

The EU's policy towards Azerbaijan: what role for civil society?

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Veröffentlichungsversion / Published Version

Arbeitspapier / working paper

Empfohlene Zitierung / Suggested Citation:

Böttger, K., & Falkenhain, M. (2011). *The EU's policy towards Azerbaijan: what role for civil society?* (SPES Policy Papers). Berlin: Institut für Europäische Politik e.V. (IEP). <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-392153>

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SPES Policy Papers

The EU's policy towards Azerbaijan: what role for civil society?

Katrin Böttger/Mariella Falkenhain

June 2011

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ISSN 2191-0006

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Acknowledgments

We would like to thank the Volkswagen Foundation as well as the Otto Wolff-Foundation for their support which has enabled us to do the research for this publication. In addition, we would like to thank our interview partners in Baku and Berlin for their contribution to and interest for our project. Special thanks go to Iryna Solonenko and Eva-Maria Maggi for their comments on an earlier version of this paper. Finally, we would like to thank Mirjam Schmid and Dorothee Pätzold for their editorial support, Martine Perry and Gabriel VanLoozen for English proofreading, and Matthias Jäger for the layout and the technical realisation of this publication.

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Introduction

The popular uprisings in the EU's Southern neighbourhood in early 2011 and election violence in Belarus in December 2010 tested the EU's policy towards non-democratic regimes and those in the grey zone between democracy and autocracy.¹ The potential of the European Neighbourhood Policy (ENP) to promote democracy, human rights, and the rule of law in Eastern Europe has so far mainly been analysed by the example of *most likely cases*, Ukraine and Moldova being the most prominent ones in the EU's Eastern neighbourhood (Solonenko 2010; Wichmann 2010; Gawrich et al. 2009; Freyburg et al. 2009). By analysing the EU's policy towards Azerbaijan, this paper contributes to the debate about the EU's engagement with authoritarian regimes in its Eastern neighbourhood and thus the study of *least likely cases*.

Azerbaijan's democratic performance² and its possession of large amounts of energy resources make it an especially interesting case. While it is included in the ENP³ and the Eastern Partnership (EaP)⁴, the EU's energy-related interests⁵

in Azerbaijan seem to present an important difference compared to its relations with the other ENP countries. The importance that the EU is, and should be, attaching to these interests is assessed differently by scholars and experts. Whereas some stress that Azerbaijan's energy resources are of strategic importance for the West and cooperation in the sector should be strengthened (Meister 2010), others criticise the EU's energy policy for *de facto* keeping a non-democratic regime alive (Jobelius 2010: 5). Instead of exclusively focusing cooperation on the energy resources of the country, it is argued that the West should make energy imports conditional upon democratic reform (Askarov 2010: 9). The 'uniqueness' of this energy-rich country not only affects the EU's policy but also the demand for cooperation on the part of national elites. High oil revenues, coupled with the growing self-confidence of the political elites in Azerbaijan and resistance to influence from the West, reduce the potential for transformation and democratic reform and thus have implications for the achievement of EU foreign policy goals set by the ENP and the EaP.

It may be argued that states which are not dependent on the EU for security or trade-related reasons have little to no ambition to make the EU's normative ideas their own (Bendiek 2008). Instead of analysing Azerbaijan's (non-) compliance with policy propositions and norms promoted by the EU, this paper focuses instead on the EU's normative agenda. Based on the argument that international actors and organisations tend to spread their own type of system in order to be able to cooperate with actors with similar value patterns (Essouso 2008: 34), it is generally assumed that the EU's foreign policy follows internal value patterns and transfers these to its external dimension. This paper critically analyses to what extent the EU's normative agenda is pursued and implemented in the case of Azerbaijan. Special emphasis is given to views and attitudes of EU officials involved in the implementation of the ENP in Azerbaijan.

1 For more on the notion of 'hybrid regimes' see for instance Morlino 2008.

2 The Freedom House Index, which combines political rights and civil liberties, rated Azerbaijan as "partly free" between 1997 and 2003 and as "not free" from 2004 to 2010. Comparative and historical data of the Freedom House Index is available at: <http://www.freedomhouse.org/template.cfm?page=439>, accessed 10 January 2011. The Freedom House Country Report for Azerbaijan (2010) is available at: <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7775>, accessed 10 January 2011.

3 Since 2004, the European Neighbourhood Policy (ENP) is the framework for the EU's relations with its eastern and southern neighbours. In 2005, after the 'Rose Revolution' in Georgia and due to an increasing awareness of the frozen conflicts (concerning Abkhazia, South Ossetia and Nagorno-Karabakh) in the region, all three countries of the Southern Caucasus – Armenia, Azerbaijan and Georgia – were included in the ENP.

4 The Eastern Partnership is a policy framework which was agreed upon by the 27 EU member states and the six Eastern neighbours Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine on 7 May, 2009 in Prague. It includes bilateral and multilateral instruments to open up a new phase in the relations between the EU its Eastern neighbours.

5 Cooperation in the energy sector includes a partnership on energy, signed in 2006. The "Memorandum of understanding on a strategic partnership between the European Union and the Republic of Azerbaijan in the field of energy" is available at: http://ec.europa.eu/energy/international/international_cooperation/doc/mou_azerbaijan_en.pdf, accessed 1 December 2010. In early 2011, a joint declaration on the southern gas corridor has been signed. See "Joint Declaration on the Southern Gas Corridor", available at: <http://ec.europa.eu/energy/infrastructure/>

[strategy/doc/2011_01_13_joint_declaration_southern_corridor.pdf](http://ec.europa.eu/energy/infrastructure/strategy/doc/2011_01_13_joint_declaration_southern_corridor.pdf), accessed 1 March 2011; see also "Barroso tops Azeri gas deal with visa facilitation.", available at: <http://www.euractiv.com/en/energy/barroso-tops-azeri-gas-deal-visa-facilitation-news-501255>, accessed 23 January 2011.

An additional and related aspect concerns potential reform partners of the EU, who are able to advocate democratic reforms. In countries where domestic structures decrease the likelihood of reforms (e.g. political elites as veto-players, weak political opposition), supporters of policy change have to be found outside of power structures, notably in civil society. Several scholars argue that external actors are more successful in triggering democratic change if they cooperate with reform-minded domestic actors that agree with their political objectives and interests (Magen/Morlino 2009: 43-44; Schimmelfennig/Sedelmeier 2005). This paper analyses whether the EU sees the potential of civil society as a reform partner and whether it can count on its support.⁶

Focusing on both the implementation of the EU's normative agenda and possible reform partners, the paper finds answers to the following research questions: (1) Does the implementation of the ENP in Azerbaijan match its formulation? (2) How do ENP goals and their implementation resonate in Azerbaijan, notably in civil society? The paper argues that in Azerbaijan the EU pursues the ENP goals only partially and implements them inconsistently. The lack of a comprehensive civil society inclusion is a case in point.

In the first part of the paper the goals and rationale of the ENP – as revealed by official documents issued in the formulation phase of the ENP – are reviewed. Special emphasis is placed on the EU's conceptualisation of civil society within the framework of the ENP. Second, the means by which EU actors working in Azerbaijan engage in the implementation of

the ENP are discussed. The extent to which they pursue the ENP goals and how they assess the role of civil society in both the implementation of the ENP and Azerbaijan's democratisation process is analysed. Third, the paper focuses on the perceptions of civil society actors in order to understand whether the EU is able to communicate its goals to civil society as both a target group and a potential agent of change in Azerbaijan.

6 In total, 14 semi-structured interviews were conducted in Baku in June 2010 with employees of the Delegation of the European Union to Azerbaijan, other actors of the international donor community, civil servants of the Ministry of Foreign Affairs of the Republic of Azerbaijan, as well as with leaders of seven civil society organisations in Azerbaijan. In order to collect diverse viewpoints, representatives of civil society organisations with different foci (i.e. human rights, legal support, media and umbrella activities) and funding sources (i.e. mainly funded by the EU, other international donors, the Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan and/or other small-scale local donors) were interviewed.

I The official discourse

This chapter identifies the general goals and rationale of the ENP, as revealed by official documents, before tracing the EU's attempts to improve this policy and achieve its main goals by including local actors other than political elites, notably civil society. Finally, specific instruments are analysed in order to determine what role they foresee for civil society in the Eastern partner countries in general, and Azerbaijan in particular.

The ENP: general policy goals including the role of values

Since European leaders informally discussed the creation of a new neighbourhood initiative – later called ENP – that should echo the success of enlargement policy in 2002, they have continued to stress that the aim of this new policy framework should be to “promote stability and prosperity within and beyond the new borders” while circumventing the emergence of “new dividing lines in Europe” (European Commission 2003). After the official inception of the ENP in 2004, the European Commission specified that the overarching goals of this policy consist in strengthening “stability, security and well-being for all concerned” (European Commission 2004a).

The ENP is also about the EU's own security-related interests. Notably, the inclusion of the three South Caucasian states in the ENP in 2005 proved the EU's increasing attention to the frozen conflicts in the region and related concerns for its own security (European Parliament 2003a, b; Wolczuk 2003). For instance, in 2006 the European Commission argued that a more proactive engagement in conflict management in the Southern Caucasus is necessary as the frozen conflicts may produce “major spillovers for the EU, such as illegal immigration, unreliable energy supplies, environmental degradation and terrorism” (European Commission 2006a: 2).

From the very beginning it has also been repeatedly stated that the neighbourhood policy is based on shared values (GAERC 2007; European Commission 2004; European Commission 2003; Council of the European Union 2003). The

political values to be projected beyond the EU's borders include the rule of law, democracy and human rights, as well as good governance. In line with the assumption that the EU seeks to project its own conceptual foundations and identity as a value-based actor to its external dimension, scholars have agreed that the ENP is one of the EU's most obvious attempts to do so (Börzel/Risse 2009; Magen 2006; Kelley 2006). Indeed, in the official documents the goals of the ENP are explicitly traced back to the EU.⁷ More concretely, the ENP seems to be built on the assumption that democratic reforms and the respect for human rights and the rule of law will bring security, stability, and peace to the neighbouring countries, as was the case for those states that founded and joined the EU. As Magen puts it, the ENP holds “European integration itself to be the source of regional security” (Magen 2006: 401).

The promotion of values beyond the EU's borders, as described above, is not a unique feature of the ENP. While it is not surprising that the EaP, aimed at strengthening the relations between the EU and its Eastern neighbours, pursues very similar objectives (European Commission 2008a), the EU has replicated and standardised policy goals and instruments to a wide range of policy frameworks across the entire globe (Börzel/Risse 2009: 24). This “one size fits all” approach (Börzel/Pamuk/Stahn 2009) seems to leave little space for different values and practices in countries that are far from Western democratic statehood. The key word *differentiation*, however, appeared in official EU documents recently. The EU seeks to achieve the above-mentioned policy goals by means of a “country-specific approach” (European Commission 2007a), “performance-driven” and “tailor-made assistance” (Council of the European Union 2007), and a “more for more” approach (European Commission 2007a: 2). It remains to be seen whether the notion of *differentiation* is consistently employed in practice. A question that is especially interesting in the case of Azerbaijan is how exactly local

⁷ Several examples illustrate this point: “security and prosperity of the EU, partners and indeed the entire continent” (European Commission 2008: 2; authors' italics); values “as set out *within the EU* in the Charter of fundamental rights” (European Commission 2003: 4; authors' italics).

practices and values are taken into consideration and to what extent the ambition of the EU towards the Eastern partners is made conditional upon the respect for values.

Civil society: an agent of EU foreign policy?

In 2006, two years after the inception of the ENP and the year in which the first progress reports showed its limited impact on the transformation of the EU's Eastern neighbours, the EU institutions recognised that cooperation with governments was not sufficient to achieve the EU's ambitious goals. Several official documents, starting with a Non-paper issued by the European Commission in December 2006 (European Commission 2006b), highlighted the need to involve actors other than political elites to ensure the success of the ENP (Council of the European Union 2008a; GAERC 2007; European Commission 2006a). Although they were not included in the formulation phase of the ENP (Böttger 2010: 117), it was emphasised that civil society actors are crucial to implement the policy. Civil society actors should become stakeholders in the entire reform process, i.e. the preparation of legislation, the promotion and monitoring of the implementation of the ENP Action Plans, as well as the development of national and regional initiatives (European Commission 2007a; European Commission 2006a). Moreover, civil society's potential to defend human rights and fundamental freedoms, which makes it a key agent in the democratisation processes, was recognised (European Commission 2006b). Special emphasis was given to the promotion of "shared principles and values" that may be facilitated by civil society (Council of the European Union 2008a). Finally, it was recognised that a positive understanding of the EU and its policies in the region is a pre-condition for their success. In this regard, civil society was assigned the role of a promoter of EU visibility (Council of the European Union 2008a; European Commission 2006b).⁸

The EaP Civil Society Forum (CSF), the first institutionalised attempt to empower Eastern

European civil society⁹ by facilitating dialogue between civil society and political elites and encouraging networking among civil society organisations (CSOs) of the EaP partner countries and the EU¹⁰, mirrors these assigned roles. Civil society is described as an implementing partner and a key to the success of the EaP, as promoter of the EU's value based policy goals and EU visibility (European Commission 2009; Ferrero-Waldner 2009).¹¹ Some of the EU member states also attach great importance to the CSF. For instance, representatives of the German Federal Foreign Office, which hosted the second CSF meeting in November 2010, state that especially in the countries where human rights and democratisation are (most) at risk, i.e. Belarus and Azerbaijan, cooperation with civil society is crucial. In their view, the forum can serve as an indicator for the openness of the political system (i.e. by asking whether the unimpeded participation of civil society actors is possible¹²). Moreover, by carrying out this cooperation with civil society in the public sphere, the governments in the partner countries may, according to German officials, learn that restrictions of political freedoms are costly.¹³

Given that all three of the recurring assigned roles (civil society as implementing partner, and promoter of common values and EU visibility) relate to the EU and the achievement of the goals of its neighbourhood policies, civil society is mainly conceptualised as *an agent of EU foreign policy*. Although, as revealed by official documents, the EU admits that civil societies in its neighbourhood face certain problems, e.g. a defective relationship with the government, or practical difficulties such as limited access

9 Similar attempts have been made in the Southern dimension of the ENP (Jünemann 2003).

10 The Homepage of the CSF gives more concrete information: <http://www.eap-csf.eu/>, accessed 1 March 2011.

11 In addition, civil society organisations "will benefit from implementation of Pilot Regional Development and cross-border cooperation programme, and specific Culture Programme and opening of Youth in Action programme" (European Commission 2009).

12 The Belarusian case shows, however, that participation and good performance of civil society representatives in the CSF do not necessarily result from an open political system.

13 Interview with civil servants in the Federal Foreign Office, Berlin, August 2010.

8 Moreover, civil society is described as an important actor in sectoral policies and in conflict resolution. Although the latter could be (controversially) discussed in the case of Azerbaijan, it is less relevant for the topic analysed and thus neglected here.

to information or weak capacities (European Commission 2006c), the detected weaknesses do not differentiate between individual countries and their complex and diverse realities. Moreover, these weaknesses are not expressed as real impediments for the realisation of the EU goals to be achieved with the aid of civil society. It remains to be seen whether civil society is able to realise the ambitions voiced by the EU.

Taking a closer look: civil societies' role as formulated in implementation instruments

The EU has several instruments at its disposal, which take into consideration civil society. These range from geographic programmes such as the European Neighbourhood and Partnership Instrument (ENPI), including the programming documents National Indicative Programmes (NIP), to thematic programmes such as the European Non-state Actors and Local Authorities Thematic Programme (NSA-LA) and the European Instrument for Democracy and Human Rights (EIDHR).¹⁴ The implementing agency for all projects is EuropeAid.¹⁵ We expect that the limited regional scope of a programme results in a higher degree of differentiation, i.e. a better consideration of local conditions and a clearer picture on the abilities and real performance of civil society. For the thematic programmes which are not geared towards a specific region but implemented via worldwide calls, we assume instead that the EU uses a 'one size fits all approach' resulting in a more general definition of the tasks and role of civil society. The analysis of both categories of programmes, however, reveals that they are not substantially different in terms of content. A slight difference can be seen in the fact that the geographic programmes seem to *structure* the identified general and

specific objectives, expected results and possible indicators of achievement more clearly than thematic programmes.

The concept of *civil society as an agent of EU foreign policy* continues to resonate in both types of programmes. They focus on civil society as an *implementing partner* mostly in the form of a consultant. Both EIDHR and ENPI stress the need to consult with representatives of civil society, as well as other donors and actors, as early in the programming process as possible in order to facilitate their respective contributions and to ensure that assistance activities are as complementary as possible (Official Journal of the European Union 2006). In addition, civil society should also be included in the monitoring process (European Commission 2006g). In the case of Azerbaijan, the EU identifies the promotion of human rights and democratic reform as fields in which civil society needs to be included as an implementing partner for EU guidelines and allocated financial support (European Commission 2007b: 5). An additional example of the role civil society can play vis-à-vis the government lies in the development and implementation of environmental policy (European Commission 2006d: 15).

However, civil society is not only described as an *agent of EU policy* but also as an *agent of democratisation from inside*. It is generally stated that democracy has to be seen as a process, developing from within (Official Journal of the European Union 2006). Civil society organisations are said to play a key role in the promotion of democracy and human rights (European Commission 2010b). An indicator of initial achievements in this regard is the increased number of consultations of civil society in human rights legislation (European Commission 2006g). But in the case of Azerbaijan, it is recognised that civil society itself needs to grow further in order "to ensure a truly pluralistic and democratic development of the country" (European Commission 2005d: 9).¹⁶

14 For the allocation of funds under the diverse programmes for civil society purposes in the period 2007-2009 see Kaca/Kazmierkiewicz 2010: 8-12.

15 EuropeAid was set up in 2001 to improve the implementation of EU projects. Its establishment led to devolution, i.e. a far-reaching form of administrative decentralisation, of responsibilities and increased the importance of the EU Delegations in the recipient countries (Raik 2006: 20). Since January 2011, the newly created Directorate-General Europe-Aid Development and Cooperation combines the former DG Development and DG Europe Aid. For more information see http://ec.europa.eu/europeaid/who/about/index_en.htm, accessed 1 February 2011.

16 Interestingly, the EU describes Azerbaijan's state of democracy and the objectives of its democratisation process very positively. This indicates how marginal a role democratisation plays in the EU's overall policy towards Azerbaijan (Beichelt 2007: 14). Not surprisingly, the over-optimistic language used by the EU

Compared to the first years of cooperation, where EU assistance towards Azerbaijan has been rather state-centred (Börzel/Pamuk/Stahn 2009), an increasing reference to civil society in programming documents since 2004, and even more so since 2006, reflects the growing importance the EU is attaching to this issue (Kaca/Kaźmierkiewicz 2010: 4). The comparison of the ENP country report and action plan for Azerbaijan with those for the other Eastern Partnership countries reveals, however, that civil society is not systematically mentioned as a priority *per se*, or as relevant for a certain number of policy fields. Instead, civil society seems to be interspersed haphazardly. For example, while civil society is seen as an important actor in the fight against corruption in Azerbaijan, it is not mentioned in this role in the case of Armenia or Moldova, even though civil society in Moldova is considered much stronger (with 2700 organisations) than in Azerbaijan (with 1500 organisations), and corruption is considered equally problematic (European Commission 2006e, f, European Commission 2005a, b, c, European Commission 2004b). Moreover, civil society is equated with non-governmental organisations (NGOs). A clear definition of civil society or consideration of the particular features of externally funded civil societies cannot be found. There is recognition, however, of the fact that civil society in Azerbaijan is especially encumbered by difficult procedures for NGO registration (European Commission 2006e: 4). Given the lack of clear rules on how consultation and inclusion of civil society in the reform process should be undertaken, the shift towards the use of transnational channels in the EU's engagement appears to be tentative. It can therefore be seen as a starting point but not yet as a systematic achievement.

This chapter has explored the goals and rationale of the ENP with a special focus on the role of values, and analysed the EU's understanding of civil society. The ambitious idea of considering civil society as an important

actor that can contribute to ensuring the success of the ENP, coupled with the lack of a more concrete understanding of civil society based on the country-specific conditions, give rise to two questions. First, is the EU doing what it professes, i.e. empowering civil society by systematically including it in political processes, even against the will of governments? Second, is civil society able and willing to play the roles assigned to it by the EU's official discourse or is the *instrumental* character of this inclusion (*agent of EU policy*) perceived negatively? Answers depend on the goals and capacities of civil society as well as on the role of political elites in constraining and gate-keeping external assistance to civil society. The following chapter explores how the EU takes these factors into account when implementing the ENP. At the same time, it clarifies to what extent the ambitious discourse within the EU determines the implementation of civil society assistance in the ENP framework.

is mirrored by the official discourse in Azerbaijan according to which the government puts special emphasis on civil society, which is said to be a key element of a functioning democracy (Interview by authors with civil servants in the Ministry of Foreign Affairs, Baku, June 2010).

II The EU in Azerbaijan: civil society assistance as a tightrope walk for the EU

Looking beyond formal documents, this chapter analyses the views, attitudes, and strategies of EU officials working in the Delegation of the European Union to Azerbaijan.¹⁷ We assume that EU actors' knowledge about political, economic and cultural conditions in Azerbaijan contributes to the development of a tailor-made approach towards civil society, as advocated in official documents. Thus, we expect that they will actively support the adaptation of general ENP goals to the political situation and the abilities of civil society. But to what extent do EU officials working in Azerbaijan actually refer to (i.e. adopt, transform, dilute, challenge) policy goals as expressed in the formulation phase of the ENP? How do they assess the role of civil society in the implementation of the ENP and in Azerbaijan's democratisation process?

The political relations between the EU and Azerbaijan as seen by the political actors involved

When asked about the EU's goals in its relations with Azerbaijan, the EU officials highlight three interlinked issues that allow conclusions to be drawn about the EU's policy priorities and the perception of its room to manoeuvre. First, the respondents argue that the EU aims to broaden and deepen the relationship with Azerbaijan in the existing political frameworks, the government being by necessity its most important cooperation partner. The negotiation of an Association Agreement, launched in 2010, is seen by the EU officials as an important milestone for the relationship and a task for the coming years. They consider the rule of law and the transition to a market economy as the most important elements and achievable goals of this agreement. Second, cooperation in the energy

sector receives prominent mention. Although recognising that the ENP and the EaP do not focus exclusively on energy issues, the EU officials give special importance to this topic. In their view, the EU needs to reduce its dependence on Russian gas and consequently encourages Azerbaijan to intensify cooperation in the energy sector. Since this requires good relations with the government, the 'energy factor' has, as will be shown below, implications for the implementation of the ENP, notably in those areas where the government is most reluctant to pass reforms. Third, the respondents consider the EU's policy towards Azerbaijan in the area of human rights and democracy as delayed compared to its neighbours Armenia and Georgia. The Human Rights Dialogue between the EU and Azerbaijan that was agreed upon in 2008 was, for instance, only reluctantly accepted by the political leadership, which was merely interested in discussing migration issues. Whereas the respondents do not clearly formulate short and long-term goals for the democratic development of the country, and thus do not mirror the ambitious and over-optimistic official discourse, they interestingly observe that the political elites in Azerbaijan are sensitive to the development of the EU's relations with Armenia and Georgia. As they put it, political leaders do not want Azerbaijan to be a laggard and they are more likely to accept EU decisions in the area of human rights if the EU has acted similarly towards neighbouring countries.¹⁸ Whereas the EU actors are aware of this tendency, they do not seem to use it to the EU's advantage by openly promoting competition among the ENP partner countries.

A mixed approach, which combines reminding the government of facts and encouraging positive developments, is viewed by EU officials as the best solution. The latest Progress Report (European Commission 2010a) is considered a successful political move. Although the report was generally positive, it contained enough criticism to ensure that it was received with some irritation by the government. At the same time, however,

¹⁷ Until 2008, the only EU presence in Azerbaijan was a technical office. Since 2009, tasks have been taken over from the Commission Headquarters in Brussels, the staff is growing rapidly and today the EU is represented by a fully-fledged Delegation of the European Union. Information about the Delegation is available at: http://ec.europa.eu/delegations/azerbaijan/index_en.htm, accessed 1 March 2011.

¹⁸ The fear of falling behind neighbours or competitors can become an indirect push factor towards policy change even without direct external pressure (Börzel/Risse 2009; Dolowitz/Marsh 1996: 349).

EU officials do not consider further antagonism as appropriate or constructive.

EU officials' views on the relations towards Azerbaijan show that they perceive different degrees of willingness by the government to cooperate with the EU. While reforms and intensified cooperation in the energy and economic sectors are assessed as realistic goals for the future, progress in the dialogue on human rights and democracy is seen as meeting more resistance from the political leadership. The reluctance of political elites to undertake democratic reforms suggests that civil society has to act in an unfavourable environment, an issue that will be analysed in the following.

Civil society as a weak implementing partner

Involving civil society in the ENP reform process with the aim of meeting the goals defined in the strategic documents is one objective expressed by the EU in its official discourse. This would mean giving civil society actors access to, and rights in, different political processes, e.g. in the preparation of laws, the monitoring of the implementation of ENP Action Plans, and consultation in the drafting process of Progress Reports by the European Commission.

According to officials of the EU Delegation in Baku, there are, however, two main reasons that have hindered civil society from playing such a role. First, large sections of civil society in Azerbaijan are not well connected to the political elites and thus, are not involved in political decision-making. Out of 5,000-6,000 officially registered NGOs¹⁹ in Azerbaijan only around 20 are said to be active in challenging governmental decisions. Second, the link between civil society and the broader public is almost nonexistent. According to the interviewees, society at large does not understand the concept of civil society, its role, or its objectives. This assessment is strengthened by a sociological survey conducted in Azerbaijan between 2003 and 2008, according to which trust in NGOs and trade unions is very low.

¹⁹ Figures named by interview partners. Differences in estimates concerning civil society (see page 12) and NGOs are due to variation in definition by sources. According to USAID, NGO and government figures for the precise number of registered NGOs vary between 2,600 and 3,200 (USAID 2010).

In contrast, the population displays a high level of trust in the President, who can consolidate his power (Musabayov/Shulman 2009, 2008, 2006, 2005).²⁰ Not in demand by the society at large, the NGO sector in Azerbaijan resembles, according to EU officials, a business that is artificially kept alive by its own founders and members.

These missing links between civil society and both the political elite and the broader public is not unique to Azerbaijan, but has also been detected in other post-Soviet countries (Solonenko 2010; Stewart 2008; Raik 2006). The phenomenon of loose groupings of civil society activists without broader societal backing and close ties to the political leadership, it is argued, is to be explained by the Communist legacy. The exclusive provision of financial assistance for the most active parts of civil society by external sources is considered to contribute to the persistence of the problem (Solonenko 2010; Stewart 2009). The situation of civil society in Azerbaijan, however, is particularly difficult because of both limited opportunity structures inside the country that might encourage political mobilisation and the lack of emphasis placed on democracy promotion by external actors (Gahramanova 2009).

As a result of this view on the existing weaknesses of the civil society sector, both the potential role of civil society in the reform process of Azerbaijan and the opportunities offered by cooperation between the EU and civil society are not viewed optimistically by EU actors in Azerbaijan. Mirroring the roles assigned in the official discourse, the respondents implicitly differentiated between civil society as an *implementing partner* (and thus an *agent of EU foreign policy*) and an *agent of democratisation from inside*. Although grass-roots initiatives with missions that are not directly related to EU policies were seen as important in principle, their impact in Azerbaijan was considered critically given the reluctance of the government. In contrast, involving civil society in political processes related to ENP and EaP was assessed as particularly meaningful, and the support of civil society as an *implementing partner* of the

²⁰ See also the opinion poll on public opinion in Azerbaijan on the political system (The Caucasus Research Resource Center 2011: 17-20).

EU was equated with an indirect empowerment. In this regard, the respondents argued that they seek to play a mediating role by giving NGOs a say and transmitting their demands and claims to the government. However, making this triangle between government, civil society and the EU work was considered a highly difficult task. In this regard, scholars and experts criticise the EU's tendency to include civil society unsystematically and not against the will of national elites (Barbé/Johansson-Noguès 2008; Alieva 2006: 17). The EaP Civil Society Forum goal of a more systematic inclusion of civil society in the reform process could remedy this problem in the long run. Interestingly, the positive value of this forum was not expressed by the EU officials interviewed. Engagement in supporting the national platform remained vague and seemed to be financially constrained.

EU officials see the potential of including civil society in the political process; however its realisation is considered difficult due to the structural deficiencies of civil society. Although the concept of civil society as an *implementing partner* is used, it remains unclear. A constructive outlook on how to improve civil society's abilities and make it a stronger reform partner in the future is missing.

Civil society as an (unpleasant) promoter of European values and principles?

The Azerbaijani government has (at least on paper) committed itself to certain values and principles in its relations with the EU by signing the Partnership and Cooperation Agreement (PCA) and the Action Plan. Theoretically, civil society can use these commitments as political leverage in its quest for reforms and the respect of fundamental values (Solonenko 2010: 13). As seen in the previous chapter, the EU in its official documents does encourage civil society to act as a promoter of European values and principles. EU officials in Azerbaijan, however, only partially subscribe to this idea. On the one hand, they argue that by funding NGOs that promote fundamental values (mainly human rights NGOs), the EU shows that it cares about more than just gas and oil in Azerbaijan. On the other hand, they relativise

harsh governmental reactions to civil society protests by qualifying the disrespect of human rights and personal freedoms in Azerbaijan as unsystematic.

Nevertheless, the EU has a concrete mechanism at its disposal to promote human rights in Azerbaijan. Several documents repeat the EU's general commitment to human rights and the support of human rights defenders (Council of the European Union 2008b; Council of the European Union 2006; Official Journal of the European Union 2006). Being identified as important actors and the "primary interface" (Council of the European Union 2008b) between the EU and human rights activists, the EU Delegations can become active in different ways, from sharing information about the human rights situation, keeping in contact with human rights defenders and sustaining a dialogue about human rights with the national government, to conducting actions to protect those activists who are under immediate political pressure (Council of the European Union 2008b). EU officials in Azerbaijan consider this mechanism principally successful. However, they acknowledge the need to disseminate further knowledge about it throughout the region, especially to the broader public, in order to strengthen its impact and to spread knowledge about individual rights, human rights activists and the EU's efforts to protect them. Being conscious that non-visibility limits the impact of EU efforts, they do not seem to have a strategic vision on how to improve visibility. Neither do they have concrete ideas on how to build on civil society as active promoters of human rights and advocates for EU actions in this area. Interestingly, the respondents stress that the EU seeks to ensure a "minimum level of human rights" in Azerbaijan. Compared to official documents this assessment proves a much more modest view of what is achievable in Azerbaijan.

The results of the interviews suggest that the EU performs a balancing act between maintaining good relations with the government and advocating for human rights and democratic reforms in Azerbaijan. In this context, parts of civil society active in this field are not considered

as important change agents. Instead, they are blamed for supporting extreme positions and are thus beginning to lose credibility.

Operational aspects: empowering civil society through funding?

Taking into account current difficulties in including civil society in political processes, financial assistance may be the most important means by which the EU can develop the potential of civil society in Azerbaijan. However, as shown below, the distribution of funds coupled with funding practices make the EU appear a grant-giver and technical administrator with potential but limited eagerness to improve its performance.

A look at the actual financial allocations for civil society organisations in Azerbaijan²¹ reveals that the bulk of money is spent on projects focusing on social issues (e.g. disabled children, poverty reduction, education, youth), whereas projects in the proper area of human rights and democracy as well as in the capacity development of NGOs are neglected. This funding reality underpins the EU's fear that – in contrast to societal projects – the implementation of more *political* projects may negatively impact its relations with the government, the latter being adverse to influence from outside. At the same time, the EU's aim (as formulated in official documents) to make civil society an *implementing partner* in the ENP is mirrored only partly by the financial allocations.²²

Regarding the potential recipients of EU funds, two main problems are emphasised by the EU officials. First, a general lack of human resources (i.e. no competent and well-trained personnel) in civil society organisations results in difficulties in qualifying for EU funds. Moreover, a low level of English knowledge often clashes with EU application procedures, which EU actors describe as complex and bureaucratic. The respondents consider this situation problematic and acknowledge that no application training has so far been offered to civil society organisations by the EU Delegation. However, with a view to

the limited human resources in the Delegation, an improvement in the situation cannot be expected either. In contrast, a 'learning by doing' approach for civil society in the application process has been promoted, with those NGOs reluctant to follow this path for fear of wasting their own resources being roundly criticised.

Second, the interviewees voice concerns about the fact that the inexperience of civil society organisations results in an inability to handle big projects. According to the EU officials, only 10 to 20 NGOs in Azerbaijan have the capacity to manage big-scale projects effectively. They openly acknowledge that the EU financially supports a small circle of large, experienced and well-connected NGOs regularly and that other NGOs (small, less experienced and often based in the regions) are consequently neglected and excluded from EU funding.²³ The EU's approach to privilege the professionalised part of civil society (which is very small in Azerbaijan) tends to create or reinforce fragmentations in the civil society sector; the bureaucratic application procedures further disadvantage smaller NGOs without the necessary capacities. Azerbaijan is no exception to this tendency. Similar observations have been made for Ukraine (Solonenko 2010) and for Central and Eastern European countries in the accession process (Börzel 2010; Stewart 2008). Although the interviewees express the need for smaller grants in order to better match the realities, the fact that such calls are not stipulated for Azerbaijan by the Commission Headquarters in Brussels might hinder this change.

As in other ENP countries, project funding is the focus of EU assistance for civil society in Azerbaijan. Some scholars argue that the EU's practice of solely funding projects instead of offering core funding and capacity building measures tends to prevent NGOs from "developing an institutional identity and projecting it to the broader society as well as to potential partners in the public and private sectors" (Stewart 2008: 227). Moreover, this approach is limiting the

21 A detailed list with all projects funded by the different EU instruments was provided by the EU Delegation.

22 Interestingly, an emphasis on projects focusing on social issues has also been detected as regards the other ENP countries (Kaca/Kazmierkiewicz 2010).

23 One respondent appreciated that smaller NGOs can instead benefit from funding offered by the 'Council of State Support to NGOs'. This body was set up in 2008 and is managed by a member of the Parliament, however, it is accused by many NGO representatives of not being independent (Abbasov 2010).

sustainability of civil society efforts and instead reinforces the ‘business-character’ of the civil society sector.

This chapter has shown the limited relevance of the official discourse for EU officials working in Azerbaijan. Their differentiated knowledge about the political setting and weaknesses of civil society does not result in a copying of the ambitious normative agenda nor does it entail an adaptation of the latter to more specific and tailor-made objectives. Instead, the importance of reforms in the area of democracy and human rights is downgraded. Civil society is considered a ‘sick patient’ rather than an agent of change that has the potential to contribute to the implementation of the ENP and the promotion of values. At the same time, the EU Delegation does not seem to act as a retributive agent between two distant levels (EU in Brussels and target actors in Azerbaijan), which could lead to a renegotiation of general and country-specific goals for Azerbaijan.

III Civil society in Azerbaijan: a willing but critical reform partner

In countries where political elites are veto-players and the political opposition is weak, other domestic actors, notably a reform-minded civil society, may become relevant actors in the reform process initiated by the ENP (Solonenko 2010: 13). According to the official discourse at least, the EU seeks to strengthen civil society and wants it to work as an implementing partner. The previous chapter has shown that EU actors only partially subscribe to this discourse and question the potential of civil society in Azerbaijan to take on such a role. This chapter takes an outside-in perspective by focusing on civil society’s views and attitudes. Assuming that the more civil society reflects and shares the EU’s political offers and policy goals and the better it is equipped with relevant (personnel and financial) resources, the more likely is its identification as a change agent, which can support the implementation of the ENP. Therefore, in a first step, the following chapter analyses how civil society assesses the political relations between the EU and Azerbaijan. In a second step it takes a closer look at how far civil society is able and willing to contribute to the implementation of the ENP. Finally, it will assess to what extent civil society feels empowered by the EU through its financial support.

Based on interviews with leaders of civil society organisations in Azerbaijan, this chapter shows that despite being discouraged by the priorities currently dominating EU-Azerbaijan relations, the civil society in Azerbaijan shares the general goals of the ENP and is willing to act as an implementing partner. Although being appreciative of the funds given by the EU, civil society does not perceive them as a form of moral support and wishes more non-monetary assistance. Due to patchy inclusion of civil society, its role as reform partner is still partial and inconsistent.

The political relations between the EU and Azerbaijan: a relation based on oil?

Generally, civil society in Azerbaijan sees the advantage of integrating into the EU and understands the ENP and the EaP as means

to do so. There are, however, highly varying assessments of the EU-Azerbaijan relationship that seem to correlate with the proximity of civil society organisations to the government. Whereas pro-governmental civil society actors mirrored the government's rhetoric by affirming that the EU is a national priority, other more critical actors stressed the government's reluctance to cooperate. While the political leadership is said to use official visits by EU leaders to strengthen its own legitimacy and to gladly accept technical assistance, it is described as being reluctant to accept financial support from the EU for fear of being pressured into reforms. In addition, the government is said to disapprove of the fact that the ENP, which was developed for 16 highly different countries, is not flexible enough to adapt its goals to the priorities of the Azerbaijani government. Finally, some civil society actors doubt that the assumptions on which the ENP and the EaP are built are valid for Azerbaijan given that it does not need money and that it is adverse to influence from outside, notably in the areas of democracy and human rights.

Civil society actors do not see a direct link between the democratisation of Azerbaijan and integration by means of the ENP. Instead, most of them see cooperation in the energy sector as the main focus of attention for both the EU and Azerbaijan. They argue that the oil money available to the Azerbaijani government and the energy-related interests of the EU and its member states prevent the EU from supporting the values that are set out in official documents. Moreover, the EU is blamed for making the government its most important partner and for being loyal to it. In contrast to EU officials who consider cooperation in the energy sector as merely one of the EU's numerous priorities, civil society actors perceive the energy issue as the exclusive and decisive factor in Azerbaijan's relations with the EU. On the one hand, oil is viewed as a general impediment to the democratisation process and a commodity that the country would be better off without. On the other hand, the EU is mainly considered an interest-driven actor preferring Azerbaijan as a reliable provider and transit country to better ensure its own energy security and not as an altruistic actor coherently promoting democracy,

human rights and the rule of law. At the same time, the EU is said to permit the Azerbaijani government to pick the cherries from the ENP programme. As several civil society actors put it, the political leadership exclusively focuses on the third multilateral platform dealing with energy security. In this regard, some civil society actors blame the EU for forging shadow agreements that go far beyond the formal relationship. Another example of cherry picking concerns the EU-Azerbaijan Human Rights Dialogue, which has been established much later than the dialogues with Armenia and Georgia. In the opinion of civil society, the EU is giving Azerbaijan far too loose a rein. However, an interesting, and for Azerbaijan appealing, aspect of EU assistance is seen in the technical support that will, according to civil society actors, lead to the adoption of European standards in Azerbaijan.

Civil society actors compare Azerbaijan to other countries in the region (mostly the other countries of the South Caucasus but also to Iran). Seeing the other democratisation processes in the region, and especially that in Georgia, as more successful than their own leads them to hope that the country's gas and oil reserves will run out soon, as they assume this will contribute to a paradigm change in the EU's policy towards Azerbaijan. This assumption is so widespread that it can be classified as an *oil myth*.²⁴ Moreover, and interestingly in line with the perceptions of the EU officials, civil society believes that the government compares itself to other countries in the region and is aware of the fact that if it wants to integrate with the EU, it must contribute and make efforts comparable to those of its neighbours.

Beyond criticising the priorities of both the EU and political leaders in Azerbaijan, civil society actors also have suggestions for increasing cooperation with the EU. In their view, the EaP should strive for both greater involvement of civil society and intensified cooperation with the government. Here, rather than proposing long-term perspectives, the focus should be on short-

²⁴ Representatives of some foreign donor organisations are more sceptical in this regard. In their opinion it is secondary whether the money comes from oil revenues or EU support. Rather, they assume that as long as the money is managed centrally, it will make the political system and the government more stable.

term measures and concrete offers that would help Azerbaijan to establish strong institutions, rule of law, and a functioning market economy. Reflecting upon possible future scenarios that may result from Azerbaijan's reluctance to follow the path proposed by the EU, some civil society representatives are afraid that the termination of cooperation with political elites and cutting financial assistance would lead to the isolation of the country and an even greater weakening of civil society initiatives.²⁵ Therefore, they rather suggest that the EU should demand compliance with concrete obligations incurred by Azerbaijan in the Action Plan.

Overall, civil society's view on the relations between the EU and Azerbaijan is very critical towards both actors. On the one hand, civil society representatives do not detect different degrees of willingness to cooperate on the part of their government, but are unanimous in identifying an exclusive reliance on financial independence and energy assets. On the other hand, they consider the EU a weak foreign policy actor pursuing the wrong priorities.

A weak implementing partner demanding concrete strengthening measures

Despite blaming the EU for pursuing the wrong priorities, civil society in Azerbaijan is nonetheless willing to contribute to the implementation of the ENP. However, as this section shows, views differ as to whether civil society is able to fulfil the tasks assigned to it by the EU and how it could improve its performance.

In principle, both representatives of the international donor community and civil society actors agree that the EU's neighbourhood policies can only become more transparent and operational, and thus have an impact on domestic policy change, if civil society is included in their implementation. At the same time, there seems to be consensus that the weaknesses of the civil society sector in Azerbaijan have so far prevented civil society from playing the role of an implementing partner of the EU. First, it is

lamented that among the 30-80 active civil society organisations in the country, the majority is only concerned with reactive tasks such as monitoring legislation or media and giving legal advice, rather than proactively developing initiatives, preparing legislation or contributing to the implementation of reforms, *inter alia* the EU-Azerbaijan Action Plan. Second, a lack of publicity and media relations are given as reasons for the missing link between civil society and society at large. Civil society representatives unanimously regret this missing link, which is also mentioned by EU actors. They are of the opinion that unlike in Georgia or Ukraine, the Azerbaijani society has only minimal knowledge of the motives, functions and objectives of civil society organisations. Concerning the role of civil society to promote and implement EU policy, it is argued that the society in Azerbaijan also lacks information on the EU and consequently does not understand the potential role of civil society in the EU integration process.

Civil society actors confirm the assessment of the EU officials that they are a weak implementing partner. They go one step further and reflect on how to improve their performance, with financial support not being seen as the only way to do so. The EaP Civil Society Forum, for instance, was assessed by all respondents as being potentially conducive to strengthening civil society's role in the implementation of the ENP. It is moreover perceived as an indicator that the promotion of local civil society is of increasing importance for the EU, and that civil society is becoming a serious partner, even in Azerbaijan. However, several civil society actors criticised the selection process for the forum's first meeting as non-transparent. The EU Delegation in Azerbaijan was accused of favouring those CSOs that already receive EU funding and of selecting pro-governmental CSOs for fear of antagonising the government too much. Concrete recommendations to improve civil society's role as implementing partner include a greater focus on capacity-building measures (*inter alia* grant application training and English courses) and advocacy work. In addition, civil society actors call on the EU to issue public statements on governmental measures that narrow

²⁵ This remark is especially interesting in a time where political developments in Belarus (in December 2010) and the Mediterranean countries (since early 2011) put the EU's approach to the test.

the space for NGOs.

Despite the fact that civil society relies heavily on the EU and external assistance in general to improve their situation, a large majority of civil society actors do not perceive the EU as imposing an agenda and instrumentalising them for its own purposes. Rather, they seem to act out of a conviction that the general goals and principles promoted by the EU (not the specific issues that are high on the EU-Azerbaijan agenda) are attractive and could bring solutions to the problems faced under the current political leadership. At the same time, the activities of some human rights NGOs that are very critical of the government, i.e. monitoring of the government and giving legal advice on fundamental freedoms, suggest that they define themselves as agents of democratisation from inside and not only in relation to external stimuli.

Civil society as promoter of European rather than EU values

Overall, civil society does not seem to have a clear understanding of the causes and effects of democratisation or the instruments that the EU has at its disposal to promote democracy. Instead, civil society vaguely considers the EU's presence as something good, while at the same time criticising that little has changed in recent years. Civil society actors see some strength, however, in formal agreements, even if the government does not show an increased eagerness to implement them. Instead, civil society actors assume that the government will have to adjust its rhetoric and actions sooner or later, i.e. they see the rhetorical "talking the EU talk" (Schimmelfennig/Sedelmeier 2005: 17) as a first step that could lead to the internalisation of EU norms, a process which is often described as *discursive adoption*. Moreover, civil society considers formal agreements as helpful reference points that enable it to push for democratic policy change. This empowerment of civil society that uses the ENP towards the final goal of strengthening democracy can be seen as "second order effects" produced by the ENP (Rommens 2008).²⁶

²⁶ There is a certain danger that 'talking the EU talk' can also lead to a fog of war-like discursive adoption, which would remain purely rhetoric and make evaluating the results of the policy even more difficult.

Despite the fact that the EU is not perceived to have the necessary moral authority to influence society, which continues to be ascribed to the government, some civil society actors argue that the activities of civil society are useful in familiarising the Azerbaijani society with European values and European democracy. Others also subscribe to the idea that they act as promoters of values by educating society and developing mutual collaboration with civil society organisations from the EU. A reference to or definition of what the specific values promoted or incorporated by the EU – in comparison to other external actors – might be, however, is missing.

In a similar vein, the presence of international organisations, including the EU, the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe, is seen as an important factor. However, given that the situation concerning human rights and democracy has not considerably improved in the past five years, the impact of external democracy promoters, notably the EU, on political developments remains unclear to civil society actors. Interestingly, civil society actors recall their hope related to Azerbaijan joining the Council of Europe in 2001, while the introduction of the ENP and EaP are not mentioned in this context. Moreover, the open criticism of the last elections not meeting international standards by the Council of Europe, the OSCE and the U.S. government are emphasised without naming the EU. These examples show that civil society sees the EU as an international organisation like any other, if with a lower presence, and not always as an effective and visible agent of democratisation.

Funding not the master key to empower civil society

While civil society actors state that they would not be able to survive without financial assistance from foreign donors, they do not see funding as the only, or even the most important, way for the EU to support their work. Instead, technical assistance, education, joint programmes, fellowships, and internships in EU institutions and think tanks are considered equally important. On the one hand, they perceive the EU as a grant giver that does not get more deeply involved with civil society. For

instance, civil society actors would like the EU to issue public statements in support of civil society. Seeing that the EU acts merely as a grant giver leads some civil society actors to call into question the European Commission's interest in (political) cooperation with civil society. On the other hand, they assess the performance of the civil society sector critically and blame other civil society organisations for not using funds effectively.

In its role as a grant giver, the EU is compared to other international organisations and the representations of individual countries, such as the Council of Europe, the Norwegian Embassy, and the British Embassy, which were all named as very active grant givers in Azerbaijan. Therefore, in funding matters the EU is also seen as an international actor like any other. This is further enhanced by the fact that the EU (especially the European Commission in Brussels, but also the Delegation in Baku) is perceived as a rather distant actor by civil society and not seen as providing sufficient support directly or indirectly via public statements in favour of reform-minded local actors.

A lack of solidarity among civil society actors is another element in civil society's assessment of the funding situation. Some civil society actors accuse others of owing their existence to foreign grants only. These 'grant-eaters' are criticised for not being sincerely engaged in what they are doing, for not working professionally, for misappropriating grant money, and for merely imitating others. This phenomenon, which is said to have its roots in the Soviet legacy, is considered a general problem of externally funded civil societies. It mirrors the argument made by EU actors that civil society is merely a business for domestic actors to survive financially. A low level of solidarity within the civil society sector is coupled with a high degree of fragmentation. Some actors see the civil society sector as divided into different categories (e.g. pro-governmental, oppositional, independent; real versus fake; passive versus active) and distance themselves from others accordingly. This situation is not conducive to cooperation and coalition building within the civil society sector, and thus impedes civil society from becoming a collective actor

that can put pressure on the government.²⁷ Scarce exceptions only occur in cases of urgency. For instance, the attempt of the Azerbaijani government and Parliament to impose restrictive amendments to the NGO law in 2009 triggered concerted protest by civil society and led to the creation of a 'Committee to protect civil society' to oppose the draft law. Finally, joint pressure by NGO activists and the international community led the Parliament to reject some of the controversial proposals and dilute the law (Abbasov 2010; USAID 2010).

Civil society has quite an ambiguous view. On the one hand, it is very critical of EU-Azerbaijan relations, which it perceives to be solely based on oil. This oil-based relationship is seen as the main obstacle for reforms and democratisation in the country. On the other hand, it doubts that the EU could take on the role of an influential promoter of democracy even without this obstacle. While largely agreeing with the EU's policy goals, it does not feel adequately equipped, which somewhat impedes its identification with the role of an agent of change on behalf of the EU. Moreover, civil society critically perceives that in practice the EU is largely reducing it to grant takers. While acknowledging their dependence on foreign financial sources, civil society actors believe different measures (e.g. grant application training) are necessary to improve civil society's absorption capacity and foster its empowerment. Although civil society is mainly willing to cooperate with the EU, stronger (and not only monetary) support will be needed to turn civil society into a reform partner in the implementation of the ENP.

²⁷ Extremely weak linkages among civil society organisations and a low level of inclusion in international networks represent, according to the CIVICUS Civil Society Index Report for Azerbaijan, a major challenge of the Azerbaijani civil society (Sattarov/Faradov/Mamed-zade 2007).

Conclusions and recommendations

The analysis of the EU's policy towards Azerbaijan and the role of civil society has shown how differently EU officials and local civil society receive, interpret, and promote official EU policy goals.

First, it has been demonstrated that the EU discursively constructs civil society as a reform partner that can contribute to the achievement of goals set by the ENP in the EU's Eastern neighbourhood. This ambitious idea is, however, not specified or differentiated by geographic or thematic implementation instruments.

Second, the analysis of views and attitudes of EU officials working in Azerbaijan has suggested that the ambitious discourse has only limited relevance for the implementation of the ENP. EU actors' knowledge about the political context and the weakness of civil society does not result in an innovative adaption of general goals to functional and tailor-made policies. Instead, policy goals and concepts as expressed in the formulation phase are downgraded to unrealisable visions or secondary objectives. The fact that the EU mainly neglects the potential of civil society to be, or to become, a reform partner seems to be related to the EU's energy priorities and its desire to keep good and close relations with the Azerbaijani government.

Third, it has been shown that civil society actors in Azerbaijan perceive the EU mainly as a donor with an administrative-technical function rather than a political actor and influential promoter of democracy that helps to empower civil society. Generally, the *instrumentalisation* of civil society (*agent of EU foreign policy*) was not criticised by civil society actors in Azerbaijan but – based on a general agreement with ENP goals – largely welcomed. The implementation of this idea is, however, seen in a more ambivalent light. Demands for a reorientation of EU assistance towards an approach focusing on capacity-development of civil society are coupled with calls for a more systematic involvement of civil society in political processes, e.g. in the framework of the EaP. Given the weakness and fragmentation of the civil society sector, the ability of civil society to become the EU's implementing partner without

increased and adapted support from the EU seems limited.

What implications do these conclusions have for the EU's policy towards Azerbaijan? The following recommendations are based on the priorities and perceptions of governmental and societal actors in Azerbaijan and call on the EU to act without waiting for a change in the current political situation.

The EU does not consider the Azerbaijani civil society as its reform partner in the area of democracy and human rights and thus fails to build on its potential. Given civil society's increasing criticism towards the EU's priorities and performance in its relations towards Azerbaijan, the EU should start rethinking its approach towards civil society. It should set up small-scale grant programmes which would better match the capacities of local civil society and focus more strongly on capacity-development measures. Moreover, in the context of increasing and violent pressure on human rights NGOs and political activists in spring of 2011, the EU should do more to systematically include civil society-related issues in the political dialogue with the government. A statement issued by the EU Delegation in March 2011 expressing concern about recent arrests of youth activists, underlining the EU's support for democracy and human rights in Azerbaijan and calling on the government to ensure dialogue and cooperation with the civil society and international actors is a positive step in this direction (Delegation of the European Union to Azerbaijan 2011).²⁸

According to the observations of EU representatives and civil society actors, the political leadership in Azerbaijan compares its performance regarding EU integration with that of its neighbours and competitors and demands equal treatment, even in the areas of democracy and human rights. The EU should use this tendency to its advantage and seek to exercise leverage by fostering competition among the ENP partner countries and thus increasing the pressure for

²⁸ See also the Statement by the spokesperson of the Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle, 18 April 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/256>, last accessed 19 April 2011.

reforms. This could be done by a more systematic and open formulation of regional differences in the field of democracy and human rights towards the respective governments or by including additional elements – beyond the Governance Facility – which make assistance conditional upon progress made on the agreed reform agenda. This would reward ‘leaders’ and leave ‘laggards’ empty-handed, as the new ‘more for more’ strategy of the European Commission and the High Representative of the European Union suggests (European Commission/High Representative of the European Union 2011).

In early 2011, the EU rewarded the signing of a joint declaration on gas delivery with the announcement of opening negotiations on a visa facilitation agreement with Azerbaijan (EURACTIV 2011). In the long term this political move will favour Azerbaijani citizens whose greater mobility could open up the current political system. From this point of view, the EU should be cautious and not give up its negotiation power too early but couple it with demands vis-à-vis the government. At the same time, both visa facilitation and the perspective of visa free travel are no real incentives for the Azerbaijani government. Against this background, the EU should adapt its offers better to the respective partner countries in order to increase leverage.

Azerbaijan’s independence due to its large energy reserves is generally seen as obviating democratisation and compliance with reform suggestions, which are (too cautiously) proposed by the EU. Several factors, however, relativise the country’s independence and give the EU possible leverage to promote stability based on values. First, Azerbaijan is as interested in selling its resources as EU member states are in buying them. Moreover, given that trade in energy is long-term and pipelines cannot be changed at whim, dependence on energy ‘partners’ increases once they have been chosen. Second, stability and jurisdictional reliability, i.e. the rule of law, including more transparent and democratic structures, are not only in the EU’s interest but also in the interest of Western oil industries that would like to invest in the country and see their investments protected by

the state. Third, Azerbaijan’s independence is only true in financial terms. The openness of the Azerbaijani government to technical support from the EU in order to improve the effectiveness of its administration proves that it is in need of technical know-how which it would like to receive from cooperation with the EU. Against this background, the EU should take a stronger stance on democratic developments, increase knowledge transfer and strengthen capacity-building measures at the administrative level.

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