

Negotiations of the EU-Armenia 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-Armenia Association Agreement (2011/2315(INI))

The European Parliament,

- having regard to the ongoing negotiations between the EU and Armenia on the Association Agreement,
- having regard to the Council Conclusions of 10 May 2010 on Armenia which adopted the negotiating directives,
- having regard to the Partnership and Cooperation Agreement (PCA) between Armenia and the European Union, which entered into force on 1 July 1999,
- having regard to the Joint Declaration on a Mobility Partnership between the EU and Armenia of 27 October 2011,
- having regard to the European Neighbourhood Policy (ENP) Action Plan adopted on 14 November 2006 and the Joint Communication on ‘A new response to a changing Neighbourhood’ of 25 May 2011,
- 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 on the Eastern Partnership of 25 October 2010,
- 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 Foreign Affairs Council conclusions on the South Caucasus of 27 February 2012,
- having regard to its resolution of 13 March 2008 on Armenia¹,
- having regard to its resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus²,
- having regard to its resolutions of 20 January 2011 on an EU strategy for the Black Sea³,

¹ OJ C 66 E, 20.3.2009, p. 67.

² OJ C 161 E, 31.5.2011, p. 136.

³ Texts adopted, P7_TA(2011)0025.

and of 17 January 2008 on a Black Sea regional policy approach¹,

- having regard to its resolutions of 7 April 2011 on the review of the European Neighbourhood Policy - Eastern Dimension² and of 14 December 2011 on the review of the European Neighbourhood Policy³,
 - 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 Georgia⁴,
 - having regard to the Commission Progress Report on Armenia adopted on 25 May 2011,
 - having regard to the third round of the EU-Armenia Human Rights Dialogue held on 6 December 2011,
 - having regard to the general amnesty adopted by the Armenian Parliament on 26 May 2011 on a proposal from President Sargsyan,
 - 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 Rules 90(4) and 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A7-0079/2012),
- A. whereas the Eastern Partnership provides the political framework for strengthening bilateral relations by means of new Association Agreements, taking into account the specific situation and ambitions of the partner country and the EU's strategic interest in the stability and democratic development of the region;
- B. whereas Association Agreements constitute the appropriate framework for deepening relations, by enhancing political association, socio-economic integration and legal approximation with the EU, and developing cultural relations;
- C. whereas, in this respect, the multilateral dimension of the Eastern Partnership is complementary and inseparable from the bilateral one and should develop simultaneously with the ongoing negotiations 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;
- D. whereas Armenia'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 the Association Agreement a success;

¹ OJ C 41 E, 19.2.2009, p. 64.

² Texts adopted, P7_TA(2011)0153.

³ Texts adopted, P7_TA(2011)0576.

⁴ OJ L 221, 27.8.2011, p. 5.

- E. whereas the Armenian authorities have repeatedly stated their willingness to adhere to these values and invoked Armenia's European ambitions; whereas the rhetoric has not always matched reality in terms of the pace of reforms; whereas Armenia's active participation in multilateral parliamentary cooperation in the framework of Euronest, covering the four thematic platforms of the Eastern Partnership, provides a good example of commitment to European values and principles, the importance of which is acknowledged by a wide public consensus in Armenian society;
- F. whereas the unresolved Nagorno-Karabakh conflict is undermining the stability and development of Armenia and the South Caucasus region; whereas in its Joint Communication on 'A new response to a changing neighbourhood' the EU stated its ambition to engage more proactively in conflict resolution in the South Caucasus and to step up its involvement by both supporting the existing negotiation formats and proposing new initiatives; whereas the EU Special Representative for the South Caucasus has an important role to play in contributing to a peaceful conflict settlement in the region;
- G. whereas the occupation of territories belonging to a third country is a violation of international law and is contrary to the founding principles of the European Neighbourhood Policy, thereby jeopardising the whole Eastern Partnership project;
- H. whereas deeply concerning reports exist of illegal activities exercised by Armenian troops on the occupied Azerbaijani territories, namely regular military manoeuvres, renewal of military hardware and personnel and the deepening of defensive echelons;
- I. whereas the proper conduct, in accordance with international and European standards, of the forthcoming parliamentary elections due to take place on 6 May 2012 will be of the utmost importance for the development of EU-Armenia relations, and whereas the elections are to be conducted in accordance with the new Electoral Code of Armenia;
- J. whereas the negotiations on the EU-Armenia Association Agreement have been progressing at a good pace and providing impetus for internal reform;
- 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 Armenia, one which enhances political association, economic convergence and legal approximation;
 - (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) stress the utmost importance of democratic, transparent, free and fair competitive elections, which should not only manifest themselves in the orderly conduct of the May 2012 elections on election day but also provide plurality, freedom of political discourse, freedom of speech and equal access of all political forces to mainstream broadcast media, and freedom of assembly and movement during the whole pre- and post-electoral process; stresses that the EU Delegation in Armenia should be provided with the necessary resources to enhance the EU's contribution to the quality of electoral processes; commend the adoption of the new Electoral Code of Armenia, which is consistent with international obligations and recommendations;
- (d) stress that it is essential to complete a transparent, independent and impartial investigation of the events of 1 March 2008, including an independent investigation of the police intervention during the dispersal of the demonstration;
- (e) recognise Armenia's European aspirations and consider them as a valuable lever and a necessary catalyst for implementation of reforms and public support for these reforms aimed at strengthening Armenia's commitment to shared values and the principles of the rule of law, respect for human rights and good governance;
- (f) incorporate into the Association Agreement clauses and benchmarks on the protection and promotion of human rights which reflect the highest international and European standards, drawing to the fullest possible extent on Council of Europe and OSCE frameworks and the ongoing EU-Armenia Human Rights Dialogue;
- (g) emphasise in the Association Agreement the importance of guaranteeing the enjoyment of fundamental freedoms, including the freedom of assembly and association, the development of civil society, the rule of law, the continued fight against corruption, ensuring market competitiveness, and the independence of the media;
- (h) urge the Armenian authorities to adopt anti-discrimination legislation that prohibits discrimination on grounds of sexual orientation and gender identity in any area;
- (i) encourage the Armenian authorities to continue with renewed efforts legislative reform in the country;
- (j) encourage the Armenian authorities to continue to develop the office of Human Rights Defender, in particular by providing him with additional financial and human resources and supporting the newly established regional offices; ensure that support to institutions such as the Human Rights Defender is balanced proportionately with support to civil society organisations;
- (k) stress in particular the importance of the independence of the judiciary, transparent procurement procedures, the separation of politics from business and the need to dismantle oligarchic structures within the economy, reliable court procedures that guarantee fair trial and access to justice for all citizens, a safe environment for investigative journalism, access to information and independent and social media and the prevention of any forms of torture and ill-treatment in detention centres; encourage the

Armenian Government to make every possible effort to continue complying with EU best practices and recommendations in these areas;

- (l) emphasise the importance which the European Union attaches to the prevention of and fight against corruption in the Eastern Partnership countries, especially in light of the Council Conclusions on cooperation in the area of Justice and Home Affairs within the Eastern Partnership at its 3135th meeting on 13 and 14 December 2011;
- (m) underline the relationship between the reform of law enforcement authorities in the partner countries and measures to combat financial crime, corruption, money laundering, and the financing of terrorism;
- (n) emphasise the need to fight impunity for law enforcement officials and the police, inter alia by ensuring that torture and violations of rights in custody and in closed institutions are fully investigated;
- (o) ensure that civil society and non-governmental organisations in Armenia are regularly and systematically consulted throughout the Association Agreement negotiation process, and ensure that their recommendations are noted and taken into account wherever appropriate;
- (p) ensure that the Association Agreement is consistent with the principles of international law, in particular with regard to those defined in the UN Charter, in the Helsinki Final Act and in the OSCE framework, namely the non-use of force, territorial integrity and right to self determination;
- (q) remind all parties that there can be no alternative to the peaceful resolution of the Nagorno-Karabakh conflict; emphasise that any threat to use force undermines the joint efforts of the international community;
- (r) call on Armenia and Azerbaijan to undertake confidence-building measures along the front lines, including withdrawal of snipers from the line of contact (in accordance with OSCE recommendations), the pullback and cessation of use of any artillery and a significant increase in the number of OSCE monitors, as an interim measure until a UN-mandated multinational peacekeeping force is deployed as part of the implementation of a peace agreement; call on Armenia to stop sending regular army conscripts to serve in Nagorno-Karabakh;
- (s) strengthen the European Union's conflict-resolution and mediation capacity, inter alia by stepping up its support for the Minsk Group's efforts, offering to play a more active and stronger role in supporting the implementation of confidence-building measures and increasing trust between the conflict parties, including by promoting a more intensive negotiation process and assisting them through EU-funded projects aimed at increasing popular support for mutual concessions and a peaceful settlement, and providing support for humanitarian programmes in the conflict-affected areas, in particular landmine clearance activities;
- (t) play a more prominent role in seeking a settlement of the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together Armenian and Azerbaijani communities and spread the ideas of peace, reconciliation and trust among all sides; stress that both Armenia and Azerbaijan should

take the appropriate measures to ensure that any decisions taken under the Minsk Group format towards consolidating a peaceful resolution of the Nagorno-Karabakh conflict are carried out fully and in a timely fashion; underline the need for unconditional access for representatives of the EU to Nagorno-Karabakh and surrounding occupied regions;

- (u) 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;
- (v) strengthen the European Union's conflict-resolution capacity in the South Caucasus, inter alia by supporting the efforts of the Minsk Group and clearing the way for the implementation of confidence-building measures, as the Presidents of both Azerbaijan and Armenia have agreed; emphasise the need for the earliest peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of the principles of international law and the decisions and documents approved in this framework;
- (w) call on all external actors to the conflict to show goodwill and contribute in a positive way to its prompt and peaceful resolution;
- (x) call on the leaders of Armenia and Azerbaijan to act responsibly, tone down statements and refrain from inflammatory declarations in order to pave the way for a genuine dialogue at all levels of society and lay the ground for effective confidence-building measures;
- (y) express concern about the military build-up in the region and, in particular, about Armenian high military expenditure that drains away resources from more urgent issues such as poverty reduction, social security and economic development, and call, in this connection, on 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;
- (z) note in this regard the need to investigate concerning reports of a settlement-building policy implemented by the Armenian authorities to increase the Armenian population in the occupied territories of Nagorno-Karabakh;
- (aa) stress the importance of ratifying the protocols signed between Armenia and Turkey in Zurich in 2009 and step up efforts to facilitate the normalisation of relations, with the subsequent opening of the frontier without any preconditions; welcome the decision to open negotiations on the Deep and Comprehensive Free Trade Area (DCFTA), in this respect emphasise that it is unacceptable to have a continuously closed border between countries which aspire to membership of or association with the EU, and urge that this situation be brought to an end;
- (ab) urge Armenia to make efforts to align its policy towards Iran with the EU approach to this country;
- (ac) 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; particularly stress the importance of creating synergies in the areas of transport and energy; call on all parties to fully engage in the multilateral cooperation track of the Eastern Partnership without linking it to the conflicts;

- (ad) 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 in Armenia, Azerbaijan and Georgia;
- (ae) urge Armenia to ratify the Rome Statute of the International Criminal Court without further delay as a vital step towards bringing national legislation into line with international judicial agreements which have been embraced by the countries of the European Union;
- (af) urge the Armenian 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;
- (ag) emphasise the importance of mobility in promoting European integration; treat youth and academic mobility as a priority during the negotiations on visa facilitation and readmission agreements; call on Armenia to improve its national higher education laws, with a special emphasis on synchronisation procedures for scientific degrees and legal regulation of student internships in the light of the Bologna process; ensure that the provisions on asylum are fully in line with international obligations and commitments and EU standards;
- (ah) ensure the transparent management of public finances and the improvement of public procurement legislation, for the purpose of ensuring good governance and a transparent decision-making process;
- (ai) encourage broad sectoral cooperation between the EU and Armenia; in particular, explain the benefits of and promote regulatory convergence in this area and, to this end, provide the necessary financial and technical assistance;
- (aj) welcome the incorporation of EU best practices and recommendations in Armenia during the preparation of national work plans in the field of justice, freedom and security; note, in particular, the tangible results achieved in the migration sector by the signing of the Joint Declaration on Mobility Partnership;
- (ak) take the necessary action to incorporate in the Association Agreement provisions enabling Armenia to participate in Community programmes and agencies, as a fundamental tool to promote European integration at all levels;
- (al) emphasise the need for a sustainable economy, including through the promotion of renewable energy sources and energy efficiency in line with the EU targets on climate change; ensure that the development of the energy sector is carried out in accordance with the EU's environmental standards and the UN Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention);
- (am) reiterate the request to shut down the Medzamor nuclear power plant before 2016 since it cannot be upgraded to meet current agreed internationally recognised standards;
- (an) continue to provide the necessary technical support to allow the prompt launch of negotiations on all aspects of the Association Agreement, and ensure that the recently opened negotiations on the DCFTA are continued at a steady pace;

- (ao) incorporate in the Association Agreement a strong parliamentary dimension which provides for the full involvement of the National Assembly of Armenia and the European Parliament in the implementation and monitoring of the Agreement; assist Armenia's parliament both technically and financially in fully developing its constitutional functions, bodies and services, including the establishment of full-fledged standing committees and enhanced interaction with civil society; provide the European Parliament with regular information on the state of play of the negotiation process;
 - (ap) incorporate in the Association Agreement clear benchmarks for its implementation and provide for monitoring mechanisms, including the submission of regular reports to the European Parliament;
 - (aq) provide better-targeted financial and technical assistance to Armenia 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, including in such areas as civil service and justice reform;
 - (ar) encourage the Armenian authorities to make full use of the expertise of the High-Level EU Advisory Group in the negotiation and implementation process and to keep the EU advisers fully informed also of the activities of the Eastern Partnership IBM Flagship Initiative Panel; consider providing such assistance to all the Eastern Partners;
 - (as) recognise Armenia's ambitious reform agenda under the Eastern Partnership and provide adequate assistance in accordance with the 'more for more' principle, according to the pace of reforms and measured against democracy and human rights indicators;
 - (at) increase, in line with the Joint Communication on 'A renewed response to a changing Neighbourhood', EU assistance for civil society organisations in Armenia, so that they can carry out internal monitoring of reforms and commitments and ensure that the government is held more accountable therefor;
 - (au) encourage the EU negotiating team to continue the good cooperation 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;
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 Armenia.