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Photo: Dorothy Douglas Taft

The polling place near Ganja, Azerbaijan

Commissioners Communicate Rights Concerns to Greek Prime Minister

by Ronald McNamara

In a letter dated October 6, Commission Co-Chairs Sen. Alfonse D'Amato (R-NY) and Rep. Christopher H. Smith (R-NJ) communicated a series of human rights concerns to Prime Minister Konstandinos Simitis of Greece. Participants in a Commission delegation that visited Greece earlier this year—Commissioner Reps. Porter (R-IL), Hoyer (D-MD), Cardin (D-MD) and Slaughter (D-NY)—co-signed the letter along with Commissioner Reps. Christensen (R-NE) and Markey (D-MA).

The letter cited specific OSCE commitments undertaken by all participating States, including the Hellenic Republic, which signed the Helsinki Final Act in 1975. Among the human rights developments raised were the Greek citizenship code, criminal defamation provisions of the penal code, treatment of members of minority faiths, Roma, and individuals belonging to eth-

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OSCE Criticizes Azerbaijan's Presidential Elections

Government Launches Post-Election Crackdown

by Michael Ochs

On October 11 Azerbaijan held presidential elections. Etibar Mamedov, Nizami Suleimanov and three other less well known politicians entered the field against incumbent President Heydar Aliev. While no one seriously expected Aliev to lose, the opposition candidates were hoping for a second round. According to the Central Election Commission, however, Aliev easily exceeded the required two-thirds for a first round victory, gaining 76.11 percent. Mamedov won 11.60 percent, Suleimanov 8.60 percent, and the others less than one percent apiece. The official reported turnout was about 77 percent.

Most opposition parties reject these tallies. Five leading opposition politicians—Abulfaz Elchibey, Isa Gambar, Rasul Guliev, Ilyas Ismailov and Lala Shovket—had boycotted the vote, unwilling to legitimize an election they believed would be unfair. Nego-

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

tiations in August over the most controversial aspect of the election—the composition of the Central Election Commission—proved unsuccessful, with the authorities refusing the opposition’s demand for equal representation on the CEC. The five leaders, joined by numerous other parties and groups in the Movement for Electoral Reform and Democratic Elections, urged Azerbaijani voters not to go to the polls. The authorities minimized the boycott’s significance, arguing that the opposition leaders knew they had no chance in a fair election and therefore preferred to claim fraud and refuse to participate.

Beginning August 15, the boycotting parties organized a series of rallies and demonstrations to pressure the government and call for fair elections. These were the first mass street actions in Azerbaijan in years. The authorities rejected the opposition’s demand to hold a demonstration in Freedom Square, in the center of Baku, offering instead alternative venues. On September 12, protesters clashed with police, resulting in arrests and injuries. Afterwards, authorities and opposition tried to reach agreement on the route for demonstrations, and most pre-election rallies, some of which drew large crowds, were largely peaceful.

The positive aspects of the election, including the final version of the election law, which all sides acknowledged as acceptable, the freedom for candidates to campaign on television and meet with voters, the abolition of censorship and provisions for domestic observers were outweighed by the election’s shortcomings. OSCE/ODIHR concluded that the election did not meet to international norms. Western NGO’s, like NDI and IRI, seconded OSCE’s verdict.

Democratization: In some respects, the 1998 election was a clear improvement over the 1995 parliamentary election. All the participating candidates received the allotted air time on television and could criticize President Aliev openly. By all accounts, many voters tuned in to hear unprecedentedly slashing attacks on Aliev, his government and his policies. Candidates could freely campaign and meet with voters around the country. But despite the improved law, procedural advances, and the openness of the campaign, if the basic criterion of measurement is the reliability of the official election results, which means that the will of the people on voting day has been done, Azerbaijan’s election did not pass the test.

In response to the negative assessment of the election by the international community and Western NGOs, President Aliev and Azerbaijani officials have simultaneously tried to lower expectations, downplayed the significance of an admittedly imperfect election, and look to the future. Optimists may hope for further incremental progress in upcoming local elections in 1999 and parliamentary elections in 2000. A pessimist, however, will argue that Azerbaijan’s authorities have not yet shown the political will to hold free and fair elections in the past and there is no reason, barring a significant change of heart, to expect better in the future.

The public was more involved in the political process than at any time since at least the 1995 parliamentary election. Most striking was demonstrators’ loss of fear and their willingness to risk beatings, arrest, dismissal from jobs and threat of official harassment to make their point in rallies and demonstrations. Various analysts lamented the return to the streets, a feature of late 19890s-early 1990s political activity in Azerbaijan, and warned that the only suitable form of politics is government-opposition discourse and parliamentary activity. But it will be difficult for many opposition activists to believe that such a dialogue—which is indispensable to democratization—can be meaningful.

Despite the opposition’s grievances against President Aliev, one goal they share is Azerbaijan’s inclusion in the Council of Europe. However, the conduct of the election has apparently cost Azerbaijan a chance to enter that body, which reportedly is inclined to admit Georgia before either of its two neighbors.

Heydar Aliev: With the OSCE assessment placing in question the official results, the CEC’s failure to publish election protocols, as required by law, long after the stipulated time period heightens doubts about President Aliev’s standing. The election, after all, was largely a referendum on his five-year presidency. Since his return to power in 1993, he has not solved the major problems besetting the country. The Nagorno-Karabakh conflict remains unsettled; Azerbaijani territory is still under Armenian occupation and no refugees have returned to their homes. Living standards for most Azerbaijanis have plummeted and the resulting discontent is aggravated by the general knowledge that a tiny stratum of corrupt officials and businessmen has become rich. Moreover, the predominance of people from Nakhichevan—Aliev’s

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Photo: Erika B. Schlager

Polling Electoral Commission Chairman in Kosice district explains procedures

Parliamentary Elections in Slovakia Observed by Commission Staff

by Erika B. Schlager

On September 25 and 26, the Slovak Republic held elections for 150 seats in the unicameral legislature, the Slovak National Council. The 1998 Slovak elections marked an historic turning point for Slovakia: would free and fair elections be held which would pave the way for an opposition coalition to assume power and restore Slovakia to the path of parliamentary and constitutional democracy, the rule of law, and European integration, or would the Meciar regime corrupt the election process to hold onto power?

During the pre-election day phase, the Meciar regime purposely sowed confusion and disorder, creating a climate of uncertainty, instability, and tension. Beginning in March, a manufactured parliamentary deadlock prevented the election of a new president, creating a constitutional crisis; while that office remained vacant, presidential powers were assumed by Prime Minister Meciar and his associate, the Speaker of the parliament. A controversial new election law, which entered into force three months prior to the elections, restricted freedom of the media. During the campaign itself, state-run television broadcast biased programming supporting the Meciar government. In the constitutional vacuum left by the absence of a president, competing claims to the position of chief of the armed forces emerged a few weeks before the election. Just days before the election, the Minister of Interior made veiled threats to use the army in connection with the elections.

Nevertheless, over the two-day period during which balloting was conducted (September 25-26), there were relatively few significant problems with the technical administration of the voting and the results appear to reflect the will of the people. The party of Vladimir Meciar, the Movement for a Democratic Slovakia (HZDS), received slightly more support than any other party. HZDS, however, did not win enough seats to form a majority government on its own.

In Slovakia, Vladimir Meciar's ruling coalition has frequently violated the rule of law in his effort to stay in office. During her post-election press conference, held the day after the closing of the polls, representative of the OSCE Chair-in-Office Helle Degn sharply noted that the formation of a government is the ultimate purpose of elections and, until this step was taken, the OSCE's election observation process would not be concluded.

Several factors spurred speculation that Meciar was prepared to hold power through any means necessary: Meciar's blatant disregard for the rule of law, the increasing popularity of the opposition parties, and speculation that Meciar and his closest allies were afraid to lose power lest they be held legally accountable not only for their willful violations of the constitution but for various allegedly illegal financial dealings connected with the privatization process.

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home region—in positions of power exacerbates general discontent.

Nevertheless, Aliev also had pluses as a candidate. Though the Nagorno-Karabakh conflict still festers, the 1994 ceasefire remains in effect. Aliev has signed oil contracts that at least offer the promise of future wealth and placed Azerbaijan on the map. Pursuing a pro-Western foreign policy, he has maintained Azerbaijan's independence in the face of pressure from Russia and Iran. Finally, for Azerbaijanis who recall the period of Popular Front-Mussavat rule in 1992-1993 as an era of incompetence bordering on anarchy, Aliev is seen as an experienced if authoritarian ruler and the source of stability and order.

Governments around the globe have congratulated Aliev, and he retains support among his core constituency. Nevertheless, the negative assessment of the election by the OSCE and Council of Europe was undoubtedly a blow to his legitimacy. Moreover,

even assuming the accuracy of the official results, 23 percent did not turn out to vote for him, even though he traveled around the country asking for their support. About 20 percent of the electorate voted against Aliev and now does not recognize his legitimacy. Positing hypothetical figures of only several points apiece for the boycotting politicians would bring the combined opposition figure dangerously close to the one-third needed to have forced a second round—unless one argues, as government officials might, that Etibar Mamedov only got 11 percent because he was the sole opposition alternative, and he, Elchibey, Gambar, Guliev, Shovket and Ismailov would together have won no more than 11 percent. That argument is not very plausible.

When the boycott became official and Aliev's only real competition was Etibar Mamedov, many observers, especially in the international community, thought

Aliev would easily win two-thirds in the first round in a free and fair vote, without any falsification. That expectation proved to be unfounded. While it is impossible to judge the extent of fraud—according to Etibar Mamedov's copies of election protocols, 600,000 ballots were falsified—and while Aliev might still get more votes than anyone else, it is clear that his popularity has fallen substantially. In any case, he cannot fail now to recognize the extent of serious discontent in the country. Aliev has removed some officials for misconduct, but has not yet announced any large-scale initiatives to address the public's grievances.

Now 75 years old, Aliev appears in good physical shape and demonstrated his vigor by campaigning hard around the country. Well aware of the concerns about his health and durability, he generally addresses them by assuring questioners that he is not planning to leave the scene. Nevertheless, Azerbaijani politicians, foreign



Photo: Dorothy Douglas Taft

Ganja, Azerbaijan

capitals and oil companies are thinking about tomorrow; so, too, are Aliev's supporters and members of his entourage. In 1998, members of his New Azerbaijan Party have begun jumping ship to join the opposition or form their own parties. Though their absolute number may be small, more important is their willingness to brave the possible consequences, as the political constellation begins to shift in anticipation of future developments.

Government-Opposition Relations: The Central Election Commission and the Supreme Court summarily dismissed post-election efforts by Etibar Mamedov, who presented protocols from many precincts, to contest the official results and force a second round. He did, however, force the CEC to annul the election results in 17 precincts.

The insultingly low figure of 11 percent and disdainful treatment by official agencies have pushed the previously moderate Mamedov solidly into the opposition

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Macedonia Goes to the Polls

by Robert Hand

When, on October 18, the citizens of Macedonia voted for a new parliament, they not only had choices between extremes but also among several moderate candidates. The more open environment reflected growing political maturity in a country beset by instability—both internal and external—since becoming an independent state in 1991.

Approximately 1,200 people representing political parties, electoral coalitions and independent candidates competed for the 120 seats in the Macedonian Assembly. Eighty-five of those seats were contested on a majority basis in districts, while the remaining 35 seats were determined by proportional voting for party, coalition and independent lists across the country. The mixed system represents an agreement between the ruling and opposition parties to abandon the old, solely majority-based system which was viewed as favoring those in power, and the newly established parliamentary districts were more consistent demographically, even though ethnic Albanians continued to allege that they were still left somewhat under-represented.

The ruling Social Democratic Union of Macedonia (SDSM) of Prime Minister Crvenkovski, the successor to the former League of Communists, ran on its own in the elections. It cooperated in some districts with its governing partner, the Socialist Party of Macedonia, which had formed an unlikely coalition with ethnically based political parties representing Turks, Roma, Serbs and Bosniacs in order to improve their chances of meeting the five-percent threshold for proportional seating. The main challenge to the SDSM, however, came from the similarly unlikely coalition of the Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian Unity (VMRO-DPMNE), named after the 19th century extremist Macedonian liberation group and led by nationalist Ljupco Georgievski, and the newly formed Democratic Alliance (DA) of the politically liberal former communist-era official, Vasil Tupurkovski. VMRO-DPMNE, having failed to form a government after winning the most seats in 1990 and losing all parliamentary representation after boycotting the 1994 elections, abandoned its nationalist stance, at least on the surface, and joined the DA in focusing on Macedonia's severe economic problems. A secondary challenger was the Liberal Democratic Party (LDP), itself a combina-

tion of the Liberal Party formed earlier by Stojan Andov and other reformed communist forces and which left the governing coalition in 1996, and the Democratic Party of Macedonia's last communist-era Prime Minister, Petar Goshev.

The election picture was complicated by the continued existence of a practically separate polity in Macedonia, the Albanian community which constitutes at least 23 percent of the country's population and has its own political parties. Aburahman Aliti's Party for Democratic Prosperity (PDP) is the oldest of these parties and has had representation in the Macedonian Government, but, for these elections, it has joined forces with the more nationalistic Democratic Party of Albanians (DPA) led by Arben Xhaferi, which actually consists of Party for Democratic Prosperity for Albanians (PDPA) and the People's Democratic Party (NDP). The coalition was formed hastily based on common goals and the impact of the conflict in neighboring Kosovo, but variances along the integration-versus-autonomy spectrum remained evident.

Generally speaking, the campaign environment was open and competitive, with fewer government controls on access to information than before. In addition, election administration was more transparent, with opposition parties able to participate more fully in the process. Given the close results of the first round, campaigning in districts with second-round voting was notably more negative and tense. In addition, there were some problems with the timely release of results, raising suspicions about the ruling parties willingness to fully respect the outcome. Problems like family- or group- voting were evident, but there were few signs of intentional manipulation during the voting. In the second round, however, there were some reports of party representatives checking voter registration cards outside polling stations, as well as more ominous proxy voting practices.

The final results gave 59 seats to the VMRO-DPMNE coalition with the DA. The ruling SDSM conceded defeat after winning only 29 seats in the new Assembly, reflecting one of the few times in the post-communist era that government changed hands normally and peacefully in a former Yugoslav republic. This reflects growing political stability in Macedonia at a time when

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camp. In effect, the election has brought about the unification of practically the entire opposition against Aliev. Previously, Mamedov had recognized him as the country's president, though the Popular Front and Mussavat had not. Now, Mamedov, too, rejects his legitimacy. From the opposition's perspective, considering that the 1995 parliamentary election also was deeply flawed, there are today no legitimate political institutions in the country.



Photo: Dorothy Douglas Taft

Commission staff (in ball cap) consults with officials

Since his 1993 return to power, Heydar Aliev has consistently sought to manage and marginalize opposition parties, including the APF and Mussavat—which refused to recognize him as president—and those, like Etibar Mamedov's Party of National Independence, which did. Exploiting their fractiousness and the ambitions of individual leaders, Aliev allowed no challenge to his hold on power, alternately stepping up or moderat-

ing the level of official harassment of particular parties to keep them all off balance. Before the October election, this pattern had become normal for Azerbaijani domestic politics, and Aliev's strategy had been largely successful. If possible, he would doubtless like to continue tried and true methods.

The opposition, however, now joined by Etibar Mamedov, Rasul Guliev and Nizami Suleimanov, is determined not be ignored and to change the rules of the game. From their common perspective, allowing Aliev to reinstate the status quo ante would return them to political oblivion and give an aging president time and opportunity to prepare the ground for a chosen successor—presumably his son Ilham. In the aftermath of Aliev's victory, the opposition fears above all returning to business as usual and hopes to maintain the enthusiasm and activism of summer and fall into winter and beyond.

On October 24, the opposition adopted a resolution calling Aliev illegitimate and warning foreign countries that the opposition did not recognize agreements they concluded with his government. Attempts to hold rallies on November 7 and 8 ended in violence; on November 9, over 20 parties created a new organization, the Movement for Democracy, which aims to unite Azerbaijan's opposition forces and remove President Aliev by legal means. Etibar Mamedov prefers bi-lateral cooperation agreements, such as the one he concluded with the Popular Front and Nizami Suleimanov, and has maintained his traditional distance from this new opposition umbrella organization, though he supports its goals. The opposition has tried to continue organizing demonstrations, but the authorities have reacted much more forcefully, dimming the prospects for "street politics."

If the opposition cannot remain united or muster significant political influence, Aliev may be able to continue his strategy of "malign neglect." But if the opposition is strong enough to affect the political process, or to demonstrate to the international community and oil companies that the country's stability is in doubt, Aliev's choices are repression or negotiation.

Repression *a la* Aliev need not resemble the blunt tactics of Uzbekistan's Islam Karimov or Turkmenistan's Saparmurad Niyazov, who have completely banned opposition parties and activity. The opposition in Azerbaijan is too influential for that, and massive repression could evoke a violent reaction. Moreover, Aliev badly wants his country to join the Council of Europe,

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By January 1998, opinion polls suggested that nearly 40 percent of the electorate in Slovakia did not expect the September elections to be free and fair. Events in the months preceding the elections did little to assuage these fears and were marked by the manufacture of successive *crises-du-jour* by the Meciar government.

Just a few months short of the September elections, the Slovak parliament adopted new and controversial amendments to the election law. (The amendments were criticized by the OSCE/ODIHR Needs Assessment Mission report issued on July 20, 1998.) Among the amended law's shortcomings:

- Under the guise of regulating political campaigns, the law restricted the press from engaging in legitimate news reporting during the pre-election period.

- The amendments increased the authority of the Ministry of Interior in connection with the organization and administration of the election, although Minister of Interior Krajci had been involved in frustrating and manipulating the 1997 referendum in violation of the Slovak Constitution (as determined by the Constitutional Court). Minister Krajci was simultaneously engaged in running the campaign for Prime Minister Meciar's party and administering the elections.

- The amended law vests in the Supreme Court some authority to review compliance with the law; this was widely viewed as an effort to avoid legal scrutiny by the Constitutional Court, which has demonstrated its independence from the government in several key decisions.

After amendment of the election law, Meciar's party challenged the legality of the registration of the Slovak Democratic Coalition. On August 14, the Supreme Court ruled in favor of the Slovak Democratic Coalition, upholding the validity of its registration. The court case, however, fulfilled two Meciar objectives. First, for a full week during this critical campaign period, much of the

opposition was thrown into disarray as it sought to respond to this legal challenge. Second, the somewhat predictable decision favoring the opposition provided Meciar with a rebuttal to the accusation that the election law shifted authority to the Supreme Court (versus the Constitutional Court) because the Supreme Court has

been more likely to rule in favor of the ruling coalition.

During the pre-election phase, STV, the official state-run television station and the only television station with country-wide coverage, presented consistently biased coverage in favor of the Prime Minister and his party. During the pre-election phase, an opposition radio

station, Radio Twist, had its power cut on at least two occasions, in apparent harassment. During the pre-election phase, there were some incidents of journalists being subjected to harassment or intimidation; for example, two police officers reportedly attacked Vladimir Bacisin, an investigative journalist for *Narodna Obroda* in August.

A few weeks before the elections, the ownership of the only independent television station, TV Markiza, was legally challenged by a company, Gamatex, controlled by Marian Kocner, an ally of the Prime Minister. In asserting his control over the station, Kocner used a contingent of armed guards to take physical control of the offices on August 18. On September 8, the Council for Radio and Television Broadcasting forced TV Markiza to cancel a program under the guise of regulating campaigning. On September 15, armed guards returned to TV Markiza and removed the director and 20 employees.

Various statements by government officials and government-controlled media raised doubt as to Slovakia's willingness to permit international observation of the elections and denigrated the integrity of international election observers. The Meciar regime ultimately denied credentials to two international observation organizations (the Washington-based National Democratic Institute



Photo: Erika B. Schlager

Zuskin Park Station #2 (Kosice district)

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which would frown at such behavior. Finally, given the reshuffled political constellation in Armenia, where government-opposition relations have improved since presidential elections last March, a major crackdown in Azerbaijan would make Baku look even worse by comparison with Yerevan.

So far, Aliev's apparent goal is the restoration of the pre-election campaign atmosphere of fear. His method involves a combination of open intimidation, legislative measures to circumscribe opposition activity and slander charges against opposition leaders and the opposition press. The first tactic is designed to put an end to demonstrations. Not only have the police violently dispersed efforts to organize rallies, on November 8, around 30 individuals in plain clothes attacked opposition leaders, beating several of them. Since then, the opposition has canceled several planned demonstrations, not wanting to spark a confrontation.

Moving in step with the crackdown, Azerbaijan's parliament has tasked the Ministry of Information with using "all legal means" to block the publishing of unconfirmed and provocative materials and called on state media "to defend the honour and dignity of the president and guarantee political stability." On November 13, parliament passed a new law that allows police to use billy clubs, water cannons and rubber bullets to break up demonstrations. City authorities must give prior approval for a demonstration's place and "goals."

Simultaneously, the authorities have cracked down on the press. Opposition newspapers have reported on accusations that President Aliev is of Kurdish origin, that some of his assistants are of Armenian heritage, and that members of Aliev's family and high-ranking officials have property abroad. The aggrieved individuals have sued for slander, inducing some 20 newspaper editors to launch a hunger strike. Former president Abulfaz Elchibey has also been accused of slander, for claiming that President Aliev, when he was a Soviet KGB General, was instrumental in creating the PKK, the Kurdish terrorist organization, to weaken NATO-member Turkey.

Negotiation, by contrast, would involve President Aliev's recognition that the opposition represents a serious force and that at least some of their grievances and demands are justified. Aliev would never agree to negotiate his own legitimacy or consider stepping down. But he could allow opposition parties to conduct normal political activity. On December 2, a spokesman for

Aliev's Yeni Azerbaijan Party announced that preparations were underway for a dialogue with the opposition that would begin within 10 days. It remains to be seen whether there are any serious intentions behind that statement and if so, whether the goals will be actual discourse or tactical moves to split the now united opposition.

Economy: Undoubtedly, much of the voters' discontent in Azerbaijan is based on falling living standards. As Baku is pinning its hopes on an oil-based boom, the latest developments are worrying. There have been over a dozen disappointing test drillings, where fields turned out dry or to have gas instead of oil. Considering all the political and financial problems involved in oil extraction in the region and Saudi Arabia's recent decision to reopen its long-closed fields to foreign exploration, some oil companies have begun to rethink their Caspian ventures. The worldwide slump in oil prices has diminished the value of Azerbaijan's greatest asset and is a key factor in the refusal of oil companies to commit to the expensive Baku-Ceyhan option for the Main Export Pipeline. To compound all these problems, the Russian financial crisis has cut remittances from Azerbaijanis working in Russia, who may themselves have to return home, to very uncertain prospects.

Even in the best case scenario, corruption would probably have cut substantially into the budget for development, health care, education, infrastructure and other items that improve people's well-being. If Baku's hopes of an oil windfall prove illusory, the pie will be smaller than expected. Without large-scale investments in such outlays, widespread impoverishment and growing disparities between the small number of wealthy and the bulk of the population could put the country's stability at risk. Various government officials, in private conversations, have mentioned Indonesia as an example that Azerbaijan must avoid.

U.S.-Azerbaijan Relations: U.S. policy towards Azerbaijan seeks to consolidate ties with a strategically located country in the Caspian region, strengthen Azerbaijan's independence, keep Azerbaijan from falling under Russian or Iranian influence, promote the profitable exploitation of its oil and gas reserves, and settle the Nagorno-Karabakh conflict, while trying to foster democratization. Pursuing these goals simultaneously involves a difficult balancing act.

During the election campaign, the Azerbaijani opposition took every opportunity to remind the Clinton

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nic minorities, including ethnic Macedonians and Turks. Many of these issues addressed by Commissioners were also raised by the U.S. delegation to the OSCE Implementation Meeting on Human Dimension Issues held in Warsaw October 26 to November 6. [The full text of statements delivered by the U.S. delegation in Warsaw may be accessed through the Commission's website <www.house.gov/csce/>.] Commissioners welcomed the announcement of the Council of Ministers to abolish Article 19 of the Greek Citizenship Code and the action of Parliament on June 11 to abolish this law which had served as the basis to strip many non-Greeks of their citizenship. As a point of clarification, members of the Commission inquired whether any further action would be required to provide for the timely restoration of citizenship to those adversely affected by this statute. A similar provision of the Code directed against ethnic Macedonians remains on the books.

Particular concern was raised over certain limits on freedom of expression. "Mr. Prime Minister, we recently learned that the Minister of Justice has announced his intention to introduce amendments to Articles 361 and 362 of the Penal Code which would impose criminal penalties, including imprisonment, for broadcasting material judged to be insulting or defamatory. Adoption of such penalties would severely limit freedom of expression in the electronic media and, if adopted, would violate OSCE standards, specifically Para 9.1 of the 1990 Copenhagen Document. Existing provisions of the Penal Code, including Articles 141, 191, and 192, give rise to similar concerns."

Turning to the problems faced by members of certain minority faith and ethnic communities in Greece, Commissioners cited language of the 1989 OSCE Vienna Concluding Document (Para. 13.7), which provides that the participating States will "ensure human rights and

fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Commissioners urged the repeal of the onerous "anti-proselytism" provisions of Greek law, including Article 13 of the Constitution and the Metaxas-era Laws of Necessity 1363/1938 and 1672/1939 which have been used overwhelmingly against religious minorities. "These statutes have a chilling impact on religious liberty in the

Hellenic Republic and are inconsistent with numerous OSCE commitments," the Commissioners concluded. They continued, "we urge repeal of these laws in order to ensure the freedom of all individuals in Greece to profess and practice their religion or belief."

With respect to the controversy surrounding the selection of individuals to serve as Mufti in the Hellenic Republic, Commissioners stressed the importance of respecting the right of members of the Muslim community to organize themselves according to their own hierarchical and institutional structure, including in the selection, appointment, and replacement of their personnel, in a manner consistent with relevant OSCE commitments.

The letter also cited the burdensome requirements imposed on minority religious communities in Greece to obtain special permits issued by "competent ecclesiastical authorities" and the Ministry of National Education and Religious Affairs for the establishment or operation of churches, including places of worship. "Reportedly, permission for the construction or repair of places of worship is often difficult or impossible to obtain despite the commitment of OSCE participating States to respect the right of religious communities to establish and maintain freely accessible places of worship or assembly," the Commissioners wrote. Numerous evangelical

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"If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

—Aristotle, *Politics*

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Administration of President Aliev's pledge, made during his August 1997 state visit to Washington, to hold free and fair elections. Opposition politicians—especially Rasul Guliev, who is currently based in the New York and wanted to bolster his credentials as a serious challenger to Aliev—also solicited congressional pressure on Aliev and to ensure that Washington would at least not add legitimacy to Aliev's presumed victory. While the opposition highlighted statements by State Department spokesmen calling for the right to peaceful assembly, Azerbaijani Government representatives downplayed the significance of such remarks and pointed to ostensibly milder views by other U.S. Government officials, which minimized the significance of the boycott and its connection to the election's legitimacy.

Naturally, both sides interpreted President Clinton's post-election letter to President Aliev according to their own lights. The pro-Aliev media trumpeted the letter as evidence of U.S. support for Aliev, glossing over the absence of the key word "congratulations," a sure sign of Washington's displeasure. Opposition leaders and media, for their part, focused on Clinton's criticism of the conduct of the election, the need to restructure the law on the Central Electoral Commission, and Clinton's hope that Aliev, after the inauguration ceremony, would "develop democratization."

Since then, the State Department has expressed concern about the post-election crackdown, calling on Baku "to engage in dialogue with and not in harassment of its political opponents." If tensions between the government and opposition remain high and repression does not ease, Washington will be under pressure to speak out more openly.

Finally, the international community's negative assessment of the election will impede efforts by Baku and its supporters in Washington to get rid of Section 907 of the 1992 Freedom Support Act. That legislation bars U.S. Government assistance to the Government of Azerbaijan until the President certifies to Congress that "Azerbaijan has taken demonstrable steps to end all blockades and ceased all aggression against Armenia and Nagorno-Karabakh." The resulting U.S. sanctions and the conditions for their removal, technically speaking, bear no connection to progress in democratization or holding internationally approved free and fair elections.

Nevertheless, congressional supporters of Section 907 have pointed to Azerbaijan's record on human rights and democratization as a reason to maintain the sanctions in effect. They had their most recent opportunity on September 17, when the full House of Representatives debated Section 907. Ultimately, backers of maintaining sanctions outvoted opponents, 231-182. Azerbaijan's supporters plan to revisit the matter in 1999, when they hope for greater success in an off year for congressional elections. They can expect Members on the other side of the issue to bring up the October 11 election, as well as the Azerbaijani Government's attack on the opposition and the opposition press, as arguments to keep Section 907 on the books. □



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the North Atlantic Treaty Organization (NATO) is asking the country to permit deployment of an extraction force to assist unarmed civilian monitors being deployed in conflict-ridden Kosovo to the north. President Kiro Gligorov, whose office will be contested in 1999, selected VMRO-DPMNE head Ljupco Georgievski to form a new government. His party will likely hold 14 ministerial posts, while its coalition partner, the Democratic Alternative, will hold eight. Demonstrating the absence of nationalist rhetoric reflected a genuine change of course, Georgievski has continued the SDSM's practice of inviting Albanian parties to join the government with five additional ministerial posts despite not needing these parties to form a government. The Albanian coalition has 25 seats in the Assembly. With these developments, Macedonia will hopefully be able to steer clear of ethnic conflict on its own territory and instead proceed in building democratic institutions and a market economy.

Two Commission staff participated in the observation of the first round of the Macedonian elections. □

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churches, including the Greek Evangelical Church of Thessaloniki, have reportedly encountered difficulties in securing so-called “House of Prayer” permits. Members of the Muslim community have similarly reported difficulty in securing permission for the repair of mosques, including the Suleymaniye Mosque on Rhodes. “While we appreciate the historic contributions of the Eastern Orthodox Church to the Hellenic Republic, the rights of individuals belonging to minority religions or beliefs must be fully respected without discrimination or subordination,” they concluded.

The Commissioners expressed continued concern over the proposed inclusion of religious affiliation on Greek national identity cards, an issue raised during the Commission’s September 1997 hearing entitled “Religious Intolerance in Europe Today.” “The inclusion of such information on this widely used document could lead to discrimination against individuals from minority religions or beliefs,” they observed. The Members urged the repeal of the 1993 Greek identity law and further action to implement the recommendations of the advisory committee on anti-Semitic references in public school textbooks.

Turning to the status of Greece’s significant Roma community, the letter raised concerns over disturbing accounts of pervasive discrimination in employment, housing, education, and access to social services, including health care. With a very high illiteracy rate, this segment of Greek society is particularly vulnerable to abuse by local officials, including reports of Rom being

denied registration for voting or identity cards that in turn prevents them from gaining access to government-provided services. An article by the Executive Director of the European Roma Rights Center, Dimitrina Petrova, entitled “Agrammatos” maintains that thousands of Rom in the Hellenic Republic have been issued official ID cards with the Greek word for illiterate, *agrammatos*, stamped next to the bearer’s photo. Commissioners cited alarming incidents such as the forced eviction of an estimated 100 Roma families by order of the mayor of Ano Liossia and the bulldozing of their makeshift housing as well as similar incidents in Agia Paraskevi, Kriti, Trikala, and Evosmos.

Finally, the letter details severe restrictions on the rights to freedom of cultural expression, violations of their freedom of association, and other forms of harassment and discrimination, including limits on the ability of non-Greek citizens of the Hellenic Republic to hold title to their property. “Attempts by officials in Greece to restrict or otherwise limit the use of other languages, including Macedonian, are inconsistent with numerous OSCE commitments. We are also disturbed by reports that Greek citizens have been prevented from registering their associations because the word ‘Turkish’ appeared in the title,” the Commissioners remarked. Members of the Commission delegation were informed about numerous practical problems faced by ethnic Turkish citizens of Greece in the field of education, including severe shortages of textbooks and limited access to higher education. □

Latvian Referendum Approves Amendments to Citizenship Legislation

by John Finerty

In an October referendum that coincided with national parliamentary elections, Latvian voters approved 53 percent to 45 percent amendments to citizenship legislation that would make it easier for non-citizens to secure citizenship. First, the so-called “windows” system (whereby applicants were allowed to take the citizenship test only at a specific time, based upon their age) will be eliminated. Further, children of non-citizens born in Latvia since the re-establishment of independence in 1991 will be granted citizenship—without taking a language test—upon the parents’ request, providing the parents themselves are stateless. Finally, the language requirements for senior citizens will be simplified. The Chairman-in-Office of the OSCE, Polish Foreign Minister Bronislaw Geremek, issued a statement welcoming the results of the referendum. OSCE High Commissioner for National Minorities Ambassador Max van der Stoep said that “the people of Latvia have taken a very important step towards solving interethnic problems and promoting the process of integration.” Initially, the Russian Foreign Ministry said that it “positively appraises” the results of the referendum. However, a Foreign Ministry spokesperson subsequently qualified the position by claiming that it was “too early to speak of radical changes in the humanitarian situation.” The Latvian Foreign Ministry called this response a “lack of understanding of the situation in Latvia” and “clearly inconsistent with the evaluations of other countries and international organizations.” (RFE/RL *Newsline*, Oct. 7, 1998) □

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and the International Republican Institute), while providing observation credentials to the British Helsinki Committee, a non-governmental organization that has defended the Meciar regime against its international critics.

Statements by Minister of Interior Krajci challenged the legality of domestic election observers, although such observers are, in fact, permissible even under Slovakia's amended and more restrictive election law. Moreover, OSCE documents specifically call for such domestic observation. One non-governmental Slovak observation group reported that some volunteers had decided not to participate as election observers based on a fear that, in light of Minister Krajci's statement, they would be arrested.

On August 20, in a legally dubious move, Speaker of the Parliament Ivan Gasparovic swore in Colonel Marian Miklus as the new Army Chief of Staff, to replace General Jozef Tuchyna; Tuchyna had previously announced that he would resign, effective September 30. After Miklus' appointment, however, Tuchyna asserted that his putative removal, prior to September 30, was illegal. Consequently, beginning August 20 both Tuchyna and Miklus claimed to be in charge of the army. A few days before the election, Interior Minister Krajci made remarks suggesting the army would be deployed in connection with the elections, although the authority to maintain order during the elections is vested in the regular police.

The Elections

In light of the increasing challenges to the rule of law presented by the Meciar government, particularly in connection with the May 1997 referendum and the refusal to seat two duly elected parliamentarians, the OSCE participating States decided to mount an election observation mission to Slovakia for the 1998 elections.

For the OSCE-led monitoring, approximately 12 long-term observers were joined by 211 short-term observers. Norwegian diplomat Kare Vollan was named to head the election observation mission. Reflecting the perception that Slovakia's elections mark a turning point for the country's post-Communist, post-independence democratization process, OSCE Chairman-in-Office

Bronislaw Geremek designated the President of the OSCE Parliamentary Assembly, Danish parliamentarian Helle Degn, as his representative to head the overall monitoring effort, which included parliamentarians from over twenty OSCE countries. She was joined for the elections by the director of the OSCE's Office for Democratic



Photo: Erika B. Schlager

Helle Degn (center), President of the OSCE PA, at the post-election briefing in Bratislava...

Institutions and Human Rights, Ambassador Gerard Stoudmann.

At stake in Slovakia's parliamentary elections were 150 seats in the unicameral legislature, distributed according to a system of country-wide proportional representation. Parties were required to meet a five-percent threshold in order to be seated in the parliament. Seventeen political parties were registered for the elections.

After the two days of balloting, OSCE monitors made a variety of observations:

- There had been an unprecedented state media campaign against the OSCE election observation effort prior to the elections. Some observers believe this accounted for the hostility they met at some polling stations. In most instances, observers reported they were met in an appropriate and professional way by the Polling Election Commissions (PECs).

- The opening of the polling stations went well and ballot boxes were generally in proper order at the time the polls opened.

- Observers reported widely different approaches by the PECs to the sealing of ballot boxes, which demon-

strated a lack of clarity regarding what was required. Most ballot boxes were, nevertheless, adequately sealed.

- PECs were genuinely multi-party and included representatives of all major parties, providing an important element of oversight and transparency for the operation of the elections. At the same time, it was noted that the election law automatically provided seats on the PEC for any and all registered parties; many PECs included members of parties which were founded very recently and unable to get even one percent of the vote, fostering the suspicion that these parties were created in order to stack the PEC with people operating on behalf of one of the ruling coalition parties.

- The observers reported some problems with voting materials not being properly sealed at the end of the first day, diminishing confidence in the security of those materials overnight, between the two days of the balloting.

- Voter registration lists were in proper order and, in general, there was no appearance of multi-voting. Identification was properly checked. In instances where individuals were not allowed to vote, observers believed the decisions of the PECs were justified.

- Some concern was expressed about the fate of unused ballots (each voter was given 17 ballots, using one to indicate their choice and discarding 16). There was suspicion that some voters had been coerced to

provide their unused ballots as proof that they had voted for Prime Minister Meciar's party (which would be the missing ballot). Most observers reported that voters placed their unused ballots in trash bins at the polling place, which suggests that fears of this kind of coercion were not realized on any significant scale.

- A few observers reported instances of overcrowding. The practice of family voting persisted, in rural areas especially.

- Many observers reported that domestic observers were not allowed inside the polling station to which they were assigned; in some cases, they were.

- Although there were some reports of an army presence at the polling stations, observers generally noted that the army and police presence was minimal and appropriate for the task of maintaining order.

The results of the elections to the 150 seat legislature were: Movement for a Democratic Slovakia (the party of Prime Minister Meciar) 27.0 percent of the vote, 43 seats; Slovak National Party (a member of Meciar's ruling coalition) 9.0 percent of the vote, 14 seats; Slovak Democratic Coalition 26.3 percent of the vote, 42 seats; Party of the Democratic Left, 14.6 percent of the vote, 23 seats; Hungarian Coalition Party, 9.1 percent of the vote, 15 seats; Party of Civic Understanding, 8.0 percent of the vote, 13 seats. □



Photo: Erika B. Schlager

...which was well attended by press and observers

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