilov will talk about Azerbaijan's history of local government and the developments that took place in the late 19th and early 20th centuries.

**Kamran Ismayilov:** Dear participants in this conference! I feel proud to meet the elders and intellectuals of a village that has played a special role in Azerbaijan's history and I clearly understand my responsibility. Residents of this village made a valuable contribution to the history of the Azerbaijan Democratic Republic. In general, democracy has a number of characteristics and criteria. But I think that the most important of these characteristics is the people's involvement in the area of local government. In fact, local government forms the

basis of democracy. If people cannot govern themselves, this means that they can not establish a democratic state. Ill-wishers are making false accusations about the Azerbaijani people and their history. They maintain that the Azerbaijani people and Turkic Muslim people in general are allegedly incapable of independent governance and should always be governed by other peoples. The history of our people proves the opposite. Throughout history, Muslim peoples, including the Azerbaijani people, have had historical experience of democratic traditions.

History provides a great number of facts and materials to prove the Azerbaijani population's involvement in local government. Specifically, it can be noted that in the Middle Ages, Azerbaijanis (this applies to the rural population) had a social institution called "village or people's councils". These are proof of the existence of democratic local government. At that period, and during the time of the khanates that began with the Safavid state right through to occupation by Russia with its tsarist system, Azerbaijani villages had the institution of "people's councils", which were a form of self-government. These councils resolved all issues related to the local population, the economy and domestic law in general in the villages. We can see the best example of this in the northwestern zone, among the people of Zaqatala and Jar-Balakan. Usually, this community is described as a feudal republic. But this tradition was not merely confined to this area. We can see it in the activities of self-government bodies in all our villages. This state of affairs continued until the early 19th century. However, Russian occupation put an end to this experi-



ence of rural and urban local government, as it did to so many of our progressive traditions.

For a period of time dating approximately from the 1820's to the 1860's and 1870's, the despotic domestic law, serfdom and social traditions which existed in Russia itself started to be applied in Azerbaijan. However, it seems that in order to plunder and exploit Azerbaijan more, they were forced to revive local experience. In 1866-1870, a number of statutes were adopted here, and their basis was to revive the activities of village councils. However, the Russian tsarist mistrust of Azerbaijanis and Muslims manifested itself in this sphere as well. It is worth noting that every possible method was used to keep Azerbaijanis out of local government institutions, especially Dumas, which were set up in some cities of Azerbaijan. During this period, they tried to make the Azerbaijani people forget their traditions of local government. These traditions started to revive following the establishment of the Azerbaijan People's Republic in 1918. If we look at the 23-month existence of the Azerbaijan People's Republic, we will see that in terms of institutionalized democratic organizations, the Azerbaijan People's Republic was quite an advanced democratic state thanks to a number of specific features which it possessed. This society and republic were established by a Muslim people - Azerbaijanis. This fact was not widely appreciated by the international academic community until the end of the 20th century.

The democratic traditions and experience of the People's Republic are still important. Among these traditions, we should highlight the democratic institutions or laws that the Azerbaijani people created and revived after 1918. After the February

1917 revolution in Russia, national awakening and national movements began in all ethnic regions, and Azerbaijan was at the forefront of this movement. From March to October 1917, the democratic movement in Azerbaijan reached such a high point that this movement engulfed all strata of society. One of the most important indicators of that democratization was that local government bodies started operating once more in Azerbaijan. These bodies were not merely confined to the organizations called "national committees", but also various village societies that were involved in local government. This entire process of democratization reached its highest point at the time of the Azerbaijan People's Republic.

One of the most important developments after the establishment of the ADR in 1918 was the involvement of the people in democratic local government. The government of the Republic took very progressive steps in this field. Although there is a difference between the terms that existed then and now, they all have the same essence: the development of self-government. For example, at that time, we inherited departments called "zemstvo" from the Russians, and their basis was to involve the population more actively in local government. In this way, in 1919, the Azerbaijani parliament adopted a bill on the formation of zemstvos, i.e. local government institutions. In general, this bill was the most productive example of the legislative practice of the republican period. In that period, all the positive and progressive aspects and changes of European democratic local government were reflected in that law. This law reflected even such issues as the establishment of local government bodies, their



activities, electoral practices, the public's involvement in local government bodies, the economy, lifestyle, finances and the study of public opinion on other social issues.

Another important point is that on 26 July 1919, a law on parliamentary elections was adopted in Azerbaijan. That law was very advanced and European experts at the time unanimously agreed that the law was far more progressive than those adopted in a number of European countries and truly reflected the spirit of the time. Under this law, democratic local government bodies were allowed to participate more actively in elections. In general, by early 1920, Azerbaijan had already formed a relevant legal base in the sphere of improving and forming local government. If that legal base had been enforced in a timely fashion, I believe that a number of tragedies, including the fall of the republic, would not have happened in Baku.

Returning to democratic local government traditions in the Azerbaijan People's Republic, it should be noted that the Azerbaijani people have a significant historical experience in this sphere. First of all, we should study this historical experience. Second, we should creatively apply it to the requirements of today. Some work is already under way in Azerbaijan in the sphere of local government, which is an important characteristic of people's democracy, and an analysis of this work shows a harking back to the historical traditions of the Azerbaijani people. I think that the great role of the Azerbaijan People's Republic in international political history is that this republic proves once again that Muslim peoples are capable of self-government and an independent democracy



**Anvar Balayev:**<sup>1</sup> I would like to give you some information related to the history of the ADR. After the arrival of Bolsheviks in Azerbaijan, Mammad Amin Rasulzada and one of his most loyal friends, Abbasquli Kazimzada, crossed the mountains and came to Lahij from Gultepe and Kalva. Karvadar Kblaqlam put them up in his house for three days, and on the fourth day, a local resident Agabala Gasimov, a well-educated person, visited his house. There was a little library in the house, and Rasulzada came across a copy of Firdousi's Shahnameh. He read Shahnameh and here is where he started to write his work "The Siyavush of Our Time". Under pressure from the Bolsheviks, Mammad Amin stayed in 17 different houses here. In the end, he saw the situation was impossible and that he would be arrested. There is a village here of three or four houses called Piragarim... A man called Jamshid Gachag lived there and he was a very adroit man... He picked Rasulzada up early in the morning as asked, took him to the mountains across this very river and kept him there overnight. The next morning, he took him to the village of Machakhy, and after that, they went to Musurslu. Why did he go there? For the simple reason that Georgia was not controlled by the Soviets yet, and he wanted to get there as soon as possible. But he was arrested by the Bolsheviks in Garamaryam. He was taken from Machakhy to Piragarim, then towards the river and to Lahij. From Lahij, he was taken by horsemen to Shamakhi and then to the Bayil prison in Baku.

Why did Mammad Amin come to Lahij? He was originally from Novkhani (village near Baku). Lahij maintained close

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<sup>1</sup> Anvar Balayev is 90 years old. He is a teacher, a former school principal and one of the most famous residents of Lahij who has held a variety of posts.





economic relations with Novkhani. They operated many camel caravans... They delivered salt and oil here by camel. Things reached such a point that Mammad Amin's daughter married a young man here named Damat. In other words, his daughter was here. This is one factor. The Musavat party was powerful in Azerbaijan. Mammad Amin relied on the strength and influence of Musavat in this region. That is the second reason. The third reason was natural - this place was very good in terms of security - it is surrounded by mountains on all sides and is good for hiding. For this reason, Mammad Amin Rasulzada chose Lahij and came here, and he intended to go to Georgia from here and then to Turkey. However, he failed to do so... Mammad Amin found himself in Bayil (prison in Baku). When Stalin was in Vladikavkaz, he received information about this from Baku. Stalin came to Baku without informing Moscow. Stalin was head of the National Defence Committee there. Lenin was still alive at the time. Stalin then said that Mammad Amin should be brought to him. But they brought him a bit late and showed obvious respect for him... They hugged when they met. Why did Stalin respect him so much? They say that when Stalin lived in Baku, Mammad Amin once saw that workers were about to throw Stalin into a well, and he saved him. Another time, Mammad Amin's father was an akhund (leader of a religious community), and Akhund Mahammad hid Stalin in a mosque. Thus, Mammad Amin saved Stalin's life, and that's why he saved Mammad Amin.

So a public servant came in and said "it is time". Stalin replied - go and tell them that Stalin will take care of this

man... Stalin took him to Moscow. He offered him several posts, but Mammad Amin would not accept any of them. Stalin asked him what he wanted. Mammad Amin replied: "I cannot get on well with you because you know I am in favor of independence." Stalin said: "What have you seen in this independence? You were independent for 23 months and so what?" Mammad Amin replied: "At least my people got a taste of freedom!"

You know that Mammad Amin was a journalist. Mammad Amin published a magazine and went to Leningrad in his capacity of working for this magazine. In Leningrad, two Tatars helped him to cross into Finland. In Finland, he saw that it was impossible to stay there and moved to Poland. He married in Poland for a second time. After staying there for some time, he went to Germany and then moved to Turkey. In 1955, he died in Turkey. His grave is in Ankara.

**Leila Alieva:** Thank you, respected Anvar muellim, for your very unique contribution. Dr Ismayilov, thank you for presentation. As always, you have offered us interesting ideas and information. I would like to draw your attention to the fact that 100 years ago there were no appointees serving in districts and villages. All officials were elected to their posts.

I would like to say a few words about the rules of our conference. This is not a formal event and we have always tried to make it a two-way process. If anyone has something to say, they can say it and if we have any questions, then we will ask you. First of all, let us hear all the reports and then we can start our discussions. Now I would like to invite our

guest from Turkey, doctor and lecturer Tasansu Turker, to take the floor. Despite his youth, our speaker is a very experienced academician. He will be talking about Turkey's experience in the area of self governance today.

**Tasansu Turker:** First of all, when we compare what Azerbaijan experienced 90 years ago with Turkey's experience, we can see that Turkey lagged far behind. A great democratic experiment, the likes of which the world had never seen, was implemented in Azerbaijan in those days. Although Turkey appears more democratic, Westernized and developed now, when we look at those years, that's to say 90 years ago, we see that the idea of democratic local government was much less developed in Turkey than in Azerbaijan. In this sense, I think that all Azerbaijani citizens should take pride in their historical experience. This was the first such experience among Muslim societies.

There are two different approaches to this issue - centralization and decentralization. We see this when we look at Turkey's history. In the 19th century, Turkey embarked upon a stage of serious reform. All oriental empires entered this stage. The aim of this reform was to prevent backwardness and steal a march on the enemy. At that time, the enemy was Europe. Europe was richer and more developed and, in order to catch up with it, reforms were conducted.

During this reform, not so much importance was attached to the idea of local government because the country was at war and the aim was to strengthen the central government. As a result of this strengthening of central govern-

ment, local government was unfortunately not developed in the way that it was in Azerbaijan. How was it developed? While trying to strengthen the central government during these reforms, a lot was done to strengthen the army. However in 1838, the Ottoman Empire realized that there could be no reform of the state without social reform. In other words, there can be no strong, independent state without popular involvement in the political process. If the people of a state are happy, then the state is strong. The only way to make people happy is to involve them in governance. From the 19th century onwards, there has been one rule in the world: if the people of a country are unable to participate in governance, that country is not strong.

When we look around, we can see this everywhere. To secure political independence, it is necessary to involve people in governance and in the democratic process. What was Turkey's experience of this? The first Majlis was established in 1838. This Majlis was nothing like the Majlis we know today; it was merely a consultative body. But it represented the start of the involvement of intellectuals from various parts of the country in governing the country. This Majlis was called "Majlis-i Valay-i Ahkami Adliyya". This means that the nation was asked about the laws that were adopted (in other words, this law is being adopted. Will you accept it as well?). This was like the Senate in the Russian Empire. When we look at all these reforms, we can see that everything was in the hands of the central government. However, the first reforms concerning municipalities, i.e. local government, were implemented courtesy of the Vilayat Statute of 1864. In fact, there is something



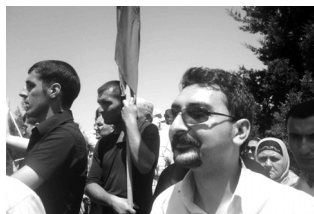
noteworthy in this reform. Its aim was not democratization, but the facilitation of governance. To put it another way, it was an acknowledgement of the fact that those in the capital Istanbul could not solve the municipal issues of Izmir, Ankara or Sofia. This was the reason why democracy emerged.

Looking at Turkish history, how did politics become democratic? We had pashas. They were all Ottoman pashas and their power was political. Politics was not made inside the nation, but in the palace. How did the nation participate in politics? Under the Vilayat Statute of 1864, the formation of municipalities began. They were called "city deposits", in other words, the place where the city was deposited. How were these city deposits founded? First, someone was sent from the centre to run a city. Put more simply, it was a gubernatorial system. What is the difference between a municipality and a governor? The difference is that municipal councils were elected by the people. In other words, people were represented in government through elections and had a chance to engage in local government. But in fact, the population did not experience democracy for a long time during the Ottoman period for the simple reason that, as I said earlier, the main concern of the Ottomans was to strengthen the central government. What was the importance of this brief experience in terms of democracy? After the law of 1864, people participated in politics and experienced local government for themselves. As a result, democracy started to develop.

We would like democracy as it has developed elsewhere in the world. But how should this be? It is not easy to run a country, state or nation in a democratic fashion. What will the

parliament be like and how is this system going to work? These are all important issues. Bureaucracy governs the state because it is familiar with these laws. How does a new bureaucracy or representative from inside a nation emerge in the face of a system where people run the state from the capital city and is there a school for this or not? For example, I come from the faculty of political sciences and its aim is to teach politics. I admit that at school we only teach the science of politics, which means that we are not teaching anything because politics cannot be learnt at school. Politics is learnt only inside the political process and through experience.

Indirectly, local government's most important contribution to democracy is that it nurtures a new elite and new people who know politics. In Britain, the aristocracy stepped down and people who knew politics and come from municipalities started to govern the country instead. Who else came? There were trade unions. Politics is taught in these trade unions and municipalities so that an individual can have a say in the development of the country. Learning ways of becoming a member of parliament from a district can be achieved through work in these organizations. The most important thing I want to tell you from this Turkish experience is that self government is a political school. The most important aspect of local government is that people can learn how their country is going to be governed. If people cannot govern themselves, they will not even be able to run their city. It is impossible to say in such circumstances that a democratic system exists. In the current period, it is impossible to talk about democracy without local government.



If we acknowledge Turkey as a democratic state today, then there is one thing we see: most politicians in Turkey today originate from municipalities. Today Turkey has one prime minister and 22 ministers and most of them used to head municipalities. Local government is not just about governing a certain region; it is also a school of democracy and politics. When you established a democratic state here in 1920, Istanbul was under occupation. There was no parliament or municipalities. If we are ahead of you today, the reason is that we have experienced 150 years of local government.

**Participant:** I have a question. I would like you to tell us whether municipalities are government agencies or non-government agencies in Turkey? How are they financed?

**Tasansu Turker:** Municipalities are no longer government agencies in Turkey. The interior minister cannot tell the municipality in Ankara to do or not do something. The ministry has no such right. The municipalities in Turkey are the same as in the European Union. Municipalities make decisions independently and have their own budget, financial resources and money. In Turkey, the budget is divided into two parts. The first part is the state budget, from which finances are allocated to the army, education, police and other spheres. The other part is the local budget. A certain proportion of the taxes paid by citizens go into the state budget and the rest to the local budget. The local budget is the budget of municipal councils elected by the people. The municipal councils spend that money on the municipality

independently. The council elected by residents of the municipality decides how to spend the money. If the decisions of a council do not satisfy citizens, for example, if the municipality has not built a good road, then the public elect a person who can build a better road. This is democracy - the election of people who have the ability to make decisions.

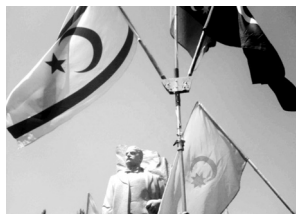
**Leila Alieva:** The difference between Turkey and Azerbaijan is that Azerbaijan was dominated by Soviet totalitarianism for 70 years and, unfortunately, we are still unable to get rid of this legacy. We are still struggling to get rid of it.

**Participant:** The chairmen of local government bodies in Turkey are called both *kaymakam* and *muhtar*. Is there any difference between them?

**Tasansu Turker:** In Turkey, there is a district organization called the "*tashra organization*". The district organization has two heads. There is one *kaymakam* sent from the centre. The *kaymakam* is in charge of the police and military. Also, there is a municipality head elected by that district - the *muhtar*. If it is a village, then it is run by a *muhtar*, and if it is a district, it is run by the head of the municipality. This head is in charge of roads, water, electricity and health services, i.e. everything in that district. It is the same in every state: there is a central department and a local department.

**Kamran Ismayilov:** In fact, it is not just in Turkey. Historically, the situation has been the same in Azerbaijan. Let us assume that one village has a representative to head





the district executive authorities. That representative collects taxes, deals with administrative affairs and maintains law and order. In other words, he represents the state there. There are also municipalities elected by the people. In tsarist Russia, here they were called "kandkhuda" and in the Soviet period - "ispalkom". In fact, it is the same in most European countries.

**Leila Alieva:** Our seminar would be one-sided if we were not to hear the voice of a representative of the region to analyze this problem. I would like to call upon Mr. Sarkar Mardanov, who has been prominent in Ismayilli self-governance bodies for years. He will give us a regional perspective on the issue.

**Sarkar Mardanov:** I am going to talk about the development of local government in Ismayilli. As you know, municipal elections in Azerbaijan have been held since 1999. We have already held three municipal elections. Compared to Turkey, our municipalities are still "very young". Although a very short period of time has passed, about 30 laws and decisions have been adopted on municipalities. These legislative acts show the status of municipalities and their principles and spheres of activity. It was correctly pointed out here that local government should come from the people. What is going on in Azerbaijan today? Do municipalities really represent the people? We hold elections, and you know very well what the situation is like. There has been some progress. Staff are trained and the state is doing its best. But when it comes to local communities and the issues that affect local people, the situation looks different. The authorities' interference in elec-

tions also depends on the local population itself. When citizens are strong, the authorities cannot do anything illegal.

First of all, a person elected to the municipality should realize whether he/she will be able to do this job. Responsibility lies with the population here again. If the population is not ready for elections and self-government, it will prove impossible even if 1,000 laws are adopted. A lot depends on the public and the elected official should be aware that he/she is going to be answerable to the people. But see what happens. Unqualified people enter municipalities and reduce them to such a terrible condition that the state has to intervene. To be honest, municipalities in our country are viewed as sellers of land.

The second issue is a financial one. Municipalities also need money to deal with the issues for which they are responsible. If there is no money, how can a municipality do its job? Do rural municipalities have financial resources? Initially, there were 2,700 municipalities, including 67 village municipalities in Ismayilli District. Since many of them were completely useless, the state was forced to amalgamate them. Municipalities should be as compact as possible, and you cannot set up a municipality on just any territorial unit.

Do municipalities have the authority to implement their tasks? There is no division of powers between the executive authorities and the municipalities. As a result, their tasks and powers are identical. The municipalities do not have the power or the finances that the executive authorities enjoy.

I have figures for the general revenues in Ismayilli District in 2009 and 2010 and I want to use these figures to



prove my point. In 2009, the total revenues of the 67 municipalities amounted to 407,000 manats. Some 51 per cent, or 210,000, came from taxes. Of this, 13,000 manats came from the land tax and 10,496 manats from the property tax. What project can you implement with such finances? The Ismayilli city, Vijan, Tagistan, Ismayillikand, Qalaja and other municipalities are able to justify their existence to some extent and are doing some work. However, there are some municipalities that have nothing.

In 2009, the largest municipality - the Ismayilli city municipality - earned 31,959 manats. Of this sum, 25,000 manats were spent on local government and only 6,000 on the population. What can you do with 32,000 manats in a city of 15,000? If we look at the figures from the first half of 2010, we will see that there are municipalities that have not collected a penny in property tax despite the fact that the property tax forms a major part of municipalities' revenues everywhere.

Laws have been adopted to expand the financial bases of municipalities. Municipalities need to get credits and subsidies from the state to increase their financial potential. The state has allocated only 68,000 manats to 67 municipalities. I would like to take a look at the figures for the first quarter of 2010. Thirty-six municipalities made only 16,109 manats: 6,296 manats of this sum came from the land tax and 1,232 manats from the property tax. What can a municipality do with such sums?

If we aim to develop municipalities and expand local government, we should clearly divide the powers between the executive authorities and municipalities and think about ways of increasing the financial scope of municipalities.

**Leila Alieva:** Thank you, Mr. Mardanov. The figures and your analysis of them were very interesting. As for control, this should primarily come from the community. The link between the people and the municipality is based on elections. The responsibility of a municipal council member to the public is based on elections. Now I would like to give the floor to the well-known expert, Abil Bayramov. He will talk about the development and problems of local government in modern Azerbaijan.

**Abil Bayramov:** First of all, I would like to say that I feel at home when I come to Lahij and I am very glad to be here now. I would like to thank you for taking the time to come and meet us. I will try to take a general look at successes in the field of local government in Azerbaijan and at some of the problems, as well as giving you a picture of the current situation. You know that when Azerbaijan joined the Council of Europe, it undertook a number of obligations. One of those obligations was to organize local government in the country and hold local government elections. When the constitution was adopted in 1995, a separate chapter on local government was approved and municipal elections were held in 1999. After that, the establishment of municipalities was a very important step towards the decentralization of the government. In 2001, we joined the European Charter on Local Self-Government. It is a very important document on local government. By joining the European charter, we assumed a number of obligations regarding local government. I would like to talk about the most important of these obligations.



The European Charter requires that the powers given to local government bodies should be exclusive and, at the same time, that there should be a source of financing for the implementation of those powers. We have adopted a great number of laws and legal acts on this. The main legislative act that regulates the activities of the municipalities is the law "On the Status of Municipalities". Until 2004, the existing legislation looked on municipalities as a non-state system. But since this contradicted the European Charter on Local Self-Government, the law was changed in 2004 and the concept of local government in Azerbaijan was brought in line with the concept in the European Charter. According to this concept, municipalities are state entities that carry out a public service. This was a very important change and a positive step which ruled out the possibility of municipalities being viewed as part of the non-state system and gave municipalities the status of local government. Unfortunately, no other reforms were subsequently conducted to complement this status.

Our law "On the Status of Municipalities" says that municipalities can prepare and implement economic and social programmes on condition that they concern issues that are not covered by state programmes or that they supplement these state programmes. Mr Mardanov said just now that the law on the status of municipalities and a statute on local government were adopted in 1999. In fact, if we look at both documents, we will see that the powers of executive authorities include many points related to local issues.

Currently, there are a number of important factors that hamper the activities of local government bodies in Azerbaijan.

Before talking about these issues, I would like to highlight one of the positive steps taken: I am referring to the move towards the amalgamation of municipalities. You know that municipalities were amalgamated last year. I would also like to point out that this proposal was made by us, the representatives of civil society, and we prepared a document on the mechanism for this and presented it to the government. Official structures also admit that our recommendations are being used to amalgamate the municipalities. Before the merger of municipalities, there were 34 municipalities per 100,000 people in Azerbaijan.

For the sake of comparison, I should say that Bulgaria, which has similar population levels, has 3.4 municipalities per 100,000 people. Do you see how big the difference is? If we compare this figure with other countries, we can see a big difference. The large number of municipalities has resulted in resources being split and municipalities experiencing great difficulties in recruiting staff. The process of amalgamation can be deemed a positive step. But only on condition that other reforms are carried out to complement this process. Such reforms should help specify the powers of municipalities. For example, if we compare Azerbaijan with developed European countries, including neighbouring Turkey, we can clearly see the difference between the powers and duties of municipalities. In those countries, local government bodies are in charge of the sewage system, healthcare, water and educational institutions such as secondary schools, roads, infrastructure etc.. In other words, all issues of local importance.

Another related issue is that we still do not have specific legislative acts to ensure these powers are complete and



exclusive. For example, let's take the authority to collect domestic waste, which generally belongs to municipalities. However, there is a law on domestic waste which gives these powers to the executive authorities. To put it more simply, our legislation needs a serious overhaul in this field. It has already been mentioned here that parliament is preparing a bill on giving more powers to the municipalities. We very much hope that such conflicts of authority will be eliminated when the municipalities are given more powers.

Another issue relates to the financial potential of municipalities. I would simply like to point out that according to the figures for 2009, the revenues of all the municipalities in Azerbaijan totalled 4 manats per person. Of course, municipalities with such meagre budgets will have little scope to provide the public with high quality services. Why does such a situation exist? According to the law, municipalities are empowered to collect four types of tax. In Azerbaijan, municipalities can collect only one of them more or less successfully - the land tax. All municipalities are able to collect the land tax. However, the situation is very bad when it comes to the property tax. According to 2008 statistics, only 239 of the 2,757 municipalities managed to collect the property tax. One of the taxes municipalities can collect is the profit tax. But only seven municipalities managed to collect this tax. It is very hard, especially for rural municipalities, to collect non-tax revenues. For example, income from car parks, advertisements and so on. Rural municipalities make very little money from such things as they are quite rare. However, city municipalities also have great difficulties in collecting these

revenues. I would like to say that there is little opportunity for municipalities to realise their financial potential.

I would like to touch on Mr Mardanov's question. Are municipalities regarded as a state entity in Turkey and other countries? In fact, municipalities are regarded as an integral part of state power in European countries, including in Turkey. In Turkey, there is a phrase called "kamu yönetimi": it covers both the state and municipalities, because municipalities are public service structures. Simply, one branch of state power is implemented by the central administration and the other by a government formed locally by the population.

What is the most important conclusion to be drawn from what I have said? Although Azerbaijan has many problems in the sphere of local government, there is also one thing which gives grounds for hope. If you pay attention, you will see that when there is a problem, the public appeals to the municipalities. In other words, people feel that municipalities are closer to them. It is a very good thing that people have such a belief.

Sometimes we say that local government has only just taken shape in Azerbaijan and is too young and so on. But we can see from the presentation made here that Azerbaijan has great historical experience in this field covering quite a long period. Even the 10-year experience of the post-Soviet period has allowed us to carry out important reforms in this sphere.

I would like to touch on the issue of control. Local government bodies are controlled by the central authorities. In Turkey, this administrative control is carried out by the Interior Ministry. But this control has one condition - it should





not result in interference in or restriction of the municipalities' activities. These entities adopt municipal acts and oversee the compliance of these acts with the law. Dr Aliyeva also correctly stated that there should be public control over the activities of municipalities. This public control, which is enshrined in the law, takes various forms. Public control is extremely important. I should also point out that municipal associations are operating in Azerbaijan and a lot depends on these associations. They should try to put the interests of municipalities before the state.

**Leila Aliyeva:** Thank you, Mr Bayramov. Now we can open the floor for discussion. If anyone has any comments or questions, please go ahead. I urge you to feel free. I myself have a question, too. As far as I know, there are only elected posts in America. Although they have presidential rule, there are no presidential representatives there.

**Abil Bayramov:** Two main systems exist for local government. One of them is the British-American, or Anglo-Saxon system, and the other is the French model. The difference between these models is that the Anglo-Saxon system does not have local officials appointed from above. For example, if we look at Britain, you will not find local officials appointed by the central government there. This system applies in the USA, as well as in other states that used to be part of the British Empire. The peculiar feature of the French model is that there are local officials appointed by the central government and councils or mayors elected by the local pop-

ulation. In countries where the French model is used, there is a clear division of powers between the bodies containing officials appointed by the central government and those containing people elected by the public.

**Leila Alieva:** What is the situation like in Turkey? What system is in use there?

**Tasansu Turker:** Since Turkey uses the French system, there is one kaymakam and one municipal chairman. They carry out two different duties of the state. The former pursues a mission of state hegemony, that's to say integrity. This means that if you intend to create a nation and are concerned about national integrity, under the French system, the kaymakam represents the central government, while the municipal chairman is closer to the people. But there are sharp differences here. In a law-governed state, what is important is who can intervene in what and to what extent. If municipal officials cannot enforce the law, the kaymakam has to intervene.

**Abil Bayramov:** I wonder which system is better? These are traditional models. We cannot clearly say which system is better. If the application of one system is better, then it is a better system. If you pay attention, you can see that the French model is being applied more successfully in most European countries because they pay serious attention to local government bodies, and these local government bodies have authority.



**Participant:** When municipalities had just formed, I thought such bodies were not necessary in Azerbaijan. I went to Turkey twice, and when I saw the activities of municipalities there, I realized that municipalities are very necessary. I think that Turkey is the only democratic state in the region. We need Turkey's experience. If the issue of finances can be resolved in Azerbaijan, the municipalities will be better-off.

When we were in Lithuania, we saw in one school that there were computers everywhere. I asked how they bought them. They said that there is a state law under which two per cent of taxes collected from public sector employees are handed over to the school where their children are studying. For this reason, schools can do everything.

**Leila Alieva:** I would like to say a little more on your comment. Why is it that Lithuania is spending so much money on local government, while we are not doing the same here? Perhaps, compared to the state, society is stronger there. A strong society is needed to give strong support to the municipal sphere.

**Kamran Ismayilov:** I think that the current tendency is that state powers are gradually being handed over to local government bodies. In support of Dr Aliyeva, I would like to say that a lot depends on society, on people's public activity, their attitude to developments around them and their desire to be involved in local government. People should not be

interested only in solving local issues or issues that affect the interests of their city. This is really an issue of statehood. For this reason, people should be more interested and should be more politically active.

**Abil Bayramov:** I know many people here. I know Valeh bey, Sarkar bey and others. They have considerable experience in governance. I think that we should establish a government system whereby we can make maximum use of every individual's potential. I personally believe that we will be able to establish such a system.

**Leila Alieva:** I would once again like to thank everyone for coming to this conference and I declare the conference closed.

**RELATIONS BETWEEN THE STATE,  
ARMY AND SOCIETY IN TURKEY  
AND AZERBAIJAN:  
AN HISTORICAL PERSPECTIVE.**

(Qakh,  
6 June 2010)

**Leila Alieva:** Dear participants in the conference! Today's round table discussion is dedicated to an issue which is both pertinent today, yet at the same time - complicated. Our subject is building an army in modern Azerbaijan and Turkey, the army's role in a democratic state and armed forces' reform. As is our tradition, the first part of our conference will focus on the history of the Azerbaijani army during the modern period and Turkey's experience, while the second part will discuss what modern Azerbaijan has achieved in terms of reforms and the problems it faces. I would like to call on our first speaker, the historian Dr Haji Hasanov, a head of department from the History Institute of the National Academy of Sciences.

**Haji Hasanov:** During the occupation process of the 1830's, the colonial power in Azerbaijan, as in other countries, attempted to set up military units within the Russian army consisting of representatives of the privileged classes of society in a bid to attract the allegiance of the local population and cause a split within that population. The result of this was the creation of a regiment called the "First Muslim Cavalry Regiment" during the wars that are known historically as the Russia-Iran wars, but should in fact be called the Russia-Azerbaijan wars. Nevertheless, this was something strictly local. In general, the Russians attempted to completely destroy the military tradition in Azerbaijan. They did not want to give weapons to the Azerbaijani Muslim population or allow the existence of a military system here. Given this situation, unlike other peoples in the South Caucasus,



the Azerbaijanis had no experience or opportunity to set up military units until after the overthrow of the Romanov dynasty in March 1917, the establishment of a regional government led by the South Caucasus commissariat at the end of 1917 and the South Caucasus Seim on 23 February 1918. There were only 200 Azerbaijani officers serving in the Russian army during World War I. However, there were individual military figures, and the generals you know very well were famous officers in the Russian army. One of them, Aliaga Shikhlinski, was even called the "God of Russian artillery". But despite this fact, there were no preconditions for the establishment of an army by the new state. When armed Armenians and Georgians who had served in the Russian army returned from the Caucasus front after the signing of the Peace of Erzincan on 5 December 1917, they easily set up military units and started to oppress Muslim villages, and the Azerbaijani population had no military forces with which to defend itself from this cleansing.

At the insistence of the Azerbaijani ministers who were members of the South Caucasus commissariat, one of the Russian echelons returning from the front had their weapons confiscated and an attempt was made to create a Muslim corps using these weapons. However, this did not signify the creation of an Azerbaijani army. An independent Azerbaijani state was established thanks to the political courage and greatness of members of the Provisional National Council, who adopted a Declaration of Independence in Tbilisi on 28 May 1918. Azerbaijan's nation state traditions were restored after a break of 74 years. However, the adoption of this six-



point declaration did not mean that a state had been created yet. Despite the adoption of this Declaration of Independence, there was not a single bayonet to back the first Azerbaijani parliament, i.e. the Provisional National Council which adopted this declaration. Given this situation, a state that existed for only 23 months yet created an army of 40,000 or, according to some sources, 50,000 soldiers and officers is something truly rare in world military history. There were no officers, weapons or military schools, yet despite all that, the creation of ground forces, which included two divisions, several additional special brigades and - as I have already said - 50,000 personnel in such a short period of time, as well as the creation of the Caspian navy was quite an achievement for an Azerbaijani state which existed for only 23 months. This achievement in terms of creating an army capable of defending itself in such a short period of time also proves that the leaders of the Democratic Republic of Azerbaijan (DRA), a state with some of the most democratic legislation in the world at that period, had been carrying out well-conceived moves in the area of state building. I would say that the first steps in this direction were taken in June 1918. On 26 June, the second government of the DRA issued a resolution to turn the Muslim corps into a special Azerbaijani corps.

As you know, after the events of 17 June, the first DRA government was forced to resign after functioning for only 20 days. That 20-day government had a ministry for the military, and the well-known Khosrovpasha Sultanov was appointed as Azerbaijan's first defence minister. However, nothing was done in this area and when a second government was formed

by Fatali khan Khoyski on 17 June, there were not even any plans to establish a military ministry in that government. This does not mean that all work in the military sphere was totally halted. On the contrary, the first school of ensigns was set up in order to provide officers for the future Azerbaijani army when Turkish soldiers just started to arrive in Ganja. The transformation of this school of ensigns into a school of warrant officers and then into a military school was a very important step towards providing the Azerbaijani army with officers. Here, the decision of 26 June can be taken as the first organizational move. According to that decision, the Muslim corps was transformed into an Azerbaijani special corps.

This special corps and the Turkish 5th army played a great role in liberating the territory of Northern Azerbaijan from the Baku Council and in liberating the Azerbaijani capital Baku from the Center-Caspian government on 15 September 1918. Very soon, the political situation changed sharply, and when the Ottoman army was forced to leave Baku under the Treaty of Mudros, signed on 30 October 1918, the Azerbaijani government found itself in a very difficult situation. For example, General Thompson, who set foot in Baku on 17 November 1918, said that he did not want to see either the Ottoman army or the Azerbaijani army. At that time, the second Azerbaijani government took some steps in this area. On 1 November, a decision was adopted to create a ministry for the military and the duties of minister were assumed by Prime Minister Fatali khan Khoyski.

Nevertheless, at Thompson's demand, the 2,000 soldiers under the command of the military minister with their meager





stock of weapons were forced to move to Ganja under the leadership of Deputy Military Minister Samadaga Mehmandarov. However, this move to Ganja did not stop the process of army building. A commission was very soon set up under the leadership of Aliaga Shikhlinski to work towards establishing an Azerbaijani army. In a very short period of time, headquarters were set up and they were soon transformed into a general staff. This general staff was first headed by Mahammad Sulkevich from the Crimean Tatars and when a joint staff was created, it was headed by General Habib Salimov.

In a short period of time, individual infantry and cavalry regiments were set up in various parts of Azerbaijan. No legal experience existed in terms of creating a legal base for the establishment of the Azerbaijani army, but the legal documents for the Ottoman army which existed in 1918 were rejected. Although the military legal documents - in other words regulations and orders - which existed in the Russian army until January 1917 were used from the beginning of 1919, they were soon brought into line with the situation on the ground in Azerbaijan. Uniforms were created for the Azerbaijani army and modes of address were developed for the personnel serving in this army. Everything was done with great thoroughness and, despite the difficult situation and a lack of personnel and experience, the leadership of Azerbaijan's military ministry paid great attention to even the most minor details. The military ministry was restored when the third Azerbaijani cabinet was formed on 25 December 1918. General Samadaga Mehmandarov was appointed minister and General Aliaga Shikhlinski-his deputy.

Despite his busy schedule, Samadaga Mehmandarov liked to visit all the regiments one-by-one and he even changed the mode of salutation. It was initially proposed that a low-ranking officer should salute a high-ranking officer by saying "salam" (hello) and hear "salam aleykum" (hello) in response. Samadaga Mehmandarov decided that the word "aleykum" was too long and was unbecoming for an officer and proposed saying simply "salam". This proposal regarding the mode of address was accepted in the Azerbaijani army. Careful work was carried out on the military uniforms of the Azerbaijani army and even the word "Azerbaijan" was written on the epaulettes in Arabic.

The greatest success of the fourth cabinet in terms of establishment of the Azerbaijani army was the establishment of Azerbaijan's first navy after the departure of the British from Baku in August 1919. The British handed over several ships to the Azerbaijani government and those ships formed the basis of Azerbaijan's Caspian fleet. Despite its small size and short existence, the Azerbaijani army won success in two big military operations in 1919 and in early 1920.

One of these military operations was conducted in the spring of 1919. Some of the villages populated by Russians who were resettled to Mugan by the tsarist government formed an artificial entity called the Mugan Soviet Republic. This area refused to obey the Azerbaijani government. A regiment of the Azerbaijani army led by Colonel Habib Salimov quickly taught the rebels a salutary lesson. Azerbaijani army units under the command of Habib Salimov, who became a general in the spring of 1920, successfully halted an Armenian rebellion in Karabakh.



Two divisions were created in Azerbaijan in a short period of time - one of them was an infantry division consisting of eight regiments and the second was a cavalry division consisting of three regiments and several special brigades. A lot of work was also carried out to provide an army of this size with the technical and military hardware it required in a short period of time. Under agreements signed with the governments of Georgia and Italy, successful work was carried out to provide the Azerbaijani army with weapons and munitions.

Unfortunately, the domestic and international military-political situation that came about in the spring of 1920 was not propitious for the Azerbaijani state. The main units of the Azerbaijani army were sent at this time to the western front to crush a joint operation by Armenian aggressors and Russian-Soviet occupiers and an Armenian revolt in Karabakh during the Novruz holidays of 1920. As a result of this, our northern borders were left unprotected and the aggressor 11th Red Army easily invaded the northern regions of Azerbaijan on the night of 25-26 April and quickly managed to seize Baku. By early May, almost all of Northern Azerbaijan was occupied by Russian military units.

Despite this defeat, army building in Azerbaijan and the historical lessons of military operations carried out by the Azerbaijani army are still a source of pride, instruction and historical memory for us. In response to those who said that "Azerbaijanis are not fit for military service and Azerbaijanis cannot conduct military business", the Azerbaijani people managed to create a flexible army with high military capa-



bility in a very short period of time, defended Azerbaijan's territorial integrity - though only in part - and achieved their goals. This is a source of pride and a lesson we can learn from history, and I urge you not to forget all this.

**Leila Alieva:** Thank you, Dr Hasanov. I have one question. It seems that there were several commanders from the Qajar family. These heroic people, who had high status in the military, defended the Democratic Republic of Azerbaijan and some of them were shot by the Red Army. What can you tell us about that?

**Haji Hasanov:** There were several generals and colonels from the Qajar family. The Qajars were active in the Ganja revolt of 26 May to 22 June and this revolt was spearheaded by one of the members of the military council, Mahammad Mirza Qajar. However, the Qajars were not only representatives of the Qajar dynasty that ruled Iran. The Qajar tribes occupied a large area from Iran to Asia Minor and Anatolia and were extremely hardworking, bellicose and brave Azerbaijani-Turkic tribes. There used to be blood enmity between Ashagibash and Yukharibash Qajars before the time of Aga Mahammad Qajar. It was Aga Mahammad Shah Qajar who reconciled these two tribes.

High-ranking officers from the Qajar family were subjected to repression during the Soviet period. Along with that, a number of officers from that family still serve in the army of the Islamic Republic of Iran and in our army and have not yet lost their military skills.

**Participant:** I have a question to Dr Hasanov. What standards were used and what country's experience was studied when the army was established in 1918-1920?

**Haji Hasanov:** For the most part, in 1918 the rules of the Ottoman army were used unconditionally in the Azerbaijani army. To be honest, this gave rise to certain discrepancies. From early 1919 onwards, a number of rules and regulations that existed in the Russian army until January 1917 were taken as a legal basis for the establishment of the Azerbaijani army. But in the Azerbaijani army which existed in 1918-1920, an attempt was made to establish an army based on the rules of both eastern and western armies - a kind of symbiosis. I would not say that it was a purely eastern-style Ottoman-type army. Nor can I claim that our army was a purely Russian-style army. It is true that some people who served in our national army had been educated in Russian military schools. Furthermore, we had a group of soldiers who had successfully assimilated Ottoman military experience. For this reason, we cannot say that the Azerbaijani army copied one single system. It was a mixed system and an attempt was made to create an army based on national customs, traditions and features. We cannot say that all our goals were achieved in the field of army building. Such a thing was not possible in such a short period of time as it is very difficult to establish an army. The army is a pillar of the state and at the same time "a mouse that eats its purse".

**Leila Alieva:** If you have no further questions for Dr Hasanov, I would like to give the floor to our guest. I would briefly like to give you some background information on our esteemed guest from Turkey. Dr Mesut Hakki Casin is a professor from Istanbul's Yeditepe University and the command of the Military Academy. He is the author of numerous research papers, books and articles on the European Union, international terrorism, energy security, NATO issues and other topics. Now let's hand over to Dr Casin. He will be talking about Turkey's experience of army building.

**Mesut Casin:** First of all, I would like to thank the Centre for National and International Studies, our dear speakers and Dr Aliyeva for inviting me here. Before starting my speech, I would like to say that we are talking about a sovereign and independent Azerbaijan here. We live in a free state which was consolidated by the great leader Heydar Aliyev and in which the nation can live independently and fearlessly under one banner. There is no more war or threats that might endanger your sovereignty. Of course, this was not easy to achieve. As a lecturer, I have been closely involved in educating soldiers and diplomats of the Azerbaijani army. I educated and taught numerous students who now work in your universities.

The subject I am going to talk about here is very important. "What is a modern and sovereign state and what do people expect of it?" When we ask this question, we hear the following answer: the people want a reliable state that



is established on the basis of independence, liberty, equality and fraternity, that respects religious and political beliefs and protects the people. The duty of a modern army is to defend the people and the state from possible dangers. In the international system, a state must constantly arm itself and it faces the threat of war from its neighbours. In this situation, a modern democratic state is forced to be on the alert and maintain an army to avert wars or clashes.

The security and defence of a state depends on its geography and neighbours and also on the degree of people's awareness of and attachment to their independence. A determination to fight and not be defeated has never been an idea that could be imposed from outside. It is in the hearts of the people. The army, security and the people are all connected! They are the basis of sovereignty and independence in all societies. Democracy is related to people's freedom from pressure, fear, violence and terror and their equality within the state. The duty of the state is to protect its citizens from political or domestic pressure and in terms of sovereignty to prevent a political or military invasion of their land. Defence is an inalienable right that guarantees people's lives.

States also have the right to defend themselves. An army can protect this right when faced by an enemy. Under Articles 2 and 51 of the UN Charter, a state subjected to aggression has the right to defend itself from the aggressor. In other words, the law authorizes countries to arm when faced with armed people. To put it more simply, you have the right to defend yourselves if someone attacks you. This

is also mentioned in Article 5 of NATO's regulations. If you look at recent history, it was the same during the Korean war and the 1991 Gulf War. In a democratic society, soldiers ensure democratic control along with civilians. The duty of every army is to protect the constitutional system and democratic entities without resorting to violence. This is also confirmed by the 1990 Paris Act and Paragraph 7008 of the European security organization. International law requires control over soldiers when they are given weapons. These rules require NATO and European standards. Soldiers live under the umbrella of the influence of democratically-elected politicians.

Now I will briefly answer the question: "What is the Turkish state tradition and what is the Turkish army?" Joint action by the army and the people is the basis of the Turkish state tradition and the Turkish nation. There is a unity between the army and the nation in Turkey which other countries do not have. A disciplined army was the basis of security for the nomadic Turkic peoples who lived in Asia. Behind the ruler was the army. Turks are the only nation that defeated China in Central Asia. The Great Wall of China was built against Mata and his army. For this reason, the Turks are the only nation in history that managed to establish 16 empires. However, drought in Central Asia compelled the Turks to migrate to the western coast of the Caspian - in other words, from the north and south of this area to the west. The Seljuk Empire that was established in Iran, Syria, Iraq and South Caucasus revived Islam, which was in





decline. This is very important in Islamic and Arab history. Put another way, the Turks also directed Arab history.

In the 11th century, the Turks settled in Anatolia. In the 12th century, they gained a foothold here and gained global power with the Ottoman Empire that was established in the 13th century. They established an Islamic government that ruled three continents and took the path of jihad to this end. For 400 years, the Ottomans ruled an area stretching from the Balkans, Hungary, Yugoslavia and Vienna to the Arabian Peninsula in the Middle East, and Mecca, Medina, Egypt, Libya, Algeria and Tunisia. The Turkish navy controlled the Mediterranean Sea, the Black Sea and the Turkish straits. From 1517 to 1921, the Ottoman emperor also enjoyed the distinction of being the caliph of the Islamic world. After growing rich with the discovery of America and Africa and having forged a new alliance against the Ottomans following the industrial revolution, the capitalist system again launched crusades and encouraged national minorities living on Ottoman lands to start nationalist and independence movements against the empire.

The Ottoman state, which fought Russia, Britain, France and Austria in World War I, lost the war due to the defeat of its German ally and lost its lands. Although the British navy and Russia attacked Canakkale in order to seize Istanbul in 1915, Mustafa Kemal Atatürk and his soldiers defeated the world's strongest navy. In occupied Anatolia, Mustafa Kemal set off from Samsun, won the war of salvation and established the Republic of Turkey in 1923.



It is with a feeling of pride and honour that I can say that the Azerbaijani people supported the Turkish people in this war. Cavalry detachments of Azerbaijani volunteers helped the Turkish people to gain their freedom and independence. Specifically, your soldiers gave us power during the Sakarya war, before Ankara's loss. The Turkish nation and army will never forget this.

The Turkish army which won the war of salvation under Ataturk was the force that established the Republic of Turkey. The political revolution in Turkey was carried out by the Turkish army, not by the working class, merchants or the bourgeoisie. Despite that, Ataturk was no dictator. He established republican rule and ensured that the Turkish nation had unconditional sovereignty in parliament and that the army was governed by civilians and controlled by political will. He ensured that the military resign from the army before running for election because it was clear that constant military interference in politics was responsible for the difficulties of the first and second Balkan wars. Ataturk's idea of ensuring the army remained outside political life is one of the basic foundations of the republic. Ataturk set politics and the army in two different categories and left commanders and soldiers with a choice - either continue to do your duty or engage in politics. In 1924, some commanders resigned from the army and took up their places in parliament. After Ataturk set off for Samsun as commander, he resigned from the army. This was a very important duty for him. He established Turkey's Grand National Assembly under civilian control on 23 April 1921. The Turkish Grand

National Assembly appointed him to the post of commander-in-chief.

Turkey did not participate in World War II and joined NATO in 1952. The end of the Cold War and the collapse of the Soviet Union resulted in democracy returning to the Europe-Asia region. However, it was impossible to achieve global peace. The Korean war, the Israeli-Arab wars, the Vietnam and Iran-Iraq wars, the 1991 Gulf War, the occupation of Kuwait, the Armenian-Azerbaijani war, the Yugoslav war and finally, the military operations in Afghanistan and Iraq all go to prove that it is very difficult to achieve peace in our geographic region. The global war on terror, the fight for human rights and democracy, the proliferation of nuclear weapons, famine, water shortages and mass violence have caused new wars and led to organized crime and smuggling in poor countries. Our former enemies - the Bulgarians and Romanians - are members of NATO. NATO membership is on the agenda for Armenia, Azerbaijan and Georgia. I cannot say when this will become a reality.

The answer to the question of what the army's role and status is in Turkey can be found in the Constitution, Article 92 of which says the following: "The right to declare war or send the army into foreign countries resides with Turkey's Grand National Assembly." In other words, the chief of general staff cannot make such a decision by himself. The commander-in-chief is the president who reports to the Turkish Grand National Assembly. The chief of the general staff is appointed by the president on the initiative of the Cabinet of

Ministers. This shows that democracy works. The Turkish army has seen tours of duty in Yugoslavia, Bosnia, Kosovo, Macedonia, Somalia and in the 2006 Lebanon war. In 2003, the constitution and parliament deemed UN Resolution 1441 inadequate and opposed the entry of US troops into Iraq. General Hilmi Ozkok, the chief of the general staff, said that he did not want to ignore parliament's decision and, in the light of that decision, Turkey would not join the war. To this end, a National Security Council was established and diplomacy was recommended. The National Security Council includes the president and four generals - the commanders of Turkey's ground, naval, air and gendarmerie forces.

The Turkish army is against PKK terror which threatens the integrity of the country. It opposes the threat of Greek military aggression against Turkey in the Aegean and Cyprus and Armenia's claims of so-called genocide and their demands for compensation from Turkey, which are backed by US and European aid. Armenian claims, Armenia's use of Russian troops on the Turkish border, the presence of Russian soldiers here and Armenia's refusal to withdraw from occupied Karabakh are a threat to us as well. Clashes that might cause a regional war, the partition of Iraq, the establishment of a so-called Kurdish state here, Iran's nuclear activities and its desire to develop nuclear weapons contrary to the resolutions of the International Atomic Energy Agency might cause wars in the region. On the other hand, NATO's possible interference in the "frozen conflict zones" in the Black Sea and the Caucasus following



the Russia-Georgia war is being closely monitored by Turkey. Turkey's defence strategy is prepared by the Turkish National Defence Ministry and is based on recommendations from the Turkish government. The national security strategy is developed jointly by the army, parliament and the National Defence Ministry. Armaments are overseen by parliament. Civilian and military supervision of the Turkish army is based on NATO and EU standards. The Turkish army did not participate in World War II. During the Cold War, it established an alliance with NATO and the West and prevented the spread of communism. NATO currently has 28 members. Turkey is the fourth largest military power after the USA, Britain and France.

The Turkish army has 750 war planes, 4,000 tanks and the third largest military force in the Mediterranean Sea. Turkish soldiers are cooperating with the United Nations, NATO and the international community to protect global peace, with troops serving from Kosovo to Afghanistan, Lebanon and the Red Sea, where they contribute to the fight against Somali pirates. The Turkish soldier is the most important pillar of a secular, democratic, modern, social and law-governed state and the Republic of Turkey. The Turkish army is at the service of the Turkish people and is ready to implement any order issued by the political government. The Turkish army defends not the rich and the elite, but democracy and the liberty and freedom of the Turkish nation. It is opposed to a mentality that is totalitarian, violent or disrespectful of human rights and is against those who pursue a militaristic or aggressive approach towards their neighbours.



The nation and the army should work together for the advancement of the country and eliminate all obstacles to the prosperity, welfare and happiness of the people. It should not be an army oppressing its people. It should be an army striving for the development of the people and protecting democracy and human rights. A modern army should be educated, have power and knowledge and be capable of using modern weapons against the devastating impact of asymmetric warfare. Commanders should never interfere in politics. The ground, naval and air forces should keep watch and be alert for any enemy that wants to disrupt peace in violation of diplomatic norms or break the laws of the international community.

When we look at current and future political developments, we see that uncertainty is the most important emerging paradigm. Actions in violation of human rights and terrorist attacks still continue today. In other words, military clashes could break out in our region. We are especially against the idea of the "clash of civilizations" put forward by Huntington - in other words, a war between Christians and Muslims in the Balkans, Black Sea region, the Caucasus and the Middle East. For this reason, Turkey favours an alliance of cultures - not a war between religions, but their coexistence. In such a case, the welfare of the democratic state and people depends on cooperation between the army and the nation in a common parliament. We shall always support an independent and free Azerbaijan which can be a source of pride to its friends and a source of fear to its enemies.

As Elchibey, Suleyman Demirel and Heydar Aliyev said, we are determined to live in this region as "one nation, two states". I am very hopeful for the future - the future of Azerbaijan, Turkey and the whole Turkish world. But this does not imply clashes with Russia or laying down the law to the USA. People seek peace and stability based on respect for people's freedom, equality, respect for international law and for the rights of other states and the UN Charter. For this reason, the army and troops are very important in this region. In one of my books, I wrote: "If the Turkish state was in Australia, I would write my doctor's dissertation about the sheep trade. However, the region where Turkey is situated - Anatolia, the Caucasus and the Black Sea region - are full of difficulties and it is hard to maintain peace here." Peace comes from the heart and from being braver than the enemy. As descendants of the late Sheikh Shamil, the people of this land will never surrender their freedom and never allow such a thing to happen. I believe that the Azerbaijani army will always defend the independence and freedom of the Azerbaijani people. I express once again my personal respect for those who listened to us here and pass greetings from the university rector and professors and teachers. I pass greetings from Turkey. I wish you a better future.

**Leila Alieva:** Thank you for your moving and informative presentation. Please ask if you have any questions for our guest.

**Participant:** We would like to thank you for coming here today. I have a question. When I look at the mutual link between the army and political developments in Turkey, it seems to me that the Turkish army has slightly deviated from its principles. The principles established by Atatürk have become shaky. I am talking about Operation Ergenekon and other political events. What do you think about this?

**Mesut Casin:** Thank you. Everyone has bitter and sweet days in their lives. In the same way, the Azerbaijani people and the Turkish nation also have bitter and sweet days. But as I have already said, the basis for a nation being sovereign and independent lies in unity between the army and the nation, or between the government and the opposition in the current system of parliamentary democracy and the coexistence of the army and political will. We can compare this to a boat. If the forces driving the boat go in different directions, the boat cannot move forward. Everyone should have the same direction, force and goals. The constitution of the Republic of Turkey makes it clear that the Turkish army is controlled by political will. However, the Turkish army has a duty bestowed on it by the Turkish nation - to protect the sovereign, secular and democratic Republic of Turkey. If there is anything which could overthrow or change the constitutional system or which runs counter to the steadfast foundations of that constitution (in the eyes of the Constitutional Court), the armed forces will prevent this.

There are positive and negative aspects to today's developments. I think Turkey has the power and capacity to





solve this. There is nothing to worry about today and we have seen this during the latest crisis. Some people thought that the Turkish army would be alienated from the government and would not protect Turkey. What we saw was absolutely the opposite. We also saw that the opposition, both the NAP and the RPP, supported the JDP. If there is a foreign problem, the Turkish army and the Turkish nation will act together with parliament. Democratization is difficult. Of course, the most important thing here is to punish those who act against the laws of democracy. We have experienced two bitter events in our history. One of them was on 27 May 1960 when the Turkish army organized a revolt against the Democratic Party. The second was when terror meant the Turkish nation could not take to the streets on 12 September 1980 and the Turkish armed forces were forced to take the reins of power. But this never meant that the Turkish army was like South American armies which rode horses and did not know what to do. We made mistakes and learnt from these mistakes. But had we not done so, the situation would have been even worse. Indirectly, political events should be judged on the basis of the conditions at that time. We should not forget that those who run the state bear a responsibility and everyone should stick to their own field. In other words, if politicians interfere in the army or the army interferes in politics, we can face bitter consequences as was the case during the Balkan war. Turkey will sort this out and will emerge even stronger than before. Be in no doubt that not a single Turkish soldier has a problem, and if they receive an order to start a war today, every single soldier will be ready to fight.

Despite my age, if the commander issues an order now, I and all my family shall be at the disposal of the Turkish army. I am a teacher for Turkish pilots and generals. Everyone I have taught has the same courage, confidence and determination. I am saying to everyone what I said on television in Israel and then in the prime minister's office: Those who love us and are our friends are good. Only those who are out of their mind see the Turks as enemies. We were the most brutal enemies in the world, and no-one has been able to defeat us up till now. Ataturk said: independence or death. We have grown up on this basis and this is the main thing for every Turkish soldier. There might be some misunderstandings with the government, and this is normal and can be addressed within a democratic system. The most important thing in Turkey is the Constitutional Court and judges. I have been a judge in the Turkish army and, as my teachers told me, the most important thing is not to deviate from the path of justice and equality. This is the philosophy of our life.

**Participant:** Dear Professor, how did Operation Ergenekon end? What was the result?

**Mesut Casin:** If you ask me, the most important thing is that in the new world established after 1991, Turkey has a strong economy, strong armed forces and most importantly, mature human resources. We have 15 million students beginning from primary schools to universities. All young people speak three languages. In my classroom, there are students of all nationalities - from Americans to Germans, and our students are no worse. Some people are afraid of



this. In the European Union, politicians like Sarkozy and Angela Merkel are absolutely against our entry into the EU, whereas the Germans and the French rarely have common positions. But why on this issue are they united? Maybe, because if Turkey enters the European Union, it will outstrip them both? On seeing this, Angela Merkel visited Turkey last month.

Maybe some accusations are correct, but it is necessary to sort this out in court. There is one thing I disagree with. Ergenekon\* is an honourable page in the history of Turks' fight for freedom. In other words, it is an epic saying that we will never be captives. It is wrong to give this name to an operation. It is necessary to have a little bit of patience here. The state and people have different lives. I believe that justice will triumph here and it will become clear who is right and who is wrong. But no-one has the right to mistreat the honourable soldiers of the army of the Turkish nation, no matter who they are, because we took an oath to die, not surrender. Turkey has always been a country that advocates peace and security and does not want to fight a war. I assure you - and I am saying this as someone who knows the world - that the future will be good. Some people are pessimistic, but this is not justified.

I am very happy to be here. Look, the name of this venue is the Caucasus. The Caucasus is our common bridge, common past, present and future. There is a saying: "Freedom is not given, it is taken." If we believe that, we can take it. But if we fight each other and cannot unite, then we will not be able to be together.

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\* *Ergenekon is name of one of the Turkish legends related to revival.*

**Participant:** As you said, Turkey is a country that has experienced many wars. In the late 20th century, we witnessed war crimes in the Balkans and Yugoslavia. Radko Mladic is wanted as a war criminal. Others have already been punished. I mention the issue of Yugoslavia because it was NATO which initiated military trials for those who committed war crimes there. The Khojali genocide was committed in Azerbaijan and that was a real war crime. Seyran Ohanyan, who used to be an officer of the 336th regiment of the Soviet army and has the blood of innocent Khojali people on his hands, is now Armenia's defence minister. I would like Turkey, as a member of NATO, to assist Azerbaijan in putting Ohanyan on trial as a war criminal, because Azerbaijan is not a member of NATO. What do you think about this issue?

**Mesut Casin:** Here is what I think about this. The defeated side is never right in a war. It is very sad. Let us imagine that the Germans had won World War II. Its generals would not have been hanged by the Nuremberg court. They were convicted for war crimes. But didn't the Allies commit war crimes during World War II? They did. The dropping of atomic bombs was in fact a war crime. Innocent civilians were killed. Resolution No 1441 was adopted. This resolution advocated a war in Iraq on the pretext that Iraq had nuclear and chemical weapons. I was in Geneva at the time. At that moment, Bush was making a statement on television. I said that we have Nasreddin Hoca. He says that the person who cuts down the tree he is sitting on is stupid. It is the USA that established the UN, I said. Now, President Bush, you are saying that you will



attack Iraq even though the UN does not authorize this. If you attack, no-one will respect the UN later. Now we have reached such a situation. But I also said you will see some resistance there. They have lost 5,000 soldiers. They have lost 1,000 soldiers in Afghanistan. Six thousand soldiers have been killed altogether, while 25,000 have been wounded.

Turkey defends Azerbaijan on various issues everywhere, such as on the issue of liberating the occupied lands of Karabakh. Turkey sets the following condition for rapprochement and open doors with Armenia: "You must leave Karabakh first and then we can discuss this." The prime minister said this at the National Assembly. Turkey can never stop supporting Azerbaijan. I came here urgently, leaving my own business unfinished. In other words, I came here to be with you in both grief and in joy.

**Participant:** Dear Professor, I listened to your presentation most attentively. You are very optimistic about the future. You also said that the Turks had 16 empires. Can you look to the future with optimism when you see today's small Turkish states?

**Mesut Casin:** Thank you. I am really disappointed that Turkmenistan, Azerbaijan, Uzbekistan, Kyrgyzstan, Kazakhstan and other Turkic states have been unable to cooperate during their transition. We are seeing the rebirth of the Turkic nations, but only a very short time has passed - just 20 years. The history of states takes 200-300 years to develop. The point we have reached now is that there are

independent Turkic states. But they have problems as well. Why? In the centralized state system under communism, all resources and oil pipelines were in the hands of Moscow.

Now you are establishing everything anew. You are establishing a new education system, a new economy and a new infrastructure, and you are living in a new region. This entails certain difficulties. What does the future hold? If we raise our students well and make products that can compete on the world market and become brand names, our future will be wonderful.

For example, you could sell this water which you produce (points to the Qakh water on the table) in Australia, turn it into a world brand and if that means as a result that people here can live better, then Azerbaijan will be a happy state. It is the same for Turkmenistan, Kazakhstan and Uzbekistan.

**Jasur Sumarinli:** \* My report is on reforms in the Azerbaijani armed forces, or to be more precise, on relations between the army and society. Since Azerbaijan gained independence in 1991, relations between the Azerbaijani armed forces and society can be divided into four periods:

*Patriotic society (1991-1994).* This is the period of intensive hostilities between Azerbaijan and Armenia. During that period, the fighting on the front line and the fact that the attention of the Azerbaijani public was focused on the hostilities forced the public and the mass media to take a patriotic

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\* Due to the local conditions, the seminar in Qakh was reduced, but the editors decided to include the report prepared by Jasur Sumerenli in the publication.



stance, turn a blind eye to problems and propagate the power of the Azerbaijani armed forces. In that period, there were numerous problems in the armed forces and in supplying and organizing the army. However, the media clearly had no intention of stressing the problems, did not try to get any information regarding this and there was almost no pressure on the part of the power ministries. Attention was drawn to problems when some territory was lost or military operations were unsuccessful, but they were not blown out of proportion.

*The "cease-fire" between the army and society (1994-1998).* This period began after Azerbaijan and Armenia signed a cease-fire in 1994. This period, which lasted until 1998, was one of inactivity in relations between the army and society. The biggest problem of this period was that there were no mechanisms to influence the establishment of relations between the army and civil society. In other words, the power ministries had difficulty defining what information or activities should be brought to public attention. It was believed that any information or misinterpretation could lead to an outbreak of hostilities on the front line again. During that period, the media was "racking its brains" to obtain information, draw attention to problems in the army and analyze them. Military approaches typical of the old Soviet period were no longer accepted by society, while articles written according to modern rules were met with indignation by the military structures. Therefore, the years 1994-1998 can be assessed as "a cease-fire period" between the army and the public in Azerbaijan. In that period, there was a strong belief that hostilities would resume and the Azerbaijani army would

retake the occupied territories. Therefore, everyone was waiting. During that period, society preferred not to stress the problems in the army.

*The problem "boom" (1998-2005).* After the danger of a resumption of hostilities disappeared, for the first time in 1998 several soldiers and officers serving in the army informed society through the media about problems in the army and provided a list of servicemen who had died of various diseases. During that period, various newspapers and TV channels reported numerous problems in the army, shortcomings in the field of supplies and abuse of power by army officials. In that period, military non-governmental organizations grew much more active and held numerous news conferences. It was in 1998-2005 that the Azerbaijani power ministries sensed that society and the media which represented it were closely observing it.

During this period, a great number of top officers who used to serve in the army told the media about their problems without hesitation. At this time the power ministries, especially the Ministry of Defence, filed numerous law suits against the media. Many journalists were unofficially declared "enemies of the army".

But despite all this, in 1998-2005 the media managed to turn into a real mediator between the army and society. Subsequently, this would give the Azerbaijani media a chance to monitor the reforms being carried out in the army. This was the time when the media had an opportunity to investigate what information they could obtain about the military.





*International support for the establishment of relations with society (from 2005 to the present day).* After Azerbaijan and NATO signed the Individual Partnership Action Plan (IPAP) in May 2005, society's objectives concerning defence and security took on specific outlines, which had never before been the case in the past. In various articles, citizens talked about what NATO would like to see in the Azerbaijani army. Within the framework of IPAP, Azerbaijan undertook numerous obligations. These obligations even contain articles referring to relations between society and the power ministries: there are IPAP provisions under which the media and society should be constantly informed about reforms being carried out in the army. Of course, these provisions helped the Azerbaijani media, and we can see that since 2005, the Azerbaijani power ministries have slightly changed their approach to society, and this approach is being brought into line with modern requirements.

Since 2005, the Azerbaijani public has acquired alternative sources of information about the country's defence and security. Citizens now have the opportunity to obtain information about army reforms not just from the respective ministries or officers who served or are still serving in the army, but also from NATO representatives and foreign experts who constantly visit the country. During this period, the power ministries have been forced to react not just to journalists' reports, but also to comments by NATO officials and numerous foreign experts on Azerbaijan's defence and security. As a result, a significant information base was created for journalists to analyze developments in the military.

Of course, there are still significant problems in this field: the IPAP document itself is still closed to the Azerbaijani public. The reforms reflected in this document have not been officially or fully disclosed to the Azerbaijani media. This is regarded as one of the main obstacles to military transparency in Azerbaijan.

Government officials say that the chances of strengthening civil-military relations and implementing mechanisms of public control over the armed forces are currently under consideration. Public opinion deems it necessary to investigate negative incidents in the armed forces and ensure that the military leadership investigates such incidents in a transparent manner. It is necessary to ensure that civilian government agencies, non-governmental organizations and representatives of the public can freely intervene in the process. It is important to announce the results of any investigation into negative incidents and disclose improper relations in the army, casualties and their causes to society.

The main purpose is to ensure that the level of efforts by the public to solve army problems should be raised. It is important to ensure interaction between civilian and military organizations, the transparency of law-enforcement forces for society and the accountability of defence organizations to civilian organizations.

Reforms in the Azerbaijani army have been based on cooperation documents signed between NATO and Azerbaijan since 2005. The information that has been acquired shows that IPAP reflects numerous obligations and intentions in the field of military reforms. According to official



information, the Azerbaijani Defence Ministry and NATO are involved in the following areas of cooperation:

1. Azerbaijan has joined NATO's military training and education programme on a new module for the improvement of special programmes for sergeants and low-ranking officers in the armed forces and for the preparation of military-strategic documents in the educational programme of the Military Academy of the Armed Forces.

2. Peacekeeping and special forces (medical, engineering and logistics units) are being prepared to participate in international peacekeeping and humanitarian operations.

3. Training bases are being prepared on the territory of the Azerbaijan Republic to plan and hold multinational exercises. In this process, assistance from NATO member countries - the USA, Turkey, Germany and Britain - will be used.

4. The international headquarters of NATO have organized a working meeting at tactical and operational levels on the subject of assistance for military training and education in the armed forces.

5. Azerbaijan is honouring its IPAP obligations in order to modernize its armed forces and boost their military capability.

6. The staff structure of all types of troops in the armed forces has been brought into line with NATO standards, and reforms are continuing to convert the Defence Ministry and the general staff to NATO standards (J/G).

7. Work is continuing within the framework of the Operational Capabilities Concept (OCC) programme to achieve operational compatibility with NATO forces.

8. The peacekeeping forces of the Azerbaijan Republic have participated in operations by NATO's International Security Assistance Force (ISAF) in Afghanistan. Additional support was given to this country in the medical sphere and in clearing land mines, and opportunities were created for the Afghan military to study and train in Azerbaijan's military schools.

However, studies show that serious problems have cropped up in the implementation of numerous reforms planned in the first (2006-2007) and second (2008-2010) stages of IPAP. These problems cover the following areas:

- There has been no progress in enforcing civilian control over the army. Military spending and the budget are not transparent. The power ministries do not report to parliament;
- The administrative system of Defence Ministry staff (military and civilian) is not being improved. The current command staff and command control procedures are not being examined;
- The process of separating the general staff of the armed forces from the Defence Ministry has actually failed. Attempts have been made to mix the J (Joint) and G (General) systems, which has led to inefficiency in the reform process;
- A number of changes that took place as a result of the reforms have not been reflected in the country's military legislation;
- Human rights problems are on the rise in the Azerbaijani armed forces. The material and technical support of the



armed forces is at a low level. Housing rights are being violated;

- The adoption of conceptual documents is being delayed. No military doctrine or strategic defence review has been adopted yet. Society is in the dark about the programme of reforms in the armed forces. Azerbaijan-NATO cooperation documents and the text of the IPAP are still closed to society.

It is worth mentioning another interesting piece of information. Thirty-two of the 38 partnership goals adopted by Azerbaijan within the framework of IPAP are related to the armed forces. Only 12 of them have been implemented so far, while it is reported that work is continuing to achieve other partnership goals.

It should be noted that the reforms carried out in the first and second stages of IPAP relate to the transparency of the defence budget and civilian democratic control issues. In fact, this issue should be regarded as the cornerstone of the reform process. According to the information available, one of the tasks in the IPAP is the following: structural changes in the Defence Ministry, the involvement of civilians in the Defence Ministry apparatus, the identification of posts that can be occupied by civilian staff and certain changes and addenda to legislation in this regard. However, studies show that the Azerbaijani side is in no hurry to honour its obligations or appoint civilians to the Defence Ministry leadership. This is due to the fact that the country is at war with Armenia. However, it is impossible to regard this as a strong argument.

In fact, when we say democratic control, it is not enough for only the defence minister and some military officials to be civilians. One of the obligations reflected in IPAP and other cooperation documents relates to the need to use a mechanism of parliamentary control over the armed forces, to bring military legislative documents in line with NATO standards and to make legislative power more active in this area. There are serious problems in this regard. First and foremost, the mechanism of power ministries' accountability to parliament is still not clear. At the same time, the parliamentary security and defence committee has limited scope to intervene in the process of army building or to oversee the reforms envisaged by IPAP. This manifests itself both in terms of the committee's legal authorities and in terms of the knowledge and experience of the MPs represented on the committee.

Specifically, there are serious problems related to the staff of the Azerbaijani armed forces. It should be borne in mind that NATO-educated officers are being promoted very slowly in Azerbaijan. There are serious obstacles to this process. Therefore, there are serious doubts as to whether the process of reforms will be completed successfully since most of the officers holding top positions in the army are Soviet-educated. Although Azerbaijan has joined NATO's programme for military training and education in the armed forces, no significant reforms are being carried out in this field.

In the middle of 2009 a number of staff and structural reforms were carried out in the central apparatus of the

Defence Ministry and in the general staff of the armed forces, and new departments were set up. However, these reforms did not result in the implementation of the main goals reflected in IPAP: the Defence Ministry and the general staff were not separated and the Defence Ministry unit engaged in strategic planning was not staffed with civilians. The most significant contradiction relates to the compliance of reforms in the upper echelons of the army with the J and G systems. Statements by Defence Ministry officials show that although Azerbaijan initially agreed to use the J system in the army, it decided later that the use of a mixed J and G system was more expedient. Studies shows that this part of the reform process is not being implemented on the basis of the provisions reflected in IPAP.

Another problem is that the reforms carried out in the armed forces within the framework of IPAP have no legislative basis. For example, the changes that have occurred as a result of the reforms are not reflected in the country's military legislation. Specifically, there are no clear outlines as to the functions of staff in the new system in the army, the period of service in each post and the period during which a rank is held before retirement. For example, the Defence Ministry itself still has no statute, and no changes have been made to the law in connection with the latest staff and structural changes in the army. In general, neither the law on the armed forces nor regulations have undergone any serious changes. On the whole, most of the legislative acts, statutes and regulations covering the activities of the armed forces are left over from the Soviet period and the process of bring-



ing the Azerbaijani army into line with NATO standards has been fraught with contradictions.

Of course, the events that happened in the South Caucasus in 2008 and the geopolitical fight for the region affect Azerbaijan-NATO relations as well. It should be noted that some of Azerbaijan's neighbours are against close cooperation between our country and the alliance. We cannot fail to mention Russia's efforts in this field. In our view, these realities should be taken into account by NATO and support for Azerbaijan's defence and security sectors should be increased. This support should cover a number of areas - legislation, supplies, including the updating of weapons and military hardware. NATO should increase its expert support for Azerbaijan in military reforms. Assistance should be provided, especially in terms of military legislation, servicemen should be given material support and their rights should be protected.

One of the biggest problems facing post-Soviet countries in adopting NATO standards relates to the weapons and military hardware being used in the army. Since the weapons, munitions and military hardware used by the Azerbaijani armed forces are of Russian origin, there is clearly serious dependence on Russia in other military areas. For this reason, NATO should carry out specific work to involve countries like Azerbaijan, which are spending millions on armaments, in a preferential arms and military hardware market.

At the same time, it is possible that individual officials are creating obstacles to the use of NATO standards in the



Azerbaijani armed forces, and therefore, I believe that the process of adopting NATO standards in Azerbaijan should also involve the general public. This can be done only if the full essence of documents like Partnership for Peace, IPAP are disclosed to the people. Only cooperation supported by society can be successful.

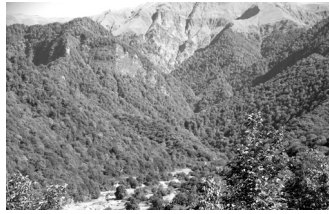
Today it is important to develop a system both among the public and in government to inform the public about reforms in the armed forces. In this sense, the preparation of clearcut doctrinal documents that envisage the future development of the armed forces is inevitable. It is important to ensure that individuals, especially servicemen, have detailed information about the future of the country's defence and security and that educational work is carried out in this area.

Although IPAP reflects objectives to develop judicial and public control mechanisms for the armed forces, the Azerbaijani side is in no hurry to take concrete steps in this direction or to support public activities. The task of involving society in defence issues and informing society about reforms in the army, which were proposed by IPAP, has yet to be implemented. Studies show that although the Defence Ministry has intensified its relations with the public, especially with the media, since 2005, this has not increased public knowledge of the army. Although there is information that IPAP contains obligations to adopt an information strategy for law-enforcement bodies, including the Defence Ministry, to inform society, these have yet to be honoured.

If we examine the existing situation in Azerbaijan, it emerges that the compliance of our army with the values of a democratic society is far from satisfactory. For example, mechanisms of democratic control over the armed forces barely function in Azerbaijan:

- The Defence Ministry and other law-enforcement bodies make no reports to parliament on various issues or on reforms;
- Military spending is not transparent;
- Society is given inadequate information about reforms based on NATO standards in the armed forces;
- Azerbaijani citizens are unaware of the specific essence of the cooperation documents the country has signed with NATO;
- There has been no serious progress in addressing the social problems of servicemen or members of their families;
- The level of social security provided for servicemen is still low;
- Azerbaijani society plays a very passive role in preparing documents on the country's defence and security.

Studies show that it is necessary to carry out drastic reforms to ensure democratic civil control over the armed forces in Azerbaijan and to benefit from British, US, Georgian, Ukrainian and Turkish experience in this field. Currently, NGO unions are being set up to ensure public control over the armed forces in Azerbaijan. This process appears to be supported by the country's public and official agencies.



**Leila Alieva:** Thank you. I would like to express my thanks to all of you on behalf of myself and our delegation. I hope that we will hold more conferences here in the future and will see you again.

## **NATIONAL MINORITIES: SEPARATISM OR POLITICAL PARTICIPATION?**

(Sheki, 19  
June 2010)

**Leila Alieva:** Dear conference participants! The series of round table discussions which we held last year started in Sheki and were very successful. Today our subject is ethnic minorities. Almost every country in the world has other ethnic groups and their condition can play a significant role in the fate of any state. In stable and democratic countries, the wishes and needs of minorities are taken into consideration and they play an active part in their country's political life, for example, in the work of parliament. But in some cases, the issue of minorities reaches a point of acute conflict. Azerbaijan has also faced this problem in the post-Soviet period. Traditionally, we start our round table discussions with an analysis of this problem in the ADR. I would like to cede the floor to Dr Kamran Ismayilov.

**Kamran Ismayilov:** I am proud to speak at this conference today. Azerbaijan has historically always stood for tolerance on ethnic issues. All the peoples living in Azerbaijan have greatly contributed to the formation of our spiritual values and our spiritual-ethical traditions in general. From this point of view, it is natural that during the Democratic Republic of Azerbaijan in the early 20th century, rich experience was gained in terms of ethnic relations.

I would like to provide you with a potted history of this experience. After the establishment of the Democratic Republic of Azerbaijan in 1918, one of the main problems was to successfully establish a democratic and law-governed state in Azerbaijan. One of the issues that drew most attention in this field was the founders' vision regarding how to resolve ethnic



issues. The first declarations on the establishment of the republic and Points 4 and 5 of the Declaration of Independence demonstrate that the ADR offered equal conditions to all citizens living in Azerbaijan, regardless of ethnicity, social status, religion or gender. Point 5 said that the Azerbaijan Republic ensured the free development of national minorities living in Azerbaijan. The setting of such goals in a legal act that was regarded as constitutional law proves once again the intention of the People's Republic, and the results achieved in the sphere of national state building in the future showed that the republican government was loyal to its democratic traditions and goals. Of course, if we compare that period with today, there are differences because at that time, the issue of national minorities was first and foremost viewed in the context of protecting the rights of non-Muslim ethnic groups, i.e. Russians, Jews, Armenians, Germans, Poles and others.

Despite the fact that the ADR existed for only 23 months, it achieved tangible results in this field. First and foremost, all ethnic groups were granted the right to participate in the government of the Azerbaijan Republic. This was achieved through legislation and by means of administrative-legal measures. Ethnic minorities participated in the formation of the parliament, the supreme legislative body of the Azerbaijan Republic. This can primarily be attributed to the democratic nature of the Azerbaijan Republic. Furthermore, this was substantiated by the need to ensure national peace on the territory of the republic at the time.

When examining the history of the ADR, questions are often asked about why the leaders of the republic invited the Armenians to take part in the Azerbaijani parliament. There were no Muslims in the Armenian parliament. But in actual fact, this step was correct and well thought out. In this way, the ADR leaders were trying to prove that it was better for everyone to come and have their say in parliament rather than resorting to separatism and street rallies. This method of co-opting was applied at the time. Perhaps today it is not regarded as democratic, but at that time, co-opting was a more democratic alternative. The interests of all social groups and national minorities were taken into account. When a new parliament was formed, a multi-party system operated and representatives of all the national minorities living in Azerbaijan took part.

How were problems in ethnic relations in Azerbaijan resolved and how was this achieved? First, through state and government agencies; second, through programmes implemented by non-governmental organizations (including various public associations with representatives of national minorities); third, through work carried out by a number of charitable organizations. Conditions were created for representatives of national minorities to play an active part in the formation of governing bodies. The government staged various public events for national minorities, built schools and allocated funds to meet both their cultural and spiritual needs.

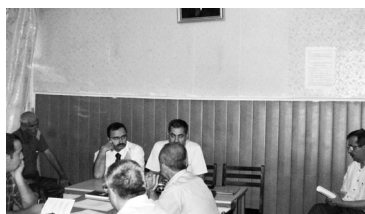
Various funds were set up in Azerbaijan, especially in Baku, to meet the demands of many national minorities. Numerous charitable organizations collected donations to



meet the spiritual needs of the peoples they represented. The Jewish community, for example, was accepted as a national minority in Azerbaijan and had six national organizations and published nine newspapers in Baku alone. The environment in Azerbaijan was so democratic that the Armenians, despite the war, published four newspapers and openly criticized the Azerbaijani government. The Azerbaijani government was very tolerant of this situation. Discrimination did not exist despite the fact that representatives of these national minorities often questioned the independence and statehood of Azerbaijan.

As I have already mentioned, representatives of national minorities played an active part in building our nation state. The activity of representatives of these national minorities in the Zaqatala region is of particular interest. Avar societies were active, especially in the Zaqatala-Balakan region and played their part in building a nation state, an army and in other fields in Azerbaijan. Representatives of the nations described as national minorities could even be found in the highest echelons of the military. Dozens of letters were received in Baku from the Avar community of Zaqatala region at that time which focused mainly on issues such as the opening of schools, assistance in establishing societies and the allocation of funding for development.

All these issues were resolved positively by the government. By taking this path, the leaders of the republic pursued the right approach to resolving ethnic and cultural issues. Most of the people involved in the ADR were educated and had studied at leading European universities. They had

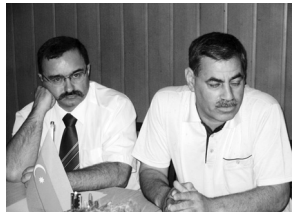


enough political experience and knowledge to appreciate that it was impossible to resolve the issue of building a nation state without achieving national reconciliation. In conclusion, I would like to point out once again that Azerbaijanis have an encouraging historical experience of the peaceful and constructive resolution of ethnic issues, demonstrating an example of multiculturalism as early as the start of the 20th century. Today, we can learn some lessons from this experience and try to benefit from it in resolving ethnic issues in modern Azerbaijan.

**Leila Alieva:** Dr Ismayilov has touched on a very important issue - relations between the state and national minorities. There is, of course, an obvious temptation to oppress them. At times, this seems to offer the easiest solution. However, the norm is that when a group is oppressed, it resorts to radicalism. This applies to the rights of national minorities as well as to individual human rights and freedoms. Under an authoritarian regime, the issues of national minorities can pass unnoticed, but this does not mean that these problems have been resolved. As real democrats, the founders of the ADR were well aware of this and involved representatives of national minorities in political decision-making. This stopped them resorting to radical measures and also allowed them to integrate into society.

Now I would like to call on our guest from Turkey, Dr Hakan Kirmli. He will talk about Turkey's experience in this field.





**Hakan Kirmli:** Before starting my presentation, I would like to welcome you all. While talking about the issue of national minorities in Turkey, we should definitely look at the ethnic composition of this country. In order to better understand the current situation, it is necessary to go back to the times of the Ottoman Empire. It would be a grave mistake to regard Turkey as a country that emerged from "nowhere" in 1923. The Ottoman Empire covered three continents. It included the Balkans, the northern part of the Balkans, most Arab countries, Anatolia and at some point, even Azerbaijan. Therefore, this state consisted of numerous peoples and ethnic groups. Of course, the trend to view ethnic groups as nations started only recently - this process began at the end of the 19th century. The Ottomans divided people into classes in terms of their religious affiliation.

The Ottomans operated a "nation" (milliyet) system. When we use the term "milliyet", this is not in the modern sense of the word. "Milliyet" in this context meant religion. In the eyes of the Ottomans, religion, rather than language or race, was of primary importance. This appears archaic in modern terms, but that was the Ottoman system. First, there was the "Muslim nation", which included all Muslims. Second, there was the "Greek nation". When we say the "Greek nation", this did not refer to ethnic Greeks. It included all nations belonging to the Roman Church. In other words, their church defined them. Another nation was the "Armenian nation", and they were again defined by their church. In the 19th century, nationalist trends emerged. These trends did not fit into the Ottoman system. For exam-



ple, the Greek Church did not show any such initiative. The view has been expressed that the Greek patriarch in Istanbul was the "leader" of Greek nationalism. However, this is erroneous because the Greek patriarch opposed the emerging nationalism more than the Ottomans themselves. The whole religious territory of the Greek patriarch belonged to Orthodox Christians. Therefore, if one person belittled this by saying "We are the Greek nation", thus confining this to a smaller territory, this would not suit the patriarch in Istanbul. In other words, his concept of what constituted Greek and Hellenic nationalism were two different things. The same applied to the Armenian patriarch as well.

However, the 19th century was a century of nationalism. Nation-states started to be established on Ottoman territory. It is worth recalling that when we refer to Turkey today, we think of a place called Anatolia and a small part of Europe. Let's not forget that 100 years ago, Yemen also belonged to the Ottoman Empire. At that time, The Ottomans viewed the cities of Mecca and Baghdad in the way they view Bursa today. Therefore, they were all the same for the king and were forced to be the same, because the Ottoman Empire was not an empire of one ethnic group. The official language of the Ottoman Empire was Turkish and the Ottoman dynasty hailed from the Oguz-Turkmen family. Both in the Ottoman Empire and in the Safavid state, the government was interested in loyalty to the dynasty, not whether their subjects were Turkish or Persian.

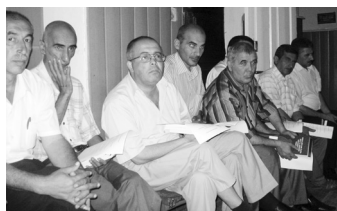
We said that the Ottoman Empire started shrinking in the 19th century. All the provinces that were controlled by



the Ottomans before 1913 and even before World War I were lost one by one. This process began after the fall of the Crimea Khanate, an ally of the Ottoman Empire, in 1783. If you look at the ethnic composition of Anatolia 150 years ago, you may well be surprised. In many parts of Anatolia, there were Greeks, Armenians and representatives of other nations. However, over the past 200-250 years, hundreds of thousands of migrants have started flowing into Turkey from the lands lost by the Ottoman Empire.

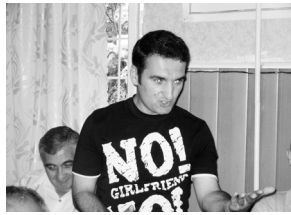
This process is vital. First and foremost, the Crimean Tatars and Nogays started moving into Turkey after the Russians seized Crimea and the Kipchak steppes north of Crimea. After that, an influx of North Caucasus peoples began. This process continued until 1860. Abkhazians, Chechens, Nogays and others came in by the hundreds of thousands. The number of migrants who came to Turkey from Crimea before 1922 was about two million. The number of migrants who came to Turkey from the Balkans was at least four or five million. The number of those who came to Turkey from the South Caucasus was not insignificant either. After 1918, even Turks living in Arab countries came to Turkey. There were quite a few people (they were called Turkestan people) who migrated to Turkey after the takeover of Turkestan in the 19th century. All these migrants mixed with local Turks and tipped the demographic balance in favour of the Turks in the second half of the 19th century and in the first 20 years of the 20th century.

Meanwhile, the Istanbul Armenians were exiled from Anatolia in 1915. The Anatolian Greeks were expelled from



Anatolia under an agreement signed in 1924 and the Greeks remained only in Istanbul. They were replaced by Turks who came from Greece. In other words, the new Republic of Turkey, which was established after 1924, excluding Istanbul and a small section in the south, was made up of Muslims. Only in Istanbul were Greeks and Armenians to be found. When the Republic of Turkey was established, it continued the Ottoman nation system because, according to the Treaty of Lausanne, three peoples were recognized as national minorities in Turkey in 1923: Greeks, Armenians and Jews. In other words, they were non-Muslims. These were the peoples recognized by the Ottoman system. All the others were called Turks. The Turkish constitution also says that all citizens living in Turkey are called Turks. When we talk about minorities, we mean Greeks, Armenians and Jews. During the Cyprus events of 1955, there were attacks against Greeks and Armenians in Istanbul. In 1964, some Greek citizens were expelled from the country. Others fled for fear of a war with Greece, and their numbers in Turkey dropped. Today, there are fewer than 2,000 Greeks in Turkey.

In Turkey, there were Muslim immigrants as well. Some of them belonged to ethnic Turkic groups - Crimean Tatars and Turks from Azerbaijan, Turkestan and the Balkans. Apart from that, there were non-Turkic people as well: Adygeys, Abkhazians, Dagestanis and others. But they are also regarded as "Turks". In Turkey, ethnic non-Turkic Muslims are divided into two groups: local non-Turkic Muslims and Muslim immigrants. At some point, any Muslim



was regarded as part of the Ottoman nation. Since the 1923 Treaty of Lausanne regards only non-Muslims as national minorities, the Turkish state also recognized them as minorities. However, as I have already stated, there are numerous peoples in Turkey, both locals and immigrants, who are Muslims, but not Turks. The majority of them are Kurds. The contradiction between the state and these people is one of the most important problems in Turkey today.

I would like to end my speech here and if you have any questions, you can ask me.

**Participant:** I would like to welcome everyone, including Dr Kirimli. We have been trying to address the problem of national minorities in the 21st century and some discussions are under way here as to how this problem can best be addressed. However, Armenia "resolved" the issue in the 20th century by expelling all minorities and turning into a mono-ethnic state. Can Armenia's experience be followed?

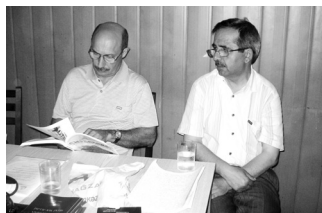
**Zardusht Alizada:** If a miracle happened and Mammad Amin Rasulzada, whose portrait is on the wall here, was alive to hear some of the statements made here today then I am sure he would disagree with you. He was a person who believed in the words written in his programme. He valued people for their humanity, not their nationality or race.

A belief is one thing and reality is another. Conviction is a reflection of man's experience.



I want to remind you of one thing: a rally began in Baku on 17 November 1988 and lasted 18 days. On the night of 4-5 December, it was dispersed. I spent 13 of those 18 days on that square. The following slogans were chanted there: Baku is a beautiful city were it not for Armenians! - even though we know from the history of Baku that Armenians built many houses in this city, contributed to the culture, taught at its conservatory and scientific research institutes. They left Baku, but Baku did not become a beautiful city. As a person who was born, raised and has grown old in Baku, I can say that I do not regard Baku as a beautiful city. It is very uncomfortable for people to live in. There is no justice, security or freedom in Baku.

I have brought with me a magazine published by a prominent Azerbaijani scholar, Ali Abbasov. It is a journal that contains articles about the ethnic composition of the Azerbaijani population, a brief history of every national minority, its composition and role. I would like to once again return to the attitude towards national minorities. Some have said here that we have given too much freedom to national minorities. Dr Leila Alieva said before that there can be two attitudes to national minorities - oppression or protection. Which one is more beneficial? Just imagine that you are friendly with your neighbour or you are hostile to him. When do you feel more comfortable? Let's remember that over the last 100 years, we lived in peace with Armenians for 70 years and fought them for 25-30 years. Which years are preferable?



Let's think logically. There are two basic cultures in world history: the culture of war and the culture of peace! In a culture of war, people prioritize and base their thinking on the things which divide. In a culture of peace, they take as a basis the things that unite them. For example, our press sometimes makes a fuss that the Armenians have declared "Sari Galin" an Armenian song whereas it is, in fact, our song! The Armenians maintain that it is their song. Such an approach stems from the culture and thinking of war. When I attended a meeting in Istanbul, the media reflected this crazy debate, and the head of the Yerevan press club told me with irony, that "Sari Galin" is an Azerbaijani song. I said no, it is an Armenian and an Azerbaijani song. This song shows that we have a common culture, fate and heritage.

I told him that they had a prominent poet, Sayat Nova. Where was he from originally? Aleppo. What language did he write in? Some 67 per cent of his heritage is Turkish, while half of the remaining 33 per cent is Armenian and the other half is Georgian. This is the common history of the South Caucasus. He is OUR poet - a person who grew up on ashug culture and art. Why do we see him as an enemy? Sometimes the press writes that mean Persian chauvinists have proclaimed Nizami Ganjavi to be an Iranian poet, while Nizami is our poet! My father defended his master's thesis entitled "Nizami Ganjavi is an Azerbaijani poet" in 1947. But based on that same culture of peace, I am saying that Nizami Ganjavi is both an Iranian and an Azerbaijani poet.



He is a poet of mankind, a poet who unites two lands. He wrote in Persian, but lived in Azerbaijan.

Before the collapse of the Soviet Union, there was the Maksim Gorki Institute for World Literature in Moscow. They published a multi-volume book called "World Literature". The idea of world literature was invented by Goethe. In medieval Europe, there was no literature in national languages. There was literature in Latin. All educated scientists, churches and even Copernicus wrote in Latin. Literature of the Latin-language zone was created. As far as the Muslim world is concerned, the Koran is in Arabic, and all the peoples who have adopted Islam have created their literature in Arabic. There was a large zone of Arabic-language literature. Then a split began.

In the same way that in Europe literature started to be published in French, Spanish, Italian and other languages, regional literature in three languages emerged in the Muslim East: Turkish, Persian and Arabic-language literature. I would like to cite one example here: look at the irony of history - there were two powerful Turkic states in the world: the Ottoman state and the Safavid state. European diplomats were trying to set one of these states, the Safavid state, against the Ottomans, because the Ottomans posed a great threat to Europe. The Ottomans had occupied half of Europe and the Ottoman army was fighting near Vienna. The Europeans were trying to set Shah Ismayil Safavid against the Ottomans. Shah Ismayil and Sultan Selim were both poets. Sultan Selim wrote his poems in Persian, while Shah