

UA: UKRAINE ANALYTICA

Issue 4 (18), 2019



- EU AND MIDDLE EAST
- EU CRISIS MANAGEMENT
- EU AND NEIGHBOURHOOD

EU as a Peacebuilder

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Publisher:

Published by NGO "Promotion of Intercultural Cooperation" (Ukraine), Centre of International Studies (Ukraine), with the financial support of the Representation of the Friedrich Ebert Foundation in Ukraine.

UA: Ukraine Analytica is the first Ukrainian analytical journal in English on International Relations, Politics and Economics. The journal is aimed for experts, diplomats, academics, students interested in the international relations and Ukraine in particular.

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ISSN 2518-7481

500 copies

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AZERBAIJAN'S PROSPECT FOR THE EU'S CSDP PEACE MISSIONS

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The goal of this article is to reflect on the prospect of Azerbaijan as an Eastern Partnership state of joining the EU Common Security and Defence Policy (CSDP) peace missions and operations. In researching the topic, the paper focuses on the analysis of Azerbaijan's Law on Participation in Peace Operations, National Security Concept, and Military Document. It also refers to Azerbaijan's peacekeeping experience as part of NATO/US-led coalition forces in Afghanistan, Iraq, Kosovo, and as part of the UN Mission in South Sudan. Finally, Azerbaijan's profile as a potential peacekeeper is juxtaposed to the EU's CSDP expectations regarding third-country contributions to its missions and operations.

Analysis of Azerbaijan's prospect of joining the EU's Common Security and Defence Policy (CSDP) missions and operations will be conducted in the following three directions: what legal basis the nation's domestic legislature represents; whether Azerbaijan's practical experience in international peace operations favours such a prospect; and whether the nation's profile from the legal and practical points could satisfy the EU's expectations in that regard.

The major domestic legal sources for Azerbaijan's participation in international peacekeeping missions are the Azerbaijani Law on Participation in Peace Operations (2010), Military Doctrine (2010), and National Security Concept (2007). The paper will focus on the Law on the Participation of the Republic of Azerbaijan in Peace Operations, adopted in May 2010, which provides details of a wide variety of aspects in participation in peace operations. It also clarifies various types of peace operations through specific terminology and concepts. Such terminology provided in the law represents a useful guide to understand

legal basis and necessary conditions for participation in various types of individual peace missions and operations.

The date of adoption is important because by that time Azerbaijan had already been contributing to international peace missions for about 11 years. The nation's participation in the peace operations long preceded the making and adoption of the law. Therefore, the law as well as the Military Doctrine and the National Security Doctrine were based on the country's preceding practical experience in the matter. This experience has been based mostly on participation through a partnership with NATO and on one occasion through the UN, and presents an optimistic picture about Azerbaijan's willingness to further contribute to such peace missions. This sends a positive signal towards Azerbaijan's potential contribution to CSDP missions and operations. Whether the EU would reciprocate this signal positively is explored in the final part of the paper in the light of its experience, expectations, and principles regarding third-country contributions the CSDP missions and operations.

The Law of the Republic of Azerbaijan on Participation in Peace Operations

The Law on Participation in Peace Operations establishes that Azerbaijan legally and practically independently decides whether to participate in a peacekeeping operation or not. Azerbaijan is not a member of any military alliance, so its decision is not subject to approval or coordination, formal or informal, with anybody¹. To put it into a comparative context, other Eastern Partnership nations such as Armenia or Belarus are members of the Russia-led Collective Security Treaty Organisation and therefore are subject to at least informal OK'ing from Moscow to join peace missions or operations. Otherwise, Russia might move against their peacekeeping contributions "since these are done outside the limits and control of CSTO missions".² On top of that, Azerbaijan is accepted by Russia and USA/NATO as a neutral country. Indeed, the country is an active member of the Non-Aligned Movement and is chairing the organisation for 2019-2022.

In deciding whether to participate in peace operations, Azerbaijan is guided by the decisions of the United Nations Security Council or international regional organisations. Thus, there are two major international legal sources for Azerbaijan to refer to in making commitment to contribute to international peace operations and missions: decisions of the UN Security Council and international regional

organisations. This is specifically and clearly imprinted in Article 5 titled "International Legal Basis and Necessary Conditions for Participation in Peace Operations" of the law as follows³:

5.1.1. Availability of a proper decision (resolution) from the UN Security Council or a proper mandate from the UN as well as availability of a special agreement with the UN Security Council;

5.1.2. Availability of a proper decision from international regional organizations or within international agreements, to which Azerbaijan is a party, or international regional organizations whose competence are considered by the UN to be in accordance with the provisions of Chapter VIII of the UN Charter, as well as availability of a consent from the state, whose territory is undergoing a conflict;

5.1.3. Availability of bilateral or multilateral international agreements with a state, whose territory is undergoing a conflict, as well as availability of a consent from the latter to the intervention and assistance of the Republic of Azerbaijan to cease and regulate the conflict.

Among these legal sources for Azerbaijan's participation in international peace operations, the dimension of international regional organisations is particularly relevant for the nation's prospect of joining the EU's CSDP missions and operations due to the following grounds: First, the EU

- 1 R. Rahimov, *Turkish Council, Non-Aligned Movement Summits Illuminate Azerbaijan's Foreign Policy Strategy and Priorities*, "Eurasia Daily Monitor", Vol. 16, No. 151, 30 October 2019 [https://jamestown.org/program/turkish-council-non-aligned-movement-summits-illuminate-azerbaijans-foreign-policy-strategy-and-priorities/ access: 26 December 2019].
- 2 G. Richard, *Peacekeeping Contributor Profile: Armenia*, "Providing for Peacekeeping", November 2015 [http://www.providingforpeacekeeping.org/2015/12/14/peacekeeping-contributor-profile-armenia/ access: 25 December 2019].
- 3 *Sülhmərəmlı Əməliyyatlarda İştirak Haqqında Azərbaycan Respublikasının Qanunu (The Law of the Republic of Azerbaijan on Participation in Peace Operations)*, 2010 [http://www.e-qanun.az/framework/19857 access: 25 December 2019].

is an international regional organisation. Second, the EU closely cooperates with the UN in conducting international peace operations and missions, and therefore, its activity is in line with the UN Charter. Third, the dimension of international regional organisations is also relevant from the perspective of multilateral dimension, which is referred to in the law.

Indeed, one of the priorities of the UN-EU Strategic Partnership on Peace Operations and Crisis Management 2019-2021 is “to enhance cooperation with and support to African-led peace operations, explore together with the African Union (AU), possible initiatives to deepen trilateral cooperation – UN-EU-AU – on peace operations, conflict prevention and crisis management, as well as on regional strategies”⁴. And Azerbaijan has already committed itself to the peacekeeping mission in South Sudan as part of the UN peacekeeping mission.

Various forms of Azerbaijan’s possible contribution to international peace operations and functions of its peace personnel are established by the law: monitoring and observation of compliance with international agreements on cease-fire and ceasing other forms of hostilities, preventive and stabilising measures, separation of conflicting parties, disarming and dissolving their units, mediation and facilitation in organising of negotiations, addressing of consequences of conflicts, carrying out engineering and other works, render of aid to relieve problems of refugees and internally displaced persons (IDPs), provision of medical and humanitarian assistance, fulfilment of policing and other functions for ensuring compliance with

human rights and safety of population, as well as international enforcing actions in accordance with the UN Charter. The functions may also include protection and safeguarding of strategic facilities and buildings, industrial infrastructure, and transportation roads. In case of participation in peace enforcement operations, Azerbaijani personnel may also be engaged in combat action and use of force in accordance with the orders of the military command and the mandate of the peace operation.



one form of contribution provided for by the law is that Azerbaijan can participate in peace operations by contributing food, medicines, other kinds of humanitarian aid, communication and transportation means, and other material-technical resources without sending its military and civilian personnel

Moreover, one form of contribution provided for by the law is that Azerbaijan can participate in peace operations by contributing food, medicines, other kinds of humanitarian aid, communication and transportation means, and other material-technical resources without sending its military and civilian personnel. This kind of commitments can play a complementary role to the EU’s CSDP operations and present some relief for the budget of a specific mission. Indeed, Azerbaijan renders humanitarian aid to various conflict-affected regions independently of a peace operation, such as to Palestine.

⁴ Reinforcing the UN-EU Strategic Partnership on Peace Operations and Crisis Management: Priorities 2019-2021, Joint Press Statement, “United Nations Peacekeeping”, 25 September 2019 [<https://peacekeeping.un.org/en/reinforcing-un-eu-strategic-partnership-peace-operations-and-crisis-management-priorities-2019-2021> access: 25 December 2019].

Under the decision-making procedure on sending Azerbaijani military personnel to participate in peace operations, the decision is adopted by the parliament of Azerbaijan on the basis of a submission from the proper executive authority (the president of the republic) on individual basis. Namely, each specific case of sending an Azerbaijani peace mission beyond the territory of the country must be approved individually, and the decision represents the legal basis for each case of sending military personnel beyond the territory of the country. The decision also provides the details of the mission, including the number, functions, dislocation district, subordination, rotation, types of arms, social benefits, privileges and protection, etc.

As regards civilian personnel's participation in peace operations, the decision is made by a proper executive authority as agreed with another proper executive authority. The decision on both military and civilian personnel's designation, functions, composition, number, places of dislocation, and duration of stay in the designated country, for participation in peace operations that are conducted through international regional organisations, is adopted by the supreme body of such organisations.

Article 8.5 and Article 9.4 of the law establish that in connection with a change in international military-political situation or lack of conditions that had justified the participation in peace operations, Azerbaijani military and civilian personnel can be recalled in accordance with the procedures stipulated in the law. Azerbaijan has once recalled its personnel from peace operations. That happened in response to Kosovo's unilateral declaration of independence from Serbia in 2008.

Azerbaijan withdrew its peacekeepers from NATO's Kosovo Force (KFOR) peace mission, where they had served from 1999, as per the decision adopted by the parliament on the basis of an appeal from the president of Azerbaijan⁵. Thus, the Kosovo case of 2008 connected with the declaration of independence of Kosovo played a role, if not catalysed, the drafting and adopting of the law in 2010. Article 8.5 of the Law on the Participation of the Republic of Azerbaijan in Peace Operations is just a clear case in point.

Military Doctrine of the Republic of Azerbaijan

The Military Doctrine states that "Azerbaijan's active participation in international community's peace supporting operations as well as in the coalition partners' international anti-terror operations among other developments has become a serious factor that impacts the country's security environment and considerably increased the likelihood of being targeted by terror organizations"⁶. Nonetheless, the doctrine aims, as part of the main measures to serve Azerbaijan's wider defence policy, to support efforts for the creation of a security system in the Euro-Atlantic space and continued cooperation with NATO, and to continue cooperation with the global community and its security structures for prevention of wars and armed conflicts, and for support or restoration of peace.

Under the doctrine, one of the principles of building the nation's armed forces and other military units is an effective use of the world's modern military-building experience. Furthermore, the document

5 *Azerbaijani Peacekeepers Back from Kosovo*, "Trend News Agency", 15 April 2008 [<https://en.trend.az/azerbaijan/politics/1177043.html> access: 25 December 2019].

6 *Azərbaycan Respublikasının Hərbi Doktrinası (The Military Doctrine of the Republic of Azerbaijan)*, 2010 [<http://anl.az/down/meqale/azerbaycan/2010/iyun/124735.htm> access: 25 December 2019].

clearly states that the Azerbaijani Armed Forces can participate in international peace, humanitarian, and other operations, and emphasises the importance of improving the level of preparedness, training, and material and technical provision of the national peacekeepers' contingent and bringing them up to international standards and procedures. Therefore, specialised units are designated for the national peacekeeping contingent. The capability of conformity and the interaction with partner armed forces are raised through multilateral and bilateral cooperation. The doctrine is in line with the Law on Participation in Peace Operations with regard to details of the country's participation in international peace operations and missions.

Finally, under the doctrine's section of "Military Building Development Perspectives", it attaches particular importance to using NATO's Peace for Partnership programme including the Operation Plan on Individual Partnership, on the one hand, and the development of specially selected personnel with a view to participation in peace operations and achieving operational conformity in international cooperation formats.

National Security Concept of the Republic of Azerbaijan

The National Security Concept describes Azerbaijan as an "integral ring of the Euro-Atlantic security architecture" and expresses its resolve to "share the burden of building a single security system in Europe and in the region"⁷. While the concept establishes the European integration as a strategic goal for the country, currently Azerbaijan has downgraded its aspirations for the European Union from integration to partnership. Nevertheless, its determination on contributing towards the security in the

European continent, where Azerbaijan itself is located, particularly and in the world generally remains intact.

One major way of such a contribution could be through participation in peace operations to stabilise the situation in sensitive regions in partnership with various parties, including European states and institutions such as the European Union and the Organisation for Cooperation and Security in Europe, as provided for by the concept. This document considers continuation of participation in NATO's Peace for Partnership programme, and bilateral and multilateral military cooperation with NATO states, most of which are EU members, as a basis for the national defence policy to step up the nation's defence capability under Article 4.2. It also establishes that some of the main directions of Azerbaijan's defence policy are to participate in peace operations that are carried out on the basis of a mandate from relevant international organisations in response to crises, integrate with the Euro-Atlantic space's security system, and develop military operation forces that are compatible with the forces of NATO states.

EU's Expectations versus Azerbaijan's Profile

Azerbaijan has experience in NATO peace missions within the Turkish contingent

The EU has cooperated with third parties in its international operations through the CSDP. Partnerships with third parties are conducted in two ways: with individual states and with international organisations. Most EU states are NATO members, and additionally, there is a close partnership between non-EU NATO nations and the CSDP at institutional and individual levels. Turkey is just a case in point. Turkey is one of the

⁷ *Azərbaycan Respublikasının Milli Təhlükəsizlik Konsepsiyası (The National Security Concept of the Republic of Azerbaijan)*, 2007 [<http://www.e-qanun.az/framework/13373> access: 26 December 2019].

most important and largest third countries that have contributed to the EU CSDP operations⁸. Its active participation also presents room for Azerbaijan's participation. This argument is especially supported by the fact that Azerbaijan has already participated in NATO-led peace operations within the Turkish contingent.



the EU expects that states which are going to contribute to the CSDP peacekeeping missions and operations do not seek to influence its decision-making or strategic planning or management

Azerbaijan does not seek a political influence in CSDP missions

Turkey has signed a Framework Partnership Agreement with the EU. Participation of third countries – non-EU member states' military and civilian personnel – in the EU CSDP missions and operations is governed by such Framework Partnership Agreements (FPAs). Over 20 FPAs have been signed so far. However, the number of third countries that have contributed to the EU missions or operations is over 50 due to the fact that third countries also participate through Participation Agreements (PAs). Based on the precedents of participation in NATO operations within the Turkish contingent, Azerbaijan can do so for the EU CSDP operations through a PA, if not the FPA.

While FPAs are higher profile and more comprehensive documents regulating a third country's participation compared to PAs, and the contents of FPAs can vary from one to another to a very limited extent, none allows third countries to be involved in political decision-making, strategic management, or planning regarding the missions. Therefore, the EU expects that states which are going to contribute to the CSDP peacekeeping missions and operations do not seek to influence its decision-making or strategic planning or management. Accordingly, "third countries have no formal role in decision-making or planning", but "have some influence at an operational level"⁹. This is in line with Azerbaijan's expectations. As a small power, Azerbaijan does not seek to do so, and the nation's major interests are diversification of its foreign partnerships, building better international reputation, and exchange and learning of best practices in the military and defence sphere. Indeed, third countries gain an opportunity to get familiarised with the CSDP structure and work with various EU political, military, security, and crisis management agencies and instruments.¹⁰

Azerbaijan does not seek rewards from the EU for its participation, but can contribute towards burden sharing for CSDP missions or operations

Other Eastern Partnership nations have also participated in NATO-led coalitions' peacekeeping operations, but so far, only two of the six Eastern Partnership nations,

8 T. Tardy, *CSDP: Getting Third States On Board*, Brief, European Union Institute for Security Studies, March 2014 [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_6_CSDP_and_third_states.pdf access: 26 December 2019].

9 *Brexit: Common Security and Defence Policy Missions and Operations*, 116th Report of Session 2017-19, HL Paper 132, European Union Committee, UK Parliament, 14 May 2018 [<https://publications.parliament.uk/pa/ld201719/ldselect/lducom/132/13207.htm> access: 26 December 2019].

10 *Common Security and Defence Policy Structure, Instruments, Agencies*, European Union External Action Service, 8 July 2016 [https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp/5392/common-security-and-defence-policy-csdp-structure-instruments-agencies_en access: 26 December 2019].

Georgia and Ukraine, have contributed to the EU's CSDP missions. However, they expect rewards, direct or indirect, from the EU in exchange for their participation. In particular, Georgia and Ukraine try to get their EU aspirations accepted. This is something that the EU is absolutely reluctant to do. Unlike Georgia or Ukraine, Azerbaijan has made it clear that it does not seek EU membership or an integration perspective. It also does not seek financial or economic aid from the EU unlike such Eastern Partnership countries as Armenia. "We do not expect any privilege from the European Union and we are self-satisfied unlike some other countries involved in the program [Eastern Partnership], and we have already become a donor nation absolutely according to the report by the International Development Association".¹¹

Currently, Azerbaijan provides humanitarian assistance to various conflict-affected regions on its own initiative, independently of a peace operation, through the nation's specialised agency AIDA (Azerbaijan International Development Agency) and other instruments. The agency's assistance and humanitarian activities in Palestine, Afghanistan, and elsewhere are just a case in point¹². Involvement in the EU-led peace operations would further stimulate Azerbaijan to do so and transform its willingness into real efforts in that regard.

Azerbaijan has also made a considerable contribution to peace building in Afghanistan. In particular, Azerbaijan is active in transferring its know-how known as Asan (Easy Service or Asan Service) to Afghanistan for development of e-government and good governance.¹³ Asan Service is a platform to bring hundreds of public and governmental services under one roof, extensively using digital and ICT capacities and minimising the negative impact of human factors, and has proved to be effective in countering red tape and related petty corruption or bribery. This performance has been recognised by international institutions, including the UN.¹⁴

The material and financial dimensions of participation in the CSDP missions and operations are a particularly sensitive issue because contributors to NATO and EU operations are responsible for covering the costs of participation themselves as compared to UN missions. Therefore, the EU's Implementation Plan on Security and Defence emphasises the need to share burden with its partners.¹⁵ Not all third countries intending to contribute to the EU CSDP missions can afford to assume all the material and financial undertakings required for participation. Ukraine is just a case in point. "The US has helped Ukraine pay for its participation in KFOR in Kosovo. However, when Ukraine offered to contribute a military hospital to EUFOR

11 *Interview with the President of the Republic of Azerbaijan Ilham Aliyev*, 3 December 2019 [https://president.az/articles/35325 access: 26 December 2019].

12 *Azerbaijan International Development Agency* [http://aida.mfa.gov.az/en/vulnerable_people/page/1/ access: 27 December 2019].

13 *Asan Khedmat Project* [https://mmd.gov.af/asan-khedmat-project access: 27 December 2019].

14 *United Nations Public Service Awards (UNPSA)*, UN, 2015 [https://publicadministration.un.org/unpsa/innovation-hub/Home/Winners/2015-Winners/ASAN-Service access: 29 December 2019].

15 *Implementation Plan on Security and Defence*, Council of the European Union, 14 November 2016, p.4 [https://eeas.europa.eu/sites/eeas/files/eugs_implementation_plan_st14392.en16_0.pdf access: 28 December 2019].

Tchad/RCA on the condition that the EU would fund the purchase of additional equipment, it received no support and was unable to participate”.¹⁶

Upsides of Azerbaijan’s Profile Prevail over Its Downsides

Against the backdrop of the above-outlined upsides of Azerbaijan’s potential to join the EU’s CSDP and operations, there are also certain downsides that might play out unfavourably for Azerbaijan on part of the EU. First, the EU prioritises work with those third countries in its neighbourhood that share common values and principles with the EU.¹⁷ Whether Brussels sees it as a country with shared values is a somewhat tricky issue particularly in the light of Azerbaijan’s recent rhetoric against the European integration and Baku’s stated defence of traditional values. Another point is related to closeness with the EU’s policies and Community acquis. A study conducted at the request of the European Parliament’s Sub-Committee on Security and Defence says: “The EU adapts its relationships with third countries to the circumstances and context. And, when so doing, the size and weight of its partner is certainly taken into account. However, the EU tends to enter into deeper relationships with states that come closer to its policies and Community acquis”.¹⁸

Unlike Georgia and Ukraine, Azerbaijan has not signed an association agreement with the EU. Nor has it signed a new framework agreement, oftentimes referred to as a “strategic partnership agreement”, as the protracted negotiations on the strategic partnership agreement appear to have deadlocked. While these two points can be loosely and obliquely interpreted, and the deadlocked negotiations on the new Azerbaijan-EU agreement might also fetter Azerbaijan’s prospect of joining the EU CSDP operations, the nation’s history of two decades of participation in peacekeeping operations led by NATO could be supportive of the country’s profile. Furthermore, what Azerbaijan can offer as contrasted to other Eastern Partnership countries is an additional counterbalance to the downsides in its prospect of joining CSDP peace missions.

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16 K. Oksamytna, “Peacekeeping Country Profile: Ukraine” “Providing for Peacekeeping”, August 2016 [<http://www.providingforpeacekeeping.org/2016/09/21/peacekeeping-country-profile-ukraine/> access: 26 December 2019].

17 J. Rehl, G. Glume (ed.), *Handbook on CSDP Missions and Operations*, the Common Security and Defense Policy of the European Union, 2015, p.65 [http://eeas.europa.eu/archives/docs/csdp/structures-instruments-agencies/european-security-defence-college/pdf/handbook/final_-_handbook_on_csdp_missions_and_operations.pdf access: 27 December 2019].

18 F. Santopinto, *CSDP After Brexit: The Way Forward*, Policy Department, Directorate-General for External Policies, the European Parliament, May, 2018 [<https://www.grip.org/sites/grip.org/files/RAPPORTS/2018/CSDP%20after%20Brexit.pdf> access: 26 December 2019].

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Issue 4 (18), 2019

ISSN 2518-7481