

EU Policy towards Azerbaijan: Coherence, Policy Shifts and the Upcoming Agreement

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Policy recommendations:

With regard to the overall policy of the European Union towards Azerbaijan, it is essential to further strengthen both internal and vertical coherence of the EU policies through increasing coordination:

- In terms of internal coherence between the European Parliament and the European bureaucracy.
- In terms of vertical coherence between individual member states and their policies in working towards common EU foreign policy goals, which particularly concerns the important trading partners of Azerbaijan.

In terms of the content of the new framework agreement, EU should aim to leverage on the politically contested areas, namely the formal recognition of the sovereignty and territorial integrity of Azerbaijan and the rule of law and human rights conditionality in Azerbaijan. If possible given the internal political realities concerning the two actors, there is a need to outline concrete steps to be taken by each party:

- In the resolution of the Nagorno Karabakh conflict by the EU, for example, starting with the replacement of France's co-chair position in the OSCE Minsk group with the EU's.
- In the rule of law and human rights agenda by Azerbaijan, starting with the application of the decisions of the European Court of Human Rights by Azerbaijan.

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- The European Union needs to focus on concrete and specific policies related to structural reforms in areas like justice sector, education, rural development and diversification of the economy; rather than on human rights in general, and use diplomacy to convince Azerbaijan that these are in its own interest in the first place.

All the above efforts need to be supported by the high-level diplomacy, which seems to have had a relatively successful record in the case of Azerbaijan.

Introduction

The upcoming Eastern Partnership Summit, taking place in November in Brussels, and the potential for finalising of the new EU-Azerbaijan agreement in due course, possibly by the above summit, provide an opportunity for looking back at the key developments in the mutual relations. This paper analyses both content and structural elements of the EU policy towards Azerbaijan by referring to the two most vivid areas of the relations: (1) areas of political contestation, and (2) economic cooperation, particularly in the field of energy, which is arguably considered the most successful dimension.

The first part will outline a brief history of the relations. The second part, primarily focusing on coherence concepts, will analyse the areas of political contestation in relation to the economic cooperation in terms of horizontal coherence, from which point the discussion of vertical coherence will succeed. Due to the complex nature of the EU foreign policy, involving different actors, coherence concepts will be primarily used as a framework for analysis. The general notion in terms of coherence, which will be also implied in this paper, suggests that strong institutional coherence (vertical and internal) supports policy coherence (horizontal). Alternatively, weak coherence among different actors undermines it (Smith, 2014: 64). Following on this, two policy shifts in the EU's approach towards Azerbaijan, having occurred in recent years, will be highlighted: (1) the strengthened internally coherent policy between the Commission/EEAS and the Parliament, and (2) less purely human rights-focused rhetoric with more attention being given to Nagorno Karabakh conflict in a bilateral context in terms of discourse dynamics. The final part will discuss the implications of the currently discussed agreement, whereas some relevant policy recommendations will be suggested.

Background

Azerbaijan started to build its relations with international organisations, including the European Union, under the presidency of Heydar Aliyev (Cornell, 2011: 81). While according to its Ministry of Foreign Affairs (MFA), European Community has been providing “humanitarian, technical, food and emergency assistance” since 1991 (MFA Azerbaijan, 2016), Europe’s role in Azerbaijan and the region of South Caucasus was not particularly strong in the 1990s. There were two main reasons for that: the conflict in the Balkans and the lack of common foreign policy at the time (Cornell, 2011: 417). Azerbaijan’s relations with EU officially commenced in 1999 when Partnership and Cooperation Agreement between the two parties came into force, providing a legal framework for the relations until today. Currently, discussions over a new agreement are taking place between the two parties in order to replace the out-dated document, which, nevertheless, introduced broad areas of cooperation present until now (EEAS, 2017).

Ilham Aliyev succeeded his father in 2003 as a new President of Azerbaijan. Under his leadership, the country signed the Memorandum of Understanding on Strategic Partnership in the Field of Energy with the EU but also became part of the wider European Neighbourhood Policy as well as its eastern branch, Eastern Partnership², thus deepening the cooperation and structuring it into four main Eastern Partnership Platforms: (1) Democracy, Good Governance and Stability; (2) Economic Cooperation and Convergence with EU Policies; (3) Energy Security; and (4) People to People Contact. In addition, in 2003 the EU introduced a position of Special Representative for South Caucasus, who inter alia “supports and complements the efforts of the Co-Chairs of the OSCE Minsk Group” in the resolution of the ongoing Nagorno Karabakh conflict between Armenia and Azerbaijan over the occupied territories of Azerbaijan (EEAS, 2017).

Eastern Partnership was not only limited to these “basket” areas³, but instead can, in a broader sense, be understood as the EU’s comprehensive region-specific policy. It essentially aimed for closer ties with and certain integration of the six neighbouring countries into EU programs and structures: Ukraine, Moldova, Georgia, Armenia, Belarus, and Azerbaijan. This has so far been achieved at a different level for the former three, which signed the Association Agreement, unlike the latter (EEAS, 2017c), whereas this decision by the partners coincided with the crisis in Ukraine. In spite of this, the cooperation with Azerbaijan continued by the signing of Additional Protocol to the PCA

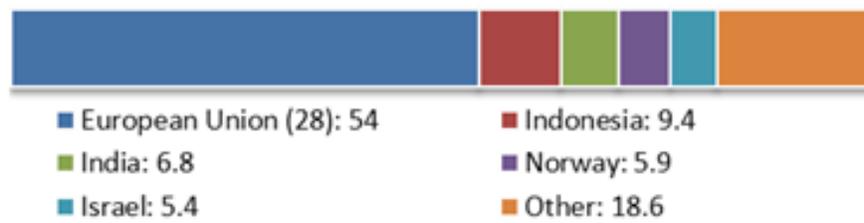
² In 2006 and 2009 respectively

³ These are updated every two years in a summit declaration, the last having taken place in 2015 in Riga

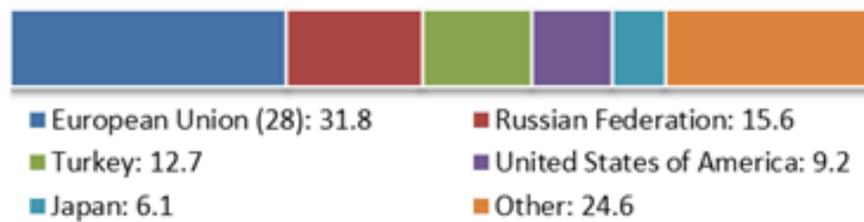
on Azerbaijan’s participation in selected EU programs and Agencies as well as Visa Facilitation and Readmission Agreement in 2014, while Azerbaijan also plays an instrumental role in EU’s Southern Gas Corridor project. The European Union is currently the most significant trading partner of Azerbaijan, with a 65% and 33% share in the country’s total exports and imports respectively. The EU’s exports to Azerbaijan consist of predominantly machinery and transport equipment and the imports are dominated by natural resources, namely oil and gas (EEAS, 2017).

Figure 1: Azerbaijan’s imports and exports

By main destination (2015), %



By main origin (2015), %



Source: World Trade Organisation, 2017

On the other hand, this relatively successful cooperation coincided with discord on human rights and the rule of law agenda, which became more of a subject of confrontation in the second decade of the 2000s (Gromadzki, 2015: 16-17). While the issue has always been present, it has become more critical since the arrest of an oppositional politician Ilgar Mammadov in 2013, who despite having a decision of the European Court of Human Rights in his favour, is still in prison (EEAS, 2016a). In the years to follow, other members of civil society were arrested often on grounds of economic charges. These included journalists and human rights lawyers, among others Khadija Ismayilova, Intigam Aliyev, Leyla and Arif Yunus. European Union Parliament responded to these developments with several critical resolutions (in 2012, 2013, 2014 and 2015). Subsequently, Azerbaijan suspended its participation in some of the Eastern Partnership initiatives following the

resolution in 2014 and legislatively disabled foreign funding for NGOs (Gromadzki, 2015: 17). This has been amended to some extent in October 2016 (ICNL, 2017), whereas after the resolution in 2015 the EU-Azerbaijan Parliamentary Cooperation Committee was suspended until September 2016. Equally, a large number of the arrested civil society actors were pardoned by the President of Azerbaijan in 2016 and subsequently in 2017, while others were detained or remain in prison. The European Parliament took a harsher stance towards Azerbaijan most recently with the resolutions passed in June and September 2017, concerning the alleged kidnapping of a journalist and activist, Afgan Mukhtarli, from Georgia and the “Laundromat” corruption scandal (European Parliament, 2017; 2017b).

Horizontal Coherence: Political Contestation and Economic Cooperation

This section will discuss the areas of political contestation in relation to economic cooperation, particularly in the field of energy, in terms of horizontal coherence of the EU policy towards Azerbaijan. Horizontal coherence effectively means that within a foreign policy framework “external measures and actions taken in each policy-making framework must be compatible and, ideally, mutually reinforcing” (Smith, 2014: 64). In this paper, two dimensions of political contestation are identified: (1) discourse dimension, and (2) geopolitical dimension. With regard to the discourse dimension, the areas of political contestation, as perceived by the European Union⁴, constitute the issues surrounding the rule of law, civil society and the so-called issue of political prisoners. On the other hand, Azerbaijani side, in this regard, presents a view that there has been a very selective approach towards the country, in particular when referring to the EU Parliament’s resolutions critical of Azerbaijan’s human rights record. Furthermore, according to Azerbaijani representatives, European Union did not pay particular attention to the issue of national security and of political priority for Azerbaijan, concerning the resolution of Nagorno Karabakh conflict, the recognition of sovereignty and territorial integrity of Azerbaijan and the rights of refugees and IDPs from the conflict.

The second, geopolitical, dimension is related to the role of Russia in the region and the European Union’s integration efforts through Eastern Partnership. Following Russia’s conflict with Georgia and even more so with Ukraine, Azerbaijan chose not to choose between Russia and the European Union. At the same time, Azerbaijan did not achieve a

⁴ Especially represented by the European Parliament and its resolutions

clear-cut recognition of sovereignty and territorial integrity under Eastern Partnership documents, for example when looking at the Riga Summit Declaration (EEAS, 2015), unlike Ukraine and Georgia, which is arguably due to participation of both parties of the conflict in the programme, Azerbaijan and Armenia. The obvious example of combining both dimensions of political contestation was the failure to adopt the Association Agreement, in which the Azerbaijani side insisted on recognition of territorial integrity while the EU did the same on human rights conditionality (Gromadzki, 2015: 16-17). Subsequently, Azerbaijan proposed a bilateral strategic partnership based on areas of mutual interest during Riga Summit, providing space for addressing these areas of political contestation in a legally-binding document, which will be discussed further in the later part of this paper.

Firstly, in terms of the impact of the areas of contestation on the economic cooperation, it appears that political disagreements do not negatively affect the economic relations between the European Union and Azerbaijan. Even though the data on trade between the EU and Azerbaijan show decline in overall trade balance and especially on the side of exports from Azerbaijan to the EU from 2013 to 2016 (European Commission DG Trade, 2017), which coincides with the years when the disagreement over human rights in the country was critical (2014-2015), the explanation for this is rather market-based as no sanctions were imposed on Azerbaijan. In particular, the years of 2014 and 2015 were marked by a significant drop in the price of oil, constituting the main commodity imported to EU from Azerbaijan (European Commission DG Trade, 2017), and due to this Azerbaijan has faced significant economic problems (CESD, 2013: 3). Nevertheless, EU continues to be Azerbaijan's main trading partner. In addition, even if considering the Association Agreement and Deep and Comprehensive Free Trade Area (DCFTA), while the political contestation, as shown above, was an obstacle to signing of the former, the obstacle to the latter, which is directly related to the economic agenda, is the so far unsatisfied condition of WTO membership on the Azerbaijani side (Alieva, 2015; Hug, 2014: 15).

However, perhaps the only economy-related area negatively affected by the contestation is the Rural and Regional Development, constituting the main funding priority (40 %) in the European Neighbourhood Instrument (ENI) for Azerbaijan (EEAS and European Commission, 2014: 8). This is arguably the case due to the above discussed NGO law as the civil society actors were identified as the key actors in EU reform efforts in this area, though this problem was already acknowledged in the document (EEAS and European Commission, 2014: 11). Even though this last area of economic cooperation has obvious

on-the-ground significance, the impact, if any, was only indirect while it represents only a marginal element of the overall EU-Azerbaijan economic relations dominated by energy trade. Therefore, the above-discussed impact of the politically contested areas on the EU-Azerbaijan economic cooperation suggests that, overall, the two areas are not incompatible, though equally not mutually reinforcing, thus suggesting a relative horizontal coherence.

Secondly, when looking at the reverse side of the horizontal coherence, the impact of the economic cooperation on the politically contested areas, the EU seems to have an upper hand in terms of economic dependency. While Azerbaijan is practically dependent on the EU market when it comes to its exports, it currently provides only 5% of the EU's oil supply (EEAS, 2017). Equally, the expected 10 bcma⁵ of gas supply from Azerbaijan to Europe via Southern Gas Corridor can be considered only a marginal part of the overall gas supply of the EU, whereas the potential for additional 10 bcma from Central Asia through Trans-Caspian pipeline, in which the role of Azerbaijan is described as "pivotal" by the EU (EEAS, 2017), seems unlikely for the moment. Therefore, this aspect of the relations could indeed constitute a positive leverage for the European Union in addressing its relevant areas of political contestation, especially given the economic problems Azerbaijan has been facing in recent years.

However, as numerous observers suggest, the European Union has not been able to effectively use this leverage, apply conditionality and address the above discussed politically contested areas (Kobzova and Alieva, 2012; Alieva, 2015; Hug, 2015; Merabishvili, 2015). Firstly, in terms of the rule of law, included in the justice sector reform agenda, to which 20 % of ENI funding is dedicated, there have been very limited results. While the EU has so far managed to achieve Azerbaijan's participation in its initiatives, such as twinning projects, it was not able to use this leverage sufficiently in terms of effective implementation. It was equally unsuccessful in addressing this through conditionality in a legal document such as Association Agreement, whereas the currently discussed agreement will provide further light in this regard. Secondly, in relation to civil society support, broadly constituting a significant element of the ENI, the funding has been restricted for two years, therefore the achieved changes to legislation regulating civil society as a result of high-level visits to Azerbaijan by Donald Tusk and Federica Mogherini (EEAS, 2017) represent only a starting point for rather than actual support for civil society. Furthermore, these achievements are still criticised by some as being

⁵ Billion cubic meters per annum.

insufficient (Human Rights Watch, 2017; ICNL, 2017). Thirdly, in relation to the so-called issue of political prisoners, while it can be argued that the EU was able to use the importance of the energy relationship to achieve the pardoning of a large number of activists, for example following the above-mentioned high-level visits in 2015 and 2016 where the energy leverage could have been used, the EU has not been successful in leveraging on release of the “clear-cut” political prisoner⁶, Ilgar Mammadov. Moreover, new instances of arrests or detentions of civil society actors continuously take place. Overall, concerning all the areas the leverage is hard to assess given the limited results but also due to the fact that the content of such negotiations is not available to the public. Nevertheless, when considering the horizontal coherence of the EU’s policies, based on the above analysis, it can be argued that there is somehow relative horizontal coherence as the policy areas are not “incompatible” while there is a question mark whether they are “mutually reinforcing”.

Vertical Coherence

This part of the paper will go beyond the usual value-based and interest-based dimensions in the foreign policy but without denying it, it highlights the role of structural complexity of the EU’s foreign policy by referring to vertical coherence. Vertical coherence is related to “member states’ support to or compliance with the common policies that have been agreed upon” (Smith, 2014: 64). The concept of vertical coherence is particularly relevant in this regard due to the fact that the most significant part of the economic relations, trade, is exercised by member states and companies rather than by the supranational EU structures. While the economic interest’s prevalence over value-based goals is commonly used as an argument (Alieva, 2016; Hale, 2012), it implies oversimplification of the complex nature of the EU foreign policy that involves different actors. There is arguably a variation among member states with respect to both economic interest and human rights policy towards Azerbaijan, implying limitations in vertical coherence.

First, even though, as shown in the previous section, the European Union is overall more economically important for Azerbaijan than Azerbaijan is for the EU, there is a variation among member states in terms of the relative importance of Azerbaijan as an economic partner. According to World Integrated Trade Solution data, as of 2015 four out of five main export partners of Azerbaijan are EU members (Italy 21.31%, Germany 10.84%,

⁶ The European Court of Human Rights’ verdict on Ilgar Mammadov stated that his detention was “unjustified” and that he was detained for “criticising the Government” (European Court of Human Rights, 2014).

Spain 9.58%, Indonesia 9.41%, Greece 6.84%) whereas two member states are listed among five main import partners of Azerbaijan (Russia 15.60%, Turkey 12.73%, USA 9.19%, Germany 7.48%, Italy 6.38%) (WITS, 2017). Therefore, within the framework of horizontal coherence, these countries are expected to be more involved in the human rights agenda and related areas, given the inclusive approach of the EU. When looking at the member states' donor support to ENI areas, none of the above listed are directly involved in the human rights agenda, whereas some of them are involved in the related spheres, including Governance and democracy (France and Germany), Rule of law - judicial reform (Germany) and Cooperation with civil Society (France, Germany). On the other hand, Italy, as a top trading partner of Azerbaijan in both exports and imports, but also Spain and Greece are not mentioned as contributors to any of these. Interestingly, Sweden, not having comparably significant trade relations with Azerbaijan, is the only country directly supporting human rights agenda apart from the Commission (EEAS and European Commission, 2014).

Naturally, this data is limited to funding support and therefore does not consider other complementary diplomatic activities in this area, where the economic connections could be used as a leverage. However, the case of Italy in particular, for which Azerbaijan was a number one crude oil supplier in 2015 (Farensina, 2016), highlights the variation in relative importance of Azerbaijan as an economic partner for different member states but also a variation in support for the EU human rights policy in Azerbaijan, underlining the way in which the lack of vertical coherence poses an obstacle to horizontal coherence in EU policies as member states' support to or compliance with the common policies is put into question.

Second, limits in vertical coherence also represent a structural obstacle to the EU policies in relation to exclusive measures such as sanctions. Given the above outlined economic relations of some of the member states and the fact that sanctions' instruments are decided by the principle of "unanimity" in the Council (Council of the European Union, 2014), it is quite unlikely that at least some of the countries with strong economic links to Azerbaijan would not oppose them. While the effectiveness of sanctions as an instrument for human rights promotion is generally questioned due to possible back-clash or negative impact on those they are meant to protect, several analysts have been critical of the EU for not imposing sanctions on Azerbaijan (Alieva, 2016: 15-16; Knaus, 2015: 7; Lovitt, 2015). Nevertheless, what is more important in this regard is that due to the above, even the potential for using the threat of sanctions as a leverage is arguably undermined as Azerbaijan would hardly perceive such threat to be a realistic option.

To sum up, the shortcomings in vertical coherence appear to undermine the horizontal coherence and allow for the pursuit of economic cooperation in spite of the politically contested areas. However, this seems to be also due to the complex nature of the EU foreign policy exercised by several actors at different levels, which is in this case highlighted by the variation in both economic interests and support for the EU human rights policy among member states. Arguably, this poses an obstacle to a coherent common policy of the European Union towards Azerbaijan.

Policy Shifts in the EU approach towards Azerbaijan

Following on the above, this section will suggest two policy shifts in European Union's policy towards Azerbaijan that have been prevalent in recent years: (1) strengthened internal coherence between the Commission/EEAS and the Parliament, and (2) less purely human rights-focused rhetoric with more attention being given to Nagorno Karabakh conflict in a bilateral context in terms of discourse dynamics.

The first policy shift is concerned with a strengthened internal coherence between the European Parliament and the Bureaucracy (Commission and EEAS), combining both quiet and public diplomacy approaches, though with a tendency towards quiet diplomacy. Internal coherence refers to coordination between different institutions with regard to the policy agenda (Smith, 2014: 64-65), which is in this case related to coherence between the European Parliament, whose resolutions constitute public diplomacy approach, and the Bureaucracy, favouring quiet diplomacy. What has been problematic for the EU as a foreign policy actor in terms of internal coherence is the difference in approaches between the two institutions and even more importantly the lack of inter-institutional communication and coordination. After few turbulent years peaking in 2015 when the inter-parliamentary committee was suspended following the resolution from September of that year, the subsequent year of 2016 saw certain adjustments in this regard. A resolution was passed “on the general principles for the participation of the Republic of Azerbaijan in Union programmes” (European Parliament, 2016), the inter-parliamentary committee was re-established, which happened in parallel with high-level visits to Azerbaijan by the EU officials, achieving, according to the EU, the release of a large number of activists and a change to the NGO legislation (EEAS, 2017). This was subsequently followed by a meeting in February 2017 in Brussels between Donald Tusk and Ilham Aliyev, where mandate was given to the Commission to negotiate the new agreement, but also by a visit of Foreign Affairs MEPs to Azerbaijan, along with Georgia and Armenia, in May of the same year where “resumption of a dialogue” was confirmed

(EEAS, 2017b). Furthermore, the very fact that the negotiations concerning the upcoming agreement are taking place fully in the quiet diplomacy framework, which is arguably favoured by the Azerbaijani side, support the notion that there has been a certain shift towards this approach.

However, in June and September 2017 the European Parliament took a harsher stance once more with its above-mentioned resolutions, yet Azerbaijan's response to these resolutions was not so strong, especially compared to its response in 2014 and 2015. This is, arguably, due to the fact that the European Parliament will be "asked to give its consent to the deal" (EEAS, 2017b), showing how important the deal is for Azerbaijan. Interestingly, these two resolutions were followed by high-level visits by the EU officials, Johannes Hahn and Jean-Christophe Belliard. According to the MFA of Azerbaijan, the purpose of the two visits was to discuss the upcoming agreement (MFA Azerbaijan, 2017; 2017a). Even though the exact content of the above meetings is unknown to the public, the coincidence of the resolutions with meetings, combining the quiet and public diplomacy, suggest more internal coherence in the policy, which has arguably been low-level in recent years but there seems to be at least some improvement in this regard. There is indeed no general prescription for either quiet or public diplomacy, though the evidence in the context of the EU-Azerbaijan relations shows that high-level visits appear to have an impact. However, the key point in this regard is that the European Union's institutions should have a stronger internal exchange of information and should appear coherent in its policies because otherwise the position of the EU as a foreign policy actor will be undermined.

The second implication is associated with the dynamics of a discourse in terms of the politically contested areas, in particular in relation to less purely human rights-focus and more attention being given to the issue concerning Nagorno Karabakh in the bilateral context. There has been a shift in terms of EU priorities in Azerbaijan, from the original constituting human rights towards the currently enhanced legal transformation. Legal transformation is a broader area that inter alia represents a complex policy meant to guarantee a more systemic protection of human rights while offering a more diplomatic option regarding language. This can be observed for example when looking at the European Neighbourhood Instrument for the periods of 2007-2013/2011-2013 and 2014-2017. While in the former, "Human rights, civil society development and local government/Human rights and fundamental freedoms, civil society development" constituted an individual sub-priority of "Support for Democratic Development and Good Governance/Democratic structures and good governance" priority (European

Commission, 2007; 2011), in the latter it was referred to under “Justice sector reform”. Similarly, “support to Justice Sector reform” rather than human rights is mentioned as one of the priority areas for cooperation by the former Head of the EU Delegation in Baku (Mard, 2016).

Equally, a similar shift can be observed, though unevenly, in the case of the EU Parliament, where for example in 2016 no critical resolution was passed. Arguably, the European Parliament is a non-uniform and complex body in its own-making, stretching from various political groups to different committees. In relation to the EU-Azerbaijan Parliamentary Cooperation Committee, which had been previously suspended, it appears to have more diplomatic, less human rights-focused discourse as suggested by the statement of the EP chairmen of the re-established parliamentary committee that was one of the few official communications by this institution in that year. It did not refer to human rights but only mentioned that the meeting in September 2016 “provided an opportunity for...areas where disagreement had occurred to be examined and views of both sides shared”. At the same time, European Parliament’s support for “territorial integrity and sovereignty of Azerbaijan” was clearly stated (Karim and Seyidov, 2016). This constituted a very “diplomatic” approach as opposed to the last official meeting of the committee from 2012, where “no joint recommendations were adopted, largely due to a diametrically different appreciation on human rights issues” (EP Delegation, 2014). Furthermore, even though the last two resolutions from 2017 do not fully fit into this pattern, they responded to serious allegations, yet used more diplomatic language, compared to those in 2014 and 2015.

Indeed, human rights have not fully disappeared from the EU’s rhetoric but instead when mentioned in the discourse in the bilateral context, the issue of concern for Azerbaijan from the politically contested areas, concerning Nagorno Karabakh and the EU’s support for “sovereignty and territorial integrity of Azerbaijan”, has been given more attention. Similar to the above statement by the inter-parliamentary committee chairmen, the remarks by high-level EU representatives, Federica Mogherini from February 2016 and Donald Tusk from February 2017, which “stressed the importance” the EU “attaches to human rights and fundamental freedoms...”, were accompanied by a direct reference to support for “sovereignty and territorial integrity of Azerbaijan” (Council of the European Union, 2017; Delegation of the European Union to Azerbaijan, 2016). This was not previously the case, for example, during a visit to Baku in 2014 by former Commission President Barroso as the support for “sovereignty and territorial integrity of Azerbaijan” was not addressed in his speech (Barroso, 2014). However, the above still has not been

the trend in the statements that were part of the Eastern Partnership initiatives, involving other countries as well, usually Georgia and Armenia, for example when looking at the recent visits by the MEPs from Foreign Affairs Committee or by the member states' ambassadors to Brussels (EEAS, 2017b; 2017d).

Finally, the remaining problematic dimension in the EU's human rights discourse towards Azerbaijan has been that it has overly focused on civic and political rights. There is no doubt that these should be included and not ignored, yet it has previously been the case that other branches of human rights, including cultural, labour, humanitarian, gender as well as children's rights, have been sidelined by the above-mentioned dominant civic-political discourse.

The New EU-Azerbaijan Agreement and Concluding Remarks

Another important policy dynamics, which is related to the above trends as well as to the upcoming agreement, concerns the shift from a multilateral or integrative framework of cooperation, represented by the Eastern Partnership programme, to a more bilateral one between EU and Azerbaijan, constituted by the currently discussed agreement. Whether it was due to the contestation of political priorities in terms of the discourse or the geopolitical realities, the failure to adopt an Association Agreement, which was the regional framework approach of the European Union to its Eastern partners, and the subsequent proposal of a new bilateral framework agreement support this notion. These recent developments even led to the adaptation of the Eastern Partnership programme, which currently enhances "differentiated" or "tailored" approach to the partners (EEAS, 2017c). This does not mean that Azerbaijan is leaving the Eastern Partnership programme, although the recent document on Eastern Partnership from June of this year⁷ mentions Azerbaijan directly only in relation to Southern Gas Corridor, Visa Liberalization Dialogue and the above-mentioned agreement (European Commission, 2017). The implication of this shift is related to the fact that some of the important priority goals of either party cannot be achieved within the scope of the programme, thus a more bilateral route between the EU and Azerbaijan is being chosen as a framework to overcome this.

The currently discussed agreement will be an opportunity for both sides to address and give a legally binding framework to the politically contested elements in the relations, in

⁷ Titled "Eastern Partnership – 20 Deliverables for 2020 Focusing on key priorities and tangible results"

both discourse and the geopolitical dimensions, while continuing in the mutually beneficial economic cooperation. Specifically, it will be a chance for the EU to exercise the leverage in economic relations and to imply conditionality in relation to human rights norms, which was also mentioned in general terms in the EU's Global Strategy for Foreign and Security Policy (EU, 2016: 27), though this would be possible only to an extent given by the limitations in vertical coherence. On the other hand, it will allow Azerbaijan to negotiate on achieving a firm position of the EU on Nagorno Karabakh conflict in an official legally-binding document, which has been difficult under Eastern Partnership due to the participation of both parties of the conflict in the programme.

However, it is important to understand that the new framework agreement is only a starting point, which needs to be followed by an actual and active commitment by both parties. This corresponds to suggestions given to the US House of Representatives by Svante Cornell in 2015 but which are equally applicable to the European Union:

“... [the U.S.] cannot expect progress on governance and human rights without a clear commitment to security issues; concomitantly, Azerbaijan’s leaders must understand that they cannot expect Western support for their security without a commitment to reforms in governance and human rights” (Cornell, 2015: 8).

This could be done, for example, through replacement of France’s co-chair position in the OSCE Minsk group with the EU’s and application of the decisions of the European Court of Human Rights by Azerbaijan, if possible given France’s opposition to the former and domestic political realities in Azerbaijan in relation to the latter. Arguably, addressing the conflict more firmly by the European Union is important not only because it is a priority for Azerbaijan and for the European security but also given the obvious negative impact the conflict has had on the democratization process and institution-building in the country (Cornell, 2011: 128-129; Alieva, 2012: 5-7), which is highly relevant for human rights agenda as well.

Overall, observers should not be too disappointed if the agreement is to contain too general or “vague” language in some areas. In the end, politics is what it is. Ideally, apart from further enhancing the economic and energy cooperation, within the three main areas of the agreement (Political, Trade and Sectorial), the European Union needs to focus on concrete and specific policies related to structural reforms in areas like justice sector, education, rural development and diversification of the economy, rather than purely on human rights in general. As a part of this, EU’s main goal should be to convince its Azerbaijani partners that these are primarily in the interest of Azerbaijan, as without a

clear domestic commitment, noble words in a document or even a well-meant policy from abroad would not bring any feasible results. Therefore, in order for the European Union to strengthen its foreign policy towards Azerbaijan but also more generally, it needs to be coherent in terms of both the policy content and its own complex structures and actors that are involved.

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