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Master Thesis on the topic:

Challenges to Democratization beyond the European Union (EU) - Geopolitics Vs Values

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Tbilisi

2012

## **Abstract**

This thesis analysis the factors that impact democracy promotion in the EU's Foreign Policy regarding its immediate neighbors. The study is based on the analysis of the EU's response to the human rights and democracy violations in its strategically important partners within the European Partnership. The research overviews impact of the energy security, security/stability and economic interests on the normative values of the European Union. Interest-driven feature of EU Foreign Policy formation had been defined as considerable one. Arguing this, the theoretical framework of Normative Power of Europe and Neo-Realist critique of Normative Power are employed through this thesis based on the detail examination of the EU –Belarus and EU –Azerbaijan cases.

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## **The list of Abbreviations**

AA	Association Agreement
BPS-2	The Baltic Pipeline System-2
CSTO	Collective Security Treaty Organization
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
DCFTA	Deep and Comprehensive Free Trade Area
EU	European Union
ENP	European Neighborhood Policy
ENPI	European Neighborhood Policy Instrument
EaP	Eastern Partnership
MSs	Member States
NPE	Normative Power Europe
OSCE	Organization for Security and Cooperation of Europe
TEU	Treaty on the European Union (Maastricht Treaty)

## Introduction

“...We will be judged on our work with our immediate neighbors, and I am convinced that we are moving in the right direction. We will continue to help our partners in their efforts to embed fundamental values and reinforce the economic reforms which are necessary to create what I call ‘deep democracy’.”- This statement was made by Mrs. Catherine Ashton, the High Representative of the Union for Foreign Affairs and Security Policy, on May 15, 2012, regarding the changes in the EU Neighborhood strategy (European Commission, ENP Package/Press release. 2012). Promoting democracy has always been one of the important objectives for the European Union, enshrined in the EU’s founding treaties and programs. In the European Neighborhood Policy and Eastern Partnership program democratic reform was a central objective, besides other kind of cooperation. Through these programs, the EU puts emphasis on the importance of human rights and democracy in the relation to the authoritarian regimes in the Neighborhood. The EU often remained silent, however, when human rights and democratic freedoms were violated in these countries; especially, when it is concerned with strategically important actors, the EU has favored stability over its values.

Recent developments in the EU’s Neighborhood – for example, regime changes in the Middle East and Northern Africa, illustrated that authoritarian regimes were not a guarantee of stability in the region. The so called “Arab Spring” awakened Europe. A month after the beginning of the Arab Spring, the Commissioner for Enlargement, Štefan Füle, admitted that “Europe was not vocal enough in defending human rights and local democratic forces in the region. Too many of us fell prey to the assumption that authoritarian regimes were a guarantee of stability in the region” (European Parliament. 2011). The political costs prompted the European Union to update its strategy toward its neighbors, with even more emphasis on civil society, human rights and democracy (European Commission/HR CFSP. 2011), which has been left behind while practicing its policies in the neighbor countries.

In promoting its values and policies, the European Union applies the Principle of Conditionality as one of the main instruments for advancing democracy. Very often, however, the Principle of Conditionality was influenced by the member states' strategic interests, in favor of the EU and the regime of the partner states. Thus, from time to time, the normative power of Europe was felt by the Neighbors as orphans in the realm of Common Foreign and Security Policy; while the individual member states dealt with strategically important countries. To show the main challenges for the EU democracy promotion through the Conditionality Principle in the EU's immediate Neighborhood, this thesis analyzes the EU policy toward Azerbaijan and Belarus, two different members of the European Neighborhood.

The main reason for choosing the Conditionality Approach is that it seems to be the most inconsistent and incoherent regarding Belarus and Azerbaijan making it possible to both test the soundness of the approach using a theoretical basis, as well as to determine some of the causes and effects of using this approach in those countries. In both countries, the EU applies different approaches in response to human rights and democracy violation despite the similar reports on violations of these values.

This thesis aims to critically analyze the EU's multilateral foreign policy towards Azerbaijan and Belarus; including looking at what factors have guided the EU policies towards these countries in terms of human rights and democracy issues; and looking at, to what extent the EU has applied double standards.

In this thesis a key political challenge to stated normative principle of EU foreign policy-making is the mainstreaming of security and economic objectives in the EU's external relations. The 2008 year is taken as a watershed reflecting economic and energy crisis in Europe. The research does not cover other EaP countries individually, but offers general overview of EU relations with neighbors within Eastern Partnership.

## Methodology and the Structure of the Thesis

As the European Neighborhood policy has almost a decade of history, and the normative power of Europe dates back to 1990s, analyzing this topic from its introduction until today adds unnecessary complexity, as well as requires a lot of effort and time. To answer the main question of the thesis, the period since 2008 will be examined because it was the year when the EU member states began discussions about the new policy for eastern neighbors, called Eastern Partnership. The Eastern Partnership was concluded in 2009 and aimed strengthening the cooperation with the EU's post-soviet 6 neighbors (Georgia, Moldova, Ukraine, Armenia, Azerbaijan and Belarus). That year was also watershed in Belarus-EU relations, and will be discussed below in detail. It was also an important beginning for the EU's increasing dependence on Azerbaijan's strategic importance.

The respective paper basically is based on the case studies on EU –Azerbaijan and EU – Belarus Relations in terms of human rights and democracy. The qualitative research method is applied to the collection of data from the analysis of progress reports, action plans, articles, scholarly magazines and speeches of the EU officials. The hypothesis are tested on the case studies through applying theory and thus, identifying linkages between the Independent and dependent variables. For obtaining the relevant data, information on the EU reaction to electoral manipulation, presidential power consolidation and human rights shortcomings are explored. The Organization for Security and Cooperation in Europe election reports are used as the primary source for identifying events of electoral manipulation. OSCE election reports are also the primary source of information used by the EU for making the judgments on the regularity of elections. Power consolidation of the executive refers to an unconstitutional extension of a president's term in office.

The second component of the data-set relates to EU response to human rights shortcomings between 2008 and 2012. The research uses a target's civil society and

Independent Media scale as ranked by Freedom House to judge on its human rights situation. In the Freedom House rankings each country is assigned a numerical rating between one and seven. A rating of one indicates the highest and seven the least amount of civil liberty. Responses included into the analysis are reaction to a country's general human rights or targeted at individual cases of human rights violation (e.g. the imprisonment of a human rights activist or a violent crackdown of demonstrations by security forces). Regarding sanctions, only responses which are justified by the sender with human rights shortcomings are included.

As for the structure, this thesis is organized in 3 main parts. Before the first chapter there is a brief overview of background information and the aim of the study is defined with the main question of the thesis. Then, the first chapter overviews the theoretical Framework of the Research. Explaining the Normative Power of Europe (NPE) and its contradiction with Interest-Driven Approach. Based on this analysis and the views therein, three main hypotheses have been introduced.

The second chapter of the thesis is based on Case studies. Two case studies are analyzed in terms of Azerbaijan and Belarus relations with the EU and a comparison of the cases are made. The last Chapter of this study is the Conclusion where the findings of the analysis are summarized and a conclusion is drawn.

By using this techniques of analysis based on the realist's critique of EU Normative power, the thesis illustrates how the union acts in Azerbaijan and Belarus when the fundamental values are at stake and targeted countries are strategically important for the EU member States.



## Background

Commitments to Human Rights and democratic principles has contributed to labeling the EU as a Normative Power by scholars (Manners. 2002). Ian Manners identifies the core European norms as: peace, liberty, democracy, the rule of law and respect for human rights; that are diffused through diplomatic means and sometimes through the procedures of EU membership and application. The concept of 'Normative Power Europe' (NPE) has become very popular for analyzing the foreign policy and external relations of the European Union (EU).

In 1995, the EU established the European Initiative for Democracy and Human Rights (EIDHR), which later became an instrument for democracy assistance in all regions of the world, including the Eastern neighbors. The European Neighborhood program was launched in 2004, including 16 states from the Eastern and Southern Neighborhood. As it was declared, the European Neighborhood Policy (ENP) was designed to focus on building a 'ring of friends' around the newly enlarged EU and to promote its system of rules to its new neighbors (Smith, 2005. 757) without the perspective of becoming a member state. Democratic reforms were one of the priorities defined in the ENP action plans. Partners with the successful performances in reforms were to be rewarded with an advanced partnership status or additional aid.

Frank Schimmelfennig consider the Conditionality Principle as a direct mechanism for promoting EU's values and principles that is based on the EU's manipulation of other actors' cost-benefit calculations. The EU seeks to disseminate its governance rules by setting them as conditions that external actors have to meet in order to obtain rewards and to avoid sanctions from the EU (Schimmelfennig, Frank. 2009, 1-28). Rewards could be different types of cooperation, including trade agreements or financial aids. As a punishment EU could apply to restrictive measures in terms of economic or diplomatic sanctions (suspending the financial aid, imposing travel bans or asset freezing etc.)

Schimmelfennig and Scholtz (Schimmelfennig, Scholtz 2008, 187) consider that EU conditionality is mainly “positive”, that is the EU offers and withholds carrots but does not carry a big stick. Countries that fail to meet the criteria are denied assistance, association or membership and left behind in the competition for EU funds. Principle of Conditionality became also an important instrument of external governance in the EU’s Neighborhood policies, through this principle instead of offering membership EU has offered several assistance programs and policy framework to its eastern neighbors.

Conditionality is discussed and analyzed in this thesis as one of the EU’s instruments for promoting democracy and human rights. Sometimes the specific conditionality of democratic reform in exchange for enhanced relations with the EU varies from country to country, not on the basis of their democratic credentials, but according to the interests of the member states (Bosse 2011, 3), that tends turning into a bargaining game of promoting member states’ regional interests. This is illustrated in this thesis with the cases of EU policies towards Belarus and Azerbaijan. Both countries are showing increased lack of respect for democratic principles; both joined the group of “consolidated authoritarian regimes” (Freedom House 2012).

As Azerbaijan and Belarus are labeled as semi-authoritarian countries, it is important to know how do the scholars define semi-authoritarianism. The scholars distinguish three types of authoritarianism; among them is partly authoritarian system, where a single political party dominates the system but it penetrates into society less than totalitarian systems. Semi-authoritarian systems may even tolerate small opposition parties and use mechanisms of democracy like elections in an effort to increase their legitimacy with the public. Marina Ottaway, in her study “Democracy Challenged –the rise of semi-authoritarianism”(Ottaway, Marina 2003) defined that the semi-authoritarian regime “...are political hybrids, they allow little real competition for power, thus reducing government accountability.” The author examines the case of Azerbaijan where “former communist party bosses have transformed themselves into elected presidents but in

reality remain strongmen whose power is barely checked by weak democratic institutions.” (Ottaway, Marina 2003. 3)

Based on Freedom House data, their indices on electoral freedom, independent media or general democracy score for Belarus and Azerbaijan is the most close to each other compare with other EaP countries. In both countries there are the cases of electoral manipulations, power consolidation or human rights violations in terms of dispersing demonstrators and arresting people because of their political views. As a response to violations the EU extends Sanctions against regime of Belarus, while toward Baku the semi-critical statements are maintained.

### **Research Question and the aim of the study**

The thesis aims to analyze the EU’s policy in the Eastern neighbors, in an attempt to determine when democracy favors economic development and vice versa; and whether the EU sets a “One-Strategy-fits-all” approach in the Eastern Partnership; as well as whether a strategy varies or whether a strategy is coherent but its implementation tactics vary.

Thus, the research question is following: *When and how does the EU respond to human rights and democracy violations while facing security and economic constraints?*

The degree of dependence on the neighbor concerned, in terms of security and economic stability, is considered as the Independent variable; The Independent variable is operationalized as the energy security, stability and business interests, based on the assumption of Anne Haglund Morrissey, who argues that the “Energy and security dimensions are becoming more important goals within EU foreign policy that undermine normative status of the EU in the world politics” (Haglund 2005.4-8). The research

explains how the economic and security interests influence on the democracy promotion through conditionality, which is defined in this thesis as a dependent variable.

The new forms of partnership bring up the question whether this time ‘values or geopolitics’ will be of paramount interest while dealing with Neighbors, particularly in relation to Belarus (Nash 2009.1) and Azerbaijan. Both Belarus and Azerbaijan are showing increased lack of respect for democratic principles, and the least progress. It is interesting to note that, in contrast, Moldova takes the first place as the best performer and has the highest integration index, Ukraine and Georgia are also frontrunners with EU membership aspirations (International Renaissance Foundation, the Open Society Foundations 2012, 14).

Comparing democracy scores of Azerbaijan and Belarus based on the Freedom House data, both countries have a lot in common. Between the period of 2008 and 2012, the electoral process and the independence of media in both countries are evaluated with the similar indices: Electoral process in 2009, 2010 and 2011 in both countries were assessed by the same index, only in 2008 was seen slight difference. As for Independent Media in 2009 and 2011 there are similar scores, in 2008 Belarusian Media is in more vulnerable situation, but in 2010 it’s visa versa.

**Table 1. Electoral Process:**

Country	2008	2009	2010	2011	2012
Belarus	7.00	6.75	6.75	7.00	7.00
Azerbaijan	6.50	6.75	6.75	7.00	7.00

**Table 2. Independent Media**

Country	2008	2009	2010	2011	2012
Belarus	6.75	6.75	6.50	6.75	6.75

Azerbaijan	6.25	6.75	6.75	6.75	6.75
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**Table 3. Democracy Score**

Country	2008	2009	2010	2011	2012
Belarus	6.71	6.57	6.50	6.57	6.68
Azerbaijan	6.00	6.25	6.39	6.46	6.57

The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The 2012 ratings reflect the period January 1 through December 31, 2011.

Source: Freedom House

One could not explicitly conclude that the situation regarding the electoral process and independent media is obviously in a better condition in one of the researched countries. Despite the similarities in the situations within Azerbaijan and Belarus, the EU has pursued different approaches towards these two Eastern partners dealing with the democracy and Human rights violations. In the case of Belarus, member states agreed a series of travel bans and targeted economic sanctions on more than two hundred people, including the president himself because of the country's poor performance in human rights, while regarding the regime in Azerbaijan the EU actions resembled a conditions-free cooperation.

Europeans often issue statements condemning human rights violations and the EU leaders usually mention the country's deplorable human rights record when talking to Azerbaijani officials. However, the possibility of linking some of the EU's assistance to Baku to improvements in democracy or banning those who committed human rights violations from travelling to the EU has not been seriously discussed (Kobzova, Jana 2012). This thesis explores why the EU lacks leverage in case of Azerbaijan and why Belarus is a victim of more strict conditionality in order to determine those incentives that constrains the EU member states while dealing with normative values.

## **Chapter 1. The theoretical Framework of the Research and Methodology**

This research argues that pragmatic interests in the security and economic areas have weakened the EU's normative claims, such as: human rights, democracy, the rule of law etc. Although the Normative aspects are considered by Ian Manners (Manners, Ian 2002) as one of the main driving forces of the EU foreign policy, in formulating the normative framework of the EU activities the values come into conflict with a considerably impact of the pragmatic interests, such as energy security, stability or the business interests. In such cases, the EU has to make prioritize the interests over values or vice versa. And when the EU faces the choice, the values always become "secondary-concern". In order to test which assumption is more relevant in case of EUs policy in the immediate Neighborhood, the theoretical framework of the thesis stands on the arguments of Adrian Hyde-Price introducing a critique of the normative power Europe toward its neighbors. Below, there is the analysis of theoretical framework of the EU foreign policy and applied theory of normative power by Ian Manners and the interest-driven approach based on the realist assumptions by Hyde-Price.

### **1.1. The Normative Power of Europe (NPE) and Its Critique:**

The EU's activities in pursuit of democracy and human rights promotion have led scholars to describe the EU as a 'normative power Europe'. Since the emergence of the Common Foreign and Security Policy (CFSP), the EU has subscribed to the objective of developing and consolidating democracy and the rule of law and respecting human rights and fundamental freedoms. Ian Manners was the first scholar who encouraged debates on the normative dimension of the EU policy (Manners, Ian 2002). One of the major challenges for the EU has been to ensure that the prevailing the internal security

objectives in the EU's external relations does not undermine the normative aspirations in the EU's foreign policy-making.

A number of scholars recognize the EU as the Normative Power but focus on the weaknesses of this approach applied by the EU in its Neighborhood. Among them are Karen Smith and Richard Youngs, who wrote on the EU as a democracy promoter. Richard Youngs (Youngs 2004, 415) considers that a normative foreign policy is a strategy for the EU to control the east. After researching on human rights issues Youngs presented empirical evidence of strategic interests behind the normative foreign policy. He also recognizes EU's commitments to normative values but how this norms are put into practice "reveals a certain security-predicated rationalism" (Youngs 2004, 421). One example is imposing sanctions on states violating human rights at specific points in time, while ignoring violations in others. Youngs argues that there are clear strategic motives behind EU interventions as a means to support the accession of certain leaders to power or as a way to get influence in a country's development to democracy.

Karen Smith also focuses on the importance of states' national interest while dealing with normative issues. Smith argues that member states always make sure that the policy of the union does not lead to a situation where their own national interests are threatened (Smith 2003, 3). The EU's main failure while acting as the normative power in its Neighborhood is the fact that strategy is based on conditionality principle (Bosse & Korosteleva-Polglase 2009, Korosteleva 2009). Giselle Bosse, who has been working on ENP policy for several years, assumes that the failure of EU-Belarus relations derives from the EU's strategy toward Belarus, as its policy is guided by conditions on democratic values on the one hand and the pursuance of its security interests on the other. Belarus has to comply with the EU's sets of norms and values, but for a country which does not have aspiration of a membership, the governance by conditionality is merely seen as 'unduly conditional and too political' (Korosteleva 2009, 233). The EU's external governance framework can therefore be considered as a 'paradox', in which those states that need the EU 'least', the framework works most effectively, but when compared to neighbors such as

Belarus and Azerbaijan the EU's governance framework works least effectively (Raik 2006, 90). However, the EU continues to use 'the rhetoric of equal partnership' within its ENP and EaP policy frameworks to downplay asymmetry in relations (Raik 2006, 88). This also indicates that the EU is imposing the politics of double standards while attempting to evade responsibility' for its failures with non-EU member states (Raik 2006, 88). Thus the EaP also represents a part of the EU's idealist approach to governance vis-à-vis Neighbors.

Neo-realism as a theory has not often used to explain the EU's CFSP policy as it is considered to be too state-centric and to have too much focus on 'hard power' (Hyde-Price 2006, 218) but Adrian Hyde-Price offers a neorealist analysis and critique of liberal-idealist notions of the EU as a 'normative' or 'civilian' power, that is used as a main theoretical framework in this thesis.

## **1.2. Interest-Driven Approach-A realist Critique of Normative Power**

Adrian Hyde-Price, in his article 'Normative' power Europe: a realist critique", argues that a structural realist theory can shed considerable light on the emergence, development and nature of EU foreign and security policy co-operation. In contrast to an explicitly normative approach to the EU as an international actor, structural realism emphasizes the systemic determinants of EU foreign and security policy. Based on Hyde-Price analysis the EU is used by its member states as a collective instrument for shaping its external environment by a combination of hard and soft power (Hyde-Price 2006, 217).

Hyde-Price thinks that the EU, instead of being seen as a normative power, should be seen as an instrument of collective hegemony in which the member states form its surrounding environment by using different policy measures: like political partnership or isolation; economic carrots and sticks; promises of membership or the threat of expulsion. According to Hyde-Price, the EU is acting as a civilizing power only in the way it is used by its strongest member states to influence their common values and norms in the former communist East (Hyde-Price 2006, 227).



The interest-driven approach underlines the fact that most national governments of the EU member states do not want to abandon their own foreign policy. Applying this reasoning to the research question, the neo-realist approach would say, that in foreign policy, strategic interests will always be the base of EU foreign policy toward Eastern neighbors. The different member states of the EU will follow the common line as long as it does not conflict with its own national interest. When there are economic gains from dealing with concerned neighbor in a bilateral way it will lead to a diversion of a common policy. This perspective would suggest the biggest EU member states to be the ones formulating the policies towards neighbors.

Hyde-Price argues that if the EU appears united in its efforts to promote democratization, respect for human rights and political reform in non-member states, it is usually because its largest members are seeking to exploit the EU as an instrument for shaping their external environments in order to promote stability and ensure their security. Also, normative objectives are 'second-order' concerns, the member states will only allow the EU to act as the repository for shared ethical concerns as long as this does not conflict with their core national interests, among which security is paramount.

### **1.3 Developing the Hypothesis**

Literature review on the Normative Power of the EU and its neo-realist critical analysis reveal that while practicing its foreign policy in the Neighborhood the EU have to act within two main frameworks: One is Normative, based on the values, according to this approach the EU should have the same reactions when normative values-in terms of human rights and democracy are violated in one of the partner countries, in this case in Belarus and Azerbaijan. But in fact, while practicing its Foreign policy the member states pragmatic interest are to be favored, that makes the EU acting based on different strategy in the concerned countries and the concept of "One strategy fits all" is set aside. Two

main issues are considered as the leading forces of the EU's pragmatic interests in foreign governance strategy; these are: Economic and Security issues. In terms of economics, the business interests are discussed, regarding the security- energy security and regional stability are concerned.

On the one hand, there is a Normative Power of Europe, values and the expectation of the same attitude from the EU on the violations of the values, and On the other hand, geopolitics and concerns on energy security, stability and business interests. So, European values and norms go hand in hand with political, economic and geopolitical interests on the EU's eastern borders. Through applying the critical analysis of Normative Power by Hyde-Price, this thesis tests the hypothesis favoring either of normative power or the geopolitical interests while dealing the cases of non-compliance. Based on these approaches, either economic or energy interests, security issues and relations with a big power could explain variation across targets in EU reactions to human rights violations.

The democracy promotion through conditionality is defined in this thesis as a dependent variable. While the degree of economic and security interdependence on the neighbor concerned, is considered as the Independent variable; Based on this interactions the Main assumption deriving from this analysis could be as following:

*Democracy promotion in the EaP countries through the Application of conditionality is not in positive correlation with the degree of Human rights and democracy violations and negatively correlates with the EU economic and security dependence on the concerned countries.* 3 Hypothesis are developed from this general assumption:

#### *Hypothesis 1*

*The deeper the EU's energy dependence with the potential targeted country, EU MSs are less likely to respond forcefully to non-compliance and more free-conditionality approach is applied"*

### *Hypothesis 2*

*The more the EU Member States are concerned with the degree of security/stability related to the country in its Neighborhood, the less possibility of a strict conditionality approach is expected*

Independent variables in the first and second hypothesis are measured on the one hand, with security and on the other hand, with energy dependence on the target country. When the EU faces the threat of losing stability and influence on its immediate borders, normative values become secondary-concern. Also when the EU faces potential threats of losing its energy security while it does not have the enough resources (oil and gas), again Manner's normative power is set aside.

### *Hypothesis 3*

*Countries with closer business links with the concerned neighbors are less likely to pursue the democratic conditionality*

The measurement of the third hypothesis is the member states' business interests, that sometimes influence on the Union strategy and decisions while dealing with normative shortcomings. Sometimes there is a division within the EU: One group of member states with closer business links with the concerned country tries to maintain its own foreign policy and not to accept other countries strict strategy in terms of democracy promotion. While others having no direct business connections tend to be more strict, pursuing normative values.

A for the measurements of the Dependent Variable- EU democracy promotion through conditionality- covers: Reactions to electoral manipulation, Presidential power consolidation and, human rights shortcomings. The more the EU and its members states strategic dependence on the country, the fewer harsh responses applied by the EU to Electoral manipulation, power consolidation or other cases of human rights violations. The data on electoral manipulation and presidential power consolidation covers EU responses to events of non-compliance in Azerbaijan and Belarus since 2008.

## Chapter 2. Case Study

This chapter illustrates the EU's foreign policy strategy towards Belarus and Azerbaijan in terms of dealing with democracy and human rights violations. The analysis emphasizes the EU conditionality policy in its eastern neighbors by referring the EU actual response on the cases of non-compliance.

In 2004, when the EU launched Neighborhood policy, Azerbaijan was included within the framework without any difficulties and without strict preconditions, as one of the strategically important partners for the union; While Belarus became the subject of strict conditions. At the very beginning of the Neighborhood policy, the union decided to exclude Belarus from the common ENP because of its poor performance on human rights and democracy and introduced so called "Non-Paper", called 'What the European Union could bring to Belarus'. The paper included 12 conditions the Belarusian authorities had to fulfill in order to get enhanced relations with the EU (European Commission. 2006). One of the preconditions for enhancing relations with the EU was fair and democratic elections, that was ignored by the Belarusian authorities. ENP's policy on norms and values also faced great challenges in Azerbaijan, as the most successful area of cooperation between the EU and Baku was in energy, some days before the ENP Action Plan was adopted, Memorandum of Understanding aimed at strategic partnership in the field on energy was signed between EU and Azerbaijan on 7 November 2006. Meanwhile, many political commitments remain on paper and negotiations on association agreements progress slowly (Hale 2012, 70).

## 2.1 Case of Azerbaijan

Azerbaijan has no direct border with the EU, but like Belarus it is not the “easy partner in the European integration project” (Hale 2012. 70). Referred as a Semi-authoritarian government by the International Human Rights Organization Freedom House it has never expressed willingness of becoming the member of the EU (Unlike Georgia, Ukraine or Moldova). Still it’s a country of oil and energy lying on the shores of Caspian and having neighbors of such a great power as Iran and the strategic relations with Russia and Turkey. These factors make Azerbaijan as one of the important parts of the EU’s “ring of friends”.

Azerbaijan was included in the European Neighborhood Policy (ENP) when it was launched in 2004, replacing the TACIS program. Since then the cooperation between the EU and Azerbaijan is mostly advanced in energy sphere. Another step for the closer cooperation was launching the Eastern Partnership program, Azerbaijan is the part of this program alongside with Belarus, Moldova, Ukraine, Georgia and Armenia. For obtaining relevant data-set for EU response to non-compliance, the EU reactions to the electoral manipulation and power consolidation are analyzed.

Elections are considered in this thesis as one of the main tests for country’s democracy performance. According to Freedom House, no election in Azerbaijan has been assessed as free and fair since the adoption of the country’s constitution in 1995. Frequent irregularities have included the abuse of administrative resources, intimidation and harassment of the opposition, and election-day violations. A repressive media environment also undermines the electoral process. During the research period one parliamentary and one presidential elections took place in Azerbaijan. Electoral process in both cases were observed by the international observation mission, comprised with the delegations of OSCE, the Parliamentary Assembly of the Council of Europe and the European Parliament.

OSCE reports on Azerbaijan presidential elections on October 15, 2008: “the election process failed to meet some OSCE commitments...was characterized by a lack of robust competition, a lack of vibrant political discourse, and a restrictive media environment, and thus did not reflect some of the principles necessary for a meaningful and pluralistic democratic election” (OSCE 2008,1 ). One of the interesting aspects about the evaluation of the election was the EU presidency statement on October 17 (France Presidency) that “the elections still do not satisfy international standards of democracy...The EU urges the Azerbaijani authorities to continue their efforts to honor their international commitments regarding democratic pluralism and media freedom” (Council of the EU 2008). The Azerbaijani Foreign Affairs Ministry called the statement “biased”, which did “not contribute to building trust” between Azerbaijan and the EU. Later France at that time holding the presidency of the European Union had to clarify EU statement. The French Ministry of Foreign Affairs and European Issues in the next statement maintained softer approach and critic was accompanied by some praises on efforts of Azerbaijan’s governmental organizations in preparations for October 15 presidential elections in improved conditions.

Why does the EU steps back while criticizing the human rights shortcomings in Azerbaijan? To recall the interest-driven approach in contradiction with the EU’s normative power, Azerbaijan’s geostrategic importance in the region encouraged France and other member states to maintain positive partnership with Aliyev regime. It was the time just after a month military confrontation in Caucasus. Occupation of Georgian territories by Russian troops in August 2008, raised questions not only over the stability of region, but also the security of Europe’s energy supplies. Georgia was considered as a key transit country for Caspian oil and gas exports to the West. The Baku–Tbilisi–Ceyhan, Baku–Tbilisi–Supsa and the Baku–Tbilisi–Erzurum gas pipeline, were the only pipelines carrying Caspian hydrocarbons to Europe without going through Russia (IISS. 2008). The war in Georgia reinforced the belief in Europe that it was necessary to strengthen cooperation with the neighbors to maintain stability and reduce dependence on energy

imports from Russia. Thus, the fears of losing energy security and the threats of escalation Nagorno-Karabakh conflict (Sporadic clashes in the disputed region in March 2008) as well as possible future developments inside Georgia contributed to the EU policy formation towards Baku.

Just three weeks after the presidential elections on 15 October, 2008, Energy Commissioner, Andris Piebalgs, visited Baku and met the newly elected President Ilham Aliyev. It was noted during the meetings that the EU would step up its efforts to establish a Southern Gas Corridor which will open up new possibilities for gas exports from the Caspian region to Europe. The need for increased activities in support of exploration and development of Caspian resources were also highlighted, as well as the fact that the EU and Azerbaijan share a common energy agenda.

Parliamentary elections hold on October 30, 2010, were also evaluated as “not sufficient to constitute meaningful progress in the democratic development of the country” by OSCE (OSCE 2010, 1). International human rights organization, Freedom house also concludes that, the November, 2010, Parliamentary elections were marred by serious irregularities and further strengthened the ruling Party. Owing to the authorities’ complete unwillingness to provide conditions for free and fair elections, and the introduction of further restrictive amendments to electoral legislation in 2010, therefore Azerbaijan’s electoral process rating drops from 6.75 to 7.00. (Freedom House 2011).

Based on the OSCE report, Catherine Ashton, the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, urged the Azerbaijani authorities to “enhance their efforts to honor their international commitments regarding democratic principles and human rights, and in particular with regard to ensuring and strengthening democratic pluralism, media freedom, and freedom of assembly” (European Union, 2010). Herewith, the High Representative reiterated, that Azerbaijan is a key partner for the EU.

Considered as mostly co-operative partner in the EU’s energy security plans, Baku always managed to avoid strict responses from the EU, while maintaining closer

cooperation in those spheres which fall in the interest of the Azeri government and the European officials.

Power consolidation of the executive as it operationalized in the thesis refers to an unconstitutional extension of a president's term in office. The variable includes measures that are approved by popular referendum, or the parliament. 2009 March - Referendum initiative to abolish a law limiting the president to two terms was passed with nearly 92% of the vote; the move meant President Ilham Aliyev was able to stand for a third term. Western critics say the referendum is a real challenge to the democratization process of the country. The Venice Commission, the Council of Europe's advisory body on constitutional matters, on 16 March, stated that the elimination of presidential term limits in Azerbaijan may prove "a serious setback on Azerbaijan's road to a consolidated democracy" (The Venice Commission 2009), while the EU again remained silent and inactive.

Why does the EU prefer diplomacy on human rights rather than open criticism and sanctions for Azerbaijan? Here is the answer:

### ***2.1.1 Energy Security***

When Azerbaijan was included into the ENP program, it was called as the important energy partner for the union. The EU meets 50% of its energy needs through imports and, if no action is taken, this will increase to 70% by 2020 or 2030 (Green Paper on the security of energy supply 2007). The 2006 Russia-Ukraine gas crisis pushed the EU to seek to diversify energy supplies away from Russia, through a Southern gas corridor that is hoped to supply 10-20% of the EU gas demand for 2020 (European Commission. 2011). Also Baku has signed a memorandum of understanding on energy in parallel of the action plan. Higher level of political relationship is driven by the energy security concerns, while the action plan commitments are left behind.

The country's gas resources remain one of the key elements of the EU's Southern Gas Corridor initiative to diversify supplies of gas to Europe. One of the strategy's flagship



projects is the Nabucco gas pipeline, on which the EU has spent millions of Euros over the last 10 years. Another way of diversification gas supplies is Trans-Caspian Pipeline, an agreement on constructing the pipeline was signed between Azerbaijan and Turkmenistan, which would be a key link in providing Caspian gas to Europe. The EU was actively involved in the negotiation process. In September 2011, the Council of the European Union approved opening talks with Azerbaijan and Turkmenistan to facilitate an accord on building a trans-Caspian natural gas pipeline, which would ship gas from Turkmenistan via Azerbaijan to Europe. Meanwhile, the EU did not forget “carrots”, in terms of supporting independent media or local civil society. But the share of this support does not constitute an important number of the EU total aid.

### ***2.1.2 Security/Stability***

One of the independent variables discussed in this thesis is the security/stability in the region. Azerbaijan has poor relations with Iran and the Russian military base in Gyumri, Armenia, whose lease was extended in 2010 to 2044 (Hale. 2012. 7). The EU is concerned with the stability in Caucasus and rebalancing Russian interest in its eastern neighbors. The EU is at the same time involved in Minsk Group that is created as an international mediator in Nagorno-Karabakh conflict. Regional conflicts are one of the main concerns of the EU, especially when it lacks developed, effective, Common Defense Policy and does not have the leading role and capacity in conflict resolution and crisis management.

The West considers Azerbaijan as an important ally in the policy towards Iran. Baku has historically strained relations with Teheran. Western countries also see a big threat coming from the Iran’s nuclear ambitious. The US and European Union member states fear that the Islamist Republic is developing nuclear weapons. For avoiding the possible attacks from Iran, the US and NATO member European states intended to deploy anti-missile system in Europe. This is a topic of disagreement between west and Russia. Meanwhile, tensions over Iran's nuclear program rises considerably. Military intervention is not excluded from the alternatives that makes Azerbaijan much more necessary in terms

of its geopolitical situation in the region, as an immediate neighbor of Iran, with anti-Teheran position. In case of military attack, Azerbaijan's airfields could become one of the most strategic important for the west. And if the intervention in Iran actually takes place, it would damage Azerbaijan as a secure supplier of energy resources to the EU. Also, in that situation, Russian pressure on the region would increase considerably, which also is not in the EU's interests. So geopolitics in relations with Azerbaijan are paramount for the EU.

### **2.1.3 Business Interests**

As Hyde-Price concludes on EU foreign policy, the union is acting as a civilizing power only in the way it is used by its strongest member states to influence their common values and norms in the former communist East. Smith also argues, that since the member states not always share vital interests, a "logic of diversity" blocks the prospects of a supra national and foreign policy (Smith 2004, 4). This is the case when the Human rights issues are viewed differently by MSs because of their business interests. Some member states such as, France, Italy, Germany and the UK have big economic interests in Azerbaijan, and most of them, especially those with close business ties tend to avoid publicly criticizing Baku regime. The UK is not active in criticizing Azerbaijani regime, the country traditionally has good relations with the Azeri government and London's property market is the prime destination for investment by the Azerbaijani elite.

London also defends the interests of the British energy company –British Petroleum (BP) in Caspian region. Which participates in several energy projects and operations in Caspian, among them is the Baku-Tbilisi-Ceyhan pipeline owned and operated by the Baku-Tbilisi-Ceyhan Pipeline Company (BTC Co), a consortium of 11 energy companies, and is managed by British Petroleum. The British energy company is the biggest Shareholder of the consortium with 30.1%. Next comes State Oil Company of Azerbaijan (SOCAR) with 25.00%. Italy and France also are benefiting from the project, Italian Eni owing 5.00% , French Total also 5.00%. (BP Caspian official web-site).

Germany, which is so active in promoting the restrictive policy against the Belarussian regime, has the modest reaction on the violations in another neighbor. Azerbaijan is Germany's important economic partner in the Caucasus. In 2011, the volume of bilateral trade grew to EUR 2.3 billion, compared with EUR 1.6 billion in 2009 and 2.4 billion in 2008. Germany's principal import from Azerbaijan is oil. Also a number of German energy companies have a long-term interest in oil and gas exploration and production there.

The EU has rejected calls by some Azerbaijani activists for political or economic sanctions on the regime. According to a Baku-based European diplomat, "sanctions will not work in Azerbaijan" because "the EU has no leverage in this country" – a view widely shared among European officials (Kobzova, Jana 2012).

Why does the EU lacks leverage in Azerbaijan? The recent developments in the EU's Southern Neighborhood illustrated how the pursuing energy and commercial deals at the expense of human rights disconnects the EU and the aspirations of the society (Hale 2012.71). Within this changed Neighborhood policy Azerbaijan still represents one of the most important strategic interests for the European union. The EU still has no consistent links between energy, trade and human rights policy both in terms of ensuring coherent messaging towards Azerbaijan, or outlining negative policy consequences (Hale 2012, 72). The lack of a more coherent EU approach makes it possible for Baku to ignore criticism and pursue good relations with "friendly" member states while ignoring or publicly smearing those officials and member states who dare to criticize Azerbaijan's democracy deficit. The EU's unconditional co-operation with the regime in Baku also contradicts the recently adopted "more for more" principle, which means that EU will have an individualized approach towards the Neighborhood states based on their demonstrated will to democratize. But, in those countries which don't aspire the European integration the approach fails and EU ends up with co-operation on economic issues.

## 2.2 Case of Belarus

Is the EU's strict conditionality approach towards Belarus a promising strategy? The question is especially relevant today, when the EU-Belarus relations have returned on the condition that was in place before 2008-2009 breakthrough. How this pro-active restrictive EU policy could support the weak reform tendencies in Belarus has become an important dilemma. The Belarusian leadership has often accused the EU of developing double standards and declared that it would make no compromises in order to get privileges from the EU (Sahm 2008,1).

The regime used the argument that 'nobody is waiting for us in the EU' to explain to its population that EU was not going to give a significant gift to Minsk and did not intend to include Belarus into its circles. Relations between the European Union and Belarus that was characterized by strict conditionality could be disintegrated into several phases, when the union applied less strict approach despite Minsk maintaining the lack of democratic changes. That illustrated the inconsistent and incoherent strategy of the EU's foreign policy and the trend in this thesis is explained by geopolitical interests of the EU member states.

In this thesis the main breaking line in the relations between the EU and Belarus is 2008, the year of global economic crisis and constrained relationship between Belarus and Russia in terms of "energy dispute". Since the introducing Neighborhood policy in 2004, EU –Belarus relation was characterized with the restrictive policy. The union has revoked and extended sanctions policy against Minsk for several times. The EU restrictive measures usually followed the flawed Parliamentary or Presidential elections, accompanied human rights violations, mass repressions of politicians, demonstrators, Journalists and other activists. After launching the ENP the first sanctions episode against Minsk was introduced after 2004 October Parliamentary elections. For the deterioration of the democracy situation, the visa-ban sanctions list of persons extended up to 6. Another Sanctions Episode is also related to Elections (Presidential elections) that was held in 2006 and

Aleksandr Lukashenka took the office for the third term. The European Union responded by imposing a visa ban on Belarusian leadership, to 31 persons, among them the president, his aids, ministers, judges and election commissioners.

Since 2004, the EU has updated the sanctions list yearly, but in 2008 the policy toward Minsk changed dramatically. The European Union was facing economic problems because of the global crisis and was threatened with the energy shortage as Belarus-Russia dispute on gas price was escalated. The EU never considered Russia as a reliable energy supplier, nor Belarus as a reliable energy transit country. And in this realm of politics since 2008, the economic and geopolitical interests resulted in easing EU policy towards Lukashenko regime.

Despite the fact that Parliamentary elections on September 28, 2008, was assessed by International observers as “felling short of OSCE commitments for democratic elections..” (OSCE 2008, 1), two weeks after the elections, on 13 October, 2008, the EU took the decision to lift visa ban for Alexander Lukashenko and other Belarusian officials for 6 months. As the EU stated, it has demonstrated its readiness for a positive response to the steps undertaken by the Belarusian leadership in realizing the EU demands for the release of political prisoners, but there could be another plausible explanation of this decision, because when the media law restricting online reporting passed by the parliament in June, 2008, is still in force, when the civil society remains under pressure from the regime since the criminal code imposes heavy penalties for running nongovernmental organizations (NGOs) without official registration, the easing sanctions policy seems not relevant. Here comes the interests. Belarusian Opposition Members often blamed the EU for conducting its policy toward Belarus based on geopolitical rather than democratic principles. The EU which promised strengthening the civil society in Belarus did not reduce visa fees for the ordinary citizens, while it has lift visa ban on Lukashenko and other Belarusian officials that gives the reason criticizing the EU’s policy. Meanwhile, US also expanded its financial sanctions, partly to cover Belarus’s largest petrochemical corporation.

Why did the EU lift the visa restrictions against Belarusian Regimes? The answer could be found in Strategic interests.

After the short energy supply cut in January 2007, the EU for the first time recognized the importance of Belarus as a transit country. Following this, both the Belarusian leadership and the European Commission cautiously tried to establish more direct contacts. The biggest achievement was the agreement on opening a Delegation of the European Commission to Belarus in March 2008. The main interest of the Belarusian authorities was to attract foreign investments in order to compensate for the economic impact of the increased energy prices and to ensure the necessary modernization. A large number of normative documents have been adopted aiming at the improvement of conditions for small and medium enterprises. And the stability in the region always is in the EU priority areas.

### ***2.2.1 Energy Security***

Constructing the Nord Stream, formerly known as the North European Gas Pipeline (NEGP) had an important role in the process. It was not just a pipeline, but a project that determined the EU member states policy toward Belarus. When Russia and Germany signed the agreement on Nord stream Pipeline in 2005, “Critics within the European Union have complained that Germany is guilty of putting its own interests above those of other member states”(BBC 2005), Because the 1200 km long dual pipeline for natural gas from Vyborg in Russia to Greifswald in Germany through the Baltic Sea, was supposed to transfer Russian gas directly to Germany.

There was a concern that Nord Stream was part of a broader political strategy, in bypassing the Baltic States and Poland, as well as the main energy transit countries Ukraine and Belarus, Russia increased its leverage on these states, and there is fear that should a bilateral or regional dispute occur, they may become victims of supply interruptions and other strong-arm tactics (Larsson 2007. 7)

The main opponents of the project were Sweden, Finland and Estonia for fearing of increasing Russian military presence and Poland, Lithuania and Latvia- fearing of energy security and increasing the Russian influence on them. Countries supporting Nord Stream project seems to be stricter towards Belarus, while others opposing the project stay in favor of less strict policy. In both cases, states act based on their energy interests. Germany, which always had been in favor of strict conditionality, supports Nord Stream project that directly supplies gas from Russia, and it prefers to avoid unpredictable behavior from the transit country, in this case Belarus, and also business interest of the German energy companies mattered, While countries, like Poland, Lithuania, Latvia and Slovakia were opposing strict measures because of their energy and business interests.

Developments in the first half of 2012 mark the deterioration in EU –Belarus relations. The EU expanded the so called “black list” imposing travel bans on Belarusian officials, those who have close links with existing regime, the EU also has frozen their assets in Europe. As a response to this policy the official Minsk also created its own black list, prohibiting several opposition figures to leave the country, as Lukashenko blamed them encouraging Brussels to extend sanctions against Belarus.

Some argue that the EU’s sanctions policy and the political and economic pressure the EU put on Minsk prompted President Alexander Lukashenko recently to release two political prisoners- Dzmitry Bandarenka and Andrei Sannikau (16/04/2012). But there could be another explanation: the week before political prisoners were released, Russia has launched its BPS-2 oil pipeline project to the Baltic Sea. The Baltic Pipeline System-2 constructed and operated by Russian oil pipeline company Transneft, will reduce the importance of the Druzhba pipeline (connecting Belarus to Russia) and thus give Belarus opportunity to be less dependent on the price-trade with Moscow. By releasing two prisoners Minsk has also improved the prospect of renewed dialogue with Brussels, without giving much in return: the regime is keeping several prisoners as hostages.

It is not clear whether the EU reconsiders its sanctions or waits for another strategically beneficial environment. What is clear is that EU's policy is not the major factor in Minsk's calculations: the biggest stick Lukashenko fears is that from the Kremlin (Kobzova, Jana. 2012). The 2008 world economic crisis, increasing dependence on Russian gas supplies and Russia using energy as a political tool- all these factors contribute to the EU's changed policy toward Belarus.

### *2.2.2 Security/Stability*

Another explanatory factor of changing the EU policy in Minsk in 2008 could concern Security in the region. The EU feared losing its power in Eastern neighbors after Russian aggression and occupation of Georgian territories in August, 2008. Russia's desire to spread its influence on the post-soviet countries prompted the EU to begin establishing closer ties with Eastern Neighbors. On 9 September, 2008, at a summit with Ukraine, the EU decided to begin negotiations with Ukraine on "Association agreement". Four days later, on 13 October, EU foreign Ministers decided to offer Moldova the same agreement in the near future. The EU defines the Association Agreements as international agreements, concluded with third countries with the aim of setting up an all-embracing framework to conduct bilateral relations. These agreements normally provide for the progressive liberalization of trade to various degrees (European Union External Actions Service).

On the other hand, France, at that time holding the presidency of the EU, wanted to secure its 6-point peace plan mediated for dealing military conflict between Georgia and Russia. In this situation, the decision of Alexander Lukashenko not to recognize the unilateral independence declared by South Ossetia and Abkhazia despite pressure from Russia, contributed into the EU member states' changed policy towards Lukashenko regime, and those states previously, in favor of harsh measures supported to lifting sanctions against Lukashenko.



Within the security concerns, the NATO factor also plays important role in the EU's foreign policy toward neighbors. Russia fears of alliance expansion to the East and Belarus is still in the military interests of Russia. Alliance is deploying anti-missile defense system in the EU's eastern members. This move is considered by Russia as a direct threat to its military capabilities and for counterbalancing NATO's presence in Eastern Europe, Kremlin threatened with deployment of missile systems "Iskander" on the territory of Belarus.

But everything has changed after the December 2010, Parliamentary elections, when on 19 December, 2010, Belarus failed another test for democratization-After officially winning nearly 80% of the votes, incumbent President Alexander Lukashenko was declared the winner. The OSCE later criticized the elections as failing to meet democratic standards. After poll stations closed, nearly 40,000 Belarusians came in the streets of Minsk for requesting free and fair elections. This huge crowd was brutally dissolved by security forces. Dozens of people were injured and over 600 detained, among them seven of the nine opposition candidates as well as journalists, and artists.

From December 2010 to February 2011, a severe wave of repression began across Belarus, the regime clearly aiming to discredit the opposition and civil society. On 31 January, 2011, the European Union announced the renewal targeted sanctions against the regime, which had ceased in 2008. Is the EU's decision prompted by the electoral manipulations and dispersion of the demonstrations or other factors contributed?

On December 9, 2010 agreement on gas prices between Minsk and Moscow was signed. With this agreement Belarus gave its consent to join Customs Union with Russia and Kazakhstan. Moscow had pressed Minsk to join the Union throughout 2010, but Lukashenko was waiting right time for his regime and it was just before the election to decide changing the position. Customs Union advocated by Russia was seen in Europe as a tool of increasing Russia's Influence over the former Soviet Union countries, among them the EU's close neighbors. To look at the relations between the EU, Belarus and Belarus Russia it becomes clear that the closer Belarus goes to Russia the more strict the EU

policy is toward Minsk and vice versa. And the reason is again above-mentioned interest of the European States.

Looking at the first half of 2012, the period is characterized with the “traditional” relations between EU and Belarus, when the cooperation stands on sanctions and “black list” policy. On February 27-28, 2012 EU decided to extend sanctions against Minsk. The European affairs ministers agreed an assets freeze and visa ban against 21 senior officials deemed involved in moves to stifle the opposition. Expansion of sanctions was accompanied by diplomatic tension, when Belarus asked the Polish and European Union ambassadors to leave the country and recalled its own envoys from Poland and the EU "for consultations", because of promoting sanctions extensions against Minsk, the EU itself replied with withdrawing all its ambassadors for consultations.

On 23 March, 2012 EU again extended sanctions against Minks for the first time included legal entities to the asset freeze list. The reason cited from the EU was again a bid to persuade the regime of President Alexander Lukashenko to free political prisoners. With some 15 dissidents reportedly were in jail, including former presidential candidates. EU foreign ministers agreed to freeze the assets of 29 companies as well as block accounts and ban EU travel for 12 individuals. It is interesting if the presence of political prisoners and the lack of reforms in the country were the only contributors to the EU’s extended sanctions policy. To look at the chronology of events In the first week of February 2012, Reportedly, the issue of deployment of missile systems Iskander in the territory of Belarus had been discussed during the visit of Russian Deputy Foreign Minister Grigoriy Karasin to Minsk on 30-31 January 2012; On 6 February, 2012, Lukashenka met with State Secretary of the Security Council Leanid Maltsau and Minister of Defence Jury Zhadobin. As several media sources reported Lukashenka asked Russia for financing military.

Therefore, energy security and the Security/ Stability issues pushed the union to set aside its Normative Power and pursue its strategic interests in terms of avoiding the further conflict in south Caucasus and also loose energy dependence on Russia, which proved not to be the reliable partner for the EU. In 2008 it was the time of the global

economic crisis, Nord Stream still faced a great opposition from some EU member states and the Europe was under a threat of energy shortcomings as Russia-Belarus energy dispute escalated and Minsk still was considered as an important strategic partner in terms of energy transiting country. The analysis could be also applied to Belarus inclusion into the Eastern partnership, despite the fact that the country still lacked improvement in human rights and democracy comparing the 2006, that became the reason of Belarus exclusion from the ENP.

### ***2.2.3 Business Interests***

The foreign policies of the EU member states always has been a fragile mixture of values and interests. The EU is the main trade partner for all the EaP countries and there are some member states that influence on the EU's policy because of their business links with Belarus. Examining the EU member states attitude toward Belarus, the countries are divided into two groups: one in favor of harsh restrictive measures against Minsk as a response to repressive policy in the country, while others are against the sanctions. A different approach toward Belarus was seen following fraudulent elections on December 19, 2010 and repressive crack-downs on opposition activists. Several member states have been demanding tough actions against Mr. Lukashenko, including Sweden, the UK and Germany. Germany's chancellor Angela Merkel suggested that the 27-member block revive trade sanctions against ex-Soviet state. Meanwhile, there always are the member states which apply "wait and see" policy towards Belarus. Like Italy, Spain, Portugal and Baltic States. Supporters of the Belarusian regime in Europe are those countries which have the close business links, notably Lithuania, Latvia and Estonia. Their business is closely dependent on the transit of oil and potash from Belarus. The lack of any concessions from Minsk has prompted the EU Council to toughen its line even further in 2012, this time Slovenia opposed the harsh restrictive measures against Belarus to defend a business deal on a luxury hotel in Minsk. According to a decision of 23 March, 2012

sanctions have been imposed on 29 companies belonging to the country's richest person Vladimir Peftiev, as well as on two businessmen who are closely linked to the regime, Yuri Chizh and Anatol Ternavsky- Companies that are only marginally linked to the EU market. At the same time, sanctions have not been imposed on those companies that had closest ties with Latvia and Slovenia. Slovenia's opposition to sanctions was related to "Riko Group", one of the country's most important companies, that operates with the Belarusian state-owned corporation. Latvia also opposed economic sanctions as it would hurt Latvian businesses in Belarus. Lithuania also joined the group opposing restrictive measures against the business in Belarus but it has not pledged to block the sanctions. Baltic resistance appeared to be strong in EU and sanctions have not been introduced on those Belarusian companies which do business in EU countries, especially in Latvia. In Lithuania and Latvia, political and business elites fear of retaliation by the Belarusian regime: blocking access to the Belarusian market, or entry bans for politicians and social activists from Lithuania and Latvia.

But it is paradoxical that those countries with the sharpest opposition and favoring restrictive measures against Minsk, still increase the trade volume with Belarus yearly. For example, Great Britain and the Netherlands. In Netherlands, during the first 4 months of 2011 imports from Belarus increased by more than 77%. Britain was also strictly criticizing the Belarusian regime for the December 2010 elections. Nevertheless, its trade volume with Minsk is also increasing.

In order to understand the different policy approaches toward Belarus and Azerbaijan within the EU member states, it's necessary to know the priorities and strategic purposes of Each members. The EU's main geopolitical and economic priority in Eastern Neighbors is to extend its spheres of influence and at the same time avoid Russian policy expansion. Russia itself has a great interest in post-soviet countries, always attempts to strengthen its political or economic influence and make this countries dependence on its resources. Striving to maintain diplomatic and business ties with the Belarusian ruling elite is part of these countries' political tactics, to

enable them to maintain the role of intermediaries between the EU and Belarus (Polish Center for Eastern Studies (OSW). 2012)

### **2.3 Comparative Analysis**

The closer you get to home, the less attention is paid to human rights violations in the Neighborhood- according to Estonian President Toomas Hendrik Ilves ( Ilves Hendrik Toomas 2011). This statement explains clearly the lack of EU's normative policy in Belarus and Azerbaijan. This chapter compares the EU response to non-compliance in terms of human rights and democracy in Azerbaijan and Belarus and the influence of strategic interests on the EU's policy. In Both researched country the elections were assessed by international observers as not-compliance with OSCE standards, in both countries flawed elections were followed by suppression of peaceful demonstrations and mass arrests.

In Azerbaijan, opposition and youth activists organized anti-governmental demonstrations in March and April 2011, that ended in mass arrests, followed by a series of flawed trials in which both defendants and their lawyers were subjected to threats. The suppression of Belarus's political opposition after a fraudulent presidential election in December 2010 continued in 2011, as hundreds of participants of post-election protests were harassed, detained, and sentenced. In June and July, 2011, the regime responded with extreme force to a new series of demonstrations.

The EU's reaction regarding the power consolidation in Azerbaijan and Belarus represents another paradox. Recalling the EU's response on the 1996 constitutional changes in Belarus: restrictions on the freedom of demonstration and the freedom of speech, followed by the enactment of a new constitution concentrating powers in the president's hands were met by a first wave of negative EU measures: the Council decided to limit political contacts with the Belarusian authorities, and froze negotiations on a Partnership and Cooperation Agreement and on a TACIS aid program. For its part, the

European Parliament announced its intention to withdraw assent to any bilateral agreement with Belarus. Subsequently, every deviation from the European way in Belarus was met by a tightening of EU sanctions. Another example was in November, 2004, after the next referendum, the President of Belarus has received a guarantee to stand on the third and other terms. That also was followed harsh critic and sanctions against the regime, while in Azerbaijan where the president also guaranteed to stand on the third terms, does not cause in the West of so sharp reactions.

On the one hand, in both countries there are the cases of human rights violations in terms of falsified election results, dispersing peaceful demonstrators, arresting people based on political grounds or increasing the power of the leaders, and on the other hand, there are different (or without reactions) reactions from the European Union. In case of Belarus as a response to human rights and democracy violations the member states prefer to extend (or impose new) sanctions against the regime, while the EU has not seriously considered the possibility of imposing visa bans or targeted economic sanctions on Azeri officials, involved in human rights abuses. This casts doubt weather the cases of human rights and democracy violations are enough preconditions for the EU to apply the strict conditionality? To answer the question, the interaction of the independent variables, defined in this thesis as: energy security, stability and business interests should be considered for the each case of non-compliance.

### **2.3.1 Energy Security**

As the analysis illustrated the fears that strict conditionality towards Azerbaijan would jeopardize co-operation with the government on the issues such as, energy or security played an important role. The study showed that during the research period the European States are concerned more losing the secure energy resources as the EU dependence on the external sources increases due to the Russian non-reliable policy or the world economic crisis. This fear was strengthened after the nuclear disaster in Japan, when

the country was forced to shut down all its nuclear reactors and the Europe has also to forget about the atomic energy. So in such a situation Azerbaijan stays as a key strategic partner for the European Union States. And the EU do not want to apply the policy of strict democratic conditionality towards Azerbaijan and doom its strategic interest because of human rights and other normative values. While in Belarus the situation is different, the EU's harsh measures towards the country coincides the warming relationship with Russia, Belarus is not energy exporter country and it also benefits from discounted price on gas offered from Kremlin instead of opposing west policies, while Azerbaijan has mutual interest in the relations with the European Union in terms of energy, the EU is the biggest market for Azeri energy resources. So, there is no need of violating relations from both sides and the EU stays silent on violating the normative principles by Azeri government and maintains semi-critical statements and very important strategic partnership.

### **2.3.2 Stability/Security**

Another important variable discussed in the thesis is Stability in the region. How this interest influence the EU response to non-compliance in the Azerbaijan and Belarus?

In terms of Stability, Azerbaijan is more vulnerable issue for the EU because of its situation in the Caucasus region. On the one hand, it borders the Islamist Republic of Iran and on the other hand, Baku is a side of the conflict in the Caucasus, in terms of Nagorno-Karabakh conflict. So when the EU faced the Russian aggression in Georgia and military conflict in 2008, in such a situation deteriorating relations with Azerbaijan by imposing sanctions because of the violently depressing the demonstrator and losing the leverage (EU participates in Minsk mediation group) did not seem a right step for the EU.

This variable is also decisive determinant of the EU policy while dealing the human rights violations in Belarus. In 2008, after the war between Russia and Georgia, non-recognition of Abkhazia and South Ossetia by Lukashenko and fears of flare- up regional conflicts and its related costs, prompted the EU to ignore the post-electoral violation and

even lift some sanctions imposed against Lukashenko and other officials. This fact showed that only Human rights violations are not enough precondition for the EU to impose sanctions and to punish a country and this is clear in this case-studies where the democratic conditionality is not consistent and depends on the EU's political will.

### **2.3.3 Business Interest**

Business interests are discussed as the third Independent variable in this thesis, that seems to be less influential compare with the energy security and stability variables. There was a case when Baltic States resistance to imposing the EU sanctions on several firms in Belarus does not change EU's restrictive policy toward Minsk, just favored individual businessmen linked to the European States. Meanwhile, the trade volume between the Minsk and some EU member states increased despite the extended sanction, this shows that the EU-Belarus business links are not strong and accordingly; do not influence much on the Union policy. Unlike, In Azerbaijan the EU member States mainly have the business related to energy (oil) and this cooperation is also in the interests of Azeri government, thus it does not impact on the EUs policy on non-compliance.

To conclude on this part of analysis, the importance of the security of energy resources and fears of flare-up regional conflicts have pushed human rights from the EU's top agenda and its co-operation with both countries continues through the inconsistent conditionality. The EUs different strategies towards the countries within the Eastern Partnership Program is driven by political will of the EU member states, what is their priority at that moment, notably, considering their energy security and stability interests impact the human rights and democracy in the concerned countries.



## 2.4 Generalizing the main findings of the study

To strengthen and generalize the finding of the research, this thesis briefly overviews the EU-Ukraine recent cooperation over completing the Association agreement and Deep and Comprehensive Free Trade agreement. The focus is made on the interaction of energy, security and stability, as based on the thesis these variables appeared the best explanatory of the EU response to non-compliance in normative values and failure of conditionality. The Eastern Partnership program offers many “carrots” like deep and comprehensive free trade area (DCFTA) and visa facilitation. These “carrots” often don’t guarantee for the rule of law, protecting of human rights and fundamental freedoms or free and fair elections, and despite the growing political dialogue, democracy issues in these countries in fact, has not significantly changed.

Ukraine also witnessed political repressions in 2010-2011, especially, the prosecution of the former Prime-Minister Yulia Tymoshenko made EU angry with the Ukrainian government. Ukraine alongside Belarus is an “Energy Transit” country, again the Russian gas flows via Ukraine to the European Countries. The energy disputes between Kyiv and Moscow labeled Ukraine as another problematic neighbor in terms of energy security.

Still, Ukraine is much closer to Europe in terms of cooperation. The European Union and Ukraine have been long-negotiating an Association Agreement tied with free trade deal. While negotiating with Ukraine within the ENP or EaP programs there have been some tensions over the Human rights situation in the country but EU’s democratic conditionality has not been so strict until recently, when the leading countries of EU threatened that they will not ratify the association agreement and Deep and Comprehensive Free Trade Agreement (DCFTA) unless the government releases all political prisoners, especially the pressure on Yanukovich regime is due to the case of

Yulia Tymoshenko -the former prime-minister of Ukraine, that was sentenced on charges of abusing her office.

At the same time Ukraine is the biggest recipient of EU aid, for the 2011-2013 about €470 million is considered. The EU has also significant economic interests in the country's agricultural sector. As it was discussed in case of Azerbaijan and Belarus the Member States perceive the geopolitical importance of Ukraine differently. Especially, Poland considered Ukraine as a main test for the EU, how the western countries were able to spread their influence on the post-soviet countries. Otherwise, individual EU member states may emerge as a lobby in favor of the sanctions. Germany remains among the countries most skeptical. The German government was in favor of boycotting the European Soccer Championship in Ukraine in summer, 2012, due to the alleged human rights and rule of law violations, especially because of Tymoshenko case.

The fundamental issue is how far the EU should employ political conditionality in its external relations, and notably in cases where there is no membership perspective at stake, and where other powerful external actors pursue their objectives without regard for the same political norms (Emerson, Michael 2012.2). But the situation near to EU's Eastern border has not developed enviably. Vladimir Putin's victory in the presidential elections in Russia and Kremlin's political games towards post-soviet countries pushed the EU to stay more liberal in Kyiv. Putin, in his pre-election campaign, declared that reviving the post-Soviet space as a priority. Moscow wants to counterweigh EU with promoting customs union of Belarus, Kazakhstan and Russia and with development of the EurAsian Economic Area, including Ukraine among others. Putin's semi-coercive strategy is well-known for Europe-trading-off with the gas price and pipeline politics. Discount on the gas price determine the extension of the leasing of the Sevastapol naval base in 2010, under Yanukovich government. Currently, Russia pushes Ukraine over possible accession to its customs union. On 19 December, 2011, during the EU-Ukraine summit initializing of the Association Agreement (AA) was postponed. The fact that the AA was not initialed

was related to the failure to take action to release Yulia Tymoshenko from detention, which was expected by the EU.

After months of threatening not to complete the Association Agreement and DCFTA with Ukraine, on March 30, 2012, the sides initialed the political part of the document, as well as the first and last pages of the economic section. Why did the EU initialed the agreement, while the condition of releasing of Tymoshenko and other political prisoners was not fulfilled by the Ukrainian government? Because it was just two weeks after President Viktor Yanukovich's speech at the informal Summit of the Commonwealth of Independent States in Moscow on May 15, 2012, where Yanukovych stated that Kyiv considered cooperation with Russia and the Customs Union member-states promising in many areas. The President stressed that Ukraine is interested in establishing mutually beneficial cooperation with these associations: Customs Union, the EurAsEC, and the Eurasian Economic Union. On the other hand, DCFTA exclude the possibility of Ukraine joining the Moscow-led Customs Union. The fact that the EU initialized (but still not ratify) the agreement is to avoid Putin pulling Kyiv into the Russian-led customs union, which would mean undermining the AA and DCFTA with the EU.

Ukraine already has a free trade agreement with the Commonwealth of Independent States (CIS), and initialed the DCFTA with the EU. If Russia activates all the mechanisms to pressure Ukraine joining these institutions, the EU-Ukraine relations would stand under risk and the EU waiting for the results of the Parliamentary elections in October, will lose its leverage in the country, which is ahead of others in the Eastern Partnership.

Although the EaP attempted to increase European involvement in domestic developments in the Eastern Neighborhood, the EU has failed to provide reforms where democracy is concerned. In most EaP countries governments fear that they will lose more

through political liberalization rather than benefit from complying with EU requirements. These feeling in partner states are especially strong, when there is no guarantee for membership and there is a disagreement between the EU's offers and interests of partner countries political elites.

Moreover, the EU does not have one common standard to measure democratization processes unlike in many other policies. There is no so called democracy *Acquis*. For instance, the EU relies on the OSCE and Council of Europe assessments and recommendations while responding to electoral or human rights violations. The renewed European Neighborhood Policy adopted in 2011 tried to address this problem by outlining a concept of 'deep democracy' that includes core political rights, freedom of association, expression and assembly, and the right to a fair trial. But still, the EU assistance system does not prioritize democratic processes in EaP countries. The aid to support media freedom, human rights, and electoral processes represents a small percentage of European aid. But the processes in the EU's southern Neighborhood, revolutions in Egypt and Tunisia, also revolutionary movements across the middle east and North Africa prompted the union to increase the budget of the European Instrument for Democracy and Human Rights. The May 2011, ENP Communication-A new response to a changing Neighborhood seems promising but still the most important is how the EU puts these changes into practice.

### Chapter 3. Conclusions

The Normative Power of Europe has been often used by scholars for analyzing the European Union foreign policy. There are various authors and approaches that explain the EU's Normative Power and its effectiveness in the Neighborhood countries from the different perspective. But while promoting normative values the member states are constrained with various strategic interests, that considerably downgrade the EU as a promoter of democracy, human rights or other normative values. The analysis of the EU's approach to the normative issues in the two Eastern neighbors -Azerbaijan and Belarus, is a good case for testing the EU's policy formation while dealing with the human rights and democracy violations.

This thesis explained how the values and strategic interests in the EU foreign policy interact, while promoting democracy through the principle of conditionality in the EU's neighbors. The hypotheses are tested on the cases of Belarus and Azerbaijan. The importance of security and economic interdependence, while dealing the non-compliance in terms of violations of normative values is confirmed through the analysis. The event-study on the cases of Azerbaijan and Belarus also showed that the violation of human rights and democracy is not the only precondition for the EU's response to non-compliance, but interdependence either through energy security, stability/security or business interests should be presented.

The study also revealed that not all of the presented independent variables constrain the EU's normative power with the same degree. From the presented hypotheses, energy security and regional stability are the best explanatory variables; as opposed to trade and business interests. This work shows that, in some cases, member states' trade volume with the partner country actually increased despite their critical stance against the regime.

When the issues of strategic importance are concerned the member states allow the EU to protect the values, unless the policy conflicted with their core strategic interests.

The principle also became the subject of trade-off for geopolitics, as the analysis shows conditionality is applied inconsistently by the EU, in both countries at different times;

In case of Azerbaijan, it is the EU's conditionality-free approach that most affects human rights and fundamental freedoms. The country's energy resources serve to protect it from EU conditionality as it acts against civil rights. As a result of non-conditionality, the EU is losing its soft power in the country. Baku is seen as an important political actor in terms of energy security-e.g. being a secure supplier of energy resources to the EU and contributing to stability in the region. Thus, geopolitics in the relations with Azerbaijan are paramount for the EU. All these factors make the EU less reluctant in terms of human rights violations. On the other hand, the EU Member States' restrictive measures, e.g. limiting Minsk's participation in assistance programs and sticking with the "non-paper" left Belarus dependent on Russia's "good will".

Although, the EU attempted to increase European involvement in domestic developments in its neighbors through the Eastern Partnership program, the EU has failed to elicit reforms where democracy is concerned. The event-analysis also shows that the normative power of EU in strategically important countries is only a secondary-concern. Despite the fact that Belarus and Azerbaijan are treated differently, regarding the cases of human rights and democratic violations, the EU appears united in promoting democracy in order to defend stability and ensure security in both countries.

To generalize the given findings, it is possible to say that the political will of the member states may lead to favoring the response within the strategic framework of the foreign policy, that does not always exclude the strict conditionality approach. The normative power that appears to be the secondary-concern, is often used by the member states in order to secure their energy and security interests.

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