

EU–Azerbaijan Relations: Enhancing Human Rights and Democracy within Eastern Partnership Initiatives

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Abstract

The European Union's initiatives in the framework of the European Neighbourhood Policy and Eastern Partnership (EaP) program advance the EU–Azerbaijan relationship and cooperation to a new level. These initiatives create new perspectives for the European enlargement process as well as increasing trust in future cooperation on democratization and good governance between Azerbaijan and the EU. However, the European countries have significant economic, energy, and geopolitical interest in Azerbaijan, and these interests play a major role in shaping Azerbaijan's participation in the European integration process. Nevertheless, the future of these relations, including the preparation and signing of an Association Agreement within the EaP depends on the human rights and democracy situation. Therefore, the participation of Azerbaijan in the EaP provides a new opportunity for increasing international support for the development of democratic institutions in the country.

Lack of Progress in the Protection of Human Rights and Democratization in Azerbaijan

Human rights and democracy were the main factors affecting the European integration process of Azerbaijan during the last decade. Particularly important was Azerbaijan's relationships with the OSCE and the Council of Europe in recent years. As a member of those institutions Azerbaijan has committed itself to several international human rights obligations. However, despite the fact that Azerbaijan's implementation of these obligations is deteriorating year by year, pressure from the international organizations, along with that applied by the Western countries, is quite weak. Meanwhile, the EU's announcement of its Eastern Partnership program brought new tension to the discussion of Azerbaijan's integration into Europe due to Azerbaijan's poor record on implementing its international human rights and democracy commitments. Therefore, many are suspicious that Azerbaijan will actively seek to develop democratic institutions even with EU assistance.

Since 2009, when the EU announced the EaP initiatives, Azerbaijan has not introduced any reforms to improve the situation regarding human rights and good governance. For example, now Azerbaijan is among the states with the highest rate of corruption; according to Transparency International's Corruption Perception Index, Azerbaijan ranks 134th among 178 states in the world and stands at 9th place among post-soviet countries. At the same time, Azerbaijan is one of only a few Council of Europe member that has taken no action to provide independent and impartial courts.

The media situation also remains problematic. Despite the efforts of local and international organizations, the parliament has yet to adopt a law that would decriminalize slander. Furthermore, the legislature amended the Law on Mass Media in ways that significantly restrict journalists' rights to gather information. The major con-

cern regarding the media is the persecution of independent and opposition journalists. Sometimes, journalists face violence, including kidnapping and beatings.

Recent elections held in Azerbaijan did not meet the OSCE and Council of Europe standards on free and fair elections, according to domestic and international observers. For example, a joint statement of the OSCE/ODIHR, OSCE PA, PACE and the European Parliament on the results of monitoring the 7 November 2010 parliamentary elections points out that the elections were marred by the political dominance of one party, intimidation and harassment against voters and candidates, the lack of alternative views in the broadcast media, a scarcity of critical print media, and a lack of impartial news.

Despite the efforts of domestic and international human rights organizations, as well as the Council of Europe, political prisoners have not been released and, on the contrary, their numbers have increased. For instance, together with the political activists detained in the first four months of 2011, more than 60 people remain imprisoned or on trial facing politically-motivated charges.

Also, after the 2005 parliamentary elections, freedom of assembly has faced serious restrictions. The government does not permit political parties to conduct rallies, and where rallies are held without permission, they are dispersed by police, while participants are detained.

In the current circumstances, Azerbaijani government initiatives for pursuing negotiations with the EU as part of EaP seem hopeless and inadequate to the EU's efforts aimed at promoting human rights and democracy. So far, there has been little more than dialogue about these issues. The Azerbaijani government established a State Commission on Integration to Europe with nine working groups attached to it in order to prepare an Action Plan on a number of documents in cooperation with the European Union, including the European Neighbourhood Policy and the Association Agreements

within the framework of the EaP. Unfortunately, discussions within the government and negotiations with the EU have not been open to the public and have been held in a non-transparent manner.

Prospects for the Inclusion of Civil Society and Political Parties in Azerbaijan in the Eastern Partnership Process

Azerbaijan's two-year experience of participating in the EaP discussions shows that this process will face difficulties in the near future and only political will on both sides can ensure any kind of progress. However, thanks to Azerbaijan's presidential political system, in which the president has extensive executive authority at the national and local levels and effective political control over the legislative and judicial branch, the political will of the president is essential to the success of legal and political reforms on human rights, public administration, and good governance.

Beyond its work with the government, the EaP has created new possibilities for establishing EU relations and cooperation with political parties and civil society organisations. In this respect, the establishment of the Azerbaijan National Platform within the EaP Civil Society Forum may positively impact the participation of NGOs in the Azerbaijani political process. Hence, NGOs working in the sphere of human rights and democracy in Azerbaijan have gained an opportunity to exchange information and cooperate with their counterparts both in other EaP countries and EU member states. But, unfortunately, the relations and cooperation between political parties operating in Azerbaijan and political parties in the EaP and EU states are not well developed yet; ultimately these ties might help some political groups in Azerbaijan concentrate on European integration and collaboration in order to improve human rights and good governance. Presently, a number of NGOs are actively supporting Azerbaijan's participation in the EaP and striving for the successful implementation of this process.

The necessary reforms in the sphere of democracy and human rights that are considered as a primary prerequisite for integration into Europe are now key elements in most of the platforms adopted by Azerbaijan's political parties. At the same time, there is an interest in increasing the role of Azerbaijan in the EaP among the parties that currently have representation in the parliament and those that do not. However, many political parties, non-governmental organizations and a significant part of the population at large do not believe that the EU is sincere in its initiatives promoting human rights and democracy. Generally, the popular opinion

is that, the Azerbaijani authorities can ignore EU pressure on human rights and democracy by playing on the energy and geopolitical interests of the Western countries. Therefore, the interest of citizen groups in European integration will depend on the level of EU support for human rights and democracy.

The European Commission recently carried out discussions on the implementation of the National Indicative Plan and the European Neighbourhood Policy Action Plan in Azerbaijan for the purpose of evaluating reforms in the sphere of democratic governance and rule of law. This process involved officials, representatives of civil society groups and political parties. But such evaluations should be more active and consistent and should increase public accountability and responsibility in the process of preparing an Association Agreement.

The European Commission's funding for both national and cross-border projects increased technical support for developing the judiciary and justice system, public administration, civil society and independent media for the purpose of establishing democratic institutions in Azerbaijan. However, consistent and sustainable support to specific areas of human rights and democracy, including institutional support for the development of independent media and the promotion of political rights is necessary. For example, there are only a small number of independent electronic media outlets in Azerbaijan, and essentially no independent television and radio broadcasters, as is true in several other EaP countries. This situation prevents the provision of strong guarantees for freedom of speech in these countries, which is one of the main requirements for democratisation. In order to change this situation TV and radio channels funded by the EU should broadcast programs to the EaP countries and create special news departments in those countries, including Azerbaijan, to provide alternative information. Strengthening technical assistance for human rights and democracy should be accompanied by political support within the EU. The previous experience of other international organizations shows that technical assistance is not enough to develop democracy in Azerbaijan and such technical aid should be accompanied by the political support of the Western countries.

Since the launch of the EaP, the main shortcoming of Azerbaijan's participation in this program was its delay in the signing of an Association Agreement with the EU. Unfortunately, the government is not interested in attracting civil society and political parties to this process. At the same time, the EU's cooperation mechanisms could be designed in a way that would ensure the involvement of civil society and political parties.

About the Author

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