



This report was undertaken as part of ***Paving the Road towards Visa-free Travel between the Eastern Partnership countries and the EU***, a project of PASOS (Policy Association for an Open Society), supported by the Local Government and Public Service Reform Initiative (LGI) of Open Society Foundations.

www.novisa.eu



www.pasos.org



<http://lgi.osi.hu>

Visa facilitation baseline study

Center for Economic and Social Development (CESD)

Shirin Mirzeyev 76 "a"/33,

Baku, Az1002,

AZERBAIJAN

Phone; (99412) 5970691

(99412) 4975684

Fax (99412) 4975684

Email; cesd.az@gmail.com

cesd@aztelekom.net

URL: www.cesd.az

Prepared by

FUAD CHIRAGOV

Table of contents

| | |
|--|-----------|
| Introduction | 3 |
| The state of affairs in the relations between Azerbaijan and the EU | 4 |
| The visa facilitation process | 6 |
| Document security | 9 |
| Border management policy | 10 |
| Migration | 12 |
| Public Order and Security | 13 |
| Conclusions | 16 |
| Recommendation | 17 |

Introduction

This research is the next stage of PASOS-LGI Eastern Partnership visa liberalization project. This research paper reviews the current relations between Azerbaijan and the EU and the compliance of Azerbaijan to its international obligations and commitments, particularly in terms of the visa facilitation process, document security, and the border management policy of Azerbaijan.

Without a doubt, the relations with the European Union and the integration to the Euro-Atlantic family play significant roles for future democratic development, prosperity and security of Azerbaijan, which is situated in a very sensitive and politically fragile region of the world. General public opinion in Azerbaijan also correlates with the idea that the future of Azerbaijan is in Europe and integration to Euro-Atlantic institutions. Despite that there are no valuable and reliable opinion polls and research on public opinion towards the relations with the EU, we cannot find almost any significant statement or phrase against closer integration to the EU from both ruling and opposition political parties or from representatives of local Civil Society Organizations.

Visa Liberalization is a very huge step in the integration to the EU. Visa Liberalization will facilitate economic integration, enable Azerbaijan to access the European market, and explore trade and investment opportunities. It will also increase people-to-people contacts, which is also important for Azerbaijan. People-to-people contact decreases mutual misunderstandings among different people and cultures that might otherwise lead to conflicts among them and also increases cultural exchanges. For citizens of newly independent states that don't have strong and historical experience in democratic state building and understanding of the importance of democratic values and freedom, people-to-people contact plays a significant role in the understanding of the values of the EU. Therefore, people-to-people contact facilitates the development of a strong background of regional peace and cooperation.

Throughout the research you will notice that Azerbaijan has ratified most significant international documents and constantly carries out formal administrative, institutional and legislative reforms to comply with the requirements of the EU standards. With respect to this, we should underline two things. First, new laws, changes and amendments to them, and institutional reforms don't necessarily mean that they are implemented properly in reality. Secondly, the given timeframe is too short to thoroughly analyze the different laws on migration, border

policy, migration, terrorism, biometric documents, asylum policy, money laundering, etc., and to make conclusions about their compliance/convergence to the requirements of standards of the EU. All these laws and issues require separate specialized analysis and expertise.

The state of affairs in the relations between Azerbaijan and the EU

The EU launched formal relations with Azerbaijan on April 22, 1996 by signing the EU-Azerbaijan Partnership and Cooperation Agreement (PCA) in Luxemburg, although since the independence in 1991 Azerbaijan had already had diplomatic relations with different EU member states. After ratification of the PCA by all member states of the EU, the agreement that provided legal framework of relations entered into force on July 1, 1999. This document encompassed the areas of cooperation, such as: political dialogue, human rights, economic, legislative and etc. One of the main objectives of this document was to bring the legislation of Azerbaijan to the EU standards. According to the PCA, Cooperation Council, Cooperation Committee, Parliamentary Cooperation Committee, Subcommittee on trade, economy and legal issues, and Subcommittee on energy, transport and environment were established to hold regular dialogue between the EU and Azerbaijan. The agreement gave the Cooperation Council the responsibility to determine the main directions of cooperation between the two parties.

On June 14, 2004, the EU adopted the European Neighborhood Policy's Action Plan and Azerbaijan joined to the European Neighborhood Policy (ENP). This was a very important sign of the improvement of relations between Azerbaijan and the EU. ENP offers its help to Azerbaijan in economic and institutional reforms to enter into closer political, economic and cultural relations with the EU, and to access to the united market of the EU. For this purpose, Azerbaijan is expected to liberalize its economy and political institutions. In response, the EU guarantees closer integration processes with the EU, beneficial trade relations and an open market that will facilitate the accession of Azerbaijan to World Trade Organization. No doubt, these expectations are very crucial for the overall democratic development and future prosperity of Azerbaijan. The Action Plan also offers cooperation in combating illegal migration, drug smuggling and organized crime, which are very important for security, regional stability and protection of human rights in a new independent state.

The EU-Azerbaijan ENP Action Plan adopted on November 14, 2006 defined ten main priority areas of cooperation, beginning from contribution to a peaceful solution of the Nagorno-Karabakh conflict, strengthening democracy and protection of human rights and fundamental

freedoms in the country through a fair and transparent electoral process, to improvement of the business and investment climate and the rule of law, particularly by strengthening the fight against corruption. Other prioritized areas of cooperation which are dramatically crucial for the future prosperity of Azerbaijan are intentions of the EU to support balanced and sustainable economic development, with a particular focus on diversification of economic activities, development of rural areas, poverty reduction and social/territorial cohesion; to promote sustainable development, including the protection of the environment, to develop regional transport networks and energy markets in the region and to integrate them with EU networks and markets, and to strengthen regional cooperation.

ENP also enabled to offer the programs on deepening the relations in culture, science, education and environment. With this respect within ENP Twinning, TAIEX, Tempus, Erasmus Mundus and Support to the state programs have been implemented with the support of the EU.

The next important step in relations between Azerbaijan and the EU was the launching of the Eastern Partnership (EaP) in 2009 in Prague. The EaP serves as a continuation of past initiatives which is aimed to promote future integration to the EU, stability, good governance and economic development in Azerbaijan as well as in five other Eastern European countries. This project also envisages the establishment of an Association Agreement with the EU in the future. Another important and long-term goal of the EaP regarding to this research paper is full visa liberalization for Azerbaijan.

Since the independence of Azerbaijan in 1991, the EU has been one of the major donors to support the economy of the new country. During this time the relations have been developed within the programs of “TACIS” (Technical Aid to Commonwealth of Independent States), TRACECA (Transport Corridor Europe-Caucasus-Asia), INOGATE (Interstate Oil and Gas Transportation to Europe) and ECHO (European Commission – Humanitarian Aid & Civil Protection).

In Azerbaijan, the main political institution responsible for executing dialogue with the EU is the Ministry of Foreign Affairs. On June 1, 2005, after joining to ENP, the President of Azerbaijan issued a decree # 834 and established the State Commission of the Republic of Azerbaijan on the Integration of the Republic of Azerbaijan to Europe (SCIAE). The Secretary of the Commission is the Deputy Prime Minister, Abid Sherifov. The Deputies of the Secretaries are the Ministers of Foreign Affairs and Economic Development. The members of the Commission are different ministers and other high-ranking officials from the government and the Administration of the President. There is also a special Unit on European Integration that was

recently established under the International Relations Department of the Milli Mejlis (parliament). There is no special department or taskforce at the Ministry of Foreign Affairs responsible for relations with the EU. The main division responsible for relations with the EU and other European states as well, and the countries of American continent is the West Department under the Deputy to the Minister of Foreign Affairs. The Republic of Azerbaijan also has the Mission of the Republic of Azerbaijan to the European Union.

Although the strong desire of the whole society as well as that of Civil Society Organizations is closer cooperation and relations with the EU, there is no valuable and reliable research and conducted opinion polls to follow the trends and changes in public opinion on relations with the EU. Although Civil Society Organizations of Azerbaijan have strong ties with the EU, there is no influence or role of civil society and academic institutions in decision-making processes and providing policy advice to the government of Azerbaijan on EU affairs. Although there are some civil society organizations such as the Center for Economic and Social Development, which has the mission to promote the values of the EU and closer relations with the EU, they have a very small influence on the government. On February 10, 2006, 39 leading and famous representatives of CSOs of Azerbaijan established the National Public Committee on Azerbaijan Euro Integration. The founders of this Committee are famous leaders of different CSOs and scholars of Azerbaijan. They came together to unite the initiatives of civil society to promote and to advocate the importance of integration and closer relations with the EU.

At the same time, there is almost no noticeable and organized opposition to closer relations with the EU. They have not stated their arguments against the EU and they do not have any influence on policy making.

Visa Facilitation Process

As we know, a major precondition for visa facilitation and/or a community readmission agreement is to have an ENP Action Plan in force. As Azerbaijan already has an ENP Action Plan in force, Azerbaijan is qualified for this agreement; however, there is still no information on current developments. We do not have information on a concrete date when the agreement will be signed. Azerbaijan also does not have a visa dialogue/visa liberalization roadmap with the EU.

Since 2001, the EU has issued two lists of countries regarding visas: “a white list” of countries

nationals are required to have visas. The nationals of white list countries can enter and remain in the Schengen area for up to three months within half a year without a visa. According to the EU Council regulation 539/2001 Azerbaijan is in “the black list” of the states whose nationals “shall be required to be in possession of a visa when crossing the external border of the Member States” (Article 1 of the EU Council regulation 539/2001).

The readiness of the EU to launch talks with Azerbaijan on the simplification of the visa regime was expressed by Benita-Ferrera Waldner, the EU Commissar on Foreign Relations, in 2007. Unfortunately, since then, no concrete results have been achieved and there is no action plan on the agenda.

Within the Eastern Partnership, sub-committees on justice and home affairs and migration dialogues have been established with Georgia, Armenia, and Azerbaijan. Azerbaijan has tried to pursue a reform agenda, resulting in some progress as regards the reform of the police and the judiciary, the fight against organized crime and corruption. Such reforms take time and much still remains to be done. Nonetheless, these steps are crucial for the further visa facilitation process.

On June 17, 2010, in the opening ceremony of the seminar on mobility and visas, which was organized by the EU in cooperation with the Azerbaijan Ministry of Foreign Affairs, Ambassador Roland Kobia, Head of the EU Delegation to Azerbaijan in Baku said: “The EU is ready to offer increased mobility for citizens from partner countries willing to ensure that the conditions for a well managed and secure mobility are in place. For that matter, the dialogue we have established with Azerbaijan is very encouraging”. In this seminar Deputy Foreign Minister Mammadgulyev and Ambassador Kobia called for concrete results and for an action plan to be established.

On June 15, 2010, the Foreign Ministries of the EU in Luxemburg agreed to further deepen the bloc’s relations with Armenia, Azerbaijan and Georgia by implementing Visa-free travel between the three South Caucasus nations and the EU member states. The statement of the meeting says that “The EU stands ready to promote mobility of citizens of the South Caucasus countries and other Eastern Partnership countries through visa facilitation and readmission agreements, and once these are successfully concluded and implemented, move towards a controlled process taking gradual steps towards visa-liberalization as a long-term, on a case-by-case basis”. The official statement of the meeting also said that the EU will develop a plan on how to take cooperation forward in this area by the end of 2010. It is also anticipated that the

South Caucasus countries will achieve visa-free travel with EU member states within two or three years.

On December 15, 2010, Roland Kobia indicated that EU is interested in expanding relations with official Baku not only in energy sphere, but also in culture and wishes the deeper integration of Azerbaijan in EU: 'For launching these processes, there is a need for Azerbaijan and EU to execute a number of commitments including the readmission agreement. The document is very important on the way of facilitating the visa receipt procedures. By results of the talks, it is even possible to transfer to the nonvisa regime'. He also indicated that the EU understands that visa is needed for students, teachers, sportsmen, entrepreneurs and politicians both for tourism and working trips. This is an important aspect in the EU-Azerbaijan relations, which is why he is happy that negotiations on facilitation of visa regime will start next year and meetings will be held. In his recent interviews Mahmoud Mammadguliyev, the Deputy to Foreign Minister also said they hope the negotiations on simplification on visa regime between Azerbaijan and EU will start in coming years.

On January 14, 2011, President of the European Commission, J.M. Barroso, during his official visit Azerbaijan, stressed the importance of promoting mobility of citizens and visa liberalization as a long-term goal which is an important objective of the Eastern Partnership. This will be of great value, as greater mobility will increase direct contacts among people. J.M. Barroso also said that the EU expects that in the coming months the European Union and Azerbaijan will be able to open negotiations on a visa facilitation agreement in parallel with negotiations on a readmission agreement.

On January 25, 2011 in Chisinau, Cecilia Malmström, Member of the European Commission responsible for Home Affairs, proposed to start the negotiations on visa facilitation and readmission agreements with Armenia and Azerbaijan before the summer of 2011.

With the support of legal experts of the EU State Commission of the Republic of Azerbaijan on the Integration of the Republic of Azerbaijan to Europe an Action Plan was prepared on "Legal Approximation of the Legislation of the Republic of Azerbaijan with the EU Acquis 2010-2012" which was approved in the third meeting of SCIAE on October 23, 2009. The Action Plan includes 15 different fields of legislation. According to this Plan, it is anticipated to make changes to 126 legislative documents. The parliament (Milli Mejlis) is a major legislative institution to execute the work on approximation of legal provisions and practices in Azerbaijan with the EU standards. There is also the Department on International Law at the Ministry of Foreign Affairs that oversees the international agreements and obligations

of Azerbaijan, which can advise the Parliament and executive branch of the government on international agreements and obligations of Azerbaijan.

There is no reliable and valuable research and opinion polls to follow the trends and changes in visa facilitation with the EU. According to our first observations, the society has no comprehensive information about the essence of this process and its possible positive and negative impact for Azerbaijan. The visa facilitation is not an actively discussed issue in the public and it is not in the agenda of different political groups. There is also not any significant opposition and proponents of visa facilitation, although there is a strong desire for closer cooperation and integration with the EU.

Document security

The Republic of Azerbaijan does not issue machine-readable biometric travel documents/passports and ID cards yet. But on February 13, 2007, the President of Azerbaijan approved the State Program on Establishing Biometric Identification System in the Republic of Azerbaijan in 2007-2012 (SPEBISRA). On June 13, 2008, Azerbaijan also adopted the law on "Biometric information". In this law, biometric information includes finger, palm and face prints, iris of eye, the fragment of voice and its acoustic features, the result of DNI analysis, the sizes and special features of body, handwriting and signature and etc. SPEBISRA set the plan of actions for the years 2007-2012 to fully implement the latest biometric technologies in Azerbaijan. This program aimed to modernize the national security system and to combat terrorism, illegal migration, human trafficking and other forms of crime more effectively. For this purpose, this program envisages to bring and to apply/to incorporate the latest technology on personal identification on personal photo, fingerprints, voice, DNI and other personal biometric features and to build the centralized and national database of the population of the Republic of Azerbaijan. This state program is supposed to be implemented in two stages. In 2007-2009 during the first stage it was planned:

- to improve and develop the current legislative background of this field
- to adopt new laws and regulations on biometric identification,
- to strengthen the control of the state over the migration processes
- to establish and improve the information database technologies on the documents of personal identification for crossing border

In 2010-2012 during the second stage of the state program, it is planned to disseminate and to improve the application of biometric technologies in the different areas of governance. It is expected that the issuance of new digital passport-visa and other IDs based on biometric technologies will stop criminal attempts of using personal data of different persons. It is expected that biometric technologies will contribute to maintaining public order and security, as these technologies will ease the search of persons who have committed crimes.

The Republic of Azerbaijan also adopted the law on “State registration of the population of the Republic of Azerbaijan” on April 21, 2006, and approved “the rules of issuing of personal identification numbers (PIN)”. These laws and other regulations established the legislative background for database of personal information systems. According to the law on the “State registration of the population of the Republic of Azerbaijan” the database included the personal information on place of living (or registration), marital status, military service and etc. This law also gave a personal identification number to every citizen of Azerbaijan, foreign citizens, as well as people without any citizenship who permanently live in Azerbaijan. The Ministry of Internal Affairs and the Ministry of Justice are responsible for establishing and managing the State Registration of Population, which is national and centralized information database on population. According to this law, the database on state registration includes the information the following populations:

- the information on the citizens of the Republic of Azerbaijan;
- the information on the foreign citizens who permanently live in Azerbaijan;
- the information on the people who don't have any citizenship and who permanently in Azerbaijan; and
- the organizational information on the activity of State Registration on Population.

Border management policy

Arrivals and departures to Azerbaijan and passport issues are all regulated by the law on “To depart, to arrive and passports” which was adopted on June 14, 1994. There have been 22 amendments and changes to this law since it was adopted. According to this law, on 2001 “Exit-enter” automotive information-searching system (AMAS)” was established. This system is inter-government information database of the Ministries of National Security, Defense, Internal Affairs, Foreign Affairs, Justice, Taxes, as well as State Border Service, Special State Security Service and State Marine Service at the Ministry of Cabinet.

The law on “To depart, to arrive and passports” also regulates issues related to the passport. The passport is different from an internal ID (personal identification card). According to the law, the passport of the citizen of the Republic of Azerbaijan is a personal identification document abroad. The passport is also the only document with which the citizen of Azerbaijan can exit and come to Azerbaijan. The regional departments of the Ministry of Internal Affairs issue this passport. All citizens of Azerbaijan who are at least 18 years old are eligible for this passport. Azerbaijan also adopted the law on “the personal identity card of a citizen of the Republic of Azerbaijan” on June 14, 1994. This personal ID card is for domestic purposes. The domestic ID card (personal identification card) includes the information on the number of ID card, the last and the first names of a citizen, patronymic, the place and date of birth, gender, blood group, the place of living, marital status, military service, the height, the color of eye, signature and photo of a citizen. Unlike domestic ID cards, passports (called international passport not officially) include information on the type of the passport, the first and last name of a citizen, patronymic, gender, date of birth, date of issuance, date of expiry, blood group, the signature of a citizen and citizenship .

On April 22, 2008, the President of the Republic of Azerbaijan signed a decree #744 and approved the new Charter of “‘Enter-exit and registration’ inter-agency automotive information-searching system”. This decree renamed the “Enter-exit” automotive information-searching system (AMAS)” to “‘Enter-exit and registration’ inter-agency automotive information-searching system”. The new Charter envisages actively incorporating the latest technologies on biometric identification that are considered in other laws and regulations of Azerbaijan.

The Republic of Azerbaijan has already had a database of fingerprints of certain parts of the population. On February 22, 2000, Azerbaijan adopted the law on “Dactylographic (fingerprinting) registration in the Republic of Azerbaijan”. The following people get dactylographic registration mandatorily in Azerbaijan:

1. a person on mandatory military service
2. the persons who conduct transportation of cargo and passenger transportation
3. people who work in mines and mining
4. people working on the sea
5. the persons (the citizens and foreigners as well) whose identification cannot be determined because of their health condition and age cannot say who they are
6. the aliens and the persons without citizenship who reside in Azerbaijan temporarily and permanently

7. the persons (citizens, aliens and persons without any citizenship) who committed crimes, arrested or are suspected to commit crimes
8. the aliens and people without any citizenship who are withdrawn from Azerbaijan according to the legislation
9. people seeking the political asylum and who want to get refugee status

On December 9, 1991, Azerbaijan adopted the law on “State border of the Republic of Azerbaijan”. This law defines and determines the borders of the Republic of Azerbaijan and regulates the security issues of the border as well as border policy of Azerbaijan. Since its adoption, several amendments and changes have been made to this law. On January 6, 1994, Azerbaijan also adopted the law on “Border troops of the Republic of Azerbaijan”. According to these laws, the State Border Service (SBS) is responsible for the security and protection of the borders of Azerbaijan. SBS maintains the security and protection of the borders in the fields (borders) by its Border Troops, which are military equipped units. This law also determines the security checkpoints (on the soil, sea and airports) where the borders of Azerbaijan Republic can be crossed by Azerbaijani citizens and aliens and the regulations in those checkpoints. According to the law on borders in special check-points during crossing of the borders of Azerbaijan, the citizens of Azerbaijan and aliens have to pass through the controls of the officers of State Border Service, the Committee on Custom, Sanitary of Service and other controls where it is necessary.

Migration

According to the law on Immigration, which was adopted by the Republic of Azerbaijan on December 22, 1998, an immigrant is a person (foreign citizens and persons without citizenship) who is permitted to live in Azerbaijan permanently.

Before June 30, 2009, the date of the decree of the Republic of Azerbaijan on application of the “One Window System” in the regulation of migration processes, to get permission to reside in Azerbaijan permanently was difficult and a bureaucratic process that some even say was very corrupted. According to this decree, some changes were proposed to laws of the Republic of Azerbaijan and the law on issuing the ID registration cards of foreign citizens and persons without citizenship who permanently live in Azerbaijan was canceled. Before this decree and the following changes to the legislation, persons who wanted to reside permanently in Azerbaijan had to pass through the routine and bureaucratic procedures to get permission to live in Azerbaijan. It was very significant development in the liberalization of migration procedures.

But on September 13, 2010, the President of the Republic of Azerbaijan issued a decree #326 on “the registration of visas of foreigners and persons who do not have citizenship” which made some changes to previous procedures. The changes made it more difficult for foreigners to come to Azerbaijan. According to previous regulation, the foreign citizens of some countries could get a visa at the airport or at the border. Now they have to apply for the visa one-month before arriving at one of Azerbaijan’s embassies outside of the country. Some commentators remark that this decision is an act of de-liberalization or argue that it was done to prevent the participation of foreign observers in parliamentary elections.

On May 13, 2003, Azerbaijan ratified one of the main international documents on migration issues, the additional Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime which was approved by Azerbaijan on November 15, 2000.

Although the Republic of Azerbaijan has comprehensive legislation on migration issues, its convergence with EU standards requires further expertise. The main government institution that is responsible for the management and oversight of migration processes is the State Migration Service established on March 19, 2007. This organization is responsible for the registration of foreigners in Azerbaijan and overseeing the regulations of laws on migration. The General Directorate on the Registration of Citizens, Passport and Migration at the Ministry of Internal Affairs is responsible for issuing internal ID cards, passports, as well as the registration of foreign citizens in the place of living. The Ministry of Foreign Affairs is responsible for issuing the visa to enter the country.

Azerbaijan also approved most significant international Conventions on refugees and has an asylum policy. The main government institution responsible for dealing with issues of refugees is the State Committee on Refugees and Internally Displaced Persons at the government of the Republic of Azerbaijan.

Public Order and Security

Since its independence, the Republic of Azerbaijan has ratified almost all significant international Conventions and treaties against organized crime, corruption, terrorism, human trafficking, as well as human rights.

One of the main challenges to the democratic development, future prosperity and security of Azerbaijan is its high level of corruption. Corruption undermines all economic opportunities and projects of the government thanks to financial resources from oil and gas resources. The high level of corruption has always been subject to criticism from both domestic and international audiences, which was also acknowledged by the high level of officials of Azerbaijan that corruption is a priority issue requiring comprehensive and serious countermeasures. According to the Corruption Perception Index 2010 of Transparency International, Azerbaijan ranked 134th place among 178 states of the world. The government has failed to achieve substantial results in the last few years despite administrative and legislative measures.

In June 2004, Azerbaijan joined the Council of Europe Group of States against Corruption (GRECO). In 2004, Azerbaijan ratified the UN Convention against Corruption and in 2003 Council of Europe's Criminal and Civil Law Convention against Corruption, as well as other Council of Europe's Conventions on corruption. On May 3, 2005, Azerbaijan adopted the law on "Charter of Commission on Combating against Corruption" and established the Commission on Combating against Corruption at the Council of Management of State Service. The members of this Commission are approved by the President, Parliament and Constitution Court of the Republic of Azerbaijan. The Secretary of the Commission is the Head of President Administration. This Commission also includes Ministers of Internal Affairs, National Security and Justice, General Prosecutor, and the Heads of Constitution and Appeal Courts.

On July 28, 2007, The President of the Republic of Azerbaijan approved a National Strategy on Increasing Transparency and Combating Corruption. This Strategy is a continuation of the State Program on Anti-Corruption for 2004-2006.

Azerbaijan also cooperates with Council of Europe's Group of States against corruption (GRECO). GRECO adopted the Joint First and Second Round Evaluation Report on Azerbaijan at its 29th Plenary Meeting (23 June 2006). Azerbaijan submitted the situation Report required under the GRECO compliance procedure on February 9, 2008. On the basis of report of Azerbaijan, and after a plenary debate, GRECO adopted the Joint First and Second Round Compliance Report on Azerbaijan at its 39th Plenary Meeting. On October 1, 2010 the Compliance Report (GRECO RC-I/II (2008) 4 E) concluded that Azerbaijan failed to realize all recommendations of GRECO and that Azerbaijan could only implement some of the recommendations satisfactorily.

In Paris on October 20-22, 2010, the Financial Action Task Force on Money Laundering (FATF) stated that Azerbaijan is no longer subject to its monitoring process under its ongoing global AML/CFT (anti-money laundering/counter-terrorist financing) compliance process. At this Plenary meeting, the FATF welcomed Azerbaijan's significant progress in improving its AML/CFT regime and noted that Azerbaijan has met its commitments in its Action Plan regarding the strategic AML/CFT deficiencies that the FATF had indentified in February 2010. This statement of FATF was a very significant development in this field as in its previous statements the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing Terrorism (MONEYVAL) have consistently criticized Azerbaijan in its failure to follow international commitments regarding money laundering and financing terrorism. This was achieved thanks to the push of the international community and the efforts of the government. On November 1, 2003, Azerbaijan approved the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime. On February 10, 2009, Azerbaijan adopted the law on Combating against Money Laundering and the Financing terrorism. In the introduction of this law, it is stated that this law is designed with the mission to develop and improve further the legislation of Azerbaijan in this field.

On June 18, 1999, the Republic of Azerbaijan adopted the law on the Fight against terrorism and on December 26, 2003, ratified the European Convention on the Suppression of Terrorism of January 27, 1977. On October 26, 2002, Azerbaijan approved the International Convention for the Suppression of the Financing of Terrorism of 2001. The law on the Fight against Terrorism determines the legal and organizational guidelines for combating terrorism in the Republic of Azerbaijan, the mechanism for inter-agency co-operation between the state bodies in charge of anti-terrorism operations, as well as the rights and duties of those bodies and individual citizens. The law contains and interprets definitions of "terrorism", "terrorist", "terrorist group", "terrorist organization", "terrorist activity", "international terrorist activity", "financing of terrorism", "fight against terrorism", "operations against terrorism" etc.

On May 11, 2002, the President signed Decree No.920 approving the "Plan of action for the implementation of UN Security Council resolutions 1368 of 12 September 2001, 1373 of 28 September 2001, and 1377 of 12 November 2001". The Decree contains instructions to the relevant bodies of the executive power to take action for the suppression of terrorism and the financing of terrorism, as well as for the freezing of assets and other financial activities or economic resources of legal and physical entities which have perpetrated or are planning to perpetrate acts of terrorism. The plan of action envisages steps for preventing all individuals and organizations from directly or indirectly financing criminals, or from providing them with

financial or other services. The document also includes articles on the provision of comprehensive assistance to members of the international antiterrorist coalition in the investigation of criminal cases concerning terrorism. The Decree was followed by the adoption of Law No.712-IIQ "On National Security" of 29 June 2004, which establishes the legal basis for the national security strategy and policy with a view to the development of the Republic of Azerbaijan as an independent, sovereign, democratic state. It includes conceptual articles concerning terrorist threats and the carrying out of effective antiterrorist activities. This law regards international terrorism as a major threat to the national security of the Republic of Azerbaijan; multilateral co-operation in combating international terrorism and transnational organized crime is regarded as one of the main methods for ensuring national security.

The government of Azerbaijan has paid much attention on human trafficking. On May 6, 2004, the President of the Republic of Azerbaijan approved the "National Action Plan on Combating against Human Trafficking" with the decree #208. This decree was a start of later activity of the government, institutional and legislative changes in Azerbaijan. On June 6, 2004, the Department on Combating against Human Trafficking at the Ministry of Internal Affairs was established. On April 4, 2005, Azerbaijan adopted the law on Combating Human Trafficking. On November 9, 2005, the Ministry of Cabinet of the Republic of Azerbaijan issued the decree on "Establishing shelters for the victims of human trafficking, financing, their activity and the rules of controlling them."

Conclusions

As you can see above Azerbaijan has already started to some institutional, legislative and administrative reforms to meet its international commitments. Azerbaijan has already had comprehensive legislation on migration, combating organized crime, terrorism, money laundering, human trafficking and set the plan on approximate its legislation to European standards. Azerbaijan also set the plan to apply biometric identification technologies in issuing passports and other personal IDs. While undertaking all these reforms and changes Azerbaijan still falls behind in certain areas:

- real combating corruption. Although Azerbaijan has laid comprehensive legislative background to decrease the level of corruption, there is no significant improvement in this field

- democracy and the role of Civil Society in decision-making process. This area is one of the main areas where Azerbaijan has the most serious problems. Azerbaijan has constantly been criticized for failing to meet its commitments towards democracy and human rights. Azerbaijan had serious problems in recent parliamentary, presidential elections and referendum in terms of their freeness and fairness. Despite the fact that most CSOs are pro-Western and pro-European oriented, they have a very small influence on the government and their decision-making;

- the speed of reforms. After analyzing the whole reforms and convergence/approximation of laws and institutions to the European standards, we can assume that Azerbaijan has been doing all reforms unwillingly. Sometimes these changes take more time than they are supposed to. Especially, the reforms with respect to approximation of laws and regulations on the application of biometric identification technologies have taken place very slowly.

Recommendations

After analyzing the current legislation and reforms measures, we would suggest the following recommendations to the EU and the government of Azerbaijan:

- Combating corruption. As we have already mentioned above, Azerbaijan already has the legislative background necessary to combat corruption effectively. Unfortunately, we have not recently seen concrete and substantial results in this field, although the President of Azerbaijan has declared their first priority in coming years in domestic policy will be combating and eliminating corruption. EU and other international stakeholders support the initiatives of Azerbaijan to eliminate the corruption and effective measures to combat corruption. The high level of corruption undermines all reforms in the fields of human rights and socioeconomic development. Some international and local organizations underline that corruption is a main obstacle in the diversification of the Azerbaijan economy and in enhancing the free-market in Azerbaijan. Corruption might also pave the way for organized crime and terrorist organizations to use the territory of Azerbaijan. Corruption might even undermine the reforms on application of the latest biometric identification technologies. Therefore, within this project as well as in other projects, the EU has to insist on more effective outcome-oriented ways of combating corruption.

- Enhancing democracy and the role of Civil Society Organizations. We have already mentioned the seriousness of the problems in democracy in Azerbaijan. The governments of Azerbaijan and the EU have to put more effort into making sure that the Civil Society Organizations of Azerbaijan play a larger role in the decision-making process.

- To start reforms of public administration or institutional reforms. The current structure of the government of Azerbaijan demonstrates that it needs more institutional reforms. It must be simple, less bureaucratic and centralized or “one window system”. The necessary information for mobility of people between Azerbaijan and EU should be available from one source.

- To foster the application of biometric passports. Although Azerbaijan has already had necessary legislative and regulatory background for application of biometric passports, it seems that it is not agenda of the government to apply it in coming months. Evidences from other Eastern Partnership countries demonstrate that we fall behind in application of biometric passports and IDs. Azerbaijan would not have financial problems if the citizens are given new biometric passports at least if the government have all resources to provide citizens with biometric passport.

- The speed of reforms. We have already mentioned that the reforms that have been taken by Azerbaijan are too slow and sometimes make us to think that Azerbaijan carries out these reforms unwillingly. Therefore, Azerbaijan has to accelerate the output-oriented reforms to comply with its international commitments.

- The current legislation and undertaken reforms on migration, border policy, migration, terrorism, biometric documents, asylum policy, money laundering and etc., should be analyzed separately by different international experts and there must be an opinion of independent experts available for each separate law.

- Azerbaijan still does not have proper cooperation with EU member states on law-enforcement matters. Azerbaijan has also not had an agreement with EUROPOL on cooperation. Therefore, we think it is an area where the governments of Azerbaijan and the EU, as well as its individual member states, have to pay attention, and in coming years this gap should be fulfilled.

- EU should follow the work of others groups that deal with cross-thematic issues like academic exchange and migration, human rights, anti-corruption and all directly and indirectly spheres.

Reference:

1. Country Strategy Paper 2007-2013, European Neighborhood and Partnership Instrument, Azerbaijan
2. "European Neighborhood Policy" Country Report Azerbaijan, Commission Staff Working Paper, Brussels 2.3.2005 SEC(2005) 286/3
3. European Neighborhood Strategy Paper, Brussels, 12.5.2004 COM(2004) 373 final
4. National Indicative Program 2007-2010, European Neighborhood and Partnership Instrument, Azerbaijan
5. Partnership and Cooperation Agreement, between the European Communities and their member states, of the part, and the Republic of Azerbaijan, of the other part, April 22, 1996
6. National Strategy on Increasing Transparency and Combating Corruption approved by the President of the Republic of Azerbaijan, July 28, 2007
7. The President decree # 834 on State Commission of the Republic of Azerbaijan on the Integration of the Republic of Azerbaijan to Europe
8. The law on "Biometric information", June 13, 2008,
9. The law on "To depart, to arrive and passports", June 14, 1994.
10. The law on the personal identity card of a citizen of the Republic of Azerbaijan, June 14, 1994
11. The law on "Dactylographic (fingerprinting) registration in the Republic of Azerbaijan", February 22, 2000
12. The law on "State border of the Republic of Azerbaijan", December 9, 1991
13. The law on "Border troops of the Republic of Azerbaijan", January 6, 1994
14. The law on Immigration, December 22, 1998
15. The President decree on application of the "One Window System" in the regulation of migration processes, to get permission to reside in Azerbaijan permanently, June 30, 2009
16. The President decree #326 on "the registration of visas of foreigners and persons who do not have citizenship", September 13, 2010
17. The President decree #744 on the new Charter of "Enter-exit and registration' inter-agency automotive information-searching system", April 22, 2008
18. The State Program on Establishing Biometric Identification System in the Republic of Azerbaijan in 2007-2012 (SPEBISRA), February 13, 2007

19. The President Decree #.920 on approving the "Plan of action for the implementation of UN Security Council resolutions 1368 of 12 September 2001, 1373 of 28 September 2001, and 1377 of 12 November 2001", May 11, 2002

20. The law on the Fight against terrorism On June 18, 1999

21. The President decree #208 on approving the "National Action Plan on Combating against Human Trafficking", May 6, 2004

22. The law on Combating Human Trafficking, April 4, 2005

23. The rules of issuing of personal identification numbers (PIN), April 21, 2006

Web –resources:

1. http://ec.europa.eu/world/enp/policy_en.htm

2. http://www.eas.europa.eu/ceeca/news/index_en.htm

3.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/955&format=HTML&aged=0&language=EN&guiLanguage=en>

4. http://ec.europa.eu/europeaid/where/neighbourhood/overview/how-does-enpi-work_en.htm

5. http://eeas.europa.eu/eastern/index_en.htm

6. http://ec.europa.eu/europeaid/where/neighbourhood/overview/taix_en.htm

7. http://ec.europa.eu/europeaid/where/neighbourhood/overview/twinning_en.htm

8. http://ec.europa.eu/delegations/azerbaijan/press_corner/all_news/index_en.htm

9. <http://www.aamik.az/>