

## **Negotiations of the EU-Azerbaijan Association Agreement**

**European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Azerbaijan Association Agreement (2011/2316(INI))**

*The European Parliament,*

- having regard to the ongoing negotiations between the EU and Azerbaijan on the Association Agreement,
- having regard to the Council Conclusions of 10 May 2010 on Azerbaijan, which adopted the negotiating directives,
- having regard to the Partnership and Cooperation Agreement (PCA) between Azerbaijan and the European Union, which entered into force on 1 July 1999,
- having regard to the European Neighbourhood Policy (ENP) Action Plan adopted on 14 November 2006,
- having regard to the Declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 2 November 2008 in Moscow,
- having regard to the joint Declaration signed by the Presidents of Armenia, Azerbaijan and the Russian Federation on 23 January 2012 in Sochi,
- having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Prague on 7 May 2009,
- having regard to the Foreign Affairs Council conclusions of 25 October 2010 on the Eastern Partnership,
- having regard to the Joint Declaration on the Southern Gas Corridor signed by the President of Azerbaijan and the President of the Commission on 13 January 2011,
- having regard to the Joint Declaration issued by the Eastern Partnership Summit held in Warsaw on 29-30 September 2011,
- having regard to the Constituent Act of the EU-Neighbourhood East Parliamentary Assembly (EURONEST) of 3 May 2011,
- having regard to the statements by High Representative Catherine Ashton on the human rights situation in Azerbaijan of 20 May, 27 May and 12 October 2011,
- having regard to its resolutions on Azerbaijan, in particular that of 12 May 2011<sup>1</sup>,
- having regard to the OSCE/ODIHR final report on the parliamentary elections of 7

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<sup>1</sup> Texts adopted, P7\_TA(2011)0243.

November 2010,

- having regard to the opinion on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan adopted by the Venice Commission of the Council of Europe on 14-15 October 2011,
  - having regard to the opinion on the draft law on amendments to the law on political parties of the Republic of Azerbaijan adopted by the Venice Commission of the Council of Europe on 16-17 December 2011,
  - having regard to its resolution of 20 May 2010 on the need for an EU Strategy for the South Caucasus<sup>1</sup>,
  - having regard to its resolutions of 20 January 2011 on an EU Strategy for the Black Sea<sup>2</sup> and of 17 January 2008 on a Black Sea Regional Policy Approach<sup>3</sup>,
  - having regard to the Joint Communication on ‘A new response to a changing Neighbourhood’ of 25 May 2011,
  - having regard to its resolutions on the review of the European Neighbourhood Policy adopted on 7 April 2011<sup>4</sup> (Eastern Dimension) and 14 December 2011<sup>5</sup>,
  - having regard to the Commission Progress Report on Azerbaijan adopted on 25 May 2011,
  - having regard to Council Decision 2011/518/CFSP of 25 August 2011 appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia<sup>6</sup>,
  - having regard to Special Report No 13/2010 of the European Court of Auditors concerning the results of the European Neighbourhood and Partnership Instrument (ENPI) in the Southern Caucasus,
  - having regard to a new National Action Programme on increasing the effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan approved by the President of the country on 27 December 2011,
  - having regard to the Pardon Decree signed by the President of Azerbaijan on 26 December 2011,
  - having regard to Rules 90(4) and 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0071/2012),
- A. whereas Azerbaijan plays an important role in the context of the European Union’s Eastern Partnership, and whereas the level of economic growth which Azerbaijan has experienced in the last few years has been noteworthy;

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<sup>1</sup> OJ C 161 E, 31.5.2011, p. 136.

<sup>2</sup> Texts adopted, P7\_TA(2011)0025.

<sup>3</sup> OJ C 41 E, 19.2.2009, p. 64.

<sup>4</sup> Texts adopted, P7\_TA(2011)0153.

<sup>5</sup> Texts adopted, P7\_TA(2011)0576.

<sup>6</sup> OJ L 221, 27.8.2011, p. 5.

- B. whereas the Eastern Partnership strengthens the multilateral relations between the countries involved, contributes to the exchange of information and experience on the issues of transformation, reform and modernisation, and provides the European Union with additional instruments to support these processes;
- C. whereas the Eastern Partnership provides the political framework for strengthening bilateral relations by means of new association agreements, taking into account the specific situation, mutual benefits and the ambitions of the EU and partner country and the EU's strategic interest in the stability and democratic development of the region;
- D. whereas parliamentary cooperation, within the framework of the European Eastern Partnership and bilaterally, is a key element in developing advanced political cooperation between the EU and Azerbaijan;
- E. whereas Azerbaijan has become an important energy supplier for the EU as well as an important transit country for energy resources from Central Asia in particular, and whereas the EU is a major energy market for Azerbaijan; whereas there has been good progress in the field of energy cooperation, which includes Azerbaijan's support to the Southern Gas Corridor;
- F. whereas Azerbaijan plays a positive role in the framework of the ENP and contributes to the solution of the EU's energy security problems;
- G. whereas association agreements constitute the appropriate framework to deepen relations, by enhancing political association, economic integration and legal approximation with the EU and developing cultural relations, thus having an important impact on the democratisation process;
- H. whereas, in this respect, the multilateral dimension of the Eastern Partnership is complementary and inseparable from its bilateral dimension and should develop simultaneously with the ongoing negotiation of association agreements in order to pave the way for their full implementation and lay down the basis for genuine regional cooperation as provided for by the principles underlying the European Neighbourhood Policy;
- I. whereas the Association Agreement should bring tangible benefits and opportunities to the people of Azerbaijan and the European Union;
- J. whereas the European Union has made human rights, democracy and the rule of law a central aspect of the ENP;
- K. whereas Azerbaijan's active commitment to shared values and principles, including democracy, the rule of law, good governance and respect for human rights, is essential to take the process forward and to make the negotiation and subsequent implementation of Association Agreement meaningful, but whereas currently there are concerns about the respect for the rule of law and freedom of expression for political opponents of the current administration;
- L. whereas Azerbaijan has progressed rapidly in the field of ICT, in particular with regard to e-governance, which increases the transparency of public administration and helps to combat corruption, increases ease of access to public services and information and provides an additional impetus to the democratisation of Azerbaijan;

- M. whereas the Euronest Parliamentary Assembly will hold its second Plenary Session in Baku in April 2012, providing a meaningful forum for discussing questions of democracy, politics, energy, security and social affairs;
- N. whereas in its relations with Armenia and Azerbaijan, the EU respects the principles of sovereignty and territorial integrity and in its approach to resolving regional conflicts supports the basic principles of the Helsinki Final Act; whereas the unresolved Nagorno-Karabakh conflict is undermining the stability and development of the South Caucasus region and hampering the full development of the European Neighbourhood Policy; whereas in its Joint Communication on ‘A new response to a changing neighbourhood’, the EU stated its ambition to engage more pro-actively in conflict resolution in the South Caucasus and enhance its support for confidence-building and its readiness to step up its involvement in formats where it is not yet represented, e.g. the OSCE Minsk Group;
- O. whereas the EUSR for the South Caucasus has an important role in contributing to peaceful conflict settlement in the region;
- P. whereas Azerbaijan shows strong commitment to multilateral parliamentary cooperation within the Euronest Parliamentary Assembly and is the first Eastern Partnership country to host a plenary session of the Assembly (in Baku on 2-4 April 2012);
- Q. whereas the election of Azerbaijan to the United Nations Security Council for the period 2012-2013 offers a good opportunity for further consultation and alignment of the country’s policies with the EU’s Common Foreign Security Policy (CFSP) declarations with the aim of fostering further international peace and stability;
1. Addresses the following recommendations to the Council, the Commission and the European External Action Service: they should
- (a) ensure that the Association Agreement is a comprehensive and forward-looking framework for the future development of relations with Azerbaijan, one which enhances political association, economic convergence and legal approximation and reflects the relationship that both the European Union and Azerbaijan have decided to develop;
  - (b) ensure that the negotiations on the EU-Azerbaijan and EU-Armenia Association Agreements, in line with the demands made in Parliament’s Resolution on the need for an EU strategy for the South Caucasus of 20 May 2010 and with all the OSCE Minsk Group Basic Principles enshrined in the ‘Aquila’ joint statement of 10 July 2009, are linked to credible commitments to making substantial progress towards the resolution of the Nagorno-Karabakh conflict, including, for example, confidence-building measures such as general demilitarisation, the withdrawal of snipers from the line of contact, the withdrawal of Armenian forces from occupied territories surrounding Nagorno-Karabakh, and their return to Azerbaijani control, and a mechanism for active incident-prevention and the investigation of cease-fire violations along the line of contact, the right of all internally-displaced persons and refugees to return to their home settlements and properties and international security guarantees that would include a genuine multinational peacekeeping operation in order to create suitable agreed conditions for the future legally-binding free expression of will concerning the final status of Nagorno-Karabakh;

- (c) incorporate in the Association Agreement clauses and benchmarks on the protection and promotion of human rights, especially with regard to freedom of the media and the right to freedom of expression, association and assembly, which reflect the principles and rights enshrined in the Constitution of Azerbaijan and the highest international and European standards, drawing to the fullest possible extent on the Council of Europe and OSCE frameworks to which Azerbaijan has committed itself; call on the government of Azerbaijan to implement these commitments; and ensure that the negotiations take full account of the need to safeguard the rights and livelihoods of internally-displaced persons and refugees;
- (d) consider the presence of the EU in the OSCE Minsk Group as increasing the EU's involvement in the resolution of the conflict between Armenia and Azerbaijan;
- (e) emphasise in the Association Agreement the importance of guaranteeing citizens' fundamental rights and freedoms, including the right of assembly and association, and private property rights, the development of civil society, the rule of law, the continued fight against corruption, political pluralism and the independence of the media and the judiciary;
- (f) underline in the Association Agreement the importance of the Republic of Azerbaijan fully complying with the judgments of the European Court of Human Rights;
- (g) emphasise in the Association Agreement the crucial importance of freedom of expression for political opponents and stress that deeper relations with the EU are dependent on the Azerbaijani authorities adhering to the rule of law, ensuring fair trials for all prisoners and the unconditional release of all those imprisoned on politically-motivated charges;
- (h) assist Azerbaijan's parliament both technically and financially in fully developing its constitutional functions, bodies and services, including enhanced interaction with civil society;
- (i) support development aid programmes aimed at improving the living conditions of refugees and displaced persons in Azerbaijan;
- (j) incorporate in the agreement clauses on the protection of human rights defenders, in line with the EU Guidelines on Human Rights Defenders;
- (k) call on the Azerbaijani authorities to guarantee that the ongoing construction of new buildings in Baku, which is considered to be partly linked to the upcoming Eurovision Song Contest, is in line with the relevant legislation and that resettlements of people are implemented with transparent legal procedures; express concern at the increasing government criticism of human rights activists who are using this cultural event to improve the democratic and human rights record of the country;
- (l) grant a visa to the PACE Special Rapporteur on Political Prisoners in order to allow him to undertake a visit to the country, in line with his mandate;
- (m) express concern about the increasing number of arrests of human rights and youth activists, the difficulties encountered with regard to the registration of NGOs and political parties as well as intimidation and restrictions of the freedom of expression

and assembly and Internet freedom, and set benchmarks in these areas, with suspension of the agreement if these benchmarks are not met;

- (n) urge the Azerbaijani authorities to adopt an anti-discrimination legislation that prohibits discrimination on the basis of sexual orientation and gender identity in any area;
- (o) bring the objectives of the Association Agreement into line with the Joint Communication on a Renewed Response to a Changing Neighbourhood, thereby enabling civil society organisations in Azerbaijan to carry out internal monitoring of, and ensuring that the government is held more accountable for, its reforms and commitments;
- (p) ensure the coherence of the Association Agreement with the principles of international law – in particular, those defined in the UN Charter, the Helsinki Final Act and in the OSCE framework, namely the non-use of force, territorial integrity and the right to self determination, – and that the Agreement, once concluded, applies to the whole territory of Azerbaijan;
- (q) strengthen the European Union's conflict-resolution and mediation capacity and adopt a more active and effective role with regard to increasing trust between the parties in conflict, including by assisting them through EU-funded confidence-building projects aimed at increasing popular support for mutual concessions and peaceful settlement; underline the need for unconditional access for representatives of the EU to Nagorno-Karabakh and the surrounding occupied regions; insist that the EU should play a stronger role in settling the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together the Armenian and Azerbaijani communities and spread the ideas of peace, reconciliation and trust through all the sides involved;
- (r) welcome the work done by the OSCE Minsk Group Co-Chairs and the parties in making progress towards agreement on the Basic Principles and call for continued support for its work; stress that both Azerbaijan and Armenia should take the appropriate measures to ensure that any decisions taken under the Minsk Group format towards establishing and consolidating a peaceful resolution of the Nagorno-Karabakh conflict are carried out fully and in a timely fashion; consider direct and more active participation of the EU in the Minsk Group;
- (s) call on the leaders of Armenia and Azerbaijan to act responsibly, tone down statements and avoid inflammatory declarations in order to pave the way for a genuine dialogue at all levels of society so that the public will accept and fully understand the benefits of a comprehensive settlement, thereby paving the way for effective confidence-building measures;
- (t) express concern about the military build-up in the region and in particular about Azerbaijan's high military expenditure and call in this respect on the Member States to stop supplying weapons and munitions to both Azerbaijan and Armenia, in compliance with the OSCE request of February 1992, as long as a comprehensive settlement has not been agreed and signed by the two parties;
- (u) stress the need to continue to do everything possible within the framework of the

Eastern Partnership to bring about political and economic rapprochement between Armenia and Azerbaijan and to firmly establish regional conflict resolution as an integral component of this;

- (v) stress that hundreds of thousands of refugees and internally-displaced persons who fled their homes during or in connection with the Nagorno-Karabakh war remain displaced and denied their rights, including the right to return, property rights and the right to personal security – those rights should be unconditionally respected and provided without any delay; call on the Commission and the Member States to continue and extend the EU's assistance and financial support to Azerbaijan in dealing with the situation of displaced persons;
- (w) emphasise the need to use the Association Agreement as a platform to promote regional synergies and cooperation, emphasise the mutually-reinforcing links between democratic pluralistic development and conflict resolution, and ensure that the Association Agreement contains provisions to encourage visa facilities for all people from the South Caucasus countries;
- (x) clarify how the substantial degree of complementarity between the various EU initiatives in the region, namely the Eastern Partnership and the Black Sea Synergy, is to be exploited;
- (y) call on Turkey to play a constructive role in the resolution of the Nagorno-Karabakh conflict and in fulfilling its responsibility in that region;
- (z) ensure that the trade component of the Association Agreement can be upgraded to a Deep and Comprehensive Free Trade Area as soon as Azerbaijan meets all the necessary conditions, including joining the WTO and fulfilling its commitments with respect to human rights, and with that aim in mind, provide the necessary technical assistance to prepare Azerbaijan for the negotiations and to encourage the adoption of the reforms required;
- (aa) urge Azerbaijan to sign and ratify the Rome Statute of the International Criminal Court;
- (ab) urge the Azerbaijani authorities to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Convention on Cluster Munitions;
- (ac) ensure speedy negotiations on visa facilitation and readmission agreements in order to promote people-to-people contacts and treat youth and academic mobility as a priority; contribute to the fight against illegal immigration, and ensure that the provisions on asylum are fully in line with international obligations and commitments and EU standards, especially in the field of human rights;
- (ad) underline the importance of building and developing a strong youth sector and welcome in this regard the various state programmes offering scholarships for studying abroad;
- (ae) urge Azerbaijan not to hamper visa issues for third-country nationals of Armenian origin wishing to enter Azerbaijan, and to lift the ban on international phone calls to

Armenia;

- (af) encourage broad sectoral cooperation between the EU and Azerbaijan, and in particular, explain the benefits of and promote regulatory convergence and provide the necessary technical assistance to this end;
- (ag) urge the Azerbaijan authorities to step up implementation of the Core Conventions of the International Labour Organisation (ILO);
- (ah) enhance transparency in the management of public finances and improve public procurement legislation in order to contribute significantly to good governance and transparent decision-making; welcome, in this respect, the participation of Azerbaijan in the Extractive Energy Transparency Initiative aimed at increasing openness on oil and gas revenues, and monitor the government of Azerbaijan's compliance with its obligation to release information about public finances under the legislation on the right to access information;
- (ai) take the necessary action to incorporate in the Association Agreement provisions enabling Azerbaijan to participate in Community programmes and agencies, as a tool to promote European integration at all levels;
- (aj) welcome the reforms made by Azerbaijani authorities in the judiciary, with a view to ensuring greater independence of judges, improving selection and appointment procedures and eliminating judicial corruption and susceptibility to the influence of the executive; acknowledge that the relevant laws, including the law on the Bar, have been adopted; encourage the authorities in charge to continue implementing legislation to combat corruption and focus on high-level corruption cases as well as to improve significantly the transparency of public expenditure and political party funding; emphasise the need to improve the independence, efficiency and resources of the judiciary; reiterate the importance of the court system functioning free from political interference; stress the need to establish a convincing track record of recruiting and appointing judges and state prosecutors based on the application of uniform, transparent, objective and nationally-applicable criteria and to build up an enforcement record of prosecutions and convictions against which progress can be measured; call for the unification of jurisprudence in order to ensure a predictable judicial system and public trust;
- (ak) set up twinning programmes with EU regions and local communities with national minorities experiencing a high degree of autonomy;
- (al) emphasise the need for a sustainable economy, including by enhancing its diversification; promote greater openness and transparency in the energy sector and ensure that its development is carried out in accordance with international environmental standards; support the development of the renewable energy market; underline the need for corresponding environmental legislation;
- (am) emphasise the importance of EU-Azerbaijan energy cooperation in the diversification of energy supplies and routes of their delivery to Europe; recall in this regard the Joint Declaration on gas delivery signed on 13 January 2011 in Baku by the President of the European Commission José Manuel Barroso and the President of Azerbaijan Ilham Aliyev as an important step in the realisation of the Southern Gas Corridor, and

commend the efforts of Azerbaijan in promoting such pioneering projects as the Baku-Tbilisi-Ceyhan and the Baku-Tbilisi-Erzurum pipelines as the fulfilment of the AGRI Project;

- (an) stress the importance of Azerbaijan's unique geographic location for enabling a direct and unimpeded transit link between the EU and the countries of Central Asia; welcome efforts to develop trans-Caspian transit cooperation with Kazakhstan and explore ways of establishing such cooperation with Turkmenistan; welcome the Council mandate, signed on 12 September 2011, to conclude a legally-binding agreement between the EU, Azerbaijan and Turkmenistan on the Trans-Caspian pipeline;
  - (ao) ensure the continued focused attention of the EU on the development of energy cooperation with Azerbaijan and sustainable support by the EU; provide technical assistance to the Azerbaijani State Agency for Alternative and Renewable Energy Sources in order to help Azerbaijan to diversify its energy resources, promote energy efficiency and bring the country in line with the EU climate change targets;
  - (ap) find ways to encourage dialogue and regional cooperation by supporting organisations like the Regional Environmental Centre (REC) through joint cross-border projects that involve NGOs, local communities and stake-holders of Armenia, Azerbaijan and Georgia;
  - (aq) incorporate in the Association Agreement a strong parliamentary dimension which provides for the full involvement of the Milli Mejlis and the European Parliament and enhances the work of the Euronest Parliamentary Assembly;
  - (ar) fully involve the European Parliament in the implementation and monitoring of the Association Agreement; establish clear benchmarks for the implementation of the Association Agreement and provide for monitoring mechanisms, including the submission of regular reports to the European Parliament;
  - (as) provide better-targeted technical assistance to Azerbaijan to ensure that it can meet the commitments stemming from the negotiations on the Association Agreement and its full implementation, by continuing to offer comprehensive institution-building programmes;
  - (at) encourage the EU negotiating team to continue to cooperate with the European Parliament, providing continuous feedback, supported by documentation, on the progress made, in accordance with Article 218(10) TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;
  - (au) further encourage a profound level of cooperation with and within the Eastern Partnership as well as regularly inform the European Parliament on its progress;
2. Instructs its President to forward this resolution containing the European Parliament's recommendations to the Council, the Commission, the European External Action Service and Azerbaijan.