

Assessing the Role of Mobility and Border Security in EU-Azerbaijan Relations: How Far Can They Go?

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In recent years, challenges such as international terrorism, transnational organized crime and illegal immigration have rendered mobility and border security top priorities and issues for cooperation among international actors. This article looks specifically at mobility and related border concerns as key topics in relations between the European Union and Azerbaijan. Azerbaijan has become a crucial ally for the European Union for multiple reasons. First, it is located in a strategic position, at the crossroads between East and West; second, it has recently become a key actor in the energy game, proposing itself as an alternative and reliable source of energy; third, it is member of the Eastern Neighborhood, where regional stability has direct bearing upon the EU's security. By outlining the ways in which these challenges may also be potentially disruptive for Azerbaijan's national interests and overall security, the article considers the extent of existing cooperation on mobility and border security, up until the recent signature of the Mobility Partnership (2013). While relations have rapidly expanded over recent years, the article concludes that without a clear regional vision of the EU or proper coordination on these transborder issues, further development will be impeded.



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International terrorism, transnational organized crime and illegal migration are recognized as key challenges in the evolving global landscape. It is undisputed that regional and international coordination is crucial in combating these transborder security challenges. For this reason, bilateral and multilateral dialogue has reached an unprecedented level, creating a common platform for discussions among actors. The discourse has witnessed divergent and even opposing conceptions of the security landscape.

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Like other international actors, the European Union (EU) has over the last decades been developing strategies to tackle these issues, aware that its peculiar institutional features and its modality of external projection place it in a uniquely vulnerable position. It is highly likely that these challenges entail serious repercussions for member states. The EU's approach reflects the prevailing dynamic in international politics, namely the flattening of national borders and the erosion of the distinction between

internal and external dynamics and politics. This is especially marked in the EU's peripheral areas. The calculus is that the EU could achieve security if its neighborhood is effectively able to control and manage a series of security challenges. Based on this reasoning, the EU has created multiple frameworks of cooperation with non-member states.

This work considers the place of mobility and border security cooperation in relations between the European Union and Azerbaijan. The country has revealed itself to be crucial partner for the EU for multiple reasons. First, it is a fundamental corridor connecting the East and West; second, it has recently become a key actor for European energy needs, representing a viable alternative to traditional routes and suppliers and a reliable partner; third, developments in the region where Azerbaijan is located have direct bearing upon the EU's security.

Against this background, this article proceeds as follows: it builds on two EU policy frameworks that in recent decades have not only developed significantly and acquired increased relevance, but have gained complementarity to the extent that they are now heavily intertwined in terms of policy implementation: the Common Security and Defence Policy and the Home Affairs pillar. Insights from both frameworks help explain why mobility

and border security have become key issues in the EU's external relations and how Azerbaijan has entered this picture. Hence, the article delves into how mobility and border security are of special importance to the European Union's external relations and how this understanding has been reflected in the key documents of EU's security: the European Security Strategy and the Internal Security Strategy. Then, the article looks at Azerbaijan, pointing out that mobility and border security have also become important priorities for this South Caucasus country, and analyzes why this has occurred and why these priorities are likely to endure. Finally, the article examines the relevant frameworks for cooperation between the European Union and Azerbaijan, and underlines that the signature of the Mobility Partnership clearly emphasizes the importance of mobility in the relationship. The conclusion provides some reflections on the challenges before the current cooperation.

New challenges and the erosion of the internal-external divide in Europe

Over the years the European Union has become an international actor with its own institutional peculiarities and a distinguished mode of external projection. Not a state, nor a supranational actor, it has been perceived as a model of integration and a successful attempt at the peaceful settlement of longstanding disputes. Notwithstanding the recent years of economic turmoil, its huge internal market represents a major attraction for external actors. Its population, its geographical scope and the presence of a substantial number of G8 members make it an influential actor in the international landscape and a key security provider.

And yet some of its unique features are now undermining its security: among others, the creation of an area of freedom, justice and security with the related permeability of internal borders among states achieved through the Schengen Agreement of 1985 (implemented in 1995). The objective was to increase the movement of persons within the Union while increasing their protection: issues for cooperation were the common management of external borders, immigration and the fight against crime – terrorism, trafficking in people and narcotics and organized crime in general which entailed judicial cooperation and

The objective was to increase the movement of persons within the Union while increasing their protection: issues for cooperation were the common management of external borders, immigration and the fight against organized crime – terrorism, trafficking in people and narcotics

police cooperation, among others. Along with clear internal repercussions, the area of freedom, security and justice also directly affected relations with other peripheral states, primarily through the process of enlargement. The area, it was stated, was part of the Community *acquis*. Thus for countries applying for membership, there were measures envisaged to harmonize laws and practices, especially in the areas of border management, the fight against crime and the acceptance of the Schengen *acquis*.

While the European Union was increasingly aware of the positive effects of increased mobility, related factors raised the importance of enhancing mobility in a security context. First, the rapid pace of globalization; the increased connectedness of world dynamics favored the diffusion and propagation of challenges at a speed hitherto unknown. Distant phenomena could travel easily thanks to better systems of transport and accessible technologies, while criminal actors were able to establish multiple and diffuse nets across different territories, which raises the second point. The very nature of these challenges benefited from the globalization dynamics. New ‘transnational’ phenomena were able to cross national borders with ease, exploiting the growing connectedness and increased opportunities for movement. Almost every actor in the international landscape recognizes that terrorism, irregular immigration and transnational crime significantly disrupt national societies, as well as undermine traditional sovereign prerogatives. Third, given the increased permeability of internal borders and expanded opportunities for mobility, these challenges are of particular relevance for the European Union. Fourth, the EU’s most successful foreign policy tool, the enlargement process, has brought it very close to sometimes unstable and little known contexts. The dismantling of the Soviet structures has limited the capacity of the former republics to manage mobility and tackle security challenges that exploit structural weaknesses and the lack of regional cooperation resulting from unresolved conflicts. As a consequence, the post-Soviet space is vulnerable to the proliferation of these challenges, and some of the post-Soviet countries act as a corridor for their transmission.

Both the increasing importance of new transnational challenges and the role of the post-Soviet space as a crucible of potential threats to the EU have been recognized in the European Security

Strategy of 2003.¹ The document makes clear that in the post-Cold War era, borders are increasingly open and internal and external aspects of security are increasingly connected. Two out of five key threats identified by the EU, terrorism and organized crime, are directly related to mobility and border security. As for terrorism, the European Union recognizes that ‘terrorist movements are increasingly well-resourced, connected by electronic networks’;² organized crime is a primary threat to the Union, and its external dimension is quite evident: ‘cross-border trafficking in drugs, women, illegal migrants and weapons’ and links with terrorism are all related challenges.³ Weak capacity of states and regional conflicts are further threats identified by the Union, and provide fertile contexts for these challenges. Moreover, such environments have also a direct impact on the probability of displacement of persons and outflows of refugees. The EU states that ‘our task is to promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations’.⁴ It is explicitly recognized that the Union should increase its cooperation and engagement with South Caucasus as a neighboring area. In 2003 a Special Representative for the South Caucasus was appointed; in 2008 a delegation office opened in Baku.

The EU Internal Security Strategy adopted in 2010⁵ outlines the main security challenges as perceived by the European Union, and particularly emphasizes the proper management of borders as the best strategy for combating cross-border challenges. It also underlines how internal security cannot be achieved in isolation from the rest of the world. It is this specific recognition that has led the Union to include international cooperation as a building block of the Home Affairs pillar, which has introduced mobility and border security issues within the frame of European external relations and policies. With a specific reference to the South Caucasus, the EU states that manage-

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1 European Union (2003) *A secure Europe in a better world. European Security Strategy*. Brussels, 12 December.

2 *Ibid.* p. 3.

3 *Ibid.* p. 3.

4 *Ibid.*, p. 8.

5 European Commission (2010) *The EU Internal Security Strategy in Action: Five Steps towards a more secure Europe*. COM(2010) 673 final. Brussels, 22 November.

ment of migration and combating criminal activities are among the priority areas for cooperation between the Union and the regional countries, as well as for the financial and technical assistance.⁶ The 2009 Eastern Partnership initiative, the framework that deepens bilateral, multilateral and regional relations with neighbors to the East, has established mobility as one of its four aims and envisages bilateral cooperation on justice and security issues as fundamental element of the country-level Association Agreements. Within the thematic platform ‘democracy, good governance and stability’, created within the frame of the Eastern Partnership, expert panels have been established on inter alia integrated border management (also a flagship initiative); migration and asylum; the fight against corruption; improved justice and security cooperation.

New security challenges and Azerbaijan

In 2007 Azerbaijan has delivered its ‘National Security Concept’, providing information on the security environment, the national interest, threats to national security and main directions of the national security policy.⁷ The document makes clear that because of its geographical position, Azerbaijan is particularly vulnerable to transnational threats such as international terrorism, illegal immigration, transnational organized crime and human and drug trafficking. It also lost control over part of its borders at the result the Armenian occupation of 20 per cent of Azerbaijan’s territory.⁸

Azerbaijan recognizes ‘actions undermining the ability of the state to ensure the rule of law, maintenance of the public order and the protection of human rights and fundamental freedoms’⁹ as threats to its national security. These actions encompass terrorism, transnational organized crime and regional conflicts producing massive outflows of refugees and paving the way for illegal activities. The massive number of displaced persons is one of the top priorities of the Government: around a million IDPs and

6 See European Commission (2014) *Southern Caucasus*. Home Affairs Department. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/southern-caucasus/index_en.htm. (accessed: 22 November 2014).

7 National Security Concept of the Republic of Azerbaijan, approved by instruction n°2198 of the President of the Republic of Azerbaijan on 23 May 2007.

8 *Ibid.*, p. 18.

9 *Ibid.*, p. 5.

refugees is on consequence of the Armenia-Azerbaijan Nagorno-Karabakh conflict. Drug trafficking is a major issue for Azerbaijan, as it is located on important transit routes for narcotics: Iran-Azerbaijan; Nagorno-Karabakh-Iran-Azerbaijan; Iran-Azerbaijan-Russia-Japan and Iran-Azerbaijan-Georgia-Europe.¹⁰ The country has also repeatedly reported concerns on possible infiltrations by terrorist groups inspired by Islamic fundamentalism (both Al-Qaida and Iran-sponsored groups).¹¹

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Azerbaijan has recognized illegal immigration as a security threat and more broadly as a threat to national interests,¹² especially given the potential links to multiple forms of organized crime.¹³ National laws on the struggle against terrorism and human trafficking have been approved,¹⁴ and international conventions signed.¹⁵ Strengthening border security is thus fundamental and for this purpose Azerbaijan has created the State Border Service, modifying its militarized structure into a law enforcement agency. Concurrently, given the issue of increased mobility, a State Migration Service has been created to implement the State Migration Policy for the forecasting, regulation and appropriate governance of migration, while a single Migration Code entered into force in 2013 to provide consistency across the whole body of legislation concerning migration.¹⁶ Cooperation with border countries on the management of migration is also recognized as a key issue.

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Indeed, cooperation with other actors on border security such as

10 Ministry of National Security of Azerbaijan Republic (2014) *Combating Organised Crime*. Available at: <http://www.mns.gov.az/en/pages/47-123.html> (Accessed: 14 November 2014).

11 The Economist (2008) *Azerbaijan. Country Profile 2008*. The Economist Intelligence Unit, London.

12 Makili-Aliyev, K. (2012) 'Eastern Partnership and Border Security: Perspectives of Azerbaijan', in Frappi, C. and Pashayeva, G. (eds.) *The EU Eastern Partnership: Common Framework or Wider Opportunity? EU-Azerbaijani Perspectives on Cooperation*. Milano: Egea, pp. 157-171.

13 Ministry of National Security of Azerbaijan (2014) *Combating organized crime*. Available at: <http://www.mns.gov.az/en/pages/47-124.html> (accessed 1 December 2014).

14 Ministry of National Security of Azerbaijan Republic, Laws. Available at: <http://www.mns.gov.az/en/pages/72-74.html> (accessed 10 December 2014).

15 Makili-Aliyev, K., p. 162.

16 Aliyev, A. (2013) 'The legal framework on migration and asylum – Azerbaijan-', in Bara A. et al. (ed.) *Regional Migration Report: South Caucasus*. European University Institute, Robert Schuman Centre for Advanced Studies, Migration Policy Centre, Fiesole: European University Institute. The document provides a detailed picture of Azerbaijan's legislation on migration and asylum.

NATO, the EU and the International Organization for Migration among others is part and parcel of a broader strategy aimed at capacity building.¹⁷ It is in this sense that developments in relations with the European Union should be examined. As one author points out, the new migration policy of Azerbaijan is connected to the fulfillment of EU commitments.¹⁸

Increasing mobility in a secure environment: the European Union and Azerbaijan

Cooperation between Azerbaijan and the European Union on mobility and border security is only a single facet of a larger attempt to establish a durable and consistent relationship with the country and the regional context in which it is located.

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Formal relations began in 1999, with the signing of the Partnership and Cooperation Agreement, but it was only when Azerbaijan started to participate in the Neighbourhood Policy that cooperation assumed a more structured pattern. In fact, until then the European Union's interest in the region was mainly confined to the humanitarian situation concerning the Armenia-Azerbaijan Nagorno-Karabakh conflict.¹⁹ While not offering the opportunity of membership, the Neighbourhood Policy still offered significant benefits through the harmonization of the national political and economic legislation with EU standards. Within this framework an Action Plan was elaborated in 2006, defining nine priorities for cooperation: among these, one specifically referred to the strengthening of cooperation on Justice, Security and Liberty affairs, included the border management.²⁰ Central in this field of cooperation was the creation of an 'Integrated Border Management' strategy, envisaging the coordination of all agencies and authorities involved in border security and in trade facilitation for the set up of an effective and integrated system to manage borders and keep them open but secure. Furthermore, the European Union encouraged the opening of a

17 National Security Concept of the Republic of Azerbaijan, p. 19.

18 Rumyansev, S. (2013) 'A new immigration policy in Azerbaijan', in Bara A. et al. (ed.) *Regional Migration Report: South Caucasus*. European University Institute, Robert Schuman Centre for Advanced Studies, Migration Policy Centre, Fiesole: European University Institute.

19 European Commission (2005) *European Neighbourhood Policy, Recommendations for Armenia, Azerbaijan, Georgia and for Egypt and Lebanon*. COM (2005) 72 final. Brussels, 2 March.

20 European Commission (2006) *Proposal for a Council Decision*. COM (2006) 637 final. Brussels, 26 October.

dialogue on increased mobility but also on the readmission of illegal migrants; the implementation of European and international conventions on organized crime, trafficking in human beings and financing of terrorist activities; improvement of relations with border countries and a regional dialogue on broader topic.

‘Capacity-building’ and approximation to EU standards were the catchwords summarizing the strategy and the objective of the EU-Azerbaijan cooperation: to help the country improve its ability to monitor, control and manage borders unilaterally but also in cooperation with regional countries. The provision of equipment, information exchange, sharing of best practices, training activities, tailored programs and coordination with International Organizations were the practical elements of this strategy.²¹

In the same vein as other countries of the Eastern Neighbourhood, in 2009 the European Union and Azerbaijan signed an upgraded framework, collecting all initiatives under a single framework and paving the way for deeper relations: the Eastern Partnership. Under this new heading, mobility and security are treated as two sides of the same coin: on the one hand mobility is promoted through visa facilitation and possible liberalization; on the other hand the capacity to control borders has to be increased so that mobility is promoted in a secure environment. In 2010 negotiations were opened for the signing of an Association Agreement that would increase the political nature of the relationship between the two actors. In 2011 the Commission proposed the opening of negotiations on short-term visa facilitation and the readmission of irregular migrants.

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In recent years improvement of cooperation in the field of legislative reforms has been noticeable, especially in relation to borders and inter-agencies cooperation, where harmonization with EU standards has been especially apparent.²² Azerbaijan has striven to develop its institutional capabilities to build an effective

²¹ European Commission (2006) *Azerbaijan. Country Strategy Paper, European Neighbourhood and Partnership Instrument 2007-2013*. The EU has financed discussion fora such as the Budapest process, the Prague Process, the Söderköping process and the Black Sea Synergy. It has also worked out programs with international organizations on organized crime and specifically against the trafficking in human beings (with ILO; ICMPD and OSCE); and on improving protection performance (with the UNHCR). Of relevance is the project ‘Supporting Integrated border Management systems in the South Caucasus (SCIBM) in cooperation with the UNDP and addressed to Azerbaijan, Armenia and Georgia.

²² Makili-Aliyev, K., p. 161.

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and inclusive Integrated Border Management. Reforms have also been enacted in immigration legislation, starting from the recognition of illegal inflows as a security concern and a general challenge to the national interest.²³

In the 2013 report on progress in the implementation of the European Neighbourhood Policy in Azerbaijan, the European Commission explains that dialogue has been intense and 2013 has been a decisive year in bilateral relations.²⁴ Azerbaijan has participated to the 2011-2013 Integrated Border Management Flagship Initiative training project within the Eastern Partnership framework and has been engaged in two assessment missions funded by the European Union in preparation for a joint Azerbaijan-Georgia Green Border Project. Additionally, the State Border Service has installed new portal monitors at the Ganja international airport. Importantly, April 2013 has seen the signature of a Working Arrangement between FRONTEX, the European agency for the co-ordination of operations at the external border of the European Union and the State Border Service on information exchange, risk analysis, training and R&D in border management and border control.²⁵ Demarcation of regional borders has seen important steps forward: the demarcation process began with Russia and Georgia. A new migration code based on European and international practices and legislation is in force since August 1 2013. Azerbaijan has also improved protections for asylum and refugees by participating in the Asylum System Quality Initiative in Eastern Europe and South Caucasus. Efforts have been undertaken in adopting new legislation on law enforcement.

The 2013 Eastern Partnership Summit in Vilnius saw the signature of the visa facilitation Agreement and the Mobility Partnership between the EU and Azerbaijan. The eight member states participating the Partnership are Bulgaria, the Czech Republic, France, Lithuania, the Netherlands, Poland, Slovenia and Slovakia. In the words of the former Home Affairs Commissioner

²³ *Ibid.*, p. 161.

²⁴ European Commission (2013) *Implementation of the European Neighbourhood Policy in Azerbaijan Progress in 2013 and recommendations for action*. SWD (2014), 70 final. Brussels, 27 March.

²⁵ *ibid.*, p. 16.

Malmström, ‘Thanks to dialogue and specific cooperation, we can better ensure the joint and responsible management of migration in the interests of the Union, Azerbaijan and the migrants themselves’.²⁶ With the visa agreement, entering the EU will be cheaper and faster. The aim of the Partnership is to identify possible new areas of cooperation, to pursue cooperation via existing platforms, and to establish objectives so that people can move easily but in a secure environment. Azerbaijan’s ability to manage legal and labor migration (circular and temporary migration included) will be improved through tailored measures; attention will be also devoted to the protection of asylum seekers and refugees, to prevent and combat irregular immigration and related activities such as smuggling of migrants and trafficking in human beings, and to link migration and mobility with development opportunities. In April 2014 a readmission agreement was signed between the EU and Azerbaijan.

Conclusion

Development of relations between the European Union and Azerbaijan has significantly expanded in recent years. Aside from widely discussed issues, such as energy cooperation, mobility and border security are key areas in which relations are important, affecting both partners.

Given the significance of the topic for both actors, there is much more that could be achieved. Some of the limitations are characteristic for the European Union. The ‘security’ interpretation often applied to irregular flows has meant that the bilateral track has been the more developed one, while regional cooperation has often been put on the back burner. Indeed, the overall EU strategy for the South Caucasus as a region remains patchy and incomplete, a consequence of both the limited knowledge and attention devoted to the region thus far, as well as the problematic geopolitical situation that has reduced the space for a more interventionist attitude by the European Union.

However, given their transnational nature, mobility and border security should be primarily addressed at the regional level. The flow of persons across borders and the transnational character

²⁶ European Commission (2013) *Mobility Partnership Signed between the EU and Azerbaijan*. Press Release. Brussels, 5 December.

of new security challenges require multilateral and coordinated answers. Against this background, upgrading national legislation and building capacities to better manage borders could be insufficient. The open demarcation issue alluded to in the article is only one of the impediments to a concerted regional strategy. Some of Azerbaijan's borders are closed and others are not under the full control of the country due to the Nagorno-Karabakh conflict and occupation of 20 percent of its territories. Hence, regional cooperation is all the more problematic. The paradoxical situation is that both territorial issues (relations with other states) and non-territorial ones (which may affect internal security) are top on the agenda: but working on them simultaneously is not feasible. Instead, tackling the first ones would pave the way for better coordination on the second set of challenges, offering a more comprehensive type of cooperation with the European Union.