Negotiations of the EU/Azerbaijan Association Agreement. Recommendation to the Council, Commission and the EEAS

2011/2316(INI) - 18/04/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 520 votes to 32 with 24 abstentions, a recommendation to the Council, the Commission and the European External Action Service on the negotiations of the EU-Azerbaijan Association Agreement.

Parliament recalls that the Eastern Partnership strengthens the multilateral relations between the countries involved, contributes to the exchange of information and experience on the issues of transformation, reform and modernisation, and provides the European Union with additional instruments to support these processes. In this respect, Members consider that the multilateral dimension of the Eastern Partnership is complementary and inseparable from its bilateral dimension and should develop simultaneously with the ongoing negotiation of association agreements.

Moreover, the unresolved Nagorno-Karabakh conflict is undermining the stability and development of the South Caucasus region and hampering the full development of the European Neighbourhood Policy.

Accordingly, the European Parliament addresses the following recommendations to the Council, the Commission and the European External Action Service:

ensure that the Association Agreement is a comprehensive and forward-looking framework for the future development of relations with Azerbaijan, one which enhances political association, economic convergence and legal approximation and reflects the relationship that both the European Union and Azerbaijan have decided to develop;

ensure that the negotiations on the EU-Azerbaijan and EU-Armenia Association Agreements, in line with the demands made in Parliament's Report on the need for an EU strategy for the South Caucasus of 20 May 2010 are linked to credible commitments to making substantial progress towards the resolution of the Nagorno-Karabakh conflict, including, for example, confidence-building measures such as general demilitarisation, the withdrawal of snipers from the line of contact, the withdrawal of Armenian forces from occupied territories surrounding Nagorno-Karabakh and their return to Azerbaijani control, etc;

ensure the right of all internally-displaced persons and refugees to return to their home settlements and properties and international security guarantees that would include a genuine multinational peacekeeping operation in order to create suitable agreed conditions for the future legally-binding free expression of will concerning the final status of Nagorno-Karabakh;

incorporate in the Association Agreement clauses and benchmarks on the protection and promotion of human rights, especially with regard to freedom of the media and the right to freedom of expression, association and assembly.

Other more specific recommendations are made with regard to the following issues:

Human rights and defending fundamental freedoms: (i) emphasise in the Association Agreement the importance of guaranteeing citizens' fundamental rights and freedoms, including the right of assembly and association, and private property rights, the development of civil society, the rule of law, the continued

fight against corruption, political pluralism and the independence of the media and the judiciary; (ii) assist Azerbaijan's parliament both technically and financially in fully developing its constitutional functions, bodies and services, including enhanced interaction with civil society; (iii) incorporate in the agreement clauses on the protection of human rights defenders; (iv) call on the Azerbaijani authorities to guarantee that the ongoing construction of new buildings in Baku, which is considered to be partly linked to the upcoming Eurovision Song Contest, is in line with the relevant legislation and that resettlements of people are implemented with transparent legal procedures; express concern at the increasing government criticism of human rights activists who are using this cultural event to improve the democratic and human rights record of the country; (v) grant a visa to the PACE Special Rapporteur on Political Prisoners in order to allow him to undertake a visit to the country, in line with his mandate; (vi) express concern about the increasing number of arrests of human rights and youth activists, the difficulties encountered with regard to the registration of NGOs; (vii) urge the Azerbaijani authorities to adopt an anti-discrimination legislation that prohibits discrimination on the basis of sexual orientation and gender identity in any area.

International issues: (i) urge Azerbaijan to sign and ratify the Rome Statute of the International Criminal Court; (ii) urge the Azerbaijani authorities to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Convention on Cluster Munitions.

Nagorno-Karabakh conflict: (i) ensure the coherence of the Association Agreement with the principles of international law – namely the non-use of force, territorial integrity and the right to self determination; (ii) strengthen the **EU's conflict-resolution and mediation capacity**; (iii) underline the need for unconditional access for representatives of the EU to Nagorno-Karabakh and the surrounding occupied regions; (iv) call for continued support for its work; stress that both Azerbaijan and Armenia should take the appropriate measures to ensure that any decisions taken under the Minsk Group format towards establishing and consolidating a peaceful resolution of the Nagorno-Karabakh conflict are carried out fully and in a timely fashion; (v) consider direct and more active participation of the EU in the Minsk Group; (vi)express concern about the military build-up in the region and in particular about Azerbaijan's high military expenditure; (vii) stress the need to continue to do everything possible within the framework of the Eastern Partnership to bring about political and economic rapprochement between Armenia and Azerbaijan and to firmly establish regional conflict resolution as an integral component of this; (viii) call on Turkey to play a constructive role in the resolution of the Nagorno-Karabakh conflict and in fulfilling its responsibility in that region.

Azerbaijani refugees: (i) stress that hundreds of thousands of refugees and internally-displaced persons who fled their homes during or in connection with the Nagorno-Karabakh war remain displaced and denied their rights; (ii) call on the Commission and the Members Sates to continue and extend the EU's assistance and financial support to Azerbaijan in dealing with the situation of displaced persons.

Regional cooperation: (i) emphasise the need to use the Association Agreement as a platform to promote regional synergies and cooperation, emphasise the mutually-reinforcing links between democratic pluralistic development and conflict resolution, and ensure that the Association Agreement contains provisions to encourage visa facilities for all people from the South Caucasus countries; (ii) clarify how the substantial degree of complementarity between the various EU initiatives in the region, namely the Eastern Partnership and the Black Sea Synergy, is to be exploited.

Free Trade Area and reinforced relations with the EU: (i) ensure that the trade component of the Association Agreement can be upgraded to a Deep and Comprehensive Free Trade Area as soon as Azerbaijan meets all the necessary conditions, including joining the WTO; (ii) ensure speedy negotiations on visa facilitation and readmission agreements in order to promote people-to-people contacts and treat youth and academic mobility as a priority; (iii) urge Azerbaijan not to hamper visa issues for third-country nationals of Armenian origin wishing to enter Azerbaijan, and to **lift the ban on international phone calls to Armenia**; (iv) enhance transparency in the management of public finances and improve public

procurement legislation in order to contribute significantly to good governance and transparent decision-making; (v) take the necessary action to incorporate in the Association Agreement provisions enabling Azerbaijan to participate in Community programmes and agencies, as a tool to promote European integration at all levels.

Combat against corruption: (i) welcome the reforms made by Azerbaijani authorities in the judiciary, with a view to ensuring greater independence of judges, improving selection and appointment procedures and eliminating judicial corruption; (ii) encourage the authorities in charge to continue implementing legislation to combat corruption and focus on high-level corruption cases; (iii) improve the independence, efficiency and resources of the judiciary.

Energy cooperation: (i) emphasise the need for a sustainable economy and promote greater openness and transparency in the energy sector; (ii) emphasise the importance of EU-Azerbaijan energy cooperation in the diversification of energy supplies and routes of their delivery to Europe; (iii) commend the efforts of Azerbaijan in promoting such pioneering projects as the Baku-Tbilisi-Ceyhan and the Baku-Tbilisi-Erzurum pipelines as the fulfilment of the AGRI Project; (iv) stress the importance of Azerbaijan's unique geographic location for enabling a **direct and unimpeded transit link between the EU and the countries of Central Asia**; (v) welcome efforts to develop trans-Caspian transit cooperation with Kazakhstan and explore ways of establishing such cooperation with Turkmenistan (welcoming the Council mandate to conclude a legally-binding agreement between the EU, Azerbaijan and Turkmenistan on the Trans-Caspian pipeline); (vi) ensure the continued focused attention of the EU on the development of energy cooperation with Azerbaijan and sustainable support by the EU and help Azerbaijan to diversify its energy resources.

Parliamentary dimension: (i) incorporate in the Association Agreement a strong parliamentary dimension which provides for the full involvement of the Milli Mejlis and the European Parliament and enhances the work of the Euronest Parliamentary Assembly; (ii) fully involve the European Parliament in the implementation and monitoring of the Association Agreement and establish clear benchmarks for the implementation of the Association Agreement and provide for monitoring mechanisms, including the submission of regular reports to the European Parliament; (iii) encourage the EU negotiating team to continue to cooperate with the European Parliament, providing continuous feedback, supported by documentation, on the progress made, in accordance with Article 218(10) TFEU.