

Assessing Recent Government-Civil Society Interactions in Azerbaijan

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In summer 2020, the foreign policy advisor to the President of Azerbaijan held a series of at least six meetings with domestic non-governmental organizations (NGOs) in a framework referred to by officials as a new government-NGO dialogue – an integral element of the proclaimed reform agenda. In the course of the meetings, the presidential aide said that the state has expectations from NGOs in terms of actively studying matters of public concern and preparing relevant recommendations for the government, being able to quickly respond to general developments, mobilizing around national interests, introducing innovative and creative initiatives, and more.^[1] Additionally, individual members of the parliament simultaneously held separate consultations of a similar nature with a number of NGO chairpersons to hear their specific concerns related to legislation.

Leaders of several independent, claim-making NGOs, who participated in the above-mentioned meetings, said that the most commonly expressed concern was the restrictions that were added to NGO laws in 2013-2015. Some other NGOs have preferred to keep a distance from the renewed official initiative as they believe that the minimal conditions for genuine mutual dialogue have not yet been established by the authorities.^[2] The main expectation of civil society groups from the meetings is an improvement in their working environment. But does this expectation coincide with the intentions of the government? Why do the authorities need to establish a dialogue with the NGO sector after effectively crippling it? What are the possible implications of this dialogue for the dynamics of the

relationship between government and civil society actors? To sketch out possible answers to these questions, this paper looks into general authoritarian strategies as well as previous experiences and the current settings of the initiated meetings. It argues that a channel of communication with the government can allow NGOs to achieve solutions to some of their problems. However, such a channel is more convenient as a strategy for the country's authoritarian leadership to secure a reformist image externally while having a chance to incorporate some domestic civil society groups internally.

Authoritarian legitimation and restrictive space

A government-civil society dialogue in an authoritarian context is neither new nor specific to the case of Azerbaijan. In fact, with few exceptions, an increasing number of authoritarian states around the world manage to accommodate civil society groups, often in the thick of attempts by the former to limit the democratic claims of the latter.^[3]

According to the functional concept of civil society introduced by Giersdorf and Croissant, apart from their normative principles, such as voluntary participation and autonomy from the state, civil society organizations also possess some essential functions, such as amplifying marginalized voices and linking society to state. Based on this concept, one can argue that regular interactions between civil society organizations and governments serve to increase democratic development and enhance civic participation.

However, the scholars caution that the “linkage function” can be utilized by authoritarian regimes for co-optation and legitimation.^[4]

Lorch and Bunk identified some common authoritarian legitimation strategies that involve making use of civil society.^[5] One is through dialogue, offering “avenues of limited participation” for civil society actors in the

formulation of some relevant policies, also to collect feedback on pressing societal concerns.^[6] Apart from identifying possible sources of discontent and depoliticizing the existing challengers, this also helps authoritarian regimes to create a democratic image, especially if the country is seeking Western aid.

The recent interactions between the government and NGO representatives in Azerbaijan are taking place against the backdrop of a civil society environment deemed “closed” by international monitors of civic space.^[7] In order to examine the context, which is mostly shaped by existing policies and practices, the analytical framework of “restricted operational space for civil society” by van der Borgh and Terwindt can be useful.^[8] According to this framework – in combination with the general strategies indicated above – authoritarian states also maintain a cycle of certain practices, mainly against independent NGOs: physical harassment and intimidation, criminalization – prosecution and investigation, administrative restrictions, stigmatization, and spaces of dialogue under pressure. The authors suggest that, in a restrictive environment, when government representatives enter into dialogue with NGOs, newly opened spaces of interaction are under pressure in a way that they either lead to co-optation through informal networks (mainly in exchange for material gains) or they prove to be a “fake space” by randomly shutting down without an opportunity for NGOs to make any impact.^[9] The latter situation occurs occasionally when external donors require governments to formally establish contacts with civil society actors in a specific timeframe for the sake of the exhibition of public consultation and accountability.

The recently introduced dialogue platform is not the first of its kind in Azerbaijan. In 2012, just a year before a major crackdown on civil society, former political assistant of the

president Ali Hasanov organized a famous meeting with a large group of NGOs, during which he pledged improved relations with the civic sector.^[10] Apart from official initiatives, international organizations have not proven successful either, notably the Council of Europe, which attempted to establish a connection between national authorities and civil society representatives to liberalize the environment.^[11]

Civil society has been left largely dysfunctional following consistent government efforts aimed at suppressing the civic space, combining informal discriminatory practices and formal coercive measures. Although discriminative practices such as the arbitrary denial of registration, exclusion from policy deliberations, blocked access to the regions, surveillance of physical spaces, and others have existed for a long time; the most severe blow came with the adoption of restrictive legislative amendments and the launch of a politically-motivated criminal case in the years 2013 and 2015, which made the formal existence of independent civil society organizations almost impossible. In the meantime, NGOs have also been subject to smear campaigns by state officials and pro-government media. As a result, only some independent NGOs have remained in the country, with their primary strategy being survival. Confirming the assumptions of the above-discussed framework, previously opened avenues of dialogue proved to be fake spaces and were accompanied by suppressive practices towards civil society.

What is new?

Despite the fact that all of the barriers for civil society still remain, there are some differences in the settings of the recent dialogue initiative in 2020 due to both internal and external factors. Firstly, the dialogue has been conducted by a recently reshuffled official cadre with a promise of liberal reforms. But are there any reforms in the government's attitude towards non-government actors? The outcomes of the

dialogue initiative with opposition parties might guide us in our attempt to find an answer. With the same promise, the renewed presidential administration invited all opposition parties to a political dialogue earlier last year. However, the initiative, which was boosted by the authorities as a new political reality, has evidently been accompanied by a carrot and stick policy. Those political parties which joined the dialogue received government endorsement, official registration after a long time^[12], new offices^[13] and even a seat in the parliament.^[14] In the meantime, opposition parties which refused to join the space of dialogue were labeled as traitors personally by the president and subjected to further repressions.^[15]

Secondly, the scope and involvement in the dialogue with NGOs are broader – with the participation of representatives of around 300 NGOs, though the vast majority of them are either inactive or under government control. However, the designation of the Council on State Support to NGOs as the facilitator of the meetings with NGO representatives informs the absence of interest in genuine engagement. The Council is known to be established with the intention of creating a state-controlled decorative NGO sector,^[16] while eliminating challenges – in a mission that was not largely accomplished.

Thirdly, the dialogue with civil society was introduced in the wake of the severe social and economic repercussions of falling oil prices and the pandemic, and thus, in the face of a growing need for external loans and investments. Following the adoption of excessively restrictive NGO laws and the launch of the still active criminal case against pro-democracy NGOs in 2013-2015, Azerbaijan was suspended from important transparency coalitions (namely, the Extractive Industries Transparency Initiative and the Open Government Partnership) and has had worsened ties with the Council of Europe, the European Union, and the United States. These ongoing negative

dynamics are handicapping access to assistance from the key Western financial institutions.

Lastly, but most importantly, in the stage of the finalization of a comprehensive agreement with the European Union, Azerbaijan is currently subject to conditionality in terms of democracy, human rights, and fundamental freedoms.^[17] Being firmly pressured by the European Parliament and international human rights groups throughout the negotiations, the EU intends to achieve the liberalization of the current NGO law to some extent and the end of the criminal prosecution of civil society figures in Azerbaijan before signing the deal.^[18] Thus, it is important for both parties to find common ground on ensuring some possibilities for the NGO sector. Although there is a separate department for work and communication with NGOs in the presidential administration, the conduct of the dialogue with civil society by the head of foreign affairs department could be considered a sign that the initiative is rather an item of foreign policy priorities than domestic engagement for reforms.

Based on internal and external determinants, there are reasons to believe that the country's leadership is shifting its approach towards NGOs – from confrontation to incorporation, at least for a period of time. It can be presumed that the authorities are formulating some modifications to the current restrictive laws that regulate the activities of NGOs, mainly to satisfy the Western audience. One way to portray this process as reform is to create a space of participation and dialogue. For some NGOs, this process can turn out to be a window of opportunity to ease some of the significant difficulties that have been experienced over the past decade. However, as there is no indication of a reversal in the nature of authoritarian governance, the imitation of reforms is unlikely to make any positive impact on the quality of operational space for civil society. But it may lead to co-optation of a handful of NGOs in exchange for benefits and

privileges (such as state registration, grants, a venue, informal access to decision-makers, and more), as it did with some opposition groups.

Conclusion

Within an authoritarian context, even a constructive dialogue between government and civil society can prove to be a component of a restrictive environment, and under the current terms, the recent interactions in Azerbaijan are not an exception. After significantly weakening civil society, the government has been imposing the terms of the dialogue with the former while possessing disproportionate powers to open and close spaces of interaction according to its own needs. A good start to a real dialogue would be followed by appropriate steps by the state to leave essential autonomy to civil society, which does not consist only of NGOs. The mere removal of some formal bureaucratic obstacles, while maintaining informal discriminative and restrictive practices, can be seen as an authoritarian strategy to revive the NGO sector by means of co-optation.

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