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"The EU and the Post-Soviet Space"

Is EU4Azerbaijan a fairy-tale?

An assessment of the EU as a "moral power" regarding human rights promotion in Azerbaijan

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Introduction

Baku Azerbaijan, 18 July 2022. Ursula von der Leyen, President of the European Commission (EC) and Azerbaijan's President Ilham Aliyev sign a new Strategic Partnership in the Field of Energy. This gas deal includes the promise to double the current capacity of gas from the Republic of Azerbaijan to the European Union (EU) to 20 billion cubic metres annually by 2027. With this deal, the EU wants to diversify its energy sources (EC 2022a). However, the deal has sparked severe criticism from both Brussels and civil society organisations (CSOs). According to them, the expansion of gas will give more power to the authoritarian regime in Azerbaijan. They fear that the Azerbaijani government will use gas to silence the EU on human rights issues (Rankin 2022). What does the EU-Azerbaijan relationship regarding human rights look like?

Due to the EU not being silent it has achieved success in human rights promotion in the South Caucasus. As a result, the EU is often referred to as a “normative” power. With this term, Manners (2002) argues that the EU extends itself internationally by using the power of norms such as human rights. Over time, the EU has shaped its external relations according to these norms. This is reflected in the EU's Strategic framework on Human Rights, which states that “The EU will place human rights at the centre of its relations with all third countries” (European Council 2012: 3). Critics of the “normative” power Europe say, however, that this lens is Eurocentric and EU-constrained. The “moral power” framework by Vasilyan (2014) aims to bypass EUcentrism and looks beyond the “Eulogising” that is central to “normative” power Europe. Therefore, to look at the EU-Azerbaijan relationship regarding human rights a “moral power” Europe lens is used in this essay. This leads to the following research question: *To what extent can the EU be considered a “moral power” regarding its human rights promotion policy in Azerbaijan?*

The paper starts with an explanation of the theoretical framework of “moral power” Europe by Vasilyan (2014; 2019). Subsequently, a short methodology will be laid out. Based on the framework of “moral power” the analysis part is constructed. Both speeches and foreign policy documents are analysed and explained through this framework of seven parameters. Lastly, the conclusion will answer the research question.

2. A “Moral Power” Europe framework

The Cambridge Dictionary (2023) defines “moral” as “behaving in ways considered by most people to be correct and honest”. According to Vasilyan (2019: 2) it is possible for a political entity to behave and exist as a “moral” power in international politics. The EU is especially suited for this framework because its constitution is inherently connected to and established on the premises of policy, politics, and polity. “Morality” is foundational to these three concepts. First, the EU is seen as a policy that is driven through soft power diplomacy instead of hard power. Furthermore, the polity of the EU is based on egalitarianism among states, regardless of their power and size. Lastly, the politics of the EU is built on consensus and compromise and on the voluntary pooling of sovereignty, despite the differences in interests between member states (MS) (Vasilyan 2019: 2).

Every actor can be a moral power, if it follows the seven parameters that define a “moral power” (idem: 7-10). All seven parameters below are operationalised in the context of the EU's human rights policy:

1. *Consequentialism*: this means that the EU's human rights policy should be based on a strategy that is aimed at protecting and promoting human rights in Azerbaijan. Therefore,

the objectives, the amount of funding, and the projects within the human rights policy should stay the same or progress.

2. *Coherence*: is the policy internally coherent between institutions of the EU? The EU is coherent if information about human rights in Azerbaijan is shared among EU institutions and whether there is coordination and conformity between them. The institutions also need to contribute to the policy in a cooperative manner without conflicts, friction, or disagreement. Among the EU institutions are considered the European Parliament (EP), the European Commission, the European Council, and the Council of the EU.
3. *Consistency*: the actor is consistent between its rhetoric and behaviour. What the EU is doing matches what the EU is saying. This is explored through an analysis of the EU's discourse on human rights compared to practical steps taken on the ground, such as funding and new projects. The EU is consistent if there is a harmonious transfer between its discourse and its practice.
4. *Balance between values and interests*: estimated through the consideration of the scale and presence of material interests of the EU in Azerbaijan (e.g., trade, energy, and power-related matters), as opposed to the presence and scale of the EU's discourse on human rights in Azerbaijan. The EU is a "moral power" when the language used and the funds available for value-based goals is comparable to or prevails those available for material goals.
5. *Normative steadiness*: the EU's discourse displays a straightforward and unambiguous stance towards the same values, principles, and norms in its official legal documents with Azerbaijan. The then displayed normative steadiness means that the EU is a "moral power".
6. *Inclusiveness*: investigated through looking at the involvement of all relevant Azerbaijani partners on the ground. These partners must be consulted on the EU's human rights policy and decisions at all stages of the process (e.g., making, implementation and evaluation). The EU is inclusive if all actors are involved.
7. *External legitimacy*: examined by analysing the official stances of the Azerbaijani government, its people, and their perceptions of the EU's image and role internationally regarding human rights. The EU is not externally legitimate when negative perceptions of the EU's human rights policy exceed positive perceptions.

3. Methodology

At the core of "moral power" Europe lies the value-based principle of "morality". Even though the Cambridge Dictionary (2023) defines moral as "considered by most people to be correct", constructivist theorists emphasize that "norms" and "values" are subject to change. Norms and values are important parts of "morality" and can be constructed to the likings of every actor (Wendt 1992). The EU's values on human rights can therefore change over time and change depending on the context. According to constructivism, this change is channelled through the communications and discourses of the actor. As the social or political context changes, so does the discourse (Wendt 1992). As a result, to assess whether the EU is a "moral power", the discourse of the EU on human rights will be analysed. All major documents and policy initiatives pertaining to the EU's policy of human rights in Azerbaijan will be investigated through the seven parameters of a "moral power". These documents include speeches by key figures in EU politics and Azerbaijani politics, official agreements between the EU and Azerbaijan, and human rights projects and initiatives by the EU. The analysis of these documents is supplemented by secondary sources, including existing literature on Azerbaijan, the region, and the relationship between the EU and Azerbaijan.

4. Analysis

4.1 Consequentialism

In the EU's strategy for human rights promotion, CSOs play a crucial role. The EU considers CSOs as important partners in the bottom-up promotion of human rights (Luciani 2021). In Azerbaijan, the EU funds multiple human rights projects via the EU4Azerbaijan initiative. These, in some cases long-term, projects include the promotion of gender equality, the protection of vulnerable groups, and strengthening the overall role of CSOs to promote human rights (EU4Azerbaijan 2023). This looks promising, however, there are some sidenotes to these projects. Since 2014, repression of human rights by the Azerbaijani government has increased. Until this crackdown, CSOs had good connections with the EU and could operate relatively free. This changed after 2014 when the Azerbaijani government started targeting CSOs by implementing restrictive measures that constrained EU funding towards them (Ibadoghlu 2018; Namazow 2018). It is now complicated for independent CSOs to register in Azerbaijan, which means that most CSOs are government-operated (Van Gils 2017; Zamejc 2021). This makes it hard for the EU to fund independent projects within the EU4Azerbaijan framework. It is also the reason that there are not that many human rights promotion projects of the EU in Azerbaijan. Since 2014, Azerbaijani civil society is only involved through the Eastern Partnership (EaP) Civil Society Forum (EaP-CSF); all other EU-funds and related mechanisms were dropped after the crackdown (EaP-CSF 2019; Luciani 2021; Niftiyev 2022).

Additionally, the strict measures by the Azerbaijani government also influence the EU's funds for human rights promotion. The EU's budget allocated to human rights is established in cooperation with the Azerbaijani government only, which results in many closed-door initiatives. This jeopardizes the effectiveness of the EU funded projects, as the CSOs have no say themselves in the allocation of the money (Van Gils 2017). The EU is the top funder for human rights' CSOs in Azerbaijan with 13 million euros between 2007-2013. However, only 30% of the funds were used for human rights promotion, and the other 70% went to the government (Kamilsoy & Zamejc 2022).

So, is the EU consequent in its human rights promotion in Azerbaijan? Yes and no. Yes, because the EU does try to fund independent projects through the EU4Azerbaijan initiative. Furthermore, the EU has been increasingly supportive of community-based independent CSOs through funding via third parties. However, these initiatives are not visibly linked to the EU and remain low-profile (ibid). The European External Action Service (EEAS) has also created a special post for human rights, but this has been hitherto unsuccessful due to Azerbaijani government surveillance (Knaus 2015). The EU's willingness and consequentialism seems to be blocked by the Azerbaijani government since 2014. Yet at the same time, already before 2014, Azerbaijani CSOs were underfunded and ran projects smaller in scale compared to CSOs and projects in other EaP-countries. The amount of political dialogue and the intensity of networks between the Azerbaijani CSOs and the EU were also less than in other EaP-countries (Rihackova 2014; Sabbati 2013).

4.2 Coherence

There is almost no coordination or consensus between the EU institutions for human rights promotion in Azerbaijan. This is largely due to Azerbaijan's energy resources. In the European Council it is the MSs who are the decision-makers on the EU's relationship with Azerbaijan. Specifically, they look at Azerbaijan with their own national interests in mind, which undermines the cohesion between the MSs and the EU institutions (Van Gils 2022). Northern

MSs prioritise the promotion of human rights while countries who receive a lot of oil from Azerbaijan, such as Italy and Greece, are less critical (Kamilsoy & Zamejc 2022; Merabishvili 2015). Visits to Azerbaijan from Italy's Foreign Minister in April 2021 and Greece's Minister of Environment and Energy in October 2022, stress the importance of their national energy interest (Azemedia 2022; Leali & Roberts 2022). This split between MSs has far-reaching consequences for the EU's human rights policy. Because of this dichotomy the Council cannot agree on imposing sanctions on Azerbaijan. It prevents the EU from using a strong policy tool which can pressure Azerbaijan into reforms (Van Gils 2022).

The EC, as guardian of the Treaties, should enhance human rights as it is a constitutional obligation. Meanwhile, it also cannot ignore the EU's strategic energy interests in Azerbaijan. This puts the institution in a difficult position (ibid). Even though the new EU-Azerbaijani gas deal is much hailed among Commissioners, they cannot always find a balance between energy and human rights. Some Commissioners focus on human rights while others lay emphasis on the strategic partnership. Even between High Representatives there is a difference in strategy: Barroso was less critical, while Ashton insisted on human rights promotion. With Von der Leyen's "geopolitical" Commission, the focus also lies less at human rights promotion (Dam 2020; Merabishvili 2015).

On the other hand, the EP is known to be persistent in expressing the importance of human rights. After the crackdown, the EP submitted multiple resolutions that condemned the human rights violations. They urged the EEAS and the EC to consider sanctions if the repression of civil society persisted (EP 2014; Van Gils 2017). Directly after the announcement of the new gas deal, the EP also stated its concern regarding the human rights violations in Azerbaijan (EP 2022). This shows incoherence between the EP and the EC.

4.3 Consistency

Human rights are at the core of the EU's external and internal policies. The Treaty of Lisbon stipulates that the EU's actions "shall be guided by the values that have inspired its own foundation" (EEAS 2021). The EU's discourse and actions towards Azerbaijan should therefore also be guided by human rights. Over time, multiple EU officials have visited Baku to talk to President Aliyev, and the speeches afterwards have one thing in common: they do mention human rights, but mostly without any condemnation about human rights violations and with mentioning the economic importance of EU-Azerbaijan relations. In his speech after a meeting with Aliyev, President of the European Council, Charles Michel did mention human rights but almost as a trade-off to a political relationship with Azerbaijan:

The EU is a political project which defends values [...]. But it is also a political project through which we seek to develop strong partnership [...]. Thank you for having given us this opportunity to strengthen the ties between your country and the EU (European Council 2021).

Even after the human rights crackdown in 2014, the EU officials remained cautious in condemning the situation. In 2015, the EU Special Representative for Human Rights, Stavros Lambrinidis failed to use his visit to Baku to publicly criticise the crackdown. He stressed the importance of human rights reforms, but "praised Azerbaijan's positive results in this area" (Alieva 2016: 24). The same applies to the Head of the EU delegation in Azerbaijan during the crackdown, Malena Mård, who did not publicly disapprove but only noticed "issues of concern" (ibid). Remarks by former President of the European Council Tusk did stress the importance of human rights, but he exclusively linked it to being favourable for economic cooperation

(European Council 2019). The speech that was given by von der Leyen after signing the new gas deal failed to mention human rights at all (EC 2022b).

There is a clear contradiction between the EU's official values in the Treaties and the EU's practices on the ground. The main contradiction between "words" and "deeds" is the recent signing of the gas deal. This deal was signed despite several warnings from multiple CSOs that the deal was closed on the expense of human rights (Amnesty International 2023; HRW 2023). Additionally, the EU did not impose consequences on Azerbaijan after the crackdown in 2014. There are currently no sanctions against Azerbaijan and there is a consistent failure to adopt other actions to promote human rights. Speeches about energy cooperation without condemning human rights violations simultaneously will boost the confidence of the Azerbaijani government in its immunity. It weakens the leverage of the EU over Azerbaijan and turns human rights promotion into bargaining tools (Alieva 2016; Knaus 2015). The EU's inconsistency comes from a gap between the EU's "norm"-actions and the EU's assumed role as norm promoter (Kamilsoy & Zamejc 2022).

4.4 Balance between values and interests

The EU officials talk about human rights promotion: however, this is linked to other EU-interests. What are these interests? The first and most important interest of the EU in Azerbaijan is its energy interest. Azerbaijan is rich in energy resources, especially oil and gas. Since the Russian war in Ukraine, the EU seeks to diversify its energy sources and strengthen its energy security. Azerbaijan can help with this. The country has multiple pipelines and is therefore also a strategic transit location for the transportation of gas from the Caspian Sea region towards Europe (Nuriyev 2007). The importance of energy trade between the two blocs is reflected in the EU's human rights policy in Azerbaijan. There are differences in EU human rights promotion in Azerbaijan and in countries without energy resources. For example, the EU has imposed sanctions on Belarus because of human rights violations but not on Azerbaijan because Belarus has no energy resources (Van Gils 2017). The EU's pursuit of energy interests accommodates the Azerbaijani government. It provides the country with a strong bargaining position because it is aware of the EU's inconsistencies in human rights promotion, as the Union regularly compromises on human rights to gain energy security (Alieva 2016; Shyrokykh 2018; Van Gils, 2017).

With the new gas deal, the EU seeks to prevent the monopolisation of gas by Russia. Ironically however, with the gas deal the EU is still not rid of Russia. Half a year after the EU-Azerbaijan energy deal, the Aliyev government signed a deal with Russia to import more gas. Experts say that Azerbaijan could not fully supply the EU's gas deal internally and that this deal with Russia comes at a very coincidental time (Ibadoghlu 2022; O'Byrne 2022). Additionally, the gas infrastructure to extract and transport gas from Azerbaijan to Europe is largely owned by Lukoil. This Russian gas giant is closely linked to the Russian regime and pays a huge amount of taxes in Russia (Radečić 2022).

Another important interest of the EU in Azerbaijan is geopolitical in nature. Azerbaijan needs to maintain a balance in its foreign policy between the EU and Russia. When the EU pushes hard on human rights, Azerbaijan shifts its focus towards Russia (Alieva 2016). The EU wants stability, and as long as the Azerbaijani government provides external and regional stability, the human rights promotion of the EU is not as strong as it could be (Kamilsoy & Zamejc, 2022; Van Gils 2017). Due to these energy and security interests, the EU's conditionality in Azerbaijan erodes. There is not a balance between values and interests, there is an asymmetric interdependency and Azerbaijan has the better part of the deal.

4.5 Normative steadiness

The most important political agreement between the EU and Azerbaijan is the EU-Azerbaijan Partnership and Cooperation Agreement (PCA) of 1999. Here the promotion and protection of human rights is mentioned under article 71 (European Commission 1999). Bilateral relations today are still coordinated based on this agreement, because initiatives to update it are met with pushbacks from both sides. Just as with other EaP-countries the EU proposed an Association Agreement to the Azerbaijani government in 2010. Initially, the negotiations for the Agreement started, but in 2013 Azerbaijan decided it did not want to continue because the country wanted a policy that was tailor-made to its own interests (EEAS 2021; Merabishvili 2015; Van Gils 2018).

In a highly unusual manner, Azerbaijan was the first to propose two alternative legal frameworks: the Strategic Modernisation Partnership (SMP) in 2013 and the Strategic Partnership Agreement (SPA) in 2015. The SMP did not mention human rights and was therefore quickly rejected by the EU. Negotiations for the SPA started but faced difficulties: the EU kept insisting that human rights should be included, while Azerbaijan did not want any emphasis on these values in an agreement with the EU (Van Gils 2018). To this day, Brussels remains consistent; there have been no significant changes in the way the EU wants to form the agreement. It must be based on a combination of human rights and strategic interests (Kamilsoy & Zamejc 2022; Van Gils 2018).

However, the fact that there is still no new agreement demonstrates Azerbaijan's bargaining power. As mentioned in the previous parameters, the Azerbaijani government feels strengthened because of its energy leverage over the EU. To illustrate this power: just after the EP resolution condemning human rights violations in 2015, the Azerbaijani government made the EEAS delegation wait for an invitation for new agreement negotiations. Subsequently, in 2017 President Aliyev did not visit the EP because they planned a human rights event at the same time. This bargaining power could lead to the watering down of norm- and value-standards by the EU to get an agreement signed (Aliyeva 2016; Raik 2011; Van Gils 2018).

The answer to the questioning of the EU's normative steadiness is two-fold: Yes, because to this day the EU remains in its official documents and negotiations consistent on the promotion of human rights. No, as EU's energy interests also play a role during the negotiation process of a potential new agreement. This means that the objectives and interests of the Azerbaijani government are backed by a powerful negotiation position.

4.6 Inclusiveness

In the PCA, article 5 stipulates that there shall be political dialogue between the EU and Azerbaijan on human rights matters. Dialogue and discussions on the matter will be accompanied by "persons belonging to minorities" (European Commission 1999: 36). This indicates some inclusiveness in the policy-making process of human rights. However, many actors that could have otherwise been included in the policy-process of human rights in Azerbaijan, are significantly restricted by the Azerbaijani government since 2014. CSOs are prohibited to interfere in government affairs, with the possibility of criminal persecution if they do (Namazow 2018). Normally, human rights CSOs are asked for their input before the EU starts political meetings with partner governments. Because of these government restrictions, this is not possible in Azerbaijan (Luciani 2021). Therefore, it is almost impossible for the EU to include civil society in the policy-making, -implementation, and -evaluation process. Subsequently, there exists a strong lobby network of Azerbaijani lobbyists in Brussels who

interfere with decisions regarding the EU-Azerbaijan relationship. These lobbyists protect the government's interests and objectives regarding human rights (Abbasov 2015).

As mentioned before, the EU seeks to find opportunities to include civil society and local communities in their EU human rights promotion projects through third parties. However, it cannot be said that the EU is inclusive in its human rights policy in Azerbaijan, whether this is intentional or not.

4.7 External legitimacy

The Azerbaijani government views its relationship with the EU as a “strategic partnership”. It lacks a motivation to pursue closer ties with the EU, because of the EU's energy interests (Luciani 2021). According to Aliyev's government, the EU's human rights promotion efforts interfere with the country's internal affairs. The EU uses its normative values as a political tool. An increase in anti-EU sentiment in domestic politics that target the EU's normative image especially, underlines this. EU norms are said to undermine traditional Azerbaijani values (Kamilsoy & Zamejc 2022; Umudov 2019). Since the successful Euromaidan protests in Ukraine, the government also fears an active civil society. The risks of political reforms that promote human rights and a more active civil society are larger than the benefits (Merabishvili 2015). The only way in which the EU can interfere in Azerbaijani politics is for the EU to play a more prominent role in the settlement of the Nagorno-Karabakh conflict (Van Gils 2022).

The legitimacy of the EU is heavily damaged because of its energy interest. The EU's role as a “model system” abates simultaneously with the ideals of Europeanisation in Azerbaijan. Those ideals were once accepted by almost all sectors of society, and are now considered ideals from the past. The last Azerbaijani Caucasus Barometer shows that public trust in human rights promotion by the EU was declining (Caucasus Barometer 2013). This declining trend continued and today the EU is facing a trust challenge among Azerbaijani citizens. This can be partially attributed to the EU's incoherent engagement in Azerbaijan and to the negative EU-frames in domestic politics (Delcour & Wolczuk 2021; Kamilsoy & Zamejc 2022). Just like the Azerbaijani people, Azerbaijani CSOs are disillusioned with the EU. Post-crackdown the EU's image plummeted further. CSOs feel disconnected from Brussels and complain that the EU tolerates Azerbaijan's authoritarian turn because they prefer stability over human rights. Despite the worsening image of the Union, the EU is still seen as a normative actor. The Azerbaijani citizens and CSOs expect the EU to promote and defend human rights in their country (Zamejc 2021). Given the critical stance of Azerbaijani CSOs on the EU's interests in energy, it is likely that EU's normative image is further negatively affected by the new gas deal.

The EU's external legitimacy is two-fold. The Union is not externally legitimate when it comes to the Azerbaijani government. They see the EU as an important energy importer but prefer that they do not interfere in internal politics. The Azerbaijani citizens and CSOs are also critical of the energy interests of the EU, which declines the Union's human rights legitimacy. Despite that they still see the EU as a legitimate norm promoter.

Conclusion

The “moral power” framework offered seven parameters for the EU's human rights promotion policy in Azerbaijan, in order to assess to what extent the EU is a “moral power”. In only three out of seven parameters can the EU be considered partially “moral”. The other four parameters show clearly that the EU is not a “moral power” in Azerbaijan (Table 1).

PARAMETERS OF 'MORAL POWER'	PRESENCE IN EU HUMAN RIGHTS PROMOTION
CONSEQUENTIALISM	Yes & No
COHERENCE	No
CONSISTENCY	No
BALANCE BETWEEN VALUES AND INTERESTS	No
NORMATIVE STEADINESS	Yes & No
INCLUSIVENESS	No
EXTERNAL LEGITIMACY	Yes & No

Table 1: EU as a “moral power” in Azerbaijan

The EU’s conduct in Azerbaijan is a battle between human rights versus energy security and regional stability. It is driven by power and material interests that supersede its values. The EU has been caught in Azerbaijan’s oil diplomacy trap, yielded by a weak bargaining position. However, there is a solution to this problem.

The EU is still a very attractive economic power with its large export market and strong investment potential. Additionally, the EU is an increasingly important geopolitical player and with the war in Ukraine, Azerbaijan also feels the need to strengthen relations with Brussels to counterbalance Russia’s ambition in the Caspian Sea region. These three elements give the EU a significant bargaining power to merge its human rights promotion with its material interests in Azerbaijan. This power should be linked to the mechanism of (budgetary) conditionality. Should the Azerbaijani government not adhere to human rights, the EU can “punish” it by refusing entrance to the EU’s market or by blocking development funds. By instrumentalizing these powers, the EU can regain its power around the negotiation table and reintroduce its normative aspirations. Otherwise, millions of euros spent on support for human rights reforms in Azerbaijan are sent down the drain and the EU remains a not-so- “moral-power”.

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