

Azeri Corruption Law Under Scrutiny

Author: [Gulnaz Gulieva](#)

A new anti-corruption programme could help change Azerbaijan's corrupt bureaucracy – if it is enforced.

Three years after it was first mooted, Azerbaijan has passed an anti-corruption law - a move that has been greeted with praise, laced with a large dose of cynicism.

While there was a general welcome for a law that should restrict the potential for corruption in the country, it was also widely noted that it had been passed only days before a crucial debate on Azerbaijan began in the Parliamentary Assembly of the Council of Europe, PACE, on January 26.

The passing of an anti-corruption law had been one of the requirements made by the Council of Europe to Azerbaijan, which joined the organisation in 2001 and is currently coming in for heavy criticism from its parliamentary assembly.

Baku was lambasted for its human rights record in the January 27 session of the assembly and Swiss rapporteur Andreas Gross warned that if no progress was made by "May or June", Azerbaijan's parliamentary delegation might lose its credentials.

Former Azerbaijani president Heidar Aliev passed the original decree to set up a national anti-corruption programme in June 2000 and parliament passed the first reading of a bill two years later, but the legislation was then left in suspension for the past two years.

"One way or another, Azerbaijan did well by passing its anti-corruption law, even if belatedly," Rena Safaraliev, managing director of Transparency Azerbaijan, told IWPR. But she said no non-governmental specialists had been invited to help draft the legislation and the public was still completely in the dark about what it meant.

"Both the legislation and the anti-corruption programme should have been drafted in collaboration with independent experts and non-governmental organisations, NGOs, but we had never had an opportunity to even read the law before it was passed, although we had asked the authorities many times to let us read the draft," said Safaraliev.

The bill creates a new Anti-Corruption Commission under the Public Administration Supervisory Council, and comprising executive, legislative, and law enforcement officials. But independent analysts would like to see community and civil society representatives on the commission as well.

The new law forbids a government official receiving "gifts" that exceed 50 times the conventional monetary unit in value (around 55 US dollars). They are also forbidden from doing property deals with businessmen, from holding other jobs (apart from teaching or creative ones) alongside their official posts and from being "engaged in business activity directly, indirectly or through proxies".

State officials may not hire their "close relatives" to posts directly subordinate to them – although what constitutes such is not properly defined – and from January 1, 2005 they must declare their earnings.

Government figures have hailed this as marking major progress for Azerbaijan. Ali Husseinov, head of the

permanent parliamentary commission on legal policy and government, who presented the law in parliament said, "We believe this law will demonstrate Azerbaijan's determination to fight corruption," adding that European consultants thought highly of the bill.

Sayad Kerimov, deputy chief of the parliamentary department of administrative and military law, said, "This legislation will become a step forward in our fight against corruption. If it is enforced correctly, the situation may improve dramatically in Azerbaijan."

However, the issue of enforcement was emphasised by PACE in its recent critical report on Azerbaijan. "Honouring of commitments not only implies formal reform of the legal framework but also the respect and effective implementation of the legislation in the daily life of the people," the report said.

Opposition politicians and critics have picked up this theme. Sabit Bagirov, an economic analyst and well-respected head of the state oil company in the nationalist government of the early Nineties, said that Azerbaijan had passed a number of good laws, but bureaucratic hurdles meant they were not being properly implemented.

"Both domestic and foreign investors encounter numerous obstacles at all levels of the governmental apparatus, from the very moment they decide to have their company registered. The majority of bureaucrats simply try to make as much money as they can off of them," Bagirov told IWPR.

Gubad Ibadoglu, another economic expert with the opposition party Musavat, said that the anti-corruption law would be difficult to enforce without an independent court system and before the bureaucratic culture of the country changed.

"With the coming to power of a new president, we can in principle expect the situation to improve but the president above all needs political will for that," Ibadoglu said. "The fight against corruption requires political will and a national commitment to the fight."

Ibadoglu said he thought nothing would change until Ilham Aliev, who was elected president last October, changed his team.

Aliev, who has the reputation of being a western-looking pro-business leader, said he wants to attract foreign investment to Azerbaijan. Yet to date he has made no changes to the government he inherited from his father.

The state oil company, SOCAR, of which Aliev was until recently vice-president, was named in a US indictment last September against a Swiss lawyer. The federal court for the Southern District of New York, indicting Hans Bodmer, alleged that he had "paid bribes and authorised the payment of bribes to induce Azeri officials" to allow western investors to participate in a potential privatisation of SOCAR.

Opposition politicians seized on the indictment, while government officials asserted that they would be cleared of any wrongdoing.

One man who left his government job after what he claims was an unsuccessful battle with corruption is sceptical about what can be done. Gerai Mamedov worked for the interior ministry for 30 years and ended up as head of the passport section in a central district of Baku. He alleges that he was sacked for refusing to accept bribes and pass the money to his bosses.

“Offering and accepting bribes was a major offence in Soviet times, but I can remember extremely few instances when the law was actually enforced,” he said. “Corruption was so widespread that sometimes people would get sacked just because they did not take bribes and, consequently, had nothing to share with their superiors. But [the situation] we have now is far worse.”

Gulnaz Gulieva is a reporter for the Caspian Business News in Baku.

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