

The European Union's Neighbourhood Policy in Morocco and Azerbaijan

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ANON, MAY 4 2015

The European Neighbourhood Policy's Democratisation Strategy in Azerbaijan and Morocco: Effective, Negligible or Counterproductive?

The European Neighbourhood Policy (ENP) is arguably the most important instrument the European Union has developed to date to engage with the states located on its Eastern and Southern borders without offering a membership perspective. Through the ENP, the EU seeks to promote stability, democracy and economic development in its near abroad. Importantly, while proposed economic reforms may be adopted rather willingly by neighbouring states, EU norms of democracy and respect for human rights prove more difficult to diffuse.

The following essay will assess the EU's democratisation strategy in two selected partner countries, namely Azerbaijan in the East and Morocco in the South. The comparison of these very different cases will show that the EU is able to promote reforms where it has a certain leverage over the country, and secondly where the political leadership sees limited democratic reform as working towards their own benefit. This in turn raises important questions about the efficiency of the EU's democratisation strategy.

Azerbaijan: The Quasi-autocratic Energy Giant

The onset of Azerbaijan's relations to the EU dates back to Azerbaijan's independence from the Soviet Union at the beginning of the 1990s. In 1992, the first Partnership and Cooperation Agreement between the EU and Azerbaijan was concluded. However, little democratisation efforts were made under the programme.

Observers see Azerbaijan's cultural and political tradition as influenced by both European and Asian elements. Indeed, Azerbaijan prides itself for having been the first democratic Muslim republic in history – even if the remnants of this are sparse. Boonstra (2008:2) describes the parliament *Milli Mejlis* as having “a mere rubber stamp role” – and the jailing of journalists, repression of the media, and continuous rigging of elections is standard practice (*inter alia* Boonstra, 2008; Kobzova, 2012, Alieva, 2014). While President Ilham Aliyev rules the country in a quasi-autocratic manner, certain clans and families (most importantly the Nakhichevan clan) also enjoy considerable political influence (Boonstra, 2008). These neopatrimonialist power structures within Azerbaijan's render the political arena rather opaque and represent obstacles to democratic reform.

Azerbaijan is an essential partner for the EU in the region, not least because of its geopolitical significance. Connecting Europe with Central Asia and the Middle East, the South Caucasus is strategically vital both in terms of transport as well as energy security. Since the 1990s, Azerbaijan experiences rapid economic development due to its large oil and gas reserves[1], while also being a central transit country (*inter alia* Nuriyev, 2008, Kobzova et al, 2012). Especially the Baku-Tbilisi-Ceyhan (BTC) pipeline, connecting the Caspian and the Mediterranean, is of major significance for the EU as it does not run through Russian territory[2]. Considering for instance the past gas disputes between Russia and the Ukraine, the issue of decreasing EU energy dependence from Russia has become ever more important. A number of European energy companies also have economic interests in Azerbaijan, including British Petroleum (BP) as the largest shareholder of the BTC pipeline (BP, 2015). As will be seen, this pursuit of the

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EU's strategic interests in the region, first and foremost relating to energy security, has negative ramifications for the efficiency of its democratisation strategy in Azerbaijan.

One cannot assess the reasons for EU engagement with Azerbaijan without considering the Nagorno-Karabakh dispute between Azerbaijan and Armenia, however. With the breakdown of the Soviet Union, a war ensued between both countries over the region mainly inhabited by ethnic Armenians. A ceasefire was signed in 1994 and Nagorno-Karabakh obtained *de facto* independence supported by Armenian troops, but ceasefire breaches are frequent and represent a major source of instability in the South Caucasus. While negotiations are headed by the US, Russia and France (the so-called OSCE Minsk Group), the EU considers the settlement of the Nagorno-Karabakh conflict one of its main priorities in the region (European Commission, 2004b:3).

The EU is by far not Azerbaijan's only diplomatic partner. It has good relations with Russia, Turkey, as well as the US, even though balancing the relations between Russia and the West has become increasingly difficult for the regime in recent years (see below). The US and Russia have strong economic and military ties with Azerbaijan, and Baku has been especially important for Washington as an ally in the "war against terror" (Nuriyev, 2008:158).

Morocco: ENP Showcase Lacking Democratic Rule

Morocco can be described as the showcase of EU democratisation strategy. Between 2007 and 2010, the Maghrebi country was the EU's primary aid receiver with a total of €654 million (European Commission, 2007a:3), and it was the first state to attain the "Advanced Status" under the ENP in 2008. Its relations to EU member states are close and Morocco is seen as a stabilising country in the otherwise very volatile Southern neighbourhood (Kausch, 2009:166). France and Spain especially have important interests relating to migration, free trade and regional security.

King Hassan II (1961-1999) of Morocco spent his reign constructing a political regime in which parties existed, but were mostly deprived of genuine democratic influence. The fact that the first liberalising reforms were enacted during a period of severe economic crisis during the 1980s (linked to the energy crisis and the structural adjustment programmes of the IMF deepening its devastating effects) are of interest when considering democratisation processes in Morocco until today. The Moroccan leadership is conscious of the importance of legitimacy and uses limited inclusion of the population to preserve its power (Desrues and Moyano, 2001; Van Hüllen, 2012).

The monarchy, since 1999 under King Mohammed VI, represents the supreme source of authority. The *de facto* governing institution of Morocco is the shadow-government of the *Makhzan*. Maintaining neopatrimonial patterns, it is run by the Moroccan elite groups in a clientelistic manner (Desrues and Moyano, 2001; Maghraoui, 2011). However, as opposed to Azerbaijan, recent elections in Morocco are considered free and fair (Kausch, 2009:169). On the other hand, participation in elections is staggeringly low (37% in 2007) – demonstrating that the public perceives not to have any impact. Morocco's "democracy" is characterised by a complete lack of debate amongst parties. As Maghraoui (2011:697) illustrates, this is dubbed the politics of the "beni-oui-oui" (implying that the political leaders are part of a "tribe", which approves of the King's proposals).

Comparing the Action Plans

Action Plans (APs) set out the roadmap for reform agreed by the individual neighbouring state and the European Commission under the ENP. In general, APs are very broad, covering a wide range of issues and numerous aims to be attained within the following five years (related to economic reforms, transport, border security, democracy, conflict resolution and many other areas). Despite this missing focus as well as a repeatedly-criticised lack of differentiation of ENP strategy in different countries, comparing the first AP for Morocco with Azerbaijan's, a number of differences can be observed – especially in the fields of democracy and human rights promotion.

Morocco's AP describes cooperation as being based on

"the mutually recognised acceptance of common values such as democracy, the rule of law, good governance, respect for human rights, market economics, free trade, sustainable development, poverty alleviation and the

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implementation of political, economic, social and institutional reforms.” (European Commission, 2004a, p.1).

Furthermore, it defines Morocco's “rapprochement with the Union [as] a fundamental foreign policy choice” (ibid). Morocco's dedication to integration with the EU is obvious from these formulations. The introduction of Azerbaijan's AP on the other hand seems to carefully circumvent the entire notion of democracy. It points towards

“common values, including the respect of and support for the sovereignty, territorial integrity and inviolability of internationally recognised borders of each other and compliance to international and European norms and principles as well as support for effective implementation of political, economic and institutional reforms” (European Commission, 2004b, p.1).

This emphasis on state sovereignty has at least two vital implications. Firstly, it relates to the ongoing dispute over the region of Nagorno-Karabakh with Armenia (whose settlement is in fact the first priority area of the AP). However on a second note, (and comparing it to the formulations in Morocco's AP), it suggests that while cooperating with the EU its own considerations will remain supreme for the Azerbaijani government. Further, the reference to “political, economic and institutional reforms” is rather vague in a seemingly deliberate way.

The precise arrangements relating to democracy and human rights in both APs bear strong resemblance despite aforementioned differences. Morocco's AP refers to the strengthening of democratic institutions, the fight against corruption, as well as legal and practical adjustments relating to freedom of association and expression, women's and children's rights, labour rights and minority rights (European Commission, 2004a, p.4-6). The priority areas defined in Azerbaijan's AP also include “strengthening democracy” (European Commission, 2004b, p.4) and increased protection of human rights – e.g. fighting corruption, holding free and fair elections, establishing an independent public broadcasting service, engaging in electoral reforms as well as institutional reforms concerning independence of the judiciary and the balance of power, fighting torture and respecting the rights to freedom of assembly, labour rights, minority rights and socioeconomic equality between women and men (ibid). Concerning both APs, it is to be noted that most references to legislative reforms are held in rather unspecific terms. This lack of specification is not conducive to implementation, as no benchmarks are identified that can serve for assessment.

In fact, both APs acknowledge that their success will depend on the will of both sides to meet the agreements. In respect to incentives offered by the EU, both APs propose gradual integration into the single market in the longer term (European Commission, 2004a, p.1; European Commission, 2004b, p.2), as well as increased financial support for the neighbouring countries (European Commission, 2004a, p.2; European Commission, 2004b, p.2)[3]. As will be shown, the perceived lack of incentives will be crucial when considering Azerbaijan's response to the proposed reforms.

Implementation: Increased Repression in Azerbaijan

This political will for democratic reform identified as a precondition in the APs is, however, clearly lacking amongst the Azerbaijani leadership. It is untypical of EU Progress Reports to adopt clear language – often, criticism is veiled in comparative formulations or held in a rather cautious voice so as not to upset the partner country. Yet Azerbaijan's recent Progress Reports leave no doubt about the nature of its political developments:

“Very little progress was seen on democratic governance and human rights reform [...] the overall environment for independent civil society has been made more restrictive after several rounds of amendments to legislation on non-governmental organisations [...] political opponents were harassed, pressure was put on civil society and human rights activists, while the media and the public discourse was effectively controlled” (European Commission, 2014a, p.2)

Instead of democratising under ENP influence, Azerbaijan has become increasingly autocratic in recent years. Elections are consistently described as being neither free nor fair (Boonstra, 2008; Kobzova, 2012, Alieva, 2014). According to the latest Progress Report, the months leading up to the 2013 elections were marred with repression, including the imprisonment of opposition candidates (European Commission, 2014a). There are testimonies of

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continued, sometimes violent reprisal against opposition parties, e.g. the jailing of their members and even torching of their offices (Amnesty International, 2014). In the aftermath of the elections, Chair of one of the major election monitoring NGOs, Anar Mammadli, was arrested – which prevented the release of the final monitoring report by the NGO (ibid).

The Progress Report adds that “major concerns remain over Azerbaijan’s respect for the rule of law and independence of the judiciary, as well as over freedom of assembly and freedom of expression.” (European Commission, 2014a, p.3). The legal framework for NGOs has tightened significantly over recent years. In particular, regulations concerning the registration of funding and the prohibition of cash donations make the operation of smaller NGOs very difficult. Moreover, the demand for re-registration of NGOs gives the government ever more influence over the civil society landscape, as many groups are simply not accredited (Boonstra, 2008, European Commission, 2014a).

The Committee to Protect Journalists (2015) describes Azerbaijan as waging a crackdown on journalists. While the government straightforwardly denies that there are political prisoners in the country (Radio Free Europe Radio Liberty, 2013), the most recent case in the series of arrests of bloggers, activists and journalists is the sentencing of opposition journalist Seymour Hazi to 5 years of imprisonment (Reuters, 2015) do not leave any doubt for observers. Furthermore, according to the recent Progress Report (European Commission, 2014a:9), there are allegations of torture and ill-treatment of activists by security forces and police. Instead of liberalising the press, Azerbaijan suffocates it. Many newspapers have been forced to shut down and television channels are completely controlled by the government (Alieva, 2014:45). Boonstra (2008:30) counts that the number of independent newspapers in the country decreased from 30 in the 1990s to only 5 in 2008.

A further concern relates to the state investment into NGO funding, which increased from 3.8 million euros in 2012 to 8.2 million euros in 2013. While some NGOs are massively targeted by repression, others are supported by the Azerbaijani government (European Commission, 2014a). Robertson (2011) argues that state-funded civil society groups are a prominent feature of hybrid regimes, serving to maintain and increase regime support while hindering the operation of genuine civil society organisations. Therefore, the funding channelled towards NGOs chosen by the Azerbaijani government is most likely to rather inhibit the development of democratic civil society. The EU tries to counterbalance this by increasing its own aid to NGOs – in 2013, Azerbaijan received the largest amount of NGO project aid out of all Eastern partners (Alieva, 2014:44).

The single achievement the Progress Report (2014a:9) compliments in the field of democracy and human rights is the signing of a national action plan to prevent child labour exploitation. Its implementation remains to be seen, and this success is followed by the statement that violence against women and the lack of gender equality remains to be tackled. Against the background of the gross human rights violations detailed above, this achievement thus remains minor.

The issue of corruption has not been resolved, either – however, the Azerbaijani government recently created an independent judicial anti-corruption department which may be a major step (European Commission, 2014a). Corruption is still widespread – Boonstra (2008:2) argues that it is not a coincidence that the former head of customs (now Minister of Emergency Situations) Kamalddin Hedarov, is one of the richest men in the country. Between 2005 and 2011, there was no significant change in the perceived corruption in Azerbaijan^[4] (Transparency International, 2015).

In order to explain Azerbaijan’s lack of political will to engage in democratic reforms proposed by the EU, several authors (*inter alia* Kobzova et al., 2012; Alieva, 2014) argue that the massive increase in oil revenue plays a major role. From 2005 to 2013, Azerbaijan’s GDP quintupled from \$13bn to \$74bn (World Bank, 2015). Particularly the completion of the BTC pipeline led to a major boost for the economy. As a result, the Azerbaijani government not only became much more self-confident^[5], but the comparatively small EU’s financial incentives also completely lost their appeal.

The second major reason for the failure of democratic reform relates directly to the performance of the EU, which

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clearly prioritises energy security over democratisation and human rights in its relations to Azerbaijan (Kelley, 2006; Boostra, 2008; Kobzova et al, 2012; Sasse, 2012). €30 million of the €92 million allocated to Azerbaijan between 2007 and 2010 were destined for “Support for legislative and economic reforms in the transport, energy and environment sectors”, the same amount as for “Democratic development and Good Governance” (European Commission, 2007b:5). In comparison, Morocco received 632 million euros. Such little investment produces little tangible outcomes. Moreover, although the Azerbaijani AP states that “Any breach to these [international and European] norms and principles by either party to the Action Plan will result in the immediate suspension of its implementation” (European Commission, 2004b, p.1). However, neither is there a definition provided to the “international European norms and principles”, nor has the EU attempted to make use of this negative conditionality[6]. Sasse (2012:579) argues that this one-dimensional approach to cooperation with Azerbaijan also undermines the domestic opposition: As the regime becomes ever closely integrated into the European energy supply chain, it builds up its funds and in turn uses these to invest in its repressive apparatus. Therefore, the EU is complicit in the repression of Azerbaijani opposition – while its commitment to democracy remains rather rhetorical than real.

Two additional regional factors should be mentioned. Alieva (2014:42) claims that Azerbaijan’s increased cooperation with the EU is viewed with suspicion by Russia and that Baku, not wanting to sour its diplomatic relations, decided not to integrate fully with the EU. Considering that Azerbaijan is still wary of its former occupier’s power, this is a likely contributing factor for Azerbaijan’s disengagement. Secondly, several authors argue that the Nagorno-Karabakh conflict limits the EU’s influence on Azerbaijan as Baku suspects an EU-bias towards Armenia due their common historic, political and religious ties (Simao, 2012; Alieva, 2014). Both considerations are of high priority for the Azerbaijani government, and the EU has failed to resolve this obstacle.

Implementation: Limited Political Liberalisation in Morocco

In 2008, Morocco was awarded the “Advanced Status” by the European Union to reward the Maghrebi country for its efforts at implementing reforms[7]. By all means, Morocco enjoys a privileged position within the ENP (European Commission, 2014b). A number of liberalising reforms have been passed by the Moroccan government under the ENP. Most notable was the 2004 revision of the Family Code *Moudawana* that strengthened the position of women in Moroccan society through a number of reforms, including raising the legal age of marriage to 18, allowing women to initiate divorce and the possibility for them to obtain child custody (EMHRN, 2012). Further achievements comprise a liberalisation of the Associations Law and a new anti-torture legislation (Martín, 2009) as well as, in the aftermath of the “Arab Spring”, a new Constitution aimed at transferring powers from the King to the President (European Commission, 2013).

Despite these reforms, the European Commission acknowledges that serious challenges remain in the domains of democracy and human rights – including bad prison conditions, lack of parliamentary debate (European Commission, 2013) and continued use of torture, especially in Western Sahara and despite ratification of the CAT (European Commission, 2014b:7). Freedom of press, association, assembly and expression are still severely limited through law and/or practice (European Commission, 2013). Moreover, most laws relating to the 2011 Constitution still need to be formulated and implemented (European Commission, 2013, 2014b). As in Azerbaijan, perceptions of corruption remain very high and have not changed significantly[8] between 2005 and 2012 (Transparency International, 2015).

All these shortcomings show that while Morocco is praised as a very cooperative partner country by the EU, this happens against the background of its even more repressive neighbours (Maghraoui, 2012). In fact, observers agree that none of the reforms fundamentally challenges the underlying power structures in Morocco (Desrués and Moyano, 2001; Kausch, 2009; Maghraoui 2011, Van Hüllen, 2012). Reforms and seeming liberalisation are used as tools to consolidate the power of the Moroccan leadership and the EU supports this[9].

While there is thus ample evidence that the Moroccan regime is not genuinely committed to democratic reform, the EU values Morocco’s stabilising influence in the Maghreb and is not willing to jeopardise this by pressuring the regime to pursue structural reforms. This stands opposed to the handling of economic reforms, where problems are

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addressed systematically (Kausch, 2009:173). Visibly, the *Makhzen* and the EU have a shared interest in economic reform. The Strait of Gibraltar and the Spanish enclaves Ceuta and Melilla are of high strategic importance for the EU's fight to curb migration, and this aim may only be achieved with a strong partner government (Demmelhuber, 2011). This argument is in agreement with Van Hüllen's (2012; 2014) analysis that the EU pursues contradicting concepts by trying to promote democracy and stability at the same time: Democratic reform invariably increases instability in the short and medium term. By prioritising stability, the EU therefore engages in the support of undemocratic regimes without fundamentally altering their nature.

Deep-seated Obstacles

While Morocco and Azerbaijan are seemingly very disparate ENP partner countries, the analysis shows that there are reoccurring patterns. In neither case, liberalising reforms are structural or far-reaching. APs are negotiated between the European Commission and the respective government, which leads to loopholes in the implementation. It should be mentioned that civil society groups complained about being excluded from the drafting of agreements^[10] both in Azerbaijan (Boonstra, 2008) as well as in Morocco (Euro-Mediterranean Human Rights Network (EMHRN), 2008). The APs do not include time frames, actors concerned and completely lack specifications on how implementation will be monitored and evaluated.

It is nonetheless important to emphasise that the EU does not completely lack leverage neither in Azerbaijan nor in Morocco. As Boonstra (2008) states, dependence between Azerbaijan and the EU is mutual – both are interdependent. Baku needs EU support for technological assistance in the present and in the future, as well as foreign investment into its pipelines. Morocco's reliance on the EU is even larger – both, concerning the EU's implicit support for the occupation of the Western Sahara, and helping it develop economically and decrease its large socio-economic disparities (Van Hüllen, 2012). Thus, the EU does have a certain influence over its partner countries. However, the prioritisation of stabilisation makes EU democratisation policy in effect toothless. Instead of wholeheartedly pushing for structural reforms in the fields of democracy and human rights, the EU employs its influence to pursue economic integration and stability.

Concluding Remarks

It has been found that in Azerbaijan as well as in Morocco, the ENP democratisation strategy has only very limited effect. Reforms are, if they are undertaken, not of a structural nature. Often, commitment to reforms remains rhetoric – also because Action Plans lack important specifications such as time frames and evaluation methods. As the EU has so far avoided making use of the negative incentives because it wants to maintain stable relations with its partner governments, reforms are unlikely to be substantial.

These findings are far-reaching also because of the stark difference between the two countries concerned. Morocco is widely considered much more liberal than Azerbaijan, and while some liberalising reforms have been implemented in Morocco with the support of the EU, Azerbaijan ridicules demands for democratisation by developing a fully-fledged authoritarian regime based on its oil and gas revenues. On the other hand, in Morocco, EU interests conveniently coincide with the interests of the Moroccan government. As the *Makhzan* has adopted limited inclusion as its survival strategy, the ENP offers important support for the regime – not challenging existing power structures but instead preserving them. The lacking commitment to structural reforms means that the ENP helps maintain the undemocratic regime.

Both cases demonstrate drastically that the EU prioritises its interests of security and stability over democracy promotion, which ultimately renders its strategy counterproductive: It stabilises the same regimes it claims to help democratise, turning the ENP commitment to democracy and human rights into a lip service. Instead of pursuing democratic reforms wholeheartedly and demanding clearly specified incremental structural reforms in exchange for increased integration, the EU thus erodes its perception as an ally for change in partner countries' civil societies, and devalues the concept of democracy.

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Notes

[1] Meanwhile, it should be noted that Azerbaijan's economic development is rather unsustainable as it is largely based on the extraction of oil and gas resources (and recently construction) and the uneven distribution of wealth across the population (Kobzova et al. 2012). The planned diversification of its economy is also included in Azerbaijan's Action Plan (European Commission, 2004b).

[2] Other Azerbaijani pipelines include the Baku-Tbilisi-Erzurum (BTE) gas pipeline (through which Azerbaijan exports gas to Europe by linking to the Turkish gas network), the Baku-Supsa oil pipeline linking the Caspian and the Black Sea, and the Baku-Novorossiysk oil pipeline to Russia.

[3] As mentioned in the introduction, the ENP incentive structure lacks the prospect of membership. As some authors, argue, it was this exact membership prospect that made the EU's democratisation strategy in Eastern Europe successful in the past (*inter alia* Freyburg et al. (2009)). However at any rate, Azerbaijan actually has no aspirations to join the EU.

[4] There was a change in Corruption Index score methodology in the 2012, therefore the scores can only be compared from 2005-2011. Azerbaijan's scores are continuously at the very bottom, at around 2.2 out of 10 points.

[5] As negotiations on the Association Agreement did not yield results, talks on a Strategic Modernisation Partnership were launched instead (Boonstra, 2008). This demonstrated the rising aspirations and confidence of the Azerbaijani regime and its increased interest to cooperate, rather than integrate with the EU.

[6] For instance, while a human rights action plan was adopted in 2011, deadlines for implementation have passed without further consequences (European Commission, 2014b).

[7] The Advanced Status was granted irrespective of NGO protest demanding that Western Sahara be clearly excluded from the agreement. The human rights situation in the Western Sahara is still appalling, including frequent allegations of torture, detention of numerous activists and a continued use of the de jure abolished death penalty (Amnesty International, 2011)

[8] Morocco's Corruption Perception Index scores were continuously between 3.2 and 3.5 from 2005 to 2012 (Transparency International, 2015)

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[9] Van Hüllen (2012) terms this the regime's "survival strategy". That the commitment to inclusion is not genuine is exemplified by the systematic exclusion of Moroccan civil society from the formulation of reforms – or by the exceptional case of the 2011 constitutional amendment, where civil society groups were allowed to participate in the drafting: The final version was then modified without their consent (Maghraoui, 2011). The King and the *Makhzan* are cautious to preserve their position of supreme authority.

[10] Moreover, local NGOs complain that EU assistance is difficult to obtain due to the heavy bureaucratisation of processes (Pace, 2008; Shapovalova & Youngs, 2013). Pace (2008, p.45) documented one official from the European Commission delegation in Rabat as stating that "local agents for change complain about the complexity of application procedures, long lead times, onerous financial management and reporting requirements, without the necessary training for local actors to fit the bill".

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Date written: 02/2015

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