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DEPARTMENT OF EUROPEAN POLITICAL AND ADMINISTRATIVE STUDIES

Bruges Political Research Papers

58/2017



European Political and Administrative Studies /

Etudes politiques et administratives européennes

Bruges Political Research Papers / Cahiers de recherche politique de Bruges No 58 / March 2017

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Abstract

The present work is dedicated to the analysis of the nature and impact of EU's engagement in the Caspian region. This territory is divided between two approaches performed by the EU: the European Neighbourhood Policy (ENP) and the EU Central Asia Strategy for a New Partnership (EUCAS). The former has been characterized by a 'transition paradigm' inspired by the enlargement toolkit, while the EUCAS adopted a 'pragmatic modernization paradigm' aimed at supporting Central Asia countries in their modernization path.

The study intends to analyse to what extent the EU's action proved to have normative characteristics when dealing with oil-rich and authoritarian Caspian littoral states. The core assumption is that, due to the lack of leverage and influence, the EU's action has not been purely normative, neither under the ENP nor under the EUCAS. The ENP declarations have not been followed by a coherent normative engagement, due the contrast between norms and economic interests experienced by the EU. In the EUCAS the approach is not normative either, but the 'pragmatic modernization paradigm' led to more interesting results due to the different approach deployed, based on neutral forms of cooperation that can lead to enhanced bilateral ties and the pursuit of both pragmatic interests and normative objectives.

Two case studies have been chosen from the two sides of the Caspian Sea. Azerbaijan, which recently did not sign the Association Agreement under the ENP, and Kazakhstan, a successful example of cooperation within the EUCAS. A comparison between the two paradigms is of the utmost importance, and the result could offer food for thought in light of the ENP review launched in 2015.

Introduction

Over the years the European Union (EU) has been labelled as a normative power, acting internationally through spreading a range of norms and values beyond its borders. One of the main instruments deployed to promote the EU's norms is the European Neighbourhood Policy (ENP) which, coherently with the European Security Strategy of December 2003, wants to ensure 'political stability, economic development and close cooperation'2 with Eastern and Southern neighbours. This approach is based on guaranteeing political stability through a combined approach favouring regional cooperation, as well as democratisation, economic and social development in the countries involved.3 However, the purposes expressed in the ENP have not always led to a coherent normative engagement, due to the fact that in some cases neighbours have not shown interest in conforming to the EU's demands. This resulted in the inconsistency of the EU's normative approach, especially when there were strategic interests in bilateral cooperation with third countries that led the EU to face a 'values vs. interests' dilemma.4 One of the most striking examples of this trend is the Republic of Azerbaijan, a major regional energy players included in the ENP and the Eastern Partnership (EaP) framework.6 After a long negotiation process, Azerbaijan did not sign the Association Agreement (AA), perceived as an imposition of the EU's values, declaring the aim to establish an agreement on

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I wish to thank my thesis supervisor, Professor Wolfgang Wessels, for his support during the research period. I would like to thank Umur Akansel, for his availability and sincere participation to my work. A special thank goes also to all the experts that I interviewed. They provided me different elements that have been essential for the final outcome of my analysis. In particular, Mr Pierre Borgoltz gave me fundamental insights that made my work possible.

¹ S. Panebianco and R. Rossi, *EU attempts to export norms of good governance to the Mediterranean and Western Balkan countries*, Jean Monnet Working Papers in Comparative and International Politics, no. 53, April 2004, p. 2, retrieved 21 April 2016, http://aei.pitt.edu/6109/1/jmwp53.pdf.

² D. Mahncke, 'The Logic of the EU neighbourhood Policy, in D. Mahncke and S. Gstöhl (eds.), *Europe's Near Abroad:* promises and prospects of the EU's Neighbourhood Policy, Brussels, P.I.E. Peter Lang, 2003, p. 19.

² D. Mahncke, op. cit., p. 26.

³ Ibid., pp. 26-30.

⁴ A. Cooley, 'Principles in the pipeline: managing transatlantic values and interests in Central Asia', *International Affairs*, vol. 84, no. 6, 2008, p. 1187.

^{5 &#}x27;Azerbaijan country profile', BBC, 2015, retrieved 17 April 2016, http://www.bbc.com/news/world-europe-17043424.

⁶ M. Popescu, 'Exploring The Limits of The EU's Normative Power Towards the South Caucasus', *Europolity - Continuity and Change in European Governance*, vol. 7, no. 1, 2013, p. 59.

'Strategic Modernisation Partnership'7 which would allow both the EU and Baku to pursue more strategic interests.

Together with Russia, Kazakhstan, Turkmenistan and Uzbekistan, Azerbaijan is one of the Caspian Sea littoral states which set the borders of the Caspian region, where Western involvement has been very limited over the years. This is one of the elements that led the region to be dominated by oil-rich authoritarian regimes the EU has to deal with due to energy and security interests. The 2004 enlargement further increased the necessity for the EU to play a greater role in its wider neighbourhood, and two different strategies were elaborated to deal with countries situated at the two banks of the Caspian Sea. In 2004 the South Caucasus was included in the ENP.s On the opposite side of the Sea, the EU launched the European Union Central Asia Strategy for a New Partnership (EUCAS) in 2007. The differences between ENP and EUCAS led to an uneven policy approach of the EU towards the Caspian Region, which did not take into consideration geographical proximity and similarities between South Caucasus and Central Asia.

This work assesses to what extent the EU has the capacity to be a normative actor in the Caspian region, thus measuring the consistency of EU's norms promotion towards unwilling countries where the EU cannot exert strong incentives for compliance. Due to the lack of EU's influence in the two Caspian countries used as case studies, it is possible to argue that the EU's action has not been purely normative, neither under the ENP nor under the EUCAS. However, the difference between the 'transition paradigm' deployed under the ENP and the 'pragmatic modernization paradigm' performed towards Central Asia helped the EU to achieve more significant results in the latter.

⁷ F. Mammadov, 'Azerbaijan's foreign policy – A new paradigm of careful pragmatism', in F. Chiragov et al. (eds.), *The South Caucasus: Between integration and fragmentation*, SAM and European Policy Centre, 2015, p. 33, retrieved 1 April 2016, http://www.epc.eu/documents/uploads/pub 5598 article - farhad mammadov.pdf.

http://www.epc.eu/documents/uploads/pub_5598_article_-_farhad_mammadov.pdf.

8 F. Gaub and N. Popescu, *The EU neighbours 1995-2015: shades of grey*, EUISS Chaillot Paper, no.136, 2015, p. 6, retrieved 19 April, http://www.iss.europa.eu/uploads/media/Chaillot_Paper_136_EU_neighbours.pdf.

The objective is to carry out a selective analysis of the EU's action towards the two sides of the Caspian Sea in order to deal with authoritarian regimes that are notably reluctant to conform to its norms and values. Azerbaijan and Kazakhstan have been selected as the two case studies. Both are post-Soviet countries governed by authoritarian regimes with little vulnerability to the EU's influence and characterised by a large reserve of hydrocarbon resources. However, Azerbaijan has been included in the ENPo and the Eastern Partnership (EaP), while Kazakhstan in the EUCAS. This has been followed by different outcomes in the cooperation with the EU. The Republic of Azerbaijan did not sign the Association Agreement (AA) and is considered one of the most unwilling neighbours to accept EU norms and values. Kazakhstan is part of the EUCAS since 2007, and after the signature of the Enhanced Partnership and Cooperation Agreement (EPCA) with the EU in 201510 is considered one of the most successful examples of bilateral cooperation in Central Asia.11 The similarities between the two case studies allow to analyse the nature and effects of EU's external action under the two different policy frameworks.

A consistent analysis of the EU as a normative actor in the Caspian region is absent. Therefore, the study will go beyond the geographical scope of the ENP, to analyse how the EU structured its relations with Kazakhstan, where the EU deployed a softer approach "characterised by the objective to pursue strategic interests through soft power tools'.12 This represents a remarkable opportunity to measure the effects of the two different models followed by the EU towards oil-rich authoritarian countries and to draw important lessons for the future.

After a description of the theoretical framework of the study, the second section will compare the characteristics of ENP and EUCAS to evaluate their nature, similarities and differences. The third

⁹ M. Popescu, 'Exploring The Limits of The EU's Normative Power Towards the South Caucasus', *Europolity - Continuity and Change in European Governance*, vol. 7, no. 1, 2013, p. 59.

¹⁰ European Union External Action Service, *Press Release, EU and Kazakhstan sign Enhanced Partnership and Cooperation Agreement*, Astana, 151221, 21 December /2015, retrieved 27 April 2016, http://eeas.europa.eu/statements-eeas/2015/151221_02_en.htm.

¹¹ M. Popescu, 'Exploring The Limits of The EU's Normative Power, op. cit., p. 59.

¹² T. Mkrtchyan, T. Huseynov, Tabib& K. Gogolashvili, *The European Union and the South Caucasus; Three Perspectives on the Future of the European Project from the Caucasus*, Europe in Dialogue, Gütersloh, Bertelsmann Stiftung 2009, p. 64.

section will then assess the EU's influence towards the two states. The model, developed by Vanessa Boas,13 will be used in order to demonstrate the limited ideological impact of the EU in Azerbaijan and Kazakhstan. Showing that the EU has a little room of manoeuvre in both states will allow us to carry out a comparative analysis of EU's bilateral relations with the two countries. The fourth section will identify what have been the main results of cooperation, respectively in Azerbaijan under the ENP and in Kazakhstan under the EUCAS. The conclusion will present the final considerations, an analysis on the nature of the EU's actions, and lessons to be learnt.

1. Theoretical framework and methodology

The theoretical framework according to which the study will be structured is 'Normative Power Europe'14 (NPE).15 After the end of the Cold War, Europeans agreed on overcoming the Westphalian concept of nation state and created the EU, a hybrid supranational form of governance whose legal constitution is based on principles of democracy, rule of law, human rights and social justice.16 Therefore, the most important factor in shaping the EU's role here is 'not what it does or what it says, but what it is'.17 The EU's origins, structure and legal constitution define what the EU is, which in turn determines how it behaves in its international engagements18. Manners defines this concept as the 'ideational impact'19 of the NPE.

The notion of 'normative power', according to Tumets, has to be considered as the 'EU attempts to project its rules, standards, values and institutions to non-member countries in Europe's periphery'. 20 For the aim of this study, the definition of norms is that of 'intersubjective

¹³ V. Boas, *Who needs goodwill? An analysis of EU norm promotion in the Central Asian context*, Univerzita Karlova V Praze Fakulta Sociálních Věd, Prague, 2015, p. 17, retrieved 12 April 2016, http://kups.ub.uni-koeln.de/id/eprint/6647.

¹⁴ I. Manners, 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies*, vo. 40, no. 2, p. 236-237.

¹⁵ Ibid.

¹⁶ *Ibid.* p. 241.

¹⁷ *Ibid.* p. 252.

¹⁸ D. S. Hamilton, 'The United States: A Normative Power?', in N. Tocci (ed.), *Who Is a Normative Foreign Policy Actor? The European Union and its Global Partners*, Brussels, CEPS, 2008, p. 80.

¹⁹ Ian Manners, 'Normative Power Europe: A Contradiction in Terms?', op. cit., p. 238.

²⁰ M. Pace, 'Norm shifting from EMP to ENP: the EU as a norm entrepreneur in the south?', *Cambridge Review of International Affairs*, vol. 20, no. 4,2007, p. 662.

understandings that constitute the actors' interests and identities, and create expectations as well as prescribe what appropriate behaviour ought to be'.21

As for the definition of norms, the concept of 'interests' is essential for this research. Interests have to be intended as all the political, economic and strategic priorities without normative connotation an actor could have. While according to Tocci normative goals and strategic interests do not necessarily contradict each other,22 Smith and Youngs stress the irreconcilable dichotomy between the two.23 According to these authors, strategic interests, not norms, shape the EU's foreign policy considerations. The selective way sanctions are imposed for human rights violations in some countries has to be considered as a 'security-predicated rationalism',24 in contrast with official normative declarations.25

The extent to which norms and interests are balanced in the EU's external policies is essential to distinguish the two main paradigms that will be considered in this study. Indeed, if the EU adopted a 'transition paradigm' under the ENP framework, for the neighbours of the neighbours in Central Asia a 'pragmatic modernization paradigm' has been performed. The transition paradigm is a concept that defines the core of ENP, which was created on the basis of the enlargement experience. It imitates 'key concepts and routines developed in the context of enlargement [...] and borrows concrete instruments, such as action plans, enhanced monitoring through regular reports and twinning of public administration'. 26 As the enlargement process, the 'transition paradigm' of the ENP has been characterized by a demanding approach and a strong conditionality. However, contrary to the

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²¹ A. Björkdahl, 'Norms in International relations: Some theoretical and methodological reflections', *Cambridge review of international affairs*, vol. 15, no. 1, 2002, p. 15.

²² N. Tocci, 'Profiling Normative Foreign Policy: The European Union and its Global Partners', in N. Tocci (ed.), Who Is a Normative Foreign Policy Actor? The European Union and its Global Partners, Brussels, CEPS, 2008, pp. 5-6.

²³ M. Gabuldani, Master Thesis, 'Challenges to Democratization beyond the European Union (EU) - Geopolitics Vs Values', *Institute for European Studies*, 2012, p. 15, retrieved 21 April 2016, http://ies.tsu.edu.ge/data/file_db/Gabuldani/Gabuldani/20MA%20THESIS%20FINAL.pdf.

²⁴Youngs, Richard, 'Normative dynamics and strategic interests in the EU"s external identity', *Journal of Common Market Studies*, 2004, p. 421.

²⁵ M. Gabuldani, op. cit., p. 15.

²⁶ S. Lavenex, F. Schimmelfenning, 'Relations with the Wider Europe', *Journal of Common Market Studies*, vol. 44, 2006, p. 143.

enlargement process, in the case of the ENP conditionality was not compensated by attractive and clear incentives as the membership perspective. This created tensions with those neighbours that were not willing to converge with EU norms and aspired to a more pragmatic and interest-based negotiation.

On the other hand, the 'pragmatic modernization paradigm' defines the approach the EU adopted in Central Asia. It was clear that in this particular territory, the EU would have had difficulties in implementing a 'transition paradigm' towards democracy. The EUCAS therefore consists of a pragmatic combination of aid, political engagement and economic cooperation, which in the long term established stronger ties with Central Asian States. The EU supported those countries' modernization path, pursuing strategic economic and energy objectives alongside an ongoing dialogue on human rights and rule of law.

1.1 Methodology

The study argues that, due to the lack of leverage and influence towards Caspian Littoral States, the EU's action has not been purely normative, neither under the ENP nor under the EUCAS. However, the difference between the 'transition paradigm' deployed under the ENP and the 'pragmatic modernization paradigm' adopted in Central Asia led the EU to achieve greater results in the cooperation with the latter.

The final aim is to conceptualise the two different approaches used under the ENP and EUCAS, to identify to what extent the two strategies present normative characteristics and what have been the reactions of the countries involved. Particular attention is given to both the interaction between the EU's values and interests and to the expectations of Azerbaijan and Kazakhstan. In fact, by adopting a third country perspective, it will be possible not only to understand the EU's attitude and the extent to which it acts to promote its normative agenda, but also how the counterparts interpret this engagement, especially when they are not vulnerable to the EU's influence. The research will encompass the whole period of the EU's involvement in the wider Eastern neighbourhood, starting

from the dissolution of the Soviet Union to more recent developments of bilateral relations between the EU and the two case studies.

2. Contextual Background: which role for the EU in the Caspian Region?

This section aims at drawing a preliminary background of the ENP and EUCAS. It will be shown that the EUCAS is more flexible and cooperation-oriented than the ENP.

2.1 The ENP and the Eastern Partnership: the foundations of the 'transition paradigm'

The growing relevance of the EU as a fully-fledged international actor as well as the necessity to deal with an entire range of new neighbours after the 'big bang' enlargement in 2004 and 2007 led to the development of a new *ad hoc* policy.27 In 2003, the Commission launched the Communication 'Wider Europe',28 paving the way for the Communication of May 2004 'Neighbourhood Policy – Strategy Paper', which defines ENP key objectives, procedures and financing tools.29 In line with the European Security Strategy of December 2003, ENP aims to ensure 'political stability, economic development and close cooperation' 30 with Eastern and Southern neighbours. This approach is based on ensuring political stability by favouring regional cooperation, democratisation, economic and social development in the countries involved.31

The ENP architecture is complex, being composed of a unilateral, bilateral and multilateral framework of cooperation.³² With regard to the unilateral dimension, Lannon affirms that the ENP, having been influenced by the enlargement experience, is a 'European policy' and not a Partnership,

²⁷ D. Mahncke, op. cit., p.19-20.

²⁸ European Commission of the European Union, *Communication from The Commission to The Council And The European Parliament, Wider Europe Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, COM (2003) 104 final, 11 March 2003, retrieved 26 April 2016, http://eeas.europa.eu/enp/pdf/pdf/com03_104_en.pdf, in D. Mahncke, *op. cit.*, p. 23.

²⁹ European Commission of the European Union, *European Neighbourhood Policy Strategy Paper*, COM(2004)373 final, 12 May 2004, retrieved 25 April 2016, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004DC0373& from=EN.

³⁰ D. Mahncke, op. cit., p. 26.

³¹ Ibid., pp. 26-30.

³² E. Lannon, 'Instruments, principes et méthodologie de la Politique européenne de voisinage', in E. Lannon (ed.), *The European Neighbourhood Policy's Challenges*, Brussels, P.I.E. Peter Lang, 2013, p. 27.

which is defined as 'a contractual framework which respects the sovereignty of the parties involved'.33 Contrary to accession candidate countries, neighbouring countries are not always willing to converge with EU norms. However, this did not impede the use of enlargement tools in the ENP, which adopted a 'transition paradigm' based on ambitious requirements and strong conditionality. In particular, the European Neighbourhood Partnership Instrument (ENPI), Country Reports (CR) and Progress Reports (PR) are characterized by a unilateral logic similar to that of instruments used in the enlargement process. Action Plans (AP) concluded with ENP countries after all Member States agree by consensus, are inserted in the ENP's bilateral track, while the multilateral dimension of the ENP sets the cooperation respectively in the South, through the Union for the Mediterranean (UfM), and the East, with the Eastern Partnership (EaP).34

The EaP was launched by the European Commission at the Prague Summit in 2008.35 It is a 'new regional dimension within the ENP'36 where it is possible to distinguish between a bilateral and a multilateral track. The former aims at strengthening ties with each ENP country in the political, economic and security fields and achieve the signature of Association Agreements (AA). This includes the creation of a Deep and Comprehensive Free Trade Area (DCFTA) covering trade in goods and services.37 The multilateral track complements the bilateral one through thematic platforms used to exchange best practices in four areas: democracy, good governance and stability; economic integration and convergence with EU policies; energy security; and contacts between people. In parallel, the Flagship initiatives are 'regional cooperation programmes'38 in the field of SMEs support, border management, response to natural and man-made disasters and energy.

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³³ E. Lannon, 'Instruments, principes et méthodologie de la Politique européenne de voisinage', op. cit., p. 27.

³⁴ Ibid., pp. 30-40.

³⁵ J. F. Coustillière, 'La sécurité en Méditerranée : Un état des lieux à la lumière des politiques de sécurité et de défense de l'UE et de la Politique européenne de voisinage', in E. Lannon (ed.), *The European Neighbourhood Policy's Challenges*, *op. cit.*, p. 206.

³⁶ E. Lannon and P Van Elsuwege, 'The Eastern Partnership: Prospects of a New Regional Dimension within the European Neighbourhood Policy', in E. Lannon (ed.), *The European Neighbourhood Policy's Challenges*, *op.cit.*, p. 285. ³⁷ *Ibid.*, p. 293.

³⁸ 'Eastern Partnership', ENP and Enlargement Negotiations Website, retrieved 17 April 2016, http://ec.europa.eu/enlargement/neighbourhood/eastern-partnership/index_en.htm.

The review of the ENP started in December 2015. After ten years, the original objectives of this policy are far from being achieved, and the neighbourhood has been facing great instability. Since the very beginning, the policy suffered for being neither an enlargement policy, nor a traditional foreign policy. It could not exercise a strong conditionality due to the lack of a real incentive to promote values and norms, such as the membership perspective. This led to the failure of the 'transition paradigm' in countries unwilling to adopt a Europeanization path. According to Maier, 'normative change and reconstruction of identities or even rejection of norms may occur if the norm taker perceives the norms as being imposed by the EU',39 as the case of Azerbaijan shows.

2.2 The EUCAS: a way forward a 'pragmatic modernization approach'

On the other side of the Caspian Sea, the EU adopted a different approach towards Central Asia. The region is far from the EU and presents unique cultural and social characteristics which make difficult for the West to find channels of effective communication to address common environmental, security and economic challenges. After the 2004 and 2007 enlargements as well as the establishment of the ENP,40 the EU became closer to the region. Energy interests played a significant role, the hydrocarbon resources being essential to pursue a strategy of energy supply differentiation.41 Moreover, Central Asia countries' border management with Afghan borders addressed security concerns over drug trafficking and religious extremism.42 These objectives acted as a catalyst for the creation of the EUCAS, aimed to 'establish a new partnership'43 with Central Asia States on the basis of the following **priority areas:** human rights and rule of law; youth and education; trade and investment; energy and transport; environment and water; and common security threats and challenges.

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 $_{39}$ S. Gstöhl, 'The EU as a Norm Exporter?', in D. Mahncke and S. Gstöhl (eds.), $\mathit{op. cit.}$, pp. 287-288.

⁴⁰ Council of the European union, *The EU and Central Asia: Strategy for a New Partnership*, 10113707, Brussels, 31 May 2007, p.1, retrieved 1 April 2016, http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010113%202007%20INIT.

⁴¹ N. J. Melvin (ed.), *Engaging in Central Asia. The European Union's New Strategy in the Hearth of Eurasia*, Brussels, CEPS, 2008, pp. 11-15.

⁴² *Ibid*.

⁴³ Council of the European union, The EU and Central Asia: Strategy for a New Partnership, op. cit., p. 1.

The EU developed a dual-track approach with Central Asian countries. In the bilateral one, the intensity of cooperation was based on each country's commitment to 'human rights, economic diversification, energy and other sectoral issues, including youth and education'.44 At the regional level, the EU has been trying to foster regional cooperation in the Wider European Space, expanding energy and transport links. Also, three regional programmes have been promoted in the field of education, rule of law, water and environment in which Member States actively take the lead.45

In 2015, a review occurred for the fourth time in the history of the Strategy. The Council of the EU stressed the progressive enhancement of ties with the region, while taking in greater consideration the particular characteristics and ambitions of each country.46 The 'pragmatic modernization paradigm' increased contacts between the EU and Central Asia, paving the way for short-term energy and economic interests, as well as the creation of the right conditions to promote democracy in the long-term. In this regard, attention to foster economic development, initiatives for environment, rule of law and education are essential.47

2.3 ENP and EUCAS: a comparison of two paradigms

The ENP, inspired by successful achievements obtained by the enlargement process, was designed to create a framework through which EU could exercise its normative influence in the neighbourhood, resulting in a 'transformative policy with strong normative powers'.48 However, the EU's effectiveness was undermined by the lack of the main enlargement incentive: the membership

⁴⁴Council of the European union, The EU and Central Asia: Strategy for a New Partnership, op. cit., p. 6.

⁴⁵ Directorate-General for External Policies Policy Department, *Implementation and review of the European-Union Central Asia Strategy: Recommendations for EU action*, Brussels, European Parliament, 2016, pp. 8-9, retrieved 12 April 2016, http://www.europarl.europa.eu/RegData/etudes/IDAN/2016/535019/EXPO_IDA(2016)535019_EN.pdf.

⁴⁶ Council of the European Union, *Relations with Central Asia: Council conclusions on the EU Strategy for Central Asia,* 10191/15, Brussels, European Union, 22 June 2015, p. 3, retrieved 12 April 2016, http://data.consilium.europa.eu/doc/document/ST-10191-2015-INIT/en/pdf.

⁴⁷ F. Bossuyt and P. Kubicek, 'Advancing Democracy on a Difficult Terrain: EU Democracy Promotion in Central Asia Adjusted to Domestic Resonance', *European Foreign Affairs Review*, vol. 16, no. 5, 2011, p. 648.

⁴⁸ A. Herdina, 'Approximation of Laws in the Context of the European Neighbourhood Policy—A View from Brussels', *European Journal of Law Reform*, vol. 9, no. 3, 2007, p. 502, in S. Romaniuk, 'Not So Wide, Europe: Reconsidering The Normative Power of The EU In European Foreign Policy', *Romanian Journal Of European Affairs*, Vol. 10, No. 2, 2010, p. 52.

perspective. This resulted in a mismatch between normative expectations and effective cost-benefit for neighbours to comply with EU requests.

In Central Asia, countries were geographically too distant from the EU, hence the approach deployed was more rational and focused on building mutually beneficial relations with the counterparts, instead of using EU's 'ideological impact'.49 The EU did not act as a normative actor but decided to offer its support to each country on jointly agreed areas, fostering dialogue and mutual understanding. This addressed both economic and energy priorities while maintaining an open dialogue on human rights and cooperation in 'neutral sectors' such as education, the fight against corruption, rule of law and judiciary sector reform. In particular, economic cooperation has been considered an important tool for change, leading to deeper bilateral and regional relations and enhancing the EU's presence on the ground.

In conclusion, despite a similar structure, the 'pragmatic modernization paradigm' in Central Asia entails a third-country perspective. This proved more flexible than the 'transition paradigm' represented by the ENP/EaP framework.

3. The Assessment of the EU's influence towards Azerbaijan and Kazakhstan

This section aims at assessing to what extent the EU can have a normative impact in Azerbaijan and Kazakhstan. The methodology for the assessment of the EU's influence will be based on Boas' use of the theory developed by Levitsky and Way to analyse democracy promotion in Central Asia by considering three variables: leverage, linkage and organizational power .50

3.1 Levitsky and Way's Methodological Framework

After the dissolution of the Soviet Union, possibilities of greater democratization promotion arose. However, there have been mixed results, with some countries being impenetrable to democratic

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⁴⁹ I. Manners, 'Normative Power Europe: A Contradiction in Terms?', op. cit., p. 238.

⁵⁰ V. Boas, op. cit., pp. 17-66.

values. Levitsky and Way's study on the post-Cold War period51 used leverage, linkage and organizational power to explain when democracy arises. The first two address international factors shaping internal democratic shift, while the third one is based on domestic variables.

'Western leverage' 52 is defined as 'vulnerability of governments to external democratizing pressure'. 53 Three variables impact Western leverage: 'the size and strength of countries' states and economies', 54 'competing Western foreign policy objectives', 55 and the 'existence or not of countervailing powers'. 56

'Linkage of the West'57 is the second variable influencing the normative impact of the West. It refers to: 'the density of ties (economic, political, diplomatic, social, and organisational) and cross-border flows (of capital, goods and services, people, and information) between particular countries and the U.S., the EU, and Western-dominated multilateral institutions'.58

'Organisational power'59 focuses on domestic factors. It assesses to what extent autocratic governments are able to survive despite a significant rise from below thanks to their strong internal organization.60 Three main elements measure the organizational power: the coercive capacity 'to monitor, intimidate, and when necessary, repress opponents',61 party strength and controlled popular movements;62 and the regime's control of the economy.63

⁵¹ S. Levitsky and L. Way, *Competitive Authoritarianism: The Origins and Dynamics of Hybrid Regimes in the Post-Cold War Era*, New York, Cambridge University Press, 2010, p. 23.

⁵² S. Levitsky and L. Way, *Competitive Authoritarianism: The Origins and Dynamics of Hybrid Regimes in the Post-Cold War Era*, New York, Cambridge University Press, 2010, p. 27.

⁵³ Ibid.

⁵⁴ *Ibid*. p. 28.

⁵⁵ Ibid.

⁵⁶ *Ibid.*, p. 27.

⁵⁷ S. Levitsky and L. Way, op. cit., p. 30.

⁵⁸ *Ibid.*, p.31.

⁵⁹ Ibid.

⁶⁰ *Ibid.*, p. 46.

⁶¹ *Ibid.*, p. 48.

⁶² Ibid., p. 55.

⁶³ Ibid., p. 61.

3.2 Operationalisation of variables

Normative influence will be the dependent variable of the assessment. The three independent variables are leverage, linkage and organizational power, each of them composed of so-called 'constituent components'. It is important to stress that leverage and linkage are directly proportional to the EU's influence. The higher they are (\^) the greater will be EU's influence (\^). In contrast, organizational power is indirectly proportional: the greater each country's organisational power is, the less the EU's influence will be effective. Table 1 shows the preliminary structure of the one that will be presented at the end of the assessment.

Table 1 - Assessment of Leverage, Linkage and Organisational Power

Variable	Constituent Components of the Variable	Impact on EU's influence64
Leverage (†)	Economic vulnerability Cohesive MS priorities Lack of competing International Powers	To be assessed
Linkage (†)	Economic linkage of flows and trade Diplomatic linkage Civil Society linkage Presence of EU on the ground	To be assessed
Organizational Power (\downarrow)	State coercive capacity Party Strength Control of State's Economy	To be assessed

LEGEND RESULTS ASSESSMENT:

- [+] → If a variable results effectively in increasing EU's influence
- [+/-] \rightarrow if there is a minor result of the variable on EU's influence
- [-] → If there is a negative impact on EU's influence

Source: elaborated on the basis of V. Boas65

3.3 The EU's normative influence in Azerbaijan: Leverage, Linkage and Organizational power

This section aims at assessing the EU's normative influence in Azerbaijan using the three variables identified by Levitsky and Way, namely leverage, linkage and organizational power.

⁶⁴ The final Table presenting the results of the assessment can be found at p. 20 of the present work.

⁶⁵ V. Boas, op. cit., pp. 128-183.

Western Leverage

With regard to Western Leverage, the high economic independence of Azerbaijan, Member States' disagreements over energy interests and norms' promotion as well as the presence of strong concurrent actions determine a negative assessment (-), which directly undermines the EU's influence on Azerbaijan. Concerning **economic vulnerability**, after the economic crisis experienced following the collapse of the USSR, the country managed its economic recovery.66 Up to now, Azerbaijan is undergoing significant growth, which in parallel with the economic differentiation strategy and the increased attention for renewable energies stresses the independence of Baku's economy. If an EU economic leverage exists, it is determined by the fact that the EU is one of the main partners of Azerbaijan in energy cooperation. However, this could also be considered a weakness for the EU itself, which nowadays is trying to pursue a differentiation of energy supply, where the role of Baku as an energy supply country is central (-).

The EU MS' cohesion variable is equally weak. The presence of important energy resources in Azerbaijan and its feeble performance in terms of human rights created a division among those MS attracted by Baku's energy resources (notably Hungary and Italy) and those (led by Sweden) that condemn Azerbaijan's human rights violations.67 Therefore, the assessment of this constituent component is negatively assessed (-).

Finally, with regard to the presence of a **competing international powers' sub-variable**, many different international players are interested in exerting an influence over the country. Thanks to its energy resources, as well as cultural and ethnic ties with Russia, Turkey and Iran, Azerbaijan managed to perform a multi-vector foreign policy68 which undermined EU's influence (-).

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⁶⁶ International Energy Agency, Eastern Europe, Caucasus and Central Asia, Paris, OECD/IEA, 2014, p. 65.

⁶⁷ G. Merabishvili, *The EU and Azerbaijan: Game on for a more normative policy?*, CEPS Policy Brief, no. 329, 2015, p. 4,https://www.ceps.eu/system/files/PB329%20EU%20Policy%20towards%20Azerbaijan%20G%20Merabishvili.pdf.

⁶⁸ E. Nuriyev, 'Azerbaijan and the European Union: new landmarks of strategic partnership in the South Caucasus-Caspian basin', *Southeast European and Black Sea Studies*, vol. 8, no. 2, 2008, p. 157.

Linkage

Despite the positive effect of the EU's presence on the ground, the limited **linkage** performed by the EU at the economic, intergovernmental and social levels leads to the conclusion that this variable assessment results in a neutral value (+/-).

Economic linkage exists between the EU and Azerbaijan. The EU is the main trade partner and bilateral exchanges are regulated through the PCA which entered into force in 1999.69 The EU accounts for more than 40% of Azerbaijan's total trade; exports toward European markets are around 50% and imports from the EU are more than 25%.70 However, due to the fact Azerbaijan is not a WTO member and has alternative sources of trade and commerce, the EU's economic influence is slightly undermined, resulting in a neutral evaluation of this constituent variable (+/-).

Referring to **diplomatic linkage**, Azerbaijan is part of several Western organizations, including the Council of Europe. However, it also participates in the Organization of Islamic Conference and other non-Western-led organizations.⁷¹ Baku is one of the founding members of GUUAM, an alliance at the political, economic and strategic aimed at enhancing Post-Soviet countries independence from Russia, which constitutes an important platform to debate over security, transport and energy issues.⁷² Therefore, Western diplomatic links exist but they are not exclusive (+/-).

The third variable, **civil society linkage**, is equally weak. Civil society started evolving after Azerbaijan's independence in 1991, thanks to a liberal regulation of NGOs adopted in 2000.73 However, the situation evolved differently (+/-). In February 2014, the 'Law on Grants' and the one

^{69 &#}x27;Azerbaijan', European Commission website, October 2015, retrieved 22 April 2016, http://ec.europa.eu/trade/policy/countries-and-regions/countries/azerbaijan.

⁷¹ 'General Information On The Section: Azerbaijan In International Scene', *Azerbaijan.Az*, retrieved 22 April 2016, http://www.azerbaijan.az/ WorldCommunity/ GeneralInfo/ generalInfo e.html.

^{72 &#}x27;Organization for Democracy and Economic Development - GUAM', *GlobalSecurity.org*, retrieved 22 April 2016, http://www.globalsecurity.org/military/world/int/guuam.htm.

⁷³ The International Center for Not-for- profit Law (ICNL), *NGO Law Monitor: Azerbaijan*, 23 March 2016, retrieved 22 April 2016, http://www.icnl.org/research/monitor/azerbaijan.html.

on 'State Registration of Legal entities' were amended to limit registration procedures and grants74. In 2013, many dialogues on human rights took place,75 but between 2014 and 2015 further limitations occurred, repression being extended even to mobilisation through the Web.76 These restrictions are in line with the government's aim to maintain internal stability and secure its power from civil society opposition.77 The only positive element in linkage is the EU's strong presence on the ground, through a fully-fledged delegation (+).

Organisational Power

Azerbaijan disposes of a consistent organizational power that has been evaluated positively in all its variables (+). It is important to remember that unlike leverage and linkage, organizational power is indirectly proportional: the greater this independent variable is, the lower is the dependent one, notably the EU's influence. **Coercive capacity** has been developing in Azerbaijan since the beginning of the Nagorno-Karabakh conflict in 1988, and when President Ilham Aliyev came into power, military spending further increased.78 Military forces are the main tools for the government to secure its power, and their internal fragmentation avoids the empowerment of leading military figures that could pose a threat to the establishment.79 This resulted in a positive evaluation of this constituent component (+).

With regard to **state party**, political power in Azerbaijan is completely concentrated in the hands of President Aliyev, who controls the national party – New Azerbaijan Party- which won the parliamentary elections held in 2010.80 Political opposition has been progressively undermined

79 *Ibid*.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ European Commission of the European Union, *Implementation of the European Neighbourhood Policy in Azerbaijan. Progress in 2014 and recommendations for actions, SWD (2015) 64 final, Brussels, 25 March 2015*, p.6, retrieved 17 April 2016, http://eeas.europa.eu/enp/pdf/2015/azerbaijan-enp-report-2015_en.pdf.

⁷⁷ G. Merabishvili, op. cit., p. 3.

⁷⁸ International Crisis Group, 'Azerbaijan: Defence Sector Management and Reform', *Europe Briefing* no. 50, 29 October 2008, p. 2, retrieved 22 April 2016, http://www.crisisgroup.org/~/media/Files/europe/b50_azerbaijan___defence_sector_management_and_reform.pdf.

⁸⁰ J. Lecarte, *Azerbaijan: Human Rights Situation*, European Parliament Research Service Blog, October 2014, retrieved 22 April 2016, https://epthinktank.eu/2014/10/13/azerbaijan-human-rights-situation/.

through the amendment of the Electoral Code in 2009, which adopted stricter criteria for campaign finance supports1. Together with restrictions to freedom of assembly and NGOs as well as widespread arrests, political activists are fragmented and unable to take a strong stand against the ruling party (+).82

Finally, the government has the complete **control** over Azerbaijan's **economy,** in particular its energy resources. Over time, this perpetrates its power and consolidates oligarchic structures (+).

3.4 EU's normative influence in Kazakhstan

In this section the same analysis of the previous one will be performed in order to measure EU's normative influence in Kazakhstan.

Western Leverage

With regard to Western wLeverage, Kazakhstan's economy is strongly independent. The position of Member States is fragmented, and the presence of several international actors undermines EU's influence (-). The country assessment is negative in terms of **economic vulnerability** (-), thanks to the presence of hydrocarbon resources and a high rate of oil exports that led Kazakhstan to become the second strongest economy in the post-Soviet Space after Russia,83 as well as one of the world's ten fastest-growing economies according to the International Monetary Fund.84

At the same time, there are **diverse strategic priorities within Member States of the EU**, linked to energy and business opportunities, as well as to EU border management to face drug trafficking and international crime.85 This created a division between Member States criticizing human rights violations and those claiming that a pragmatic involvement is better than not pursuing

82 *Ibid*.

⁸¹ Freedom in the world – Azerbaijan', *Freedom House website*, 2015, retrieved 22 April 2016, https://freedomhouse.org/report/freedom-world/2015/azerbaijan.

⁸³ M. Emerson and J. Boonstra (eds.), *Into Eurasia: Monitoring the EU's Central Asia Strategy – Report of the EUCAM Project*, Brussels, CEPS, Madrid, FRIDE, 2010, pp.16-18.

⁸⁴ International Energy Agency, Eastern Europe, Caucasus and Central Asia, op. cit., p. 163.

⁸⁵ J. Gower, 'EU Member States in Central Asia', in A. Warkotsch (ed.), *The European Union and Central Asia*, Oxon, Routledge, 2011, p. 34.

any initiative and isolating Central Asian states (Germany,86 UK87 and France88). This contrast between pragmatic and normative interests determined the lack of a common vision on how to structure future relation with the country, resulting in a negative assessment (-).

In parallel, the **presence of competing international actors** is still significant, thus undermining the EU's influence (-). Russia is still present,89 aiming to secure trade relations as well as border management, energy and political ties.90 China's companies are deeply involved in the Kazakh economy, particularly in the energy field.91 US engagement started during military operations in Afghanistan92 and progressively decreased alongside its normative agenda. On the other hand, the presence of Turkey93 and Iran became stronger.

Linkage

The **linkage** the EU can have *vis-à-vis* Kazakhstan is neutral (+/-). Strong **economic flows** are present, with 40% of Kazakh total external trade directed towards the European market.94 Considering the EU's relations with Russia and the greater emphasis the EU put on the differentiation of energy supply, Central Asia became critical. The EU increased foreign direct investments (FDI) in Kazakhstan up to almost half of the total FDI targeting the country.95The accession of Astana to the WTO96 and the signature of the EPCA constitute further signals of commitment in developing mutually beneficial economic exchanges. The fact that Kazakhstan signed the agreement with the EU despite being a member of the Eurasian Economic Union indicates possible future cooperation

⁸⁶ Ibid., pp. 34-37.

⁸⁷ *Ibid.*, pp. 37-38.

⁸⁸ *Ibid*.

⁸⁹ Directorate-General for External Policies Policy Department, *The EU in Central Asia: The regional context*, European Parliament, 2016, p. 5, retrieved 22 April 2016, http://www.europarl.europa.eu/RegData/etudes/IDAN/2016/535020/EXPO_IDA(2016)535020_EN.pdf.

⁹⁰ *Ibid.*, 36.

⁹¹ *Ibid* p. 41

⁹² Directorate-General for External Policies Policy Department, The EU in Central Asia: The regional context, op. cit., p. 7.

⁹³ M. Emerson, J. Boosra, op. cit., p. 47-48.

^{94&#}x27;Kazakhstan', *European Commission website*, October 2015, retrieved 21 April 2016, http://ec.europa.eu/trade/policy/countries-and-regions/countries/kazakhstan/.

⁹⁵ *Ibid*.

⁹⁶ Ibid.

between the EU and the Eurasian Union, thus the positive assessment of the economic constituent component (+).

In terms of **diplomatic linkage**, Kazakhstan participates in several international and regional organizations that strengthen its diplomatic linkage with the West. Among others, it benefits from OECD programmes for market liberalization,97 cooperates with the Council of Europe98 and is a member of NATO since 1990s.99 The country is also part of non-Western-led organizations, notably the Shanghai Cooperation Organization (SCO), the Eurasian Economic Union, the Organisation of Islamic Conference as well as the Central Asian Cooperation Organization.100 This results in a neutral mark for this sub-variable (+/-).

Referring to the **civil society linkage**, the rise of a civil society has always been promoted by Western donors. Nevertheless, internal ethnic divisions, the lack of an historical tradition of political activism, and the strict control exercised by the government on international financing¹⁰¹ hampered further advancements. NGOs' role is accepted more in the social than the political sphere.¹⁰² According to the MoJ, approximately 42% of the 36,815 registered non-governmental organizations provide services in the social sphere, 24 % protect socially vulnerable groups, while 34% focus on human rights promotion.¹⁰³ In addition, an NGO Law has been approved in 2015 to regulate organizations' financial support through an operator deciding over international and domestic contributions.¹⁰⁴ Despite these restrictive trends, civil society organizations are still present and active. The EU-Kazakhstan seminar for Civil Society takes place annually, gathering experts and

^{97 &#}x27;Kazakhstan', OECD website, 2016, retrieved 21 April 2016, http://www.oecd.org/countries/kazakhstan/.

^{98 &#}x27;Kazakhstan, *Council of Europe website* ,2016, retrieved 21 April 2016, http://www.coe.int/en/web/programmes/kazakhstan. 99 V. Boas, *op. cit.*, p. 131.

¹⁰⁰ Ibid., p. 132.

^{101 &#}x27;The situation of civil society in Central Asia: Key concerns and recommendations', Briefing for human rights seminar organized by the Ministry of Foreign Affairs of the Federal Republic of Germany in Bishkek, Kyrgyzstan, 22-23, October 2015', International Partnership for Human Rights, 2015, pp. 1-2, retrieved 21 April 2016, http://iphronline.org/wp-content/uploads/2015/10/ENG-briefing-CA-civil-society-Oct-2015.pdf.

L. Abdusalyamova, *NGOs in Central Asia*, Alliance Magazine, 2002, retrieved 22 April 2016, http://www.alliancemagazine.org/feature/ngos-in-central-asia/.

¹⁰³ A. Kabdiyeva, 'Development of NGOs in Kazakhstan', European Journal of Business and Social Sciences, vol. 4, no. 02, May 2015, p. 163.

¹⁰⁴ J. Lillis, *Kazakhstan: NGO Law Approved Amid Civil Society Resistance*, Eurasianet, December 2015, retrieved 21 April 2016, http://www.eurasianet.org/node/76366.

NGOs representatives from both parts to exchange opinions and best practices as well as to suggest new ideas for governmental activities in the field of human rights.105 On these bases, the assessment of this element is neutral (+/-).

Finally, **EU presence on the ground** is evaluated positively (+), with the first fully-fledged Central Asia EU delegation being established in Kazakhstan in 1994.

Organisational Power

The third variable registered a positive outcome (+). With its equipment and skilled, independent military forces, 106 Kazakhstan has the most prominent and efficient contract-based army in Central Asia. 107 Astana also disposes of a structured and powerful **state party**, Nur Otan, run by President Nursultan Nazarbayev since December 1991. 108 Other political groups are disaggregated, and the strong division in clans further impedes the creation of a Western electoral system. Governmental **control over the economy** is neutrally assessed (+/-), as the government-led energy export policy yielded significant growth to the country's economy. 109 However, recently the government has started a process of privatization and differentiation to overcome Kazakhstan's dependence on energy exports after the fall of oil prices. 110

3.4 Conclusion: low/moderate influence for the EU in the wider neighbourhood

It is evident that the EU's influence on Azerbaijan and Kazakhstan is negatively impacted by each of the constituent components considered for evaluating the independent variables. The results are summarized in Table 2.

108'Kazakhstan', Freedom House website, 2015, retrieved 21 April 2016, https://freedomhouse.org/report/freedomworld/2015/kazakhstan.

¹⁰⁵ EU Delegation of the European Union to Kazakhstan, *EU-Kazakhstan Civil Society Seminar on Human Rights kicks off in Astana today*, Astana, 25 November 2015, retrieved 21 April 2016, http://eeas.europa.eu/delegations/kazakhstan/press_corner/all_news/news/2015/20151125_01_en.htm.

¹⁰⁶ D. Gorenburg 'External Support for Central Asian Military and Security Forces', *Stockholm International Peace Research Institute*, vol. 26, no. 1, p. 2.

¹⁰⁷ *Ibid.*, p. 7.

¹⁰⁹ V. Boas, op. cit., p. 75.

¹¹⁰ M. Desai and E. Wheeler, Can Kazakhstan's Privatization Plan Succeed?, *The Diplomat*, February 2016, retrieved 21 April 2016, http://thediplomat.com/2016/02/can-kazakhstans-privatization-plan-succeed/.

Table 2 - Result of the Assessment of Leverage, Linkage and Organisational Power on EU's influence in Azerbaijan and Kazakhstan

Variable	Components		Assessment		Impact on Influence	
		AZ	KZ	AZ	KZ	
Leverage	Economic vulnerability	-	-			
(↑)	Cohesive MS priorities	-	-] -	-	
	Lack of competing International Powers	-	-			
Linkage	Economic linkage of flows and trade	+/-	+/-			
(†)	Diplomatic linkage	+/-	+/-	+/-	+/-	
	Civil Society linkage	+/-	+/-			
	Presence of EU on the ground	+	+			
Organizational Power	State coercive capacity	+	+	-	-	
(\$\ddagger\$)	Party Strength	+	+			
	Control of State's Economy	+	+/-			

LEGEND:

- [+] → If a variable results effectively in increasing EU's influence
- [+/-] \rightarrow if there is a minor result of the variable on EU's influence
- [-] → If there is a negative impact on EU's influence

Source: elaborated on the basis of V. Boasiii

4. Performance of ENP and EUCAS in EU bilateral cooperation with Azerbaijan and Kazakhstan

It has been assessed above that the EU is not able to exert sufficient influence in its bilateral relations with Azerbaijan and Kazakhstan. This fourth section will now analyse the effects of the 'transition paradigm' of ENP and the 'pragmatic modernization approach' of EUCAS towards Baku and Astana. The objective is to understand the nature and the results that the EU can obtain in its bilateral engagement with these countries under these two different approaches. The assessment will be done comparing EU's requests and the results achieved in three areas of cooperation: human rights,

¹¹¹ V. Boas, op. cit., pp. 128-183.

economic and energy cooperation and rule of law. Table 3 shows the possible results of the assessment for each area.

Table 3 - Legend of bilateral cooperation assessment results

ASSESSMENT RESULT	EXPLANATION
+	The paradigm produced good results in bilateral cooperation
+/-	The paradigm produced minor results in bilateral cooperation
-	The paradigm did not produce advancements in bilateral cooperation

Source: Author's elaboration

4.1 ENP/EaP and Azerbaijan: the normative failure of the 'transition paradigm'

The literature is consistent in affirming that the basic features of the ENP have been inspired by the enlargement toolkit. However, as previously emphasised, the EU's action towards its neighbours lacks one of the most important incentives of the enlargement process, notably the possibility to become a Member State. Underestimating this factor, the development of the ENP and EaP led to a demanding 'transition paradigm' towards EU neighbours, characterized by overambitious requirements and a lack of clear incentives. This resulted in a division within the Eastern neighbourhood between those countries that advanced in their bilateral cooperation with the EU - Ukraine, Moldova and Georgia – and those that did not. Azerbaijan is part of the latter group and is considered by Franke as the 'least-likely case' for Neighbourhood Europeanization.112 This is particularly evident when analysing bilateral cooperation results in the area of human rights and fundamental freedoms. In the European Commission's Progress Report evaluating the implementation of the ENP in Azerbaijan, it was stressed the inability to conform to ECHR rulings

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¹¹² A. Franke, A. Gawrich, I. Melnykovska, and R. Schweicker, 'The European Union's relation with Ukraine and Azerbaijan', *Post-Soviet Affairs*, vol. 26, no. 2, 2010, p. 156.

related to violations of freedom of association and expression as well as lack of free and fair elections.113 The recent legislation on NGOs poses a serious threat to freedom of association, expression and reunion, due to burdensome administrative procedures for registration of targeted associations and restrictive criteria on international financial support.114 The arrest, menace and persecution of political opponents, journalists and human rights activists is a consolidated practice115 together with the adoption of restrictive laws on freedom of religion, the European Commission says.116 The misalignment of Azerbaijan from human rights' standards and freedoms results in a negative assessment of this field of cooperation (-).

The lack of consistent progress in the area of democracy, human rights and fundamental freedoms contrasts sharply with developments in the economic sphere. 117 Azerbaijan is not member of the WTO and does not meet the preconditions to deepen economic exchanges with the EU.118 This led energy cooperation to be central. After the Ukraine crisis, Brussels declared the objective of pursuing an energy supply differentiation. Baku is aware of its potential as a transit and supply country between Europe and Central Asia and used its hydrocarbon resources as a tool for its multivector foreign policy. 119 At the bilateral level, a memorandum of understanding on energy (MoUE) between the EU and Azerbaijan was signed in 2006, 120 establishing regular meetings to advance in legislation harmonization, security of supply and technical cooperation. 121 At the multilateral level,

¹¹³ European Commission of the European Union, Implementation of the European Neighbourhood Policy in Azerbaijan. Progress in 2014 and recommendations for actions, op. cit., p. 4.

¹¹⁴ *Ibid.*, p. 3.

¹¹⁵ P. Borgoltz, G. Bonacquisti, *Droits de l'homme et Etat de droit dans le voisinage oriental de l'Union Européenne (Europe de l'Est et Asie Centrale) dans le contexte de la révision de la Politique Européenne de Voisinage*, Institut Européen Des Relations Internationales Academia Diplomatica Europaea (IERI), June 2015, pp. 8-9, retrieved 23 April 2016, http://www.ieri.be/sites/default/files/filefield/news/Droits%20de%20l'homme%20%20etat%20de%20droit%2028%20mai%20 EU%20LOGOS%20final.pdf.

¹¹⁶ European Commission of the European Union, *Implementation of the European Neighbourhood Policy in Azerbaijan*, op. cit., p.6.

¹¹⁷ *Ibid.*, p. 3.

¹¹⁸ V. Gasimli, 'Trade, economic and energy cooperation: challenges for a fragmented region', in Fuad Chiragov et al. (ed.), op. cit., p. 61.

¹¹⁹ T. Huseynov, 'The EU and Azerbaijan: Destination Unclear', in T. Mkrtchyan, T. Huseynov and K. Gogolashvili (*eds.*), *op. cit.*, p. 65.

²⁰ *Ibid*.

¹²¹ European Union and the Republic of Azerbaijan, 'Memorandum of Understanding on a Strategic Partnership between the Republic of Azerbaijan and the European Union in the Field of Energy', Brussels, 6 November 2006, retrieved 23 April 2016, http://ec.europa.eu/dgs/energy_transport/international/regional/caucasus_central_asia/memorandum/doc/mou_azerbaijan_en.pdf

Azerbaijan is part of the INOGATE Programme, created in 1995 to foster energy cooperation between the wider neighbourhood in the east.122 In 2004 the country hosted the Baku Energy Ministerial Conference where the initiative was launched, paving the way for a closer cooperation between the EU, the Black Sea and Central Asian countries.123

The progress report released by the Commission in 2015 also welcomed the positive developments deriving from the increasing interest in renewable energies, 124 although gas remains a prominent source of revenues for the country. The production reached 18,7 billion cubic meters of gas (bcm).125 Interestingly, the EU already secured the import of 10 bcm of gas from Azerbaijan starting 2019.126 This is in line with both the launch of the Southern Gas Corridor in 2014127 and the construction of the two new pipelines, notably the Trans-Anatolian Natural Gas Pipeline (TANAP) and the Trans Adriatic Pipeline (TAP), which are expected to be completed by 2019/2020.128 In conclusion, there has been great cooperation in the energy sector, but this is not directly connected with Baku's participation to the ENP. Therefore, the assessment of this independent variable is positive (+), but it does not have a positive impact on the effectiveness of the 'transition paradigm'.

Concerning **rule of law**, whose characterising elements are constitutional primacy, separation of power, access to justice and independence of the judiciary, 129 there have not been relevant improvements in Azerbaijan (-). The Constitution adopted in 1995 guarantees a wide range of human

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¹²² F. Fenton, 'State of Play: The EU, Central Asia and ENP', in Sieglinde, Gstöhl and Erwan, Lannon (eds.), *The Neighbours of the European Union's Neighbours: Diplomatic and Geopolitical Dimensions Beyond the European Neighbourhood Policy*, Oxon, Routledge, 2016, p. 169.

Energy & transport international relations, Baku Initiative', *Directorate General Energy and Transport*, 2006, retrieved 30 March 2016, http://ec.europa.eu/dgs/energy_transport/international/regional/caspian/energy_en.htm.

¹²⁴ European Commission, Implementation of the European Neighbourhood Policy in Azerbaijan, op. cit., p. 12.

¹²⁵ **Ibid**

¹²⁶ European Commission of the European Union, *Press Release, Gas from Azerbaijan: Commission welcomes final investment decision to extract gas pledged for Europe*, Brussels, 17 December 2013, retrieved 3 April 2016, http://europa.eu/rapid/press-release_IP-13-1271_en.htm.

¹²⁷ Ibid.

¹²⁸ 'TANAP to start working on July 1, 2019 and TAP – on January 1, 2020'. *ABC.AZ*, 6 July 2015, retrieved 23 April 2016, http://abc.az/eng/news_06_07_2015_89416.html.

¹²⁹ E. Schlaeppi, B. and C, McCabe, *Rule of law, Justice sector Reforms and development cooperation*, SDC Concept Paper, Berne, Swiss Federal Department of Foreign Affairs FDFA, 2008, p. 5.

rights that are not properly implemented in practice. 130 According to Freedom House, there is no clear separation of powers, the Constitutional Court being highly dependent on the government. 131 Finally, there is a lack of equality before the law, many people being deprived of the possibility to ask for a defence lawyer. 132 Episodes of 'torture and ill treatment' in pre-trial detention are also signalled. 133 In parallel, the public sector is characterized by high levels of corruption, which make difficult to establish efficient legislative, administrative and justice workings in the country. 134

Table 4 - Results of Transition Paradigm in Azerbaijan

Area of Cooperation	Cooperation with Azerbaijan	Effectiveness of the Transition Paradigm
Human Rights	-	
Economic/Energy Cooperation	+	_
Rule of Law	-	

Source: Author's elaboration

According to the analyses in this section summarized in Table 4, it is possible to affirm that the country is not undertaking the democratization path that would be expected according to the ENP and EaP requirements. The 'transition paradigm' has been interpreted as an intrusion into domestic affairs, leading to Baku's refusal to ratify the Association Agreement and to propose an alternative instrument where Azerbaijan would play the role of partner, not the one of neighbour. Moreover, the lack of compliance to apply normative requests did not lead to any negative consequence, also due to the weak implementation of the 'transition paradigm' in concrete terms. 136 Baku's position as

¹³⁰ A. Motyl and A. Schnetzer, *Nations in Transit 2004: Democratization in East Central Europe and Eurasia*, Oxford, Freedom House, Rowman and Littlefield Publishers, 2004, p. 91.

¹³¹ A. Motyl and A. Schnetzer, *Nations in Transit 2004: Democratization in East Central Europe and Eurasia*, Oxford, Freedom House, Rowman and Littlefield Publishers, 2004, p. 91.

¹³² European Commission, Implementation of the European Neighbourhood Policy in Azerbaijan, op. cit., p. 7.

¹³³ P. Borgoltz, G. Bonacquisti, op. cit., pp. 8-9.

¹³⁴ European Commission, Implementation of the European Neighbourhood Policy in Azerbaijan, op. cit., p. 6.

¹³⁵ G. Merabishvili, op. cit., p. 3.

¹³⁶ T. Huseynov, 'The EU and Azerbaijan: Destination Unclear', op. cit., p. 71.

an energy supplier and connector between the EU and Central Asia further increased its negotiation power, leading the country to believe that the EU needs to cooperate 'as much as Azerbaijan'.137

4.2 EUCAS and Kazakhstan: the results of a pragmatic modernization approach

Kazakhstan is generally considered difficult terrain for a democratization process. However, this did not impede Brussels to cooperate with the country and the entire region in a more nuanced way. The main drivers for commitment were economic, energy and security interests related to hydrocarbon resources and trade, despite the normative goals that were declared in the PCAs concluded in the 1990s138 and in the EUCAS.139 Many scholars underline the ineffectiveness of EU's democracy promotion in Central Asia, which presents 'consolidated autocracies' and a poor record of human rights violations.140 However, critiques are based on the normative bias that usually defines the EU's official external commitment. If we assume that the approach to the region is not normative in substance, the evaluation changes. Indeed, the EU did not use its ideational nature to deal with Kazakhstan, since a strong normative stand would have undermined any advance in bilateral cooperation. Instead, it cooperated with Astana on different terms according to a 'pragmatic modernisation paradigm'. The operationalization of this concept will occur through the same variables analysed in the previous section. The assessment will be done considering the impact expected to be created by the EUCAS, that in this case is not a democratic shift – as in the ENP/EaP – but the establishment of cooperation in all the sectors mentioned.

Concerning **human rights** cooperation, one of the provisions in the EUCAS in 2007 was the establishment of 'regular, results-oriented human right dialogues' carried out by MS and the EU at the bilateral level with each country.141This initiative was not intended to promote a normative shift in the short-term, but to establish a structured platform for discussion and cooperation. Up to now,

¹³⁷ T. Huseynov, 'The EU and Azerbaijan: Destination Unclear', op. cit., p. 71.

¹³⁸ A. Warkotsch, 'Central Asia: limited modernization', in R. Youngs (ed.) *The European Union and Democracy Promotion.* A Critical Global Assessment, Baltimore, The John Hopkins University Press, 2010, p. 100.

¹³⁹ Council of the European union, The EU and Central Asia: Strategy for a New Partnership, op. cit., p. 7.

^{140 &#}x27;Kazakhstan', Freedom House website, 2015, op. cit.

¹⁴¹ Council of the European union, The EU and Central Asia: Strategy for a New Partnership, op. cit., p. 7.

seven rounds of Human Rights Dialogues (HRD) have taken place. The last one occurred in Astana in 2015.142 Despite several challenges, progress has been made in Kazakhstan in the fight against torture, and a number of imprisoned human rights and labour activists have been released after the HRD held in Brussels in 2014.143 Also, in 2015 the government adopted a 'National Action Plan to 2020 on Human Rights', following the recommendations of the United Nations Universal Periodic Review.144 Considering the attitude of Kazakhstan towards human rights, the outcome can be evaluated positively in the sense that a dialogue has been established and the openness of Astana on these matters is clear (+).

The same can be said with regard to **economic and energy cooperation**. Relations between Brussels and Astana progressively improved over the last 20 years.145 The EU has become one of Kazakhstan's biggest trade partners and investors, supporting Astana in its efforts to pursue economic diversification, and business reinforcement.146 The accession of Kazakhstan to the WTO, – a necessary precondition to foster commercial ties between the two parties –147 occurred on 30 November 2015.148 In parallel, Kazakhstan participates in TRACEA and INOGATE programmes, as does Azerbaijan. It also concluded an MoU in the field of energy with the EU in 2006.149 Commitment in supporting Kazakhstan in investment attraction, transparency, transport interconnections and business development has been restated as a priority in the review of the EUCAS in June 2015, and the EPCA is a further step forward. Kazakhstan considers the EU as a model to follow in its

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European External Action Service, *Press Release-Kazakhstan Human Rights Dialogue*, Asana, 27 November 2015, 151127_03, retrieved 23 April 2016, http://eeas.europa.eu/statements-eeas/2015/151127_03_en.htm.

¹⁴³ European External Action Service, Press Release-Kazakhstan Human Rights Dialogue, op. cit.

¹⁴⁴ P. Borgoltz, G. Bonacquisti, op. cit., p. 14.

¹⁴⁵ A. Walters, *Kazakhstan and Europe: Building Ties*, Edge KZ, 2016, retrieved 24 April 2014, http://www.edgekz.com/kazakhstan-europe-building-ties/.

¹⁴⁶ Council of the European union, The EU and Central Asia: Strategy for a New Partnership, op. cit., p.10.

European Commission of the European Union, Press Release, *Joint Communiqué by the President of the European Commission José Manuel Barroso and the President of the Republic of Kazakhstan Nursultan Nazarbayev*, Astana, 3 June 2013, retrieved 24 April 2016, http://europa.eu/rapid/press-release MEMO-13-488_en.htm.

¹⁴⁸ 'Le Conseil général approuve les modalités d'accession du Kazakhstan, Organisation Mondiale du Commerce, il ne reste plus que la ratification', 25 July 2015, retrieved 24 April 2016, https://www.wto.org/french/news_f/news15_f/acc kaz 27iul15_f.htm.

¹⁴⁹ European Union and the Republic of Kazakhstan, 'Memorandum of Understanding on cooperation in the Field of Energy between the European Union and the Republic of Kazakhstan', Brussels, 4 December 2006, retrieved 23 April 2016, http://ec.europa.eu/dgs/energy_transport/international/regional/caucasus_central_asia/memorandum/doc/mou_kazakshtan_en.pdf.

modernization path. The EU has presented itself as a reliable partner without imperialistic or military aspirations, unlike Russia and China. This has been essential to establish mutual confidence. The assessment is therefore positive (+).

Concerning the last variable, Kazakhstan is commonly defined as an authoritarian regime which does not have any of the fundamental **rule of law** requirements. 150 Nevertheless, the pragmatic approach performed by the EU led Kazakhstan to make notable advancements, despite the presence of several areas requiring further assistance and discussion. Under the EUCAS framework, the country is part of the Rule of Law Initiative led by France and Germany, that support modernization, reform and harmonization through political dialogue and technical support.151 A Rule of Law Platform has been created to foster exchange of best practices between countries. Up to now, representatives of Central Asia states at the ministerial level met in in Brussels (2008), Dushanbe (2010), Brussels (2012) and Astana (2014).152Within the framework of the Council of Europe, the country joined the European Commission for Democracy through Law, whose aim is to pursue a legal and institutional harmonization in line with European standards.153 In parallel, the reform of Kazakh Criminal Code and Criminal Procedure Code stated for the first time the principle of convicted people's reinsertion into society as a priority,154 and access to justice has been improved to ensure gender equality, protection of young people and vulnerable groups. 155 Since these advancements have to be followed through the concrete implementation of legislative provisions amended or adopted, continuous exchange and dialogue between Kazakhstan and EU Member States is essential. To conclude, the outcomes achieved meet totally the aim of the EU: the establishment of mutual trust

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¹⁵⁰ Kazakhstan', Freedom House website, op. cit.

¹⁵¹ R. Isaacs, *EU's Rule of Law Initiative in Central Asia*, EUCAM, No. 9, August 2009, p. 1, retrieved 24 April 2016, http://aei.pitt.edu/11483/1/1898.pdf.

^{152 &#}x27;Presentation', EU – Central Asia Rule of Law Platform, retrieved 24 April 2016, http://ruleoflaw.eu/rule-of-law-platform-central-asia/presentation/.

^{153 &#}x27;For democracy through law -The Venice Commission of the Council of Europe', Council of Europe website, 2014, retrieved 24 April 2016, http://www.venice.coe.int/WebForms/pages/?p=01_Presentation&lang=EN.

¹⁵⁴ P. Borgoltz, G. Bonacquisti, op. cit. pp. 14-15.

¹⁵⁵ P. Borgoltz, G. Bonacquisti, op. cit. pp. 14-15.

and gradual harmonization on the basis of Kazakhstan's expectations. The positive outcomes of the cooperation led to a positive assessment (+), with Table 5 summarizing the results.

Table 5 - Results of Pragmatic Modernization Paradigm in Kazakhstan

Area of Cooperation	Results in Kazakhstan	Effectiveness of Pragmatic Modernization Paradigm
Human Rights	+	
Economic/Energy Cooperation	+	+
Rule of Law	+	

Source: Author's elaboration

Promoting a truly revolutionary democratic transition in Kazakhstan was simply not possible due to the EU's limited influence. Moreover, the engagement in Central Asia was mainly driven by pragmatic interests. For these reasons, the EU did not act as a normative power but decided to perform a more pragmatic approach based on dialogue and best practices exchange on human rights and rule of law, alongside trade and energy cooperation. Since the objective of the EU was not to impose its norms and values but to enter into a constructive dialogue with Kazakhstan, the outcomes have been positive in all the fields analysed, thus underlining the success of the 'pragmatic modernization paradigm', which managed to find a balance between interests and value promotion in a difficult terrain.

5. Conclusion

The objective of this study was to analyse to what extent EU's action towards the oil-rich Caspian Littoral States had normative characteristics. The EU's bilateral cooperation with Azerbaijan and Kazakhstan has been examined to assess the nature and effectiveness of respectively the ENP/EaP 'transition paradigm' and the EUCAS 'pragmatic modernization paradigm'. The hypothesis was that

EU's action towards the two sides of the Caspian Region is not normative in substance, but that the pragmatic modernization paradigm performed well in Kazakhstan, achieving greater results than those achieved through the ENP/EaP in Azerbaijan.

The analysis has demonstrated that Azerbaijan and Kazakhstan are not vulnerable to the EU's 'ideational model', and neither of the paradigms has been purely normative. The ENP has always been presented as a 'transformative policy with normative characteristics'.156 However, the EU normative foreign policy has been inconsistent towards Baku in substance, since cooperation advanced only in limited areas linked to economic and strategic interests of both parts, undermining the EU's normative commitment. From a third country perspective, the 'transition paradigm' has been perceived as a threat to national sovereignty by Baku, which decided to step back from the Association Agreement signature, asking for a 'Strategic Modernization Agreement' 157 that would present Baku as a real partner.158

The EUCAS did not have normative connotation either, but the difference with the ENP has been in the approach adopted. The combination of interests and norms determined significant improvements with Kazakhstan, increasing its willingness to cooperate with the EU. Despite the approach not being normative in the meaning we would normally attribute to this word, the cooperation resulted in Astana being the first Central Asian country to conclude an EPCA with the EU159. This will be the new legal basis fostering political and economic cooperation, including a greater commitment in the field of human rights, democracy and rule of law. The difference with Azerbaijan is striking and can be explained by the different combination of values and interests promoted.

¹⁵⁶ A. Herdina, 'Approximation of Laws in the Context of the European Neighbourhood Policy—A View from Brussels', *op. cit.*, p. 52.

¹⁵⁷ F. Mammadov, 'Azerbaijan's foreign policy – A new paradigm of careful pragmatism', in F. Chiragov et al. (eds.), *op. cit.*, p. 33.

¹⁵⁸ G. Merabishvili, op. cit., p. 3

¹⁵⁹ European Union External Action Service, *Press Release, EU and Kazakhstan sign Enhanced Partnership and Cooperation Agreement*, Astana, 151221, 21 December /2015, retrieved 27 April 2016, http://eeas.europa.eu/statements-eeas/2015/151221 02 en.htm.

Considering these findings, the hypothesis of the present work has been proven correct. Neither the ENP nor EUCAS hold a normative nature. However, the pragmatic modernization approach, thanks to its greater focus on cooperation and the right combination of interests and norms, has been more successful in meeting both the EU and the third country objectives.

In light of the new bilateral engagement between Baku and Brussels, the present work recommends to look at the way in which relations with Kazakhstan have been framed under the EUCAS. Indeed, similarities between Baku and Astana in terms of moderate/low EU's influence, energy interests and geographical location lead one to conclude that in dealing with both these countries, the EU would achieve better results through the 'pragmatic modernization paradigm'.

A process of internal transformation cannot be obtained without a long-term commitment and willingness to know each other. A different and more realistic engagement characterized by a third country perspective and focused on neutral areas of cooperation – private sector, education, research and innovation – would not threaten domestic elites, allowing the EU to reinforce its role of reliable partner. In the long term, it could bring to improve civil society's conditions, since the government would not perceive the EU as a menace to its domestic stability and would rather accept a constructive dialogue in parallel with cooperation in more strategic sectors. Brussels would have the opportunity to pursue not only short term pragmatic interests, but also a long-term commitment towards democracy.

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