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Master's Thesis

Azerbaijan-Italy Relations: Legal Foundations, Bilateral Agreements, and Multilateral Dynamics

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Introduction

The relationship between Azerbaijan and Italy is dynamic and multifaceted, founded on shared strategic interests, including energy, legal cooperation, and regional diplomacy. However, diplomatic relations were formalized in 1992, on Azerbaijan's independence from the Soviet Union; the roots of this relationship date back to the early twentieth century. As part of Azerbaijan's brief independence as the Azerbaijan Democratic Republic (ADR) from 1918 to 1920, Italy closely monitored the events in the South Caucasus, as Azerbaijan possessed oil and a strategic geopolitical position. Italy did not officially accept the ADR, but did not legalize the Soviet annexation of Azerbaijan, which was consistent with the later UN General Assembly Resolution 2625 (1970), which condemned territorial acquisition through force¹.

This partnership has grown from energy trade to judicial modernization, climate law, investment protection, and digital governance over the last three decades. Azerbaijan's role in European energy diversification has been reinforced with the completion of the Trans-Adriatic Pipeline (TAP), which has been operational since 2020.² This development has been enhanced by political trust, based on Italy's consistent support for Azerbaijan's territorial integrity regarding the Nagorno-Karabakh conflict, as well as societal ties strengthened through cultural diplomacy and educational exchanges.

This thesis examines the factors influencing the relations between Azerbaijan and Italy through laws that seek to achieve the same goal without EU membership or formal alignment. The analysis focuses on the possibilities of using the 1997 Bilateral Investment Treaty and the 2004 Double Taxation Avoidance Agreement, as well as cooperation within the NATO Partnership for Peace and the EU's Eastern Partnership, as a legal framework for energy, procurement, and climate policy, which would make EU oversight unnecessary.

Chapter 1 of this paper covers early diplomatic developments, as well as the legal principle of non-recognition under international law. Chapter 2 asks whether events since 1991 have led to new

¹ United Nations General Assembly. (1970). *Declaration on principles of international law concerning friendly relations and co-operation among states* (A/RES/2625(XXV)).

² Agreement Between the Government of the Italian Republic and the Government of the Republic of Azerbaijan on the Promotion and Reciprocal Protection of Investments, Rome, 25 September 1997.

developments in trade, diplomacy, and legal instruments. Chapter 3 turns to multilateral cooperation and the role and legal instruments of legal diplomacy in the Organization for Security and Cooperation in Europe (OSCE), the United Nations (UN), and the International Renewable Energy Agency (IRENA). Chapter 4 synthesizes these findings to show that legal proximity, rather than integration based on association, may be a strategic alternative to accession, particularly relevant for states like Azerbaijan that seek to modernize while preserving their sovereignty.

Chapter 1. Historical and Legal Foundations of Azerbaijan-Italy Relations

The historical and legal framework of the relations between Azerbaijan and Italy can be traced back to the beginning of the twentieth century when a new political realignment occurred in the South Caucasus and Europe. This chapter aims to describe the first round of bilateral relations in the existence of the Azerbaijan Democratic Republic (ADR) from 1918 to 1920, when Azerbaijan, as a secular and democratic republic in the Islamic world, struggled for recognition of its independence by European states, including Italy. Despite these circumstances, Italy must have watched developments in Azerbaijan closely as it was an area of interest for the country owing to its oil resources and strategic importance for Britain and the Ottoman Empire. The legal consequences of the Soviet incorporation of Azerbaijan in 1920 are also discussed regarding state continuity, the non-recognition of unlawful occupation, and the principles of international law that informed Italy's circumspect policy. Tracing the historical background and the early diplomatic relations in this chapter makes it possible to set the basis for the future development of the Italian legal and political stance towards Azerbaijan, including the conflict around Nagorno-Karabakh and the post-Soviet cooperation.

1.1 Relations During the Period of 1918 to 1920

The period from 1918 to 1920 was a critical phase in Azerbaijan's history, as the Russian Empire's collapse created a power vacuum that allowed for the emergence of the Azerbaijan Democratic Republic (ADR)³. The ADR emerged on May 28, 1918, as the first democratic republic in the Muslim world. It established secular governance through parliamentary institutions and multiple

³ Gazi T (2024). The Sovietization of Azerbaijan: Historical Perspective.

political parties while introducing progressive reforms to engage in international relations⁴. During its short history, the ADR pursued a dynamic diplomatic policy while seeking recognition from critical European powers, including Italy. The young republic sought strategic partnerships to ensure its territorial independence and economic growth, as its oil reserves had become a global attraction⁵.

Italy's foreign policy towards the South Caucasus was based on its main geopolitical priorities and economic interests during World War I⁶. While Italy sought to maintain its strategic presence in vital territories, including the Caucasus region, it continued to expand its power base after the war. Italian diplomatic documents show that Rome was aware of the political changes in Azerbaijan, but its diplomatic engagement remained minimal compared to that of the British and Ottoman Empires⁷. Despite internal political turmoil and post-war reconstruction efforts, Italy focused on maintaining an interest in the economic and energy potential of the ADR after the war, as it did not secure formal recognition of the republic. Italy's political leadership recognized the strategic importance of Baku's oil fields, which had been a priority for European states for decades. According to Zubok (2007), Italy saw Azerbaijan as an opportunity for future economic cooperation, provided that Azerbaijan achieved lasting independence⁸.

Although Italy did not establish diplomatic relations with Azerbaijan, its economic potential determined its overall view of the nation. During that period, the Baku oil industry emerged as a world-leading energy resource treasure, attracting countries, including Italy and multiple European countries, to obtain access⁹. Archival documentation shows that Italian economic sectors followed Azerbaijani developments regarding oil production and possible trade pacts, yet Italy failed to create direct trade ties with the ADR¹⁰. Furthermore, British and Ottoman interests in the region complicated Italy's strategic maneuvering. Under General Lionel Dunsterville's command, Britain

⁴ Swietochowski, T. (1995). *Russia and Azerbaijan: A Borderland in Transition*. Columbia University Press.

⁵ Hasanli, J. (2016). *Foreign Policy of the Republic of Azerbaijan: The Difficult Road to Western Integration (1918-1920)*.

⁶ Olszewski, P. (2011). *GEOPOLITICAL IMPORTANCE OF THE SOUTH CAUCASUS AFTER WORLD WAR I*. *Caucasus International*, 3(1), 75-88

⁷ Pommier Vincelli, D. (2018). Italy and independent Azerbaijan (1918–1920). *IRS Heritage*, (33), 122–129

⁸ Zubok, V. M. (2007). *A Failed Empire: The Soviet Union in the Cold War from Stalin to Gorbachev*. University of North Carolina Press.

⁹ Yergin, D. (1991). *The Prize: The Epic Quest for Oil, Money, and Power*. Free Press.

¹⁰ Pommier Vincelli, D. (2018). Italy and independent Azerbaijan (1918–1920). *IRS Heritage*, (33), 122–129

briefly occupied Baku in 1918, reflecting its concern over controlling the oil supply. In contrast, under the Treaty of Batum, the Ottoman Empire sought to expand its influence in the Caucasus¹¹. These competing interests limited Italy's ability to establish an independent economic foothold in Azerbaijan during this period.

The broader context of post-war diplomacy further shaped Italy's geopolitical ambitions in the region. The country had been part of the Allied powers and sought to secure its influence in territories affected by the dissolution of empires, including the former Ottoman and Russian dominions. However, Italy's focus on its Adriatic and Middle East claims left limited diplomatic bandwidth for engaging with Azerbaijan. Additionally, the presence of the Great Powers- Britain, France, and the United States- overshadowed Italy's role in determining the political fate of the South Caucasus. Italian policymakers were also wary of Soviet expansionism, which had begun to threaten newly independent states in the region. According to Pipes (1997), Italy was aware of the Bolsheviks' growing influence but did not have the military or political capacity to counter Soviet advances in Azerbaijan¹².

The fall of the ADR in April 1920 significantly altered the dynamics of Italy-Azerbaijan relations. The Soviet invasion, led by the Red Army, resulted in the annexation of Azerbaijan and the incorporation of its territory into the Soviet Union¹³. The reaction from European powers, including Italy, was largely muted, as the international community was preoccupied with the post-war settlement and the emerging geopolitical order. While Britain had briefly supported the ADR through military and financial aid, Italy had maintained a more cautious approach, and its response to the Soviet occupation was one of passive observation rather than active opposition¹⁴. Italian foreign policy at the time was increasingly focused on internal Reconstruction, and its disputes with other European nations left little room for intervention in the Caucasus.

¹¹ Treaty of Batum (1918). Signed on June 4, 1918, between the Democratic Republic of Azerbaijan and the Ottoman Empire, the treaty recognized Azerbaijan's independence, defined its borders, and established political and military cooperation.

¹² Pipes, R. (1997). *The Formation of the Soviet Union: Communism and Nationalism, 1917-1923*. Harvard University Press

¹³ Pommier Vincelli, D. (2018). Italy and independent Azerbaijan (1918–1920). *IRS Heritage*, (33), 122–129

¹⁴ Hasanli, J. (2016). *Foreign Policy of the Republic of Azerbaijan: The Difficult Road to Western Integration (1918-1920)*. Routledge.

From a legal and diplomatic standpoint, the Soviet annexation of Azerbaijan raised significant questions about the legitimacy of its incorporation into the USSR. The Azerbaijan Democratic Republic (ADR), established in 1918, sought international recognition and even sent delegations to the Paris Peace Conference in 1919 to plead its case for sovereignty. However, the shifting balance of power in the region, coupled with the reluctance of Western European nations to challenge Soviet territorial expansion, led to the de facto acceptance of Soviet control over Azerbaijan¹⁵.

Under international law, this de facto acceptance did not equate to de jure recognition. The principle of non-recognition of territorial acquisition by force, later articulated in the Stimson Doctrine and reinforced by customary international law, prohibits states from recognizing any situation resulting from aggression or violations of sovereign integrity as lawful. This doctrine was crystallized in post-World War II instruments and has since been reaffirmed in United Nations declarations, notably UN General Assembly Resolution 2625 (1970), which states that “no territorial acquisition resulting from the threat or use of force shall be recognized as legal.”¹⁶

The doctrine of state continuity also applies. Despite Soviet annexation, the ADR arguably retained its legal personality in exile. According to the Montevideo Convention on the Rights and Duties of States (1933), a state must possess a permanent population, a defined territory, a government, and the capacity to enter relations with other states¹⁷. The ADR had satisfied these criteria before its occupation. Thus, its forcible absorption may be viewed as a breach of international law rather than lawful extinction.

Like most other European powers, Italy did not officially recognize the Soviet annexation as lawful but refrained from taking any concrete action to contest it. Third-party states' passive stance can be interpreted through the lens of legal neutrality or political pragmatism but does not nullify the

¹⁵ Swietochowski, T. (1995). *Russia and Azerbaijan: A Borderland in Transition*. Columbia University Press.

¹⁶ United Nations General Assembly. (1970). *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations* (A/RES/2625(XXV)).

¹⁷ Convention on the Rights and Duties of States, Dec. 26, 1933, 49 Stat. 3097, 165 L.N.T.S. 19 (Montevideo Convention).

annexation's unlawfulness. International law does not require third-party states to use force to reverse unlawful occupations; their legal obligation lies in non-recognition.

Furthermore, the principle of self-determination, enshrined in Article 1(2) of the United Nations Charter and affirmed by the International Court of Justice (e.g., in the Namibia advisory opinion), suggests that the Azerbaijani people had a right to determine their political status without external coercion¹⁸. The Soviet intervention and subsequent control were not products of a genuine act of self-determination but of military subjugation. In contrast, nations such as the United Kingdom initially provided limited support to the ADR. However, they eventually accepted the Soviet presence in Azerbaijan as an irreversible geopolitical reality¹⁹. This acceptance, however pragmatic, did not retroactively legitimize the annexation under international law.

After the Soviet invasion of Azerbaijan in 1920, Italy's activity in the region declined due to the Soviet takeover of Baku's oil fields.²⁰ Italians formally acknowledged the USSR in 1924; however, few social relations with Soviet Azerbaijan were established as mere imports and exports and some student exchanges. This changed after the collapse of the Soviet Union in 1991 when Italy was among the first Western countries to open diplomatic relations with the new republic of Azerbaijan²¹. As the Italian interest in the Azerbaijani market increased in the 2000s, its policy towards the Nagorno-Karabakh conflict was motivated by support for Azerbaijan's territorial integrity while endorsing OSCE-sponsored negotiations.

1.2 Italy's Perspective on the Armenia-Azerbaijan Conflict in the Context of International Law

Italy shapes its position on the Armenia-Azerbaijan Nagorno-Karabakh conflict by adhering to international legal standards, European Union foreign policy standards, and the strategic objectives of the South Caucasus. In line with its political tradition, Italy supports Azerbaijan's sovereignty claims over Nagorno-Karabakh through international law while working towards a peaceful

¹⁸ International Court of Justice. (1971). *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16.

¹⁹ Pipes, R. (1997). *The Formation of the Soviet Union: Communism and Nationalism, 1917-1923*. Harvard University Press

²⁰ Catherwood, C. (2003). Finland, the Plan to Bomb the Caucasus Oil Fields, and Italy's Entry into the War. In: *The Balkans in World War Two*. Palgrave Macmillan, London.

²¹ Azerbaijan Ministry of Foreign Affairs. (1992). *Europe - Republic of Azerbaijan Ministry of Foreign Affairs*.

resolution of the conflict²². Italy's legal approach supports the stability of recognized borders. It promotes diplomatic engagement through multilateral institutions such as the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (UN).

Historically, Italy approaches its involvement in the Armenia-Azerbaijan conflict through international law by considering territorial integrity principles and self-determination principles. Azerbaijan's legal claim to Nagorno-Karabakh is supported by the principle of territorial integrity enshrined in Article 2(4) of the UN Charter, which prohibits the alteration of borders by military means (UN Charter, 1945). The Italian government supports this legal position by upholding Azerbaijan's full territorial sovereignty by UN Security Council Resolutions 822, 853, 874, and 884, which demanded the withdrawal of Armenian forces from the occupied territories (UN Security Council, 1993a, 1993b). Italy's foreign policy refers to these resolutions to uphold the principles of international law²³.

At the same time, the Armenian government supports the independence claims of Nagorno-Karabakh based on the principle of self-determination, as it believes that ethnic Armenians should determine their political status²⁴. According to Geldenhuys (2009), Italy follows EU and Western legal principles by interpreting self-determination through unilateral secession and internal autonomy. As it seeks to reconcile the right to self-determination with the principles of state sovereignty, the Italian government demonstrates this perspective through its diplomatic positions on Crimea and Kosovo. According to Italy's position on Nagorno-Karabakh, the resolution requires dialogue combined with compliance with international law; thus, it implies the rejection of Armenia's claims of unilateral ethnic self-determination²⁵.

The diplomatic framework of the OSCE Minsk Group is a key factor in Italy's legal position on the conflict between Armenia and Azerbaijan. As a member of the OSCE, Italy has contributed to the Minsk Group, although the co-chairing responsibilities fall to Russia, France, and the United

²² Frappi C. (2020). *Almost an ally: Italy's new approach to Azerbaijan and the Nagorno-Karabakh conflict*.

²³ Ministry of Justice of the Republic of Azerbaijan. (n.d.). *Armenia's aggression against Azerbaijan: Additional documents*

²⁴ Caspersen, N. (2013). *Unrecognized States: The Struggle for Sovereignty in the Modern International System*. Nationalities Papers

²⁵ Ministry of Justice of the Republic of Azerbaijan. (2007). *Armenia's aggression against Azerbaijan: Additional documents*.

States. It has supported its peace efforts, emphasizing adherence to legal norms and negotiated settlements²⁶. Italy has aligned itself with the EU's broader policy, which recognizes Azerbaijan's territorial integrity while calling for negotiations that respect the rights and security of the Armenian population in Nagorno-Karabakh²⁷. However, Italy has been critical of the Minsk Group's lack of progress, highlighting the legal and diplomatic stalemate that has hindered the enforcement of UNSC resolutions²⁸.

From a legal standpoint, Italy has also examined the legitimacy of military actions taken during the conflict. The 2020 Nagorno-Karabakh War, which saw Azerbaijan reclaim large portions of its internationally recognized territory, was viewed through the lens of *jus ad bellum* and *jus in bello* principles. Italy's official position, in line with the EU, did not explicitly condemn Azerbaijan's military operation, as it was conducted within Azerbaijan's sovereign borders and aimed at restoring territorial integrity, a right recognized under international law²⁹. However, Italy did emphasize the importance of adhering to international humanitarian law, particularly in protecting civilians and treating prisoners of war³⁰. This approach was consistent with Italy's broader foreign policy, which advocated for the rule of law while recognizing the rights of states to reclaim their occupied territories through legally justified means.

Italy's stance on the Nagorno-Karabakh conflict is closely linked to its legal obligations under the European Union's Common Foreign and Security Policy (CFSP). The EU consistently promotes the principles of international law, particularly territorial integrity and the peaceful settlement of disputes³¹. As a member state, Italy is expected to reflect this legal framework in its foreign policy. Unlike France, where domestic pressures from the Armenian community shape its position, Italy's more neutral stance allows it to align more directly with EU norms. This alignment underscores

²⁶ Gamaghelyan, P. (2018). *Rethinking the Nagorno-Karabakh Conflict: Identity, Politics, and Diplomacy*. Caucasus Edition

²⁷ Freire, M. R. (2014). *Conflict and Security in the Former Soviet Union: Domestic and International Dimensions*. Routledge

²⁸ Huseynov, V. (2020). Azerbaijan and Italy boost cooperation in multiple domains. *Eurasia Daily Monitor*, 17(30).

²⁹ Cornell, S. (2017). *The International Politics of the Armenian-Azerbaijani Conflict: New Perspectives on Caucasus Security*. Palgrave Macmillan

³⁰ Permanent Mission of Italy to the United Nations. (2021). Security Council – Open debate on “Protection of civilians in armed conflicts.”

³¹ European Union. (2024, October 28). *EU Statement – UN General Assembly 1st Committee: Regional Disarmament and Security*. Press and information team of the Delegation to the UN in New York.

how Italy balances its national interests with its EU-mandated commitment to legal standards in international relations³².

Furthermore, Italy has analyzed the international legal aspects regarding Armenia's control of Azerbaijani lands leading up to 2020. Legal experts assert that Armenia's control of these lands constitutes an illegal occupation because the Fourth Geneva Convention prohibits taking territory by force and requires safeguarding civilians in occupied areas³³. Italy makes public statements about respecting Azerbaijan's sovereignty according to international law in its diplomatic discussions³⁴. Additionally, Italy joins the European Union in demanding that Armenia fulfill United Nations Security Council resolutions, demonstrating its dedication to the legal framework regulating this dispute³⁵.

Despite Italy's legal support for Azerbaijan's territorial claims, this does not prevent the country from maintaining diplomatic relations with Armenia through official diplomatic channels. Italy promotes a solution to the conflict through legal dialogue rather than military intervention, consistent with its broader multilateral policy and diplomatic engagement³⁶. In particular, Italy has continuously advocated for diplomacy measures such as CbMs, legal recourses, and international treaties to resolve conflict³⁷.

Thus, the actions of Italy as a member state of the EU of legal prerequisites ground the Armenian-Azerbaijani conflict, the support of relevant EU policies, and the need to maintain stability in the and its vision of South Caucasus. Italy uses only diplomatic means to ensure that there are legal tools to protect the interests of all the parties to the international dispute. Instead of supporting separatist movements, it favors the UN Security Council decisions, international humanitarian law, and OSCE mediators regarding maintaining peace and sovereignty. Nevertheless, the two nations

³² Frappi C. (2020). *Almost an ally: Italy's new approach to Azerbaijan and the Nagorno-Karabakh conflict*.

³³ Ronzitti, N., & Altafin, C. (2014). Il conflitto del Nagorno Karabakh e il diritto internazionale [The Nagorno-Karabakh conflict and international law].

³⁴ Trend News Agency. (2020). President Ilham Aliyev: Italy and Azerbaijan respect and support each other's territorial integrity, sovereignty, and inviolability of borders. *Trend. Az.*

³⁵ European Commission. (2017). *Joint communication to the European Parliament and the Council: A strategic approach to resilience in the EU's external action*

³⁶ Common Space (2025). *Italian Senate adopts resolution supporting Armenia-Azerbaijan peace process*. commonspace.eu

³⁷ Gamaghelyan, P. (2018). *Rethinking the Nagorno-Karabakh Conflict: Identity, Politics, and Diplomacy*. Caucasus Edition.

of Armenia and Azerbaijan have established diplomatic relations with the Italians, and the latter's stanchioned law should play out, especially in the issue of the Nagorno-Karabakh conflict, which has been clear.

Chapter 2: Foundations and Evolution of Azerbaijan–Italy Bilateral Relations

The relations between Azerbaijan and Italy in the last decades have become multifaceted and well-established due to their mutual interests, because of shared strategic goals and growing interdependence in key sectors. It started from diplomatic interdependence in the early 90s and developed into political, economic, cultural, and institutional cooperation. In this Chapter, the Azerbaijani-Italian relations will be described, for the present day and the significant moments and decisions that have formed them, with the purpose to analyze their evolution and current dynamics in international affairs. Therefore, the factors that led to the change in the bilateral relations from diplomatic negotiation to cooperation in contemporary energy security, cultural exchange, and regional diplomacy must be established.

2.1. Overview of Current Relations

The cooperation between Azerbaijan and Italy is currently characterized as diverse and multifaceted. Indeed, the political dialogue began in the early 1990s, following Azerbaijan's independence from the Soviet Union, and has since developed into a strategic partnership encompassing political affiliation, political economy, cultural exchange, and cooperation in international forums. Both countries have used their geographic and economic compatibility to enhance bilateral relations and extend the spheres of their interests. This shift in the relationship dynamics is based on the mutual and reciprocal need and the two countries' long-term vision of the parties in areas like energy security, regional security, and development.

Italy formally acknowledged the sovereignty of the Azerbaijan Republic on January 1, 1992, and diplomatic relations were set up on May 8³⁸. A significant milestone occurred in September 1997 when President Heydar Aliyev paid his first official visit to Italy, marking the beginning of

³⁸ Azerbaijan Ministry of Foreign Affairs. (1992). *Europe - Republic of Azerbaijan Ministry of Foreign Affairs*.

enhanced bilateral cooperation³⁹. Between 1998 and 2003, several Italian government officials visited Azerbaijan, resulting in the signing of agreements on cooperation in various sectors⁴⁰.

In the economic sphere, Italy became Azerbaijan's largest trading partner, primarily importing crude oil and oil products. Notably, in 2005, Azerbaijan exported 50% of its oil to Italy⁴¹. Italian companies, such as Eni-Agip, played a role in the development of Azerbaijan's energy infrastructure, including participation in the Baku-Tbilisi-Ceyhan oil pipeline⁴².

Cultural relations also flourished, with initiatives like the sister city agreement between Baku and Naples in 1972 and collaborations in the fields of viticulture and the arts⁴³. The establishment of embassies in Baku in 2003 and Rome in 2007 paved the way for the institutionalization of the relations and the establishment of high-level visits, which provided a consistent diplomatic dialogue⁴⁴. Some of the roles these embassies assume include coordination of cross-sectoral relations, political diplomacy, and monitoring/economic and cultural diplomacy⁴⁵. It is worth stating that Italy has been actively developing cooperation with Azerbaijan, as proved by the state visit of Italian President Sergio Mattarella to Baku in 2018⁴⁶. That visit significantly ensured Italy's ability to maintain a balanced policy in the South Caucasus and its willingness to mediate between Azerbaijan and the European Union.

Generally, one of the significant milestones in bilateral relations was the visit of the President of Azerbaijan, Ilham Aliyev, to Italy in February 2020 in the format of the official state visit. In the same visit, the parties inked twenty-five deals and MoUs in energy, transport, technology, and culture, among others⁴⁷. These agreements, therefore, signaled a conscious attempt to formalize the strategic aspect of the relationship. The Joint Declaration on the Further Extension of the

³⁹ Ministry of Foreign Affairs of the Republic of Azerbaijan. (n.d.). *The Republic of Italy*.

⁴⁰ Ibid.

⁴¹ Ibadoghlu, G. (2024, August 20). *Current state of Azerbaijan's gas & oil cooperation with Europe: Opportunities and challenges* (37 pages). London School of Economics & Political Science (LSE); Economic Research Center (ERC). SSRN.

⁴² Ibid

⁴³ Ismayilova, L. (2018, February 16). *Baku, Naples to boost relations*. AzerNews.

⁴⁴ Trend (2022), *New building of Azerbaijani embassy in Italy*.

⁴⁵ Agenzia Nova. (2025, April 29). *Italy-Azerbaijan, Ambassador Di Gianfrancesco to Nova: "Relations in constant growth"*.

⁴⁶ AzeMedia (2024). *Italy consolidates strategic cooperation with Azerbaijan*.

⁴⁷ Frappi C. (2020). *Almost an ally: Italy's new approach to Azerbaijan and the Nagorno-Karabakh conflict*.

Strategic Partnership defined areas of equal concern as infrastructure, environmental, technological cooperation, and intergovernmental cooperation.

The relationship between the two nations is based on the support of each other's positions in matters concerning sovereignty and territoriality. Italy did not challenge Azerbaijan's territorial integrity at the international level, especially in the occupation of the Nagorno-Karabakh region by Armenia, where it supported the UN Security Council resolution on the withdrawal of Armenian forces from the occupied territories⁴⁸. Italy actively participated in the Minsk Group as the country holder of the OSCE chairmanship in 2018⁴⁹.

Parliamentary diplomacy also contributes to this political system. In particular, inter-parliamentary friendship groups have provided for frequent meetings between the members of the parliaments of the two countries to discuss legislative changes and government and foreign policy agendas⁵⁰. These forums also involve synchronizing opinions on more extensive regional and international issues, such as EU-Azerbaijan relations and cooperation in the context of NATO's Partnership for Peace program⁵¹. They also operate at a low profile, but they contribute to the sustainability of collaboration beyond the leadership changes.

The economic cooperation between the two countries is also quite intensive, as is the political one. Italy has been the largest trading partner of Azerbaijan in the EU for over ten years⁵². In 2023, the sum of the bilateral trade reached 11.4 billion US dollars, most of which were Azerbaijani oil and gas exports to Italy⁵³. Thus, Italy is integral to Baku's hydrocarbon equation as it imported over 9 billion USD of crude oil from Azerbaijan. SOCAR has strong business relations with Italian companies regarding energy cooperation involving supply, technology exchange, and studies⁵⁴.

⁴⁸ Ibid n3.

⁴⁹ OSCE (2018). *Italy's 2018 OSCE Chairmanship will work to recapture the 'authentic spirit of Helsinki', says Italian Foreign Minister Angelino Alfano*.

⁵⁰ NATO. (2024). *Relations with Azerbaijan*.

⁵¹ Ibid

⁵² ECCO (2024). *Energy Relations between Italy and Azerbaijan*.

⁵³ OEC (2023). *Italy-Azerbaijan*.

⁵⁴ State Oil Company of the Republic of Azerbaijan (SOCAR). (n.d.). *About us*. <https://socar.az/socar/en/company/about-socar>

This has proved especially useful for Italy now that it is seeking to diversify away from Russian gas considering the new geopolitics in Eastern Europe⁵⁵.

Most of this cooperation is instigated by the energy sector. Italy is the final country connected to the Trans Adriatic Pipeline (TAP), which was commissioned in December 2020⁵⁶. This pipeline, approximately 878 kilometers long, starts at the Greek-Turkish border and runs through Albania and the Adriatic Sea before reaching Italy, creating a direct and diversified route for Caspian gas into Europe. SGN pipeline is a part of the Southern Gas Corridor that transports natural gas from the Shah Deniz field of Azerbaijan to southern Europe. With a designed capacity of 10 billion cubic meters per year, TAP is one of the key projects for EU energy security and diversification strategy and has placed Azerbaijan as a reliable supplier in a relatively unstable and unpredictable energy market⁵⁷. TAP complements other segments of the Southern Gas Corridor, including the South Caucasus Pipeline and the Trans-Anatolian Natural Gas Pipeline (TANAP), together forming a critical link between the Caspian Basin and European markets. Italy, in return, can decrease reliance on conventional suppliers, especially Russia. As stated by the European Commission, TAP has provided about 16% of Italy's gas imports in 2022, which underlines the significance of such infrastructure⁵⁸. The successful implementation of TAP proves that there are commercial relations and strategic partnerships in the region regarding energy security.

Apart from economics and energy, cultural diplomacy has enhanced relations. Under its auspices, the Heydar Aliyev Foundation has implemented several artistic projects in Italy, such as the reconstruction of the catacombs of Saint Marcellino and Pietro in Rome⁵⁹. These measures are characteristic of the soft power of Azerbaijan and are well-expected in the cultural circles of Italy. The Foundation has also financed events at Italian museums, has organized exhibitions of Azerbaijani art in Milan and Venice, and has sponsored scholarly conferences on the heritage of

⁵⁵ OEC (2023). *Italy-Azerbaijan*.

⁵⁶ Report.az. (2025). *Italy sees great potential for deepening co-op with Azerbaijan in energy sector*.

⁵⁷ AzerNews(2024). *Shaping Europe's energy landscape with Azerbaijan's strategic partnership*.

⁵⁸ Ibid n7.

⁵⁹ Heydar Aliyev Foundation (2021). Saint Marcellino and Pietro's catacombs.

the Western and Oriental cultures. Exhibitions, musicals, films, and continuous film screenings have also enhanced cultural exchange and increased the awareness between the two nations⁶⁰.

Education and youth exchange also influence the human aspect of the partnership. Italian universities engage in mobility activities with Azerbaijani partners within the framework of the Erasmus+ program and support exchanges of students and researchers⁶¹. Italian language is also taught in several Azerbaijani educational institutions and schools to open more doors for Italian language education and jobs. Also, one of the best Azerbaijan universities, ADA University, signed a cooperation agreement for the Italy Azerbaijan project in 2022⁶². The Italy-Azerbaijan University focuses on design and architecture, agriculture and food sciences, business, and engineering, providing a platform for collaborative research, student exchanges, and joint degree programs. They are long-term commitments to foster cross-cultural education and training for its participants.

In defense and security, cooperation is less conspicuous but still evident. Italy has also supported the modernization of Azerbaijan's maritime border security and cooperates with Baku regarding technical cooperation and training⁶³. This includes assistance in upgrading Azerbaijan's naval capabilities in the Caspian Sea, supplying equipment, and offering Italian expertise through bilateral defense consultations and EU-funded regional programs⁶⁴. These have not been widely advertised, but they show a level of trust of a strategic nature, which is not only for economic reasons. Italy has also supported NATO's Partnership for Peace programs, where Azerbaijan is a cooperating state, not a member, providing several ways for military interactions. Through this framework, Italy has participated in joint military exercises, contributed to defense planning assistance, and promoted interoperability standards between NATO forces and Azerbaijani military units.

⁶⁰ Banisadr, A. (2013). *"Love Me/ Love Me Not", contemporary art from Azerbaijan and its neighbors, the 55th International Art Exhibition, Venice Biennale.*

⁶¹ Erasmus+ Azerbaijan.

⁶² ADA University (2022). Italy-Azerbaijan.

⁶³ The Armenian Report (2024). *Azerbaijan, Italy Open 'New Chapter' of Relations with Technico-Military Cooperation.*

⁶⁴ *ibid*

On the multilateral level, the cooperation between Azerbaijan and Italy occurs through international organizations. During Azerbaijan's Non-Aligned Movement (NAM) chairmanship, Italy highly supported Baku on the multilateral dialogue and reform processes⁶⁵. This support was demonstrated through Italy's active participation in NAM summits, public endorsements of Azerbaijan's positions on global governance reforms, and its acknowledgment of Baku's leadership role in championing equitable international cooperation⁶⁶. In return, Azerbaijan has provided political support to Italian candidates for seats in the UN or other organizations and international or mutual diplomatic support⁶⁷. Such reciprocal actions include Azerbaijan's backing of Italy's bids for seats in the UN Security Council and UNESCO bodies, highlighting mutual trust and political alignment⁶⁸. This kind of interaction typifies the nature of the partnership- not limited to bilateral issues but encompassing climate change, the fight against pandemics, and the reform of the United Nations system.

Therefore, the relations between Azerbaijan and Italy are multifaceted, developed, and somewhat resistant. This is because both countries have mutual economic interests, primarily in the energy sector, good diplomatic relations, and appreciation for each other's culture. Thus, even as the world changes and new challenges are presented, the bilateral relations between Azerbaijan and Italy remain loyal to mutual advantage and flexibility. Both countries continue to face various issues of regional insecurity, climate change, and energy transition. However, this bilateral framework seems flexible enough to shift and diversify in new vectors. These premises were built in the past three decades and created the basis for a long-term, strategic, and value-oriented partnership.

2.2. Bilateral Agreements in Trade and Oil and Their Implications

The current nature of Azerbaijani-Italian relations is based on the legal framework formed over the decades in trade and energy cooperation. The first and one of the pioneering forms was the *Agreement on Promotion and Mutual Protection of Investments*, signed in Rome on September 25, 1997. It came into force on February 4, 2000. This agreement constitutes a Bilateral Investment Treaty (BIT), a legal instrument that sets reciprocal standards for the treatment of investors and

⁶⁵ UNIDIR (2019). *18th Summi of Heads of State and Government of the Non-Aligned Movement*.

⁶⁶ Azerbaijan.az. (n.d.). *Relations with international organizations*.

⁶⁷ Paolo Mondani. *Caviar Democracy*.

⁶⁸ Hungarian Institute of International Affairs. (2023). *Foreign policy review 2023/2*.

investments between two countries. BITs are crucial in minimizing political risk for foreign investors, as they provide enforceable guarantees under international law⁶⁹. The essential standards included the treatment of investment, protection against unlawful taking, and freedom from restrictions on transferring funds⁷⁰. Article 5 of this agreement stipulates that investments “*shall not be nationalized, expropriated, or subjected to any measures having equivalent effect*” unless for public interest and under strict legal safeguards, including prompt and adequate compensation⁷¹. This aligns with international practice and gives Italian investors access to the International Centre for the Settlement of Investment Disputes (ICSID) arbitration in the host country, thus increasing their confidence in the legal framework of the country hosting them, and vice versa, as Azerbaijani investors in Italy are granted the same legal protections and dispute resolution rights under the principle of reciprocity⁷².

Among the first significant involvements was that of Italy’s Eni S.p.A., which joined the consortium for the Azeri-Chirag-Gunashli (ACG) oil field development under the 1994 Production Sharing Agreement (PSA), often referred to as the "Contract of the Century" because it marked Azerbaijan’s major opening to Western investment in the post-Soviet era and positioned Eni among the first European energy firms to participate in large-scale Caspian energy development.⁷³ While Eni owned only 5% of the PSA, the legal structures of the PSA, such as profit split, fiscal stability provisions, arbitration provisions, and environment protection measures, were considered benchmarked to the international standards of best practices during that period⁷⁴.

The Agreement for the Avoidance of Double Taxation signed on 8 July 2004, enhanced fiscal transparency and predictability. This agreement allocated taxing rights and defined income categories, ensuring businesses would not be taxed twice⁷⁵. Articles 7 and 10 of the agreement clarify that business income is only taxable in the investor's home country unless the company

⁶⁹ Agreement Between the Government of the Italian Republic and the Government of the Republic of Azerbaijan on the Promotion and Reciprocal Protection of Investments, Rome, 25 September 1997.

⁷⁰ *ibid*

⁷¹ *Ibid.*, Article 5.

⁷² ICSID Convention, Article 25.

⁷³ BP. (1994). Production Sharing Agreement for the Azeri-Chirag-Gunashli Oil Fields. Ministry of Energy, Baku.

⁷⁴ *Ibid.*, Sections 12–17.

⁷⁵ Agreement Between the Government of the Republic of Italy and the Government of the Republic of Azerbaijan for the Avoidance of Double Taxation concerning Taxes on Income, Rome.

operates through a permanent establishment abroad⁷⁶. This agreement also includes an article mandating tax information exchange to prevent evasion⁷⁷.

By the 2010s, oil trade volumes between the two nations had surged. In 2022, nearly 70% of Azerbaijan's crude oil exports were destined for Italy, representing a critical commercial link⁷⁸. SOCAR maintained long-term supply contracts with Italian refineries such as ISAB in Sicily, supported by intergovernmental frameworks that outline quality controls, delivery schedules, and legal protections⁷⁹.

Diplomatic relations further deepened with the 2020 Joint Declaration on Strengthening the Multidimensional Strategic Partnership, signed in Rome during President Ilham Aliyev's visit⁸⁰. Supported by over 20 memoranda and contracts, this declaration covers sectors from energy and infrastructure to cultural and technological cooperation. One of the significant contracts was between SOCAR and Italy's Maire Tecnimont for the modernization of the Heydar Aliyev Oil Refinery, which includes environmental and performance-related obligations consistent with EU law⁸¹. These contracts are backed by Italian export credit guarantees under bilateral legal protection frameworks¹⁸.

Sustainability has since become a shared objective. In September 2024, Azerbaijan and Italy signed several Memoranda of Understanding (MoUs) focusing on renewable energy, including biofuels, carbon capture, and green technology exchanges⁸². Although non-binding, one MoU included a commitment to jointly assess CO2 reduction opportunities in midstream operations, establishing shared goals for climate-aligned energy governance. These agreements, binding treaties, and political commitments demonstrate the evolution of bilateral cooperation from trade and oil toward a complex, legally structured, and geopolitically strategic partnership.

⁷⁶ Ibid., Articles 7 & 10.

⁷⁷ Ibid., Article 26.

⁷⁸ State Customs Committee of the Republic of Azerbaijan. (2022). *Annual Report on Trade Turnover*.

⁷⁹ *Ministry of Energetica*.

⁸⁰ Ibid n1.

⁸¹ Digital Refining (2021). *Maire Technimont awarded Heydar Aliyev oil refinery contracts from SOCAR*.

⁸² ENI (2024). Eni and SOCAR sign agreements in the energy security, reduction of greenhouse gas emissions and in the biofuel production chain sectors.

2.3. External and Internal Factors Affecting Azerbaijan–Italy Relations

The cooperation between Azerbaijan and Italy is not a result of the signing of bilateral treaties or diplomatic relations. This is determined by several antecedent factors that are both external and internal. These are geopolitical factors, conflicts, economic relations, internal political processes, and changes in international law. For instance, the Nagorno-Karabakh conflict, Azerbaijan's role in EU energy diversification strategies, Italy's positioning within EU foreign policy, and evolving EU-Azerbaijan trade negotiations are all influential⁸³. It is, therefore, essential to understand these inputs to be able to examine the dynamics of bilateral relations. Of these, some are more stabilizers and enablers, while others have posed challenges or altered the direction of cooperation. While the previous section focused on the concrete legal instruments underpinning the Azerbaijan–Italy partnership, this section examines the broader political, geopolitical, and institutional conditions, both external and internal.

One of the most impactful external factors has been the broader geopolitical environment surrounding energy security in Europe. As a member of the European Union, Italy plays a vital role in the EU's strategy to diversify energy sources, especially in reducing dependency on Russian gas. Azerbaijan, rich in hydrocarbons and strategically located, emerged as a reliable partner. Italy's alignment with Azerbaijan on energy issues reflects its role in advancing the EU's diversification agenda. In this strategic landscape, the TAP emerged as a bilateral success and a shared external response to Europe's need for resilient, legally structured energy routes⁸⁴. The legal framework supporting TAP is embedded within the EU's Third Energy Package, which promotes competitive, transparent energy markets, and within the Southern Gas Corridor's Intergovernmental Agreement (IGA) signed in 2009 by several transit countries. This agreement and the Host Government Agreements (HGAs) signed with individual states established key regulatory, tax, and investment protections that guaranteed the project's transnational legal stability and investor confidence⁸⁵. Though TAP was examined as a legal framework in earlier analyses,

⁸³ Sahin, Ç. (2024). An evolving energy partnership: The European Union and Azerbaijan. *Eurasian Research Journal*, 6(1), 25–49.

⁸⁴ TAP. *The Southern Gas Corridor improves the security and diversity of the EU's energy supply. It covers all infrastructure projects involved in bringing natural gas from the Caspian Sea to Europe.*

⁸⁵ Energy Charter Secretariat. (2015). *Intergovernmental Agreements and Host Government Agreements on oil and gas pipelines: A comparison*. https://www.energycharter.org/fileadmin/DocumentsMedia/Thematic/IGAs_and_HGAs_Comparison_2015_en.pdf

its development also illustrates how broader EU objectives externally shape bilateral diplomatic priorities between Rome and Baku.

Another external factor is the security situation in the South Caucasus region. The Nagorno-Karabakh conflict between Azerbaijan and Armenia used to affect sometimes its foreign relations. Nonetheless, Italy has not violated the territorial integrity of Azerbaijan, staying in the middle between supporting it and meeting the requirements of European diplomacy simultaneously. Italian interest in reconstructing Azerbaijan territories occupied by Armenia after 2020 is a continuation of the pragmatic diplomacy and interest in developing the post-conflict region⁸⁶. This support is financial or technical and comes from legal commitment in bilateral memoranda and strategic declaration⁸⁷.

The subject of international regulation has emerged as one of the most important external factors that shaped Azerbaijani Italian relations, especially in environmental and energy governance. Since the EU sets ambitious goals in the Green Deal, Italy has to adapt its energy relations correspondingly. This has led to a shift in the perception of long-term energy cooperation. There is an increased focus on environmental concerns and their regulation. Including emission goals, renewable energy standards, and mechanisms for managing carbon transition has become part of political and economic discussion in both nations. Whereas previous treaties mainly concerned hydrocarbons' exportation, the new legal frameworks refer to legal imposition originating from the EU law⁸⁸. For instance, MoUs contain non-legal binding texts that regulate energy production in line with the Paris Agreement⁸⁹. Being free from EU law, Azerbaijan has shown a cautious alignment with green transition trends by having national strategies that seek to decrease emissions, increase renewable energy, and collaborate with the EU on green energy projects.⁹⁰ It has highlighted its role as a transitional energy provider, pursuing cleaner gas while investigating offshore wind and hydrogen opportunities.

⁸⁶ Siri Neset, Mustafa Aydin, Ayça Ergun, Richard Giragosian, Kornely Kakachia, Arne Strand (2023). *Changing Geopolitics of the South Caucasus after the Second Karabakh War. Prospect for Regional Cooperation and/or Rivalry*. Bergen: Chr. Michelsen Institute (CMI Report 2023:4)

⁸⁷ *ibid*

⁸⁸ European Commission. (2021). *Legal and Policy Implications of the European Green Deal*. Brussels

⁸⁹ Ministry of Energy of Azerbaijan. (2024). *Memoranda of Understanding on Renewable Energy with Italy*.

⁹⁰ Directorate-General for Energy. (2025, April 4). *Press statement of European Commissioner for Energy and Housing and Minister of Energy of the Republic of Azerbaijan*. European Commission.

Internally, state capacity, diversification policies, and legal changes are the significant factors that help Azerbaijan set the tone and determine the degree of external cooperation. While the economy has traditionally depended on hydrocarbons, recent reforms and national development plans, such as “Azerbaijan 2030: National Priorities for Socio-Economic Development”, have encouraged diversification into agriculture, digital economy, and green energy⁹¹. This internal policy shift has new opportunities for interaction with Italy, which has a competitive advantage in engineering, agri-food technologies, and infrastructure. This internal development has seen Italian firms such as Maire Tecnimont and Ansaldo Energia focus on the non-oil sectors⁹².

Also, the legal reform process in Azerbaijan contributed to the growth of foreign investments in the country. Changes in investment legislation, Inception of Special Economic Zones (SEZs), and E-Government services enhance the rule of law and bureaucracy⁹³. These changes will bring Azerbaijan closer to European legislation and administration and bring more transparency and less legal risk to Italian investors. In this regard, Italy has realized these improvements and has enhanced more systematic forms of economic diplomacy, such as business councils and government business meetings.

This internal political stability influences the bilateral interactions between these two countries. Azerbaijan's centralized governmental decision-making system means it can quickly negotiate and implement major foreign policy decisions⁹⁴. In contrast, frequent government changes in Italy sometimes hamper policy stability, including foreign economic relations⁹⁵. However, Italy's civil servants and ministries, like the Ministry of Foreign Affairs and the Italian Trade Agency, guarantee that the essential bilateral processes remain continuous, and that institutional memory preserves the long-term relationship with Azerbaijan.

Thus, the Azerbaijan-Italy relationship is not isolated but embedded in global power relations. It is a product of internalization governance decisions, international political decisions, legal rules, and regional interactions. They have both learned to do so and have been able to construct their

⁹¹ Government of Azerbaijan. (2021). *Azerbaijan 2030: National Priorities for Socio-Economic Development*. Baku.

⁹² Maire Tecnimont. (2022). *Annual Strategic Investment Report*. Milan.

⁹³ State Tax Service of Azerbaijan. (2023). *Investment Law Reform and SEZ Regulation Update*.

⁹⁴ Sirus A. (2024). Azerbaijan's Strategic Deployment of Soft Power.

⁹⁵ Sapelli G. *The Historical Reasons behind Italy's Instability*.

bilateral cooperation to reflect the constantly changing international realities through legal and diplomatic agreements. Internal dynamics of Azerbaijan and changes in the Italian policy also define the intensity and content of cooperation and, at the same time, external factors, including the EU legislation and the security situation in the South Caucasus, determine the pace and the character of the relations. All these factors explain not only the stability of this partnership but also its potential for further development.

Chapter 3: Multilateral Dynamics in Azerbaijan–Italy Relations: Legal Cooperation within International and Regional Institutions

Italian and Azerbaijani bilateral relations are based on several principles in the international and regional legal frameworks, especially in the spheres of humanitarian law, territorial integrity, and institutional justice. At the UN, they have been working to support the sovereignty of borders and legal accountability through the General Assembly and Human Rights Council resolutions and mandates. At the same time, both countries remain members of the Uniting for Consensus in the framework of the reform of the UN Security Council, with the call for an increase in the number of regional groups and the legal status of the Global South. Such positions are based on the diplomatic relations between Italy and Azerbaijani representatives, which aim to coordinate actions in the defense sphere with international legal norms. In such situations, legal diplomacy is a way of confidence-building and, at the same time, adjustment of norms between a member of the European Union and a partner from the South Caucasus region.

3.1. Strategic Legal Coordination within the EU and Eastern Partnership Frameworks

Azerbaijan and Italy have developed a complex legal cooperation within the framework of the EU multilateral initiatives, primarily the Eastern Partnership (EaP), focusing on developing the legal environment, institutional changes, and increasing legal approximation. This cooperation is based on the 1999 Partnership and Cooperation Agreement (PCA) that establishes the contractual basis for the EU-Azerbaijan relations in trade, economic, and legal reforms, including approximation to

EU customs, competition, and judicial cooperation standards⁹⁶. Amongst the objectives stated by the PCA are fostering political dialogue, supporting Azerbaijan's transition to a market economy, and promoting trade and investment. It comprises cooperation in the spheres of energy, transport, environment, education, and others, and puts forward the necessity of harmonization of Azerbaijani legislation with the EU's in order to facilitate the integration of Azerbaijan into the global economy⁹⁷. Italy has consistently supported this framework by participating in multilateral initiatives and legal capacity-building missions to assist Azerbaijan in implementing compatible frameworks while not necessitating legislative harmonization through an Association Agreement. Since 2017, the parties have been holding negotiations on a new agreement called the EU-Azerbaijan Comprehensive Agreement⁹⁸. This new agreement is aimed at institutionalizing cooperation in various aspects of regulatory activities, especially in trade in goods, energy transit, and judicial cooperation, as is characteristic of the EU Deep and Comprehensive Free Trade Areas (DCFTAs) model, but adapted for Azerbaijan's semi-associated status⁹⁹.

Officially, Italy has backed Azerbaijan's selective adaptation to the EU legislation, advocating sectoral approximation with the help of functional fit instead of harmonization with the *acquis communautaire*. Though an Association Agreement (AA) was not signed under the EaP, Azerbaijan continues to participate in structured legal and policy dialogues, including on public procurement, environmental protection, and judicial reform, many of which are supported by Italy's diplomatic and technical assistance¹⁰⁰. A good example of this approach was the 2020-2022 EU Twinning on judicial reform project co-headed by Italy and Croatia¹⁰¹. The project focused on the civil and administrative courts of Azerbaijan to enhance the procedural stability, trial productivity, and public confidence regarding the judicial branch, referring to the guidelines of the European Commission for the Efficiency of Justice (CEPEJ) and the European Charter on the Statute for Judges¹⁰². Judges and other officials of the Italian judiciary attended technical

⁹⁶ European Union. (1999). *Partnership and Cooperation Agreement between the European Communities and the Republic of Azerbaijan*.

⁹⁷ Ibid.

⁹⁸ Vahid, F. (2025, April 28). *Azerbaijan and EU to take practical steps toward finalizing new agreement*. APA News.

⁹⁹ Council of the European Union. (2023). *EU-Azerbaijan Comprehensive Agreement – Negotiation Progress Report*.

¹⁰⁰ EU NEIGHBOURS east. (2023). *EU-Azerbaijan Relations Factsheet*.

¹⁰¹ Directorate-General for Neighbourhood and Enlargement Negotiations. (2023, October 20). *TAIEX and Twinning Activity Report 2022*. European Commission.

¹⁰² European Commission. (2022). *Twinning and TAIEX Annual Report 2022*.

workshops on managing backlogs, evidence management, and appeal systems and processes – areas that have become primary foci of change in the EU¹⁰³.

Besides human capital development, Italy contributed much to the process of judicial digitalization in Azerbaijan. The Italian Ministry of Foreign Affairs provided the financial support for the pilot project 2021 of digitalizing court facilities in Azerbaijan with the help of case management platforms based on the Italian “Processo Civile Telematico”.¹⁰⁴ Although Regulation (EU) No 910/2014 on electronic identification and trust services (eIDAS) does not apply directly to Azerbaijan, it has influenced the design of digital legal infrastructure within the country. Drawing inspiration from eIDAS standards, Azerbaijani judicial institutions have adopted secure electronic signatures, encrypted case files, and authenticated online access to court judgments, particularly in pilot initiatives supported by Italy¹⁰⁵. The reform also had legal consequences: digitalization helped minimize procedural stagnation, bring more transparency to docket management, and prevent tampering with evidence - the issues the EU has cited in Azerbaijan’s legal diagnostics¹⁰⁶.

More of this was at the Brussels-based 2022 Eastern Partnership Rule of Law Platform conference. Italy also actively advocated the differentiated approach to integrating the *acquis*, stating that complete harmonisation was unattainable for Azerbaijan but stressing the importance of several areas: judicial ethics, procurement law, and cross-border contract enforcement¹⁰⁷. This proposal was something that Baku’s Ministry of Justice could agree with. It then incorporated some provisions from EU Public Procurement *Directives 2014/24/EU & 2014/25/EU* into its national tendering procedures in an informal consultation with Italians & Lithuanian procurement specialists¹⁰⁸.

Taken together, the described developments represent a results-oriented and legally institutional approach to cooperation, where Italy has functioned not only as a political mediator but also as a

¹⁰³ CEPEJ. (2020). *Guide on Judicial Time Management*.

¹⁰⁴ Organisation for Economic Co-operation and Development (OECD), *Promoting Enterprise Digitalisation in Azerbaijan* (OECD Publishing, 2022),

¹⁰⁵ European Commission. (2014). *Regulation (EU) No 910/2014 on electronic identification and trust services (eIDAS)*.

¹⁰⁶ World Bank, *Azerbaijan: e-Courts and the Digitization of Justice* (June 29, 2021),

¹⁰⁷ Csizmadia, B. (2021). *The EUrope of differentiated territorial integration? Regional cross-border governance in the multi-level governance system of the EU: A case study of the EUSALP and the EUSDR* [Doctoral dissertation, Andr ssy Gyula Deutschsprachige Universit t Budapest & Universit t Passau]. Universit t Passau.

¹⁰⁸ EU Public Procurement Directives. (2014). *Directive 2014/24/EU and 2014/25/EU*.

long-term technical partner. The results of this partnership are already measurable: EU-style case management systems have been introduced, EU procurement rules have been partially adopted, and European judicial efficiency benchmarks have been utilized. With Italian assistance, digital tools piloted by the judiciary have streamlined court operations, while also increasing transparency, the reliability of evidence, and public trust in the judiciary. Without complete alignment, Azerbaijan has legally moved closer to sector-specific approximation with the EU *acquis* and has changed the mode of cooperation from declarative to functional in targeted areas. In this way, Italy has integrated Azerbaijan into the normative and procedural frameworks of the EU, bringing Azerbaijan closer to the goals of the Eastern Partnership without jeopardizing Azerbaijan's sovereign legal development path.

3.2. Coordinated Engagement in Multilateral Energy Governance and Legal Instruments

Azerbaijan and Italy have gradually increased their legal entwinement in multilateral energy cooperation, emphasising the international legal frameworks for renewable energy investment, legal convergence, and climate-compliant economic integration. One of them is the International Renewable Energy Agency (IRENA) – an intergovernmental organization working on legal and technical cooperation in the sphere of transition to sustainable energy¹⁰⁹. During the 2024 Assembly of IRENA, the Italian delegation voted in favour of the Azerbaijani-led initiative to harmonise the clauses of the Power Purchase Agreement (PPA) in the Eurasian corridor that aimed at enhancing cross-border RE projects and reducing legal heterogeneity of PPA¹¹⁰. These standardized PPAs were set to contain model clauses for tariff formulas, force majeure provisions, change-of-law provisions, and international arbitration references based mainly on the UNCITRAL and ICSID¹¹¹.

Specifically, legal certainty regarding PPAs plays a crucial role in the scale of renewable investment, especially in countries like the South Caucasus, where the legal systems are relatively

¹⁰⁹ The International Renewable Energy Agency (IRENA) was officially established on 26 January 2009 in Bonn, Germany, following the adoption of its statute by 75 countries. Its creation responded to the global need for a dedicated international body to promote the widespread adoption and sustainable use of renewable energy. IRENA's mandate includes supporting countries in their transition to low-carbon energy systems, advising on policy frameworks, and facilitating legal and technical cooperation in renewable energy development.

¹¹⁰ International Renewable Energy Agency. (2024). Fourteenth Session of the *IRENA Assembly: Proceedings and Resolutions*. Retrieved from

¹¹¹ UNCITRAL. (2013). *UNCITRAL Arbitration Rules*. Retrieved from

segregated and the sovereign risk remains high¹¹². Italian input into the Azerbaijani proposal also involved the legal frameworks arising from the Italian domestic PPA regime under the Legislative Decree No. 28/2011 and the European Commission guidelines under the Renewable Energy Directive (EU) 2018/2001¹¹³. This expertise was done during bilateral workshops under the IRENA Legal Transition Programme in March 2024. Italian legal officials debated the enforceability of PPAs, ways of managing lenders' risks, and sovereign guarantees¹¹⁴. Azerbaijan's Ministry of Energy stated that all these revelations would be included in the planned "Renewable Energy Contracts Law," which should be introduced to the parliament in 2025¹¹⁵.

Apart from PPAs, Italy has been actively supporting the legislative actions taken by Azerbaijan in terms of adopting net-zero targets into the legal framework of the energy sector in line with the global decarbonization agenda under the Paris Agreement and the European Green Deal¹¹⁶. In 2023, Italian legal consultants involved in the IRENA-ETAF participated in developing the legal framework of Azerbaijan's net-zero integration plan. They proposed the following amendments to the Azerbaijani legislation: the Law on the Use of Energy Resources of 1999 and licensing under the Ministry of Ecology and Natural Resources¹¹⁷. These legal changes reflect Italy's Climate Law (Law No. 142/2021), which requires limiting emissions in the permits for energy generation and would herald legal changes in Azerbaijan's RIA processes¹¹⁸.

The Italy-Azerbaijan partnership also includes close cooperation on climate finance regulation. In 2022–2024, Azerbaijan began drafting its own "*Green Investment Rulebook*," modeled closely on the EU Sustainable Finance Taxonomy Regulation (Regulation (EU) 2020/852), which Italy had already transposed through Legislative Decree No. 254/2016¹¹⁹. This regulation sets precise legal criteria to classify economic activities as environmentally sustainable and is referenced in green bond covenants, public procurement frameworks, and cross-border ESG disclosures¹²⁰.

¹¹² International Renewable Energy Agency, *A Just and Inclusive Energy Transition in Emerging Markets and Developing Economies: Energy Planning, Financing, Sustainable Fuels and Social Dimensions* (IRENA, 2024),

¹¹³ European Commission. (2021). *Renewable Energy Directive (EU) 2018/2001 Guidance*. Retrieved from

¹¹⁴ IRENA. (2024). *Legal Transition Program Summary – Azerbaijan Workshops*. Retrieved from

¹¹⁵ Humbatova, R. (2024, September 16). *Hydrogen and green technology developments in Azerbaijan* [Conference presentation]. UNECE Sustainable Energy Week 2024, Geneva, Switzerland.

¹¹⁶ European Commission. (2019). *The European Green Deal*. Retrieved from

¹¹⁷ International Renewable Energy Agency. (2025, April 24). *Renewable energy roadmap for the Eastern Partnership countries: Country engagement workshop* [Workshop]. IRENA.

¹¹⁸ Italian Government. (2021). *Climate Law No. 142/2021*. Retrieved from

¹¹⁹ European Commission. (2020). *Regulation (EU) 2020/852 on Sustainable Finance*. Retrieved from

¹²⁰ Ministry of Economy and Finance, *Allocation and Impact Report: BTP Green 2022* (2022),

Azerbaijani and Italian legal experts jointly participated in the “Green Taxonomy Dialogue for Eurasia” convened during EU Sustainable Energy Week 2023, which produced a draft mapping of legal sectors (energy, construction, agriculture) for potential taxonomy adaptation¹²¹.

The development of Azerbaijan’s taxonomy-aligned framework is overseen by the Central Bank of Azerbaijan and its Financial Markets Supervisory Authority, in coordination with the Ministry of Economy and supported by Italy’s *Ufficio Italiano Cambi* (UIC) as part of a broader EU technical assistance program¹²². Among key provisions discussed were minimum safeguard clauses for labor and anti-corruption, legal thresholds for carbon intensity in energy infrastructure, and legal interoperability with EU green benchmarks under Article 9 of the EU Taxonomy Regulation¹²³. Legal scholars have noted that this emerging Azerbaijani framework, while voluntary, is expected to be formalized through secondary legislation under the draft “Law on Sustainable Investment,” scheduled for parliamentary review in 2025¹²⁴.

In conclusion, the Italy-Azerbaijan partnership in energy law reflects a legally mature and institutionally embedded mode of cooperation. By shaping transnational norms on PPAs, net-zero licensing, and green finance through coordinated legal tools and regulatory approximation, both countries strengthen the legal foundation for the global energy transition. These developments also consolidate legal predictability, reduce investment risks, and help embed sustainability obligations in public and private sector activities, demonstrating how bilateral diplomacy can influence multilateral legal architectures.

3.3. Legal Diplomacy through the UN, OSCE, and NATO: Normative Alignment and Institutional Practice

¹²¹ EU Sustainable Energy Week. (2023). *Green Taxonomy Dialogue for Eurasia – Baku Roundtable*. Retrieved from

¹²² Central Bank of Azerbaijan. (2023). *National Green Finance Strategy Overview*. Retrieved from

¹²³ European Commission. (2021). *Taxonomy Regulation Delegated Acts: Article 9 Compliance*. Retrieved from

¹²⁴ U.S. Department of State, *2024 Investment Climate Statements: Azerbaijan* (2024),

The legal practices of Italy and Azerbaijan have become more and more similar at the multilateral level, particularly in the UN. The legal cooperation has been focused on the core concerns such as the international humanitarian law (IHL), sovereignty of states, and alteration of global organizations. One of them is the Italian position on the UN General Assembly resolution 62/243 of 2008¹²⁵ that reaffirmed the territorial integrity of Azerbaijan in connection with the occupied territories as a result of the Nagorno-Karabakh conflict. Italy supported the resolution by saying that the use of force by Armenia in occupying the territories of Azerbaijan is unlawful, and more to the point, the annexation by force is prohibited by the UN Charter and the principle of International law encapsulated in the UNGA Resolution 2625 (1970)¹²⁶.

In turn, Azerbaijan backed Italy's successful bid to be elected to the UN Human Rights Council for 2023, showing that both parties trust in promoting international human rights¹²⁷. Italy, a member of the Council, has the legal obligation to respect the institutional framework prescribed under the UNGA resolution 60/251 (2006), including the Universal Periodic Review mechanism and special mandate procedures concerning IHL and accountability¹²⁸. Azerbaijan's support meant that it supported the Italian role in developing such mechanisms, particularly in transitional justice cases, post-conflict compensation, and Geneva Conventions compliance¹²⁹.

Apart from these bilateral measures, both nations support the UN Security Council reform process. Italy supports the "Uniting for Consensus" (UfC) movement, which aims to democratize the Council through the increase of non-permanent seats and the opposition to the establishment of new permanent members¹³⁰. Italy's legal justification is to bolster the *inter pares* nature of the voting and address the issue of regional imbalance with a focus on underrepresented Global South nations in Africa, Latin America, and Asia¹³¹. Azerbaijan has expressed public support for this approach and believes that the rotation of the seats is fair and would give equal chances for every

¹²⁵ United Nations General Assembly, The situation in the occupied territories of Azerbaijan, UN Doc A/RES/62/243 (14 March 2008)

¹²⁶ United Nations General Assembly. (2008). *Resolution 62/243: The situation in the occupied territories of Azerbaijan*.

¹²⁷ OHCHR. (2023). *Membership of the Human Rights Council*.

¹²⁸ United Nations General Assembly. (2006). *Resolution 60/251: Human Rights Council*.

¹²⁹ Geneva Academy. (2021). *IMPLEMENTING INTERNATIONAL HUMANITARIAN LAW THROUGH HUMAN RIGHTS MECHANISMS*.

¹³⁰ Permanent Mission of Italy to the UN. (2023). *Uniting for Consensus Statement on UNSC Reform*.

¹³¹ Massari, M. (2023). *Statement on Behalf of UfC Group*.

country¹³². The legal argumentation of both countries is that reform of the Security Council has to respect the provisions of Articles 23 and 108 of the UN Charter of the United Nations¹³³.

This cooperation also involves legal discourse about the Rome Statute of the International Criminal Court (ICC) to which Italy is a State Party. While Azerbaijan has not acceded to the Rome Statute and generally avoids endorsing accountability-related declarations or informal initiatives at UN and EU side events, it has nonetheless supported frameworks addressing individual criminal responsibility in armed conflicts¹³⁴. This was evident at a workshop conducted in 2023 in Geneva that Italy organized to bring together Azerbaijani diplomats in matters of accountability for violations of IHL, particularly in the protracted standing regional conflicts. The subjects discussed included the implementation of Common Article 3 of the Geneva Conventions and the mechanisms of universal jurisdiction under customary international law concerning Italy's approach to legal education and Azerbaijan's openness to IHL¹³⁵.

Azerbaijan has been in the Partnership for Peace (PfP) program since 1994, and Italy has been actively cooperating with Azerbaijan in the NATO framework. Italy has assisted in legal changes in the Azerbaijani military justice system and procurement legislation by NATO standards and the requirements of IHL¹³⁶. Legal interoperability is a key component of NATO's Political-Military Framework for Partner Involvement and the establishment of the legal framework for use-of-force rules under national law¹³⁷. The Italian military legal service and the NATO Defense College conducted legal training activities in Baku from 2019 to 2022. Included are command responsibility, the protection of civilians, and legal supervision of operations¹³⁸. These activities are based on Article 1, which is included in all the Geneva Conventions and the NATO 1999 Strategic Concept, which emphasize the legal standardization among the allies and partners¹³⁹.

Thus, legal cooperation between Italy and Azerbaijan in the framework of the UN and NATO has a complex nature based on territorial, humanitarian, and institutional factors. Both are in favour of

¹³² MFA Azerbaijan. (2023). *Azerbaijan's Position on UNSC Reform*.

¹³³ Charter of the United Nations. (1945). *Articles 23 & 108*.

¹³⁴ United Nations, *Rome Statute of the International Criminal Court*, United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (1998),

¹³⁵ Universal Rights Group. (2023). *Report on Geneva IHL Accountability Workshop*.

¹³⁶ NATO. (2022). *NATO-Azerbaijan Partnership Overview*.

¹³⁷ NATO. (1999). *Strategic Concept for the Defence and Security of the Members of NATO*.

¹³⁸ NATO Defense College. (2022). *Legal Interoperability Programs*.

¹³⁹ Geneva Conventions. (1949). *Common Article 1 – Respect for IHL*.

the reform of the Security Council and have participated in legal workshops that promote the principles of the rules-based international order. Italy, as a state with a long history of legal experience being a member of the EU and NATO, and Azerbaijan, as a state which has recently actively joined the process of legal harmonization being a member of both organizations, act as an example of how legal diplomacy can serve as the foundation for interstate relations.

Chapter 4: Discussion and Findings

Chapter 4 interprets the legal, institutional, and strategic dynamics of Italy–Azerbaijan cooperation by analysing the core findings of the thesis. It shows how judicial reform, procurement law, energy governance, and finance are structured through functional legal approximation rather than formal EU harmonisation. This chapter critically assesses alternatives to accession-based integration, namely bilateral legal tools and multilateral engagements. Finally, it demonstrates that legal diplomacy can achieve profound regulatory alignment and normative trust without supranational obligations.

4.1. Summary of Key Results

The preceding chapters have established that Italy and Azerbaijan have developed a multidimensional relationship underpinned by legal instruments, institutional convergence, and strategic alignment. This partnership is not defined by complete EU harmonization, but by a selective and functionally adaptive approach to legal integration. Historically, Italy's early awareness of Azerbaijani independence during the brief existence of the Azerbaijan Democratic Republic (1918–1920) did not result in diplomatic recognition. Yet, Italy refrained from legitimizing the Soviet annexation of Azerbaijan after 1920. Such a policy of passive non-recognition was a broader European policy, grounded in the legal doctrines later reaffirmed in UN General Assembly Resolution 2625 (1970), which prohibits the acquisition of territory by force.¹⁴⁰ This pattern of non-recognition indicates that Italy saw the South Caucasus through the lens of legal realism of normative principles of non-recognition, combined with a lack of political involvement. This view continues to inform Italy's diplomacy today.

¹⁴⁰ United Nations General Assembly. (1970). *Declaration on principles of international law concerning friendly relations and co-operation among states by the Charter of the United Nations*(A/RES/2625(XXV)).

A strong legal foundation for economic cooperation was provided by bilateral legal instruments, in particular the Agreement on the Promotion and Mutual Protection of Investments (1997)¹⁴¹ and the Agreement for the Avoidance of Double Taxation (2004)¹⁴². Although bilateral in form, these agreements replicate international best practices in investment law and fiscal cooperation, confirming how Italy has acted both as a commercial partner and a legal model exporter. Under these agreements, Italian energy firms, such as Eni, entered Azerbaijan's energy market, particularly through the Azeri–Chirag–Gunashli oil fields under the Production Sharing Agreement (PSA).¹⁴³ This entry into Azerbaijan's energy sector under PSA structures not only marked a commercial milestone but also introduced contractual clauses (e.g., arbitration, stabilization, environmental performance) that aligned with EU regulatory logic. In 2020, the Joint Declaration on the Strategic Partnership expanded this cooperation to fields beyond energy, including transport, culture, and infrastructure¹⁴⁴. The expansion into soft sectors, such as infrastructure and culture, suggests a shift from resource diplomacy to normative partnership, indicating Italy's broader strategic aim to embed EU-compatible legal norms in non-accession states.

Italy has also contributed to Azerbaijan's judicial modernization. Italy supported the implementation of case management reforms based on CEPEJ indicators¹⁴⁵, through EU-funded Twinning projects and bilateral engagements. Such cooperation reflects Italy's use of legal diplomacy as an instrument of normative influence, supporting legal digitalization not as conditionality, but as a demonstration of administrative efficiency and technological interoperability. In this regard, Italy not only provided digital transformation tools (for example, “Processo Civile Telematico”) that influenced Azerbaijan's electronic court infrastructure to be built by eIDAS Regulation standards,¹⁴⁶ but also contributed to selective legal approximation, for

¹⁴¹ Agreement Between the Government of the Italian Republic and the Government of the Republic of Azerbaijan on the Promotion and Reciprocal Protection of Investments, Rome, 25 September 1997

¹⁴² Agreement Between the Government of the Republic of Italy and the Government of the Republic of Azerbaijan for the Avoidance of Double Taxation concerning Taxes on Income, Rome, 8 July 2004

¹⁴³ BP. (1994). *Production Sharing Agreement for the Azeri-Chirag-Gunashli oil fields*. Ministry of Energy, Baku.

¹⁴⁴ Trend News Agency. (2020). *President Ilham Aliyev: Italy and Azerbaijan respect and support each other's territorial integrity, sovereignty, and inviolability of borders*.

¹⁴⁵ CEPEJ. (2020). *Guide on judicial time management*. Council of Europe. Permanent Mission of Italy to the United Nations. (2023). *Uniting for Consensus statement on UNSC reform*.

¹⁴⁶ European Commission. (2014). *Regulation (EU) No 910/2014 on electronic identification and trust services (eIDAS)*.

example in the area of public procurement when Azerbaijan adopted part of the EU Directives 2014/24/EU and 2014/25/EU.¹⁴⁷ Importantly, these actions reveal a pattern of ‘functional legal diplomacy,’ wherein reforms are facilitated through targeted support rather than doctrinal alignment, offering a potential template for EU neighborhood legal engagement. Azerbaijan’s willingness to selectively integrate these standards also underscores a pragmatic calculus: adopting legal innovations that enhance institutional performance and attract investment, without sacrificing sovereignty or entering binding EU commitments.

Both countries line up on key international legal issues multilaterally. Italy supported the UNGA decision (62/243, 2008) that reaffirmed Azerbaijan’s territorial integrity in respect to the Nagorno-Karabakh conflict¹⁴⁸ and Azerbaijan supported Italy’s candidacy to the UN Human Rights Council in 2023.¹⁴⁹ This dual support demonstrates how legal positions can be used diplomatically to reinforce mutual legitimacy in contested international forums, Italy legitimizing Azerbaijan’s territorial claims, and Azerbaijan endorsing Italy’s human rights credentials. The two countries have also engaged in NATO’s Partnership for Peace program and OSCE-led diplomacy. Finally, both states coordinated on international climate law by jointly participating in IRENA and the development of model legal frameworks for Power Purchase Agreements (PPAs), which align with EU Green Taxonomy principles¹⁵⁰. These engagements suggest that Italy and Azerbaijan are increasingly aligned not only in legal norms but also in regulatory ambitions, particularly in sectors like climate and energy law, where technical cooperation substitutes for political alignment. This alignment does not imply a deep legal harmonization, but rather a form of ‘structured legal proximity,’ whereby bilateral trust and legal interoperability evolve within a loosely coordinated multilateral framework.

4.2. Interpretations: What These Results Mean

Italy–Azerbaijan cooperation is examined, from the legal point of view, as a relationship characterized by a strictly technical, pragmatic, and politically instrumental nature. Moreover, instead of binding through rigid accession instruments calling for harmonization, they have also

¹⁴⁷ EU Public Procurement Directives. (2014). *Directive 2014/24/EU and 2014/25/EU*.

¹⁴⁸ United Nations General Assembly. (2008). *Resolution 62/243: The situation in the occupied territories of Azerbaijan*.

¹⁴⁹ OHCHR. (2023). *Membership of the Human Rights Council*.

¹⁵⁰ IRENA. (2024). *Legal transition program summary – Azerbaijan workshops*.

developed a model of functional legal approximation. This model is inextricably linked to bilateral agreements, multilateral coordination, sector-specific legal dialogues, or all of these. The Italian approach departs from the other two in that it relies much more heavily on legal tools than on conditionality to promote integration and the building of institutional trust¹⁵¹. This is a wider EU habit of harmonising in a so-called 'legal neighbourhood' through dialogue, outside the strictures of membership or supranational discipline, and pursuing sectoral integration.

An example of this strategy is Italian co-leadership of the 2020–2022 EU Twinning project on judicial reform in Azerbaijan, which brought Italian experts to assist Azerbaijani judges with case backlog management and evidence and appeal systems based on the CEPEJ standards for judicial performance, a technical framework widely used in EU systems.¹⁵² Rather than legal transplant from the top down, Italy's method allowed for domestically tailored reforms, whereby Azerbaijan was empowered to choose the benchmarks and efficiency norms it wanted to adopt within its legal culture that is consistent with the idea of 'negotiated convergence'¹⁵³.

This legal cooperation also extended to multilateral legal discourse. In March 2023, Italy co-organized a workshop in Geneva that brought together Azerbaijani diplomats and legal experts to discuss Common Article 3 of the Geneva Conventions and universal jurisdiction mechanisms under international law.¹⁵⁴ This initiative positioned Italy not only as a facilitator of legal education but also as a normative broker in post-conflict settings. It enabled Azerbaijan to deepen its exposure to customary IHL and engage in transitional justice frameworks. By engaging through dialogue rather than ratifying obligations, Italy provided a platform for Azerbaijan to experiment with sensitive legal norms, such as universal jurisdiction, without committing to international accountability regimes, like the Rome Statute.¹⁵⁵ This approach typifies "legal previewing," a phase of exposure to norms before formal commitment.

¹⁵¹ Directorate-General for Neighbourhood and Enlargement Negotiations. (2023). *TAIEX and Twinning activity report 2022*. European Commission.

¹⁵² CEPEJ. (2020). *Guide on judicial time management*. Council of Europe.

¹⁵³ European Commission. (2017). *Joint communication to the European Parliament and the Council: A strategic approach to resilience in the EU's external action*.

¹⁵⁴ Universal Rights Group. (2023). *Report on Geneva IHL accountability workshop*. Geneva Academy.

¹⁵⁵ United Nations. (1998). *Rome Statute of the International Criminal Court*.

Italy has also supported selective convergence with EU public procurement law. In 2022, Azerbaijan informally incorporated core principles of EU Directives 2014/24/EU and 2014/25/EU into its national tendering framework.¹⁵⁶ This was achieved through technical consultations with Italian and Lithuanian procurement experts under the Eastern Partnership Rule of Law Platform¹⁵⁷. Although Azerbaijan is not obligated to adopt the *acquis*, the voluntary transposition of key elements demonstrates the appeal of EU standards as pragmatic governance tools.¹⁵⁸ This reflects an instrumental logic: Azerbaijan adopts EU legal elements not for identity reasons, but to boost administrative efficiency, regulatory transparency, and eligibility for Western partnership programs. The procurement reforms, therefore, are not symbolic approximations, but calculated steps toward global investor credibility.

The theme of voluntary alignment is also evident in Azerbaijan's judicial digitalization, which Italy supported through the 2021 pilot project introducing a case management system modeled on the Italian "Processo Civile Telematico."¹⁵⁹ This system integrated secure digital signatures, encrypted document exchange, and remote access to court judgments, aligning Azerbaijan's judiciary with EU eIDAS Regulation standards.¹⁶⁰ Although Regulation (EU) No. 910/2014 does not legally apply to Azerbaijan, its principles have been functionally adopted to improve efficiency, transparency, and evidence protection¹⁶¹. This demonstrates how technological interoperability can serve as a bridge for legal convergence, where digitization bypasses the need for legal harmonization by aligning systems at the functional level.

Energy law provides the most structured legal environment in this partnership. Italy's participation in the SGC, particularly through the TAP, is regulated by IGAs and HGAs signed between Azerbaijan, Italy, and transit countries¹⁶². These treaties ensure fiscal stability, profit transfer rights, and access to international arbitration under ICSID or UNCITRAL rules, and they represent

¹⁵⁶ EU Public Procurement Directives. (2014). *Directive 2014/24/EU and 2014/25/EU*.

¹⁵⁷ Eastern Partnership Rule of Law Platform. (2022). *Conference report: Differentiated legal integration*.

¹⁵⁸ European Union. (1999). *Partnership and cooperation agreement between the European Communities and the Republic of Azerbaijan*.

¹⁵⁹ Ministry of Foreign Affairs of Italy. (2021). *Judicial cooperation project reports*.

¹⁶⁰ European Commission. (2014). *Regulation (EU) No 910/2014 on electronic identification and trust services (eIDAS)*.

¹⁶¹ HiiL. (2021). *Use of digital technologies in judicial reform in Azerbaijan*.

¹⁶² Energy Charter Secretariat. (2015). *Intergovernmental Agreements and Host Government Agreements on oil and gas pipelines: A comparison*.

global best practice for cross-border energy governance¹⁶³. Unlike in judicial or administrative areas, where approximation is gradual and optional, the legal framework in energy trade is absolute and binding. Italian companies such as Eni S.p.A. and Maire Tecnimont benefit from this legal certainty and have secured long-term investments through transparent legal channels¹⁶⁴. This institutional depth in energy law reflects a logic of legal predictability, where commercial alignment with EU norms becomes a precondition for international resource cooperation.

In 2020, SOCAR and Maire Tecnimont signed a modernization contract for the Heydar Aliyev Oil Refinery, including legally binding environmental performance clauses in line with EU Green Deal objectives¹⁶⁵. Though Azerbaijan is not an EU member, this contract illustrates how EU-aligned legal standards, particularly in environmental law, can be implemented through bilateral agreements between companies and public institutions¹⁶⁶. This exemplifies how private international law, through contract law, can advance EU legal standards more swiftly than intergovernmental treaties, especially in sectors like environmental compliance, where companies act as carriers of legal norms.

Legal convergence also extends into the renewable energy sector, where Italy and Azerbaijan have collaborated through IRENA's Legal Transition Programme. In 2024, Italy supported an Azerbaijani initiative to standardize PPAs in the Eurasian corridor, based on Italian domestic law and international best practices from UNCITRAL and ICSID¹⁶⁷. These model PPAs include clauses on tariff formulas, force majeure, change of law, and arbitration mechanisms, strengthening cross-border legal predictability for green energy investors¹⁶⁸. These contracts signal the emergence of “preemptive convergence”, a proactive alignment with legal models that facilitate future investment flows and integration with international carbon markets.

All of these developments illustrate that Azerbaijan has become a semi-institutional participant in the EU legal ecosystem. Through Italy's support, Azerbaijan approximates core components of

¹⁶³ ICSID Convention, Article 25.

¹⁶⁴ BP. (1994). *Production Sharing Agreement for the Azeri-Chirag-Gunashli oil fields*.

¹⁶⁵ Digital Refining. (2021). *Maire Tecnimont awarded Heydar Aliyev oil refinery contracts from SOCAR*.

¹⁶⁶ ENI. (2024). *ENI and SOCAR sign agreements in the energy security and biofuel production sectors*.

¹⁶⁷ IRENA. (2024). *Legal transition program summary – Azerbaijan workshops*.

¹⁶⁸ IRENA. (2025). *Renewable Energy Roadmap for the Eastern Partnership Countries: Country Engagement Workshop*.

EU and international law, not through legal obligation, but through cooperative adaptation. This approach enables Azerbaijan to maintain its sovereignty while benefiting from transnational legal integration in various forms, such as commercial arbitration, digital governance infrastructure, and climate-aligned investment law.

4.3. Implications: Why the Results Matter

This thesis offers meaningful implications for international legal cooperation, EU external relations, energy diplomacy, and the theory of functional legal convergence. This article, drawing as we do on a case study of Italy and Azerbaijan, shows that strategic bilateral legal partnerships can be a viable alternative to rigid accession-based legal harmonization. The soft legal diplomacy of Italy has provided a way for Azerbaijan to take sectoral rather than formal alignment with the *acquis communautaire*, allowing the EU to project its legal norms beyond its borders, while easing its direct regulatory responsibility, in a more flexible and robust external governance model¹⁶⁹.

First, this cooperation provides a replicable model for other countries in the Eastern Partnership, such as Georgia and Moldova, which, like Ukraine, seek to pursue EU-compatible reforms without the immediate prospect of EU membership¹⁷⁰. A strategic partner, such as Italy, could serve as a normative bridge between the EU and an independent third country, working towards convergence based on technical and legal tools, rather than relying on coercive instruments.¹⁷¹ This departure from classical enlargement logics and post-accession diplomacy tailored for semi-integrated neighbors signals a shift from conditionality to cooperation. This approach could also be applied to Central Asian countries, for instance, Kazakhstan, which has opted for strategic neutrality and is trying to find a fine line between modernization and sovereignty, so that the Italy–Azerbaijan model could serve as a functional blueprint for the post-Soviet legal modernization, bypassing the geopolitical alignment dilemmas¹⁷².

¹⁶⁹ Frappi, C. (2020). *Almost an ally: Italy's new approach to Azerbaijan and the Nagorno-Karabakh conflict*. European Council on Foreign Relations.

¹⁷⁰ Freire, M. R. (2014). *Conflict and Security in the Former Soviet Union: Domestic and International Dimensions*. Routledge.

¹⁷¹ European Commission. (2017). *Joint communication to the European Parliament and the Council: A strategic approach to resilience in the EU's external action*.

¹⁷² Hungarian Institute of International Affairs. (2023). *Foreign policy review 2023/2*.

Second, this case confronts the binary logic that states must be either “aligned” or “non-aligned” with EU law. A graduated approximation model is illustrated by Azerbaijan’s selective adoption of legal standards, for instance, provisions from the EU Procurement Directives 2014/24/EU and 2014/25/EU are being adopted through informal consultations with Italian and Lithuanian procurement experts¹⁷³, as legal norms can diffuse without formal obligation¹⁷⁴. This approach reinforces the concept of ‘pragmatic convergence,’ whereby reform is incentivized by functionality and reputational benefits rather than by legal compliance. The use of EU eIDAS standards for Azerbaijan’s judicial digitalization, as part of the 2021 pilot project supported by Italy¹⁷⁵, also confirms that alignment can be done through functionality rather than imposition. This lends support to the argument that legal integration in the EU’s neighborhood is increasingly processual and sector-bound, rather than doctrinal and systemic.

Third, the legal frameworks supporting the Southern Gas Corridor, specifically the TAP, demonstrate that energy security is dependent upon legally binding and thus predictable infrastructure agreements. Among these are IGAs, HGAs, and arbitration provisions based on ICSID and UNCITRAL¹⁷⁶. This legal certainty allows Italy and the EU to replace gas from Russia with diversification sources and to secure Azerbaijan’s trustworthy integration into the European energy market¹⁷⁷. These binding legal instruments function as stabilizers in an unstable geopolitical climate, illustrating how international law not only reflects but actively underpins strategic supply chains.

Fourth, it also shows the power of legal diplomacy, Italy’s role as a legal exporter. Instead of relying only on economic investment or defense agreements, Italy polices through law, using CEPEJ benchmarks, IRENA’s Legal Transition Programme, and NATO-aligned IHL training as a diplomatic tool¹⁷⁸, strengthening its place as a non-imperial normative power and encouraging long-term legal interoperability with countries such as Azerbaijan.¹⁷⁹ This mode of engagement

¹⁷³ EU Public Procurement Directives. (2014). *Directive 2014/24/EU and 2014/25/EU*.

¹⁷⁴ Eastern Partnership Rule of Law Platform. (2022). *Conference report: Differentiated legal integration*.

¹⁷⁵ HiiL. (2021). *Use of digital technologies in judicial reform in Azerbaijan*.

¹⁷⁶ Energy Charter Secretariat. (2015). *Intergovernmental Agreements and Host Government Agreements on oil and gas pipelines: A comparison*.

¹⁷⁷ Black Sea Caspia. (2021). *TAP turning Italy into gas exporter*.

¹⁷⁸ NATO Defense College. (2022). *Legal interoperability programs*.

¹⁷⁹ CEPEJ. (2020). *Guide on judicial time management*.

repositions law as a soft power instrument capable of producing high-trust legal environments without direct governance intervention.

Fifth, Azerbaijan's significantly enhanced normative legitimacy in international finance and diplomacy results from its legal approximation. Its participation in EU-aligned reforms (e.g., public procurement, digital courts, and climate law) gives it institutional credibility among Western partners¹⁸⁰, particularly important for the attraction of international investment and aid to rebuild post-conflict areas affected by the Second Karabakh War¹⁸¹. Legal proximity, especially in rule-of-law institutions and contract enforcement, is a growing prerequisite for accessing donor funding, post-war investment platforms, and global bond markets.

Finally, Azerbaijan's participation in green energy frameworks, including standardized PPAs and alignment with EU taxonomy law, gives the country a credible place in climate finance¹⁸², making it more eligible for instruments including EU Green Bonds, public-private partnerships, and multilateral donor funding for decarbonization¹⁸³. This underscores a vital insight of this thesis: that legal convergence today serves not only democratic governance, but also climate transition, financial access, and technological integration. Legal adaptation can therefore serve not only institutional reform but also national development priorities.

Therefore, this study demonstrates that successful and robust cross-border cooperation can indeed be achieved through functional convergence rather than total harmonization. It offers support for a legal diplomacy model based on technical approximation, and it offers the EU a strategic tool for constructing its neighborhood without stretching its institutional or political reach. Rather than enforcing enlargement-fatigued structures, this model empowers EU member states to act as legal facilitators, multiplying the reach of European legal norms through decentralized, interest-driven, and rule-based partnerships.

¹⁸⁰ European Commission. (2020). *Regulation (EU) 2020/852 on sustainable finance (EU Taxonomy)*.

¹⁸¹ Ministry of Justice of the Republic of Azerbaijan. (n.d.). *Armenia's aggression against Azerbaijan: Additional documents*.

¹⁸² IRENA. (2024). *Legal transition program summary – Azerbaijan workshops*.

¹⁸³ Ministry of Economy and Finance (Italy). (2022). *Allocation and impact report: BTP Green 2022*.

4.4. Limitations of the Findings

While the findings of this thesis reveal a robust and multi-dimensional legal relationship between Italy and Azerbaijan, several significant limitations must be acknowledged. These limitations reflect both the methodological boundaries of the research and the structural opacity of some bilateral legal processes.

One major limitation is the lack of public access to legal documentation, especially regarding MoUs, unpublished judicial project results, and confidential bilateral contracts. While summaries and press releases provide some insight, the absence of full legal texts hinders granular legal analysis and treaty-based citation¹⁸⁴. For example, Italy's 2020–2022 judicial assistance was documented in TAIEX reports but not in legally binding frameworks published in open-access archives¹⁸⁵.

Second, political sensitivities continue to shape Azerbaijan's multilateral legal posture, particularly regarding international accountability. Azerbaijan has not acceded to the Rome Statute of the International Criminal Court, despite participating in IHL capacity-building dialogues¹⁸⁶. As a result, it is difficult to assess whether Azerbaijan's exposure to universal jurisdiction and international criminal norms will translate into formal convergence in the future.

Third, this thesis is constrained by the limited availability of empirical metrics. While institutional reforms in Azerbaijan's judiciary, such as digitalization and procurement transparency, are widely cited in EU and CEPEJ documentation, detailed data on backlog reduction, user satisfaction, or courtroom efficiency is largely anecdotal.¹⁸⁷ Without independent auditing or judiciary impact assessments, evaluating reform outcomes remains speculative.

Finally, the findings may not be generalizable across the Eastern Partnership region. Azerbaijan's centralized governance model allows for rapid legal implementation, but this high state capacity is not shared by all post-Soviet states. In more fragmented systems, like those of Ukraine or

¹⁸⁴ Ministry of Foreign Affairs of Italy. (2021). *Judicial cooperation project reports*.

¹⁸⁵ Directorate-General for Neighbourhood and Enlargement Negotiations. (2023). *TAIEX and Twinning activity report 2022*.

¹⁸⁶ United Nations. (1998). *Rome Statute of the International Criminal Court*.

¹⁸⁷ CEPEJ. (2020). *Guide on judicial time management*.

Armenia, similar reforms may face administrative bottlenecks or political resistance¹⁸⁸. Therefore, while the Italy–Azerbaijan model offers an instructive framework, its application elsewhere requires cautious adaptation to context.

4.5. Recommendations for Further Study

This thesis has demonstrated the value of functional legal convergence between Azerbaijan and Italy, particularly through sectoral cooperation in judiciary modernization, energy law, and climate governance. However, additional research is needed to assess further the durability, replicability, and broader regional impact of this legal partnership model. The following directions provide a roadmap for future academic and policy inquiry.

A primary recommendation is the development of comparative legal cooperation studies across the EaP region. Italy’s approach to Azerbaijan, anchored in non-coercive, sector-specific legal diplomacy, can be contrasted with other bilateral frameworks such as Germany–Ukraine, Poland–Georgia, or France–Moldova¹⁸⁹. Such comparative studies would help determine whether Italy’s soft legal tools, e.g., CEPEJ implementation, procurement dialogue, NATO-aligned IHL workshops, result in greater institutional coherence than models based on conditionality or rigid *acquis* transposition¹⁹⁰. Moreover, these comparisons could reveal how variables such as administrative capacity, legal traditions, and strategic alignment affect legal reform outcomes across different states.

Secondly, this thesis identified a need for a quantitative evaluation of the legal impact. While CEPEJ and TAIEX frameworks promote reform benchmarks, Azerbaijan’s actual progress in backlog clearance, docket transparency, and appeal duration remains anecdotal.¹⁹¹ Future research should collect and analyze empirical court data, using CEPEJ efficiency indicators, to assess whether the judicial reforms supported by Italy are improving institutional performance. Collaboration with Azerbaijan’s Ministry of Justice and European judicial audit bodies could

¹⁸⁸ Cornell, S. (2017). *The International Politics of the Armenian-Azerbaijani Conflict: New Perspectives on Caucasus Security*. Palgrave Macmillan.

¹⁸⁹ Freire, M. R. (2014). *Conflict and Security in the Former Soviet Union: Domestic and International Dimensions*. Routledge.

¹⁹⁰ Eastern Partnership Rule of Law Platform. (2022). *Conference report: Differentiated legal integration*.

¹⁹¹ CEPEJ. (2020). *Guide on judicial time management*. Council of Europe.

facilitate trial monitoring, stakeholder surveys, or statistical modeling to capture legal outcomes beyond the descriptive level.

Third, the intersection of legal innovation and green energy investment deserves urgent scholarly attention. Azerbaijan's forthcoming Renewable Energy Contracts Law and its Green Investment Rulebook, influenced by Italy, IRENA, and the EU's sustainable finance taxonomy, represent an unprecedented experiment in climate-aligned legal infrastructure.¹⁹² Future studies should examine how these instruments affect Azerbaijan's eligibility for green bonds, blended finance, and climate-smart public-private partnerships, especially amid the EU's evolving energy security agenda. A doctrinal and policy analysis of these laws could illuminate best practices in legal standard-setting under conditions of a green transition.

Finally, future research should adopt a longitudinal lens on multilateral norm adoption. Although Azerbaijan has engaged in dialogue on international humanitarian law and universal jurisdiction, it remains outside the Rome Statute system¹⁹³. Tracking changes in Azerbaijan's engagement with the UN Human Rights Council, the UPR mechanism, and its advocacy within the Uniting for Consensus bloc on UNSC reform could offer insights into whether bilateral legal diplomacy leads to deeper systemic alignment, or remains pragmatically compartmentalized¹⁹⁴. Such longitudinal studies would provide clarity on the causal relationship between sectoral legal convergence and Azerbaijan's evolving normative commitments.

Conclusion

This thesis has examined the bilateral legal and political relationship between Azerbaijan and Italy, demonstrating that functional legal convergence, rather than formal harmonization or EU membership, can result in meaningful institutional cooperation, sectoral alignment, and legal modernization. Italy's role as a facilitator of soft legal diplomacy, grounded in its EU membership

¹⁹² IRENA. (2024). *Legal transition program summary – Azerbaijan workshops*.

¹⁹³ United Nations. (1998). *Rome Statute of the International Criminal Court*.

¹⁹⁴ Permanent Mission of Italy to the United Nations. (2023). *Uniting for Consensus statement on UNSC reform*.

and geopolitical positioning, has allowed Azerbaijan to integrate European legal norms while maintaining its sovereignty selectively.

The research revealed that strong economic relations, particularly in the energy sector, have served as a foundation for deeper political and legal engagement. Long-term contracts under the Southern Gas Corridor, especially the TAP, have created not only mutual strategic dependence but also a framework of legal certainty, underpinned by international arbitration rules and investment guarantees. These commercial frameworks have proven instrumental in reinforcing political alignment and trust.

Azerbaijan–Italy relations are governed by a range of bilateral legal mechanisms, including the 1997 Bilateral Investment Treaty and the 2004 Agreement on the Avoidance of Double Taxation.² These instruments provide dispute resolution mechanisms and legal protections that promote stability and investor confidence, illustrating how international legal norms operate in a bilateral context. However, the diversification of trade beyond hydrocarbons remains constrained by regulatory fragmentation, particularly in the absence of comprehensive trade agreements for non-oil sectors. Italy’s support in public procurement reform, through informal alignment with EU Directives 2014/24/EU and 2014/25/EU, demonstrates how legal approximation can be pursued incrementally, without formal obligation.

Legal convergence has also contributed to Azerbaijan’s broader foreign policy objectives. Through cooperation in multilateral institutions such as the OSCE, UN, and IRENA, and Italy’s support for Azerbaijan’s territorial integrity, Azerbaijan has gained normative legitimacy and enhanced its role as a rule-of-law-oriented partner. This highlights the increasing importance of legal diplomacy as a strategic tool in regional policy.

The findings support the thesis that structured legal proximity can achieve significant cross-border alignment without supranational enforcement. As other Eastern Partnership countries navigate similar challenges, the Azerbaijan–Italy model offers a replicable framework for combining modernization, legal reform, and sovereign agency. Ultimately, this thesis concludes that deep legal cooperation can flourish through functional, trust-based mechanisms that balance domestic autonomy with international integration.

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