





De iurisprudentia et iure publico

JOG- ÉS POLITIKATUDOMÁNYI FOLYÓIRAT
JOURNAL OF LEGAL AND POLITICAL SCIENCES

2024.

XV. évfolyam / Vol. XV 3. szám / No. 3

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Magyar Jog- és Államtudományi Társaság

Publishing

Hungarian Association of Law and Political Sciences

HU ISSN 1789-0446





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The European Union and Central Asia: A Comprehensive Analysis of Legal Frameworks of the Relationship

ABSTRACT

This paper provides an in-depth analysis of the legal frameworks governing the relationship between the European Union and the countries of Central Asia. Since the collapse of the Soviet Union, Central Asia has emerged as a region of strategic importance due to its geopolitical location, abundant energy resources, and potential for economic cooperation. The EU's engagement with Central Asia has evolved over the past three decades, characterized by the establishment of bilateral agreements and the adoption of strategic approaches toward the region. The legal foundation of the EU's relations with individual Central Asian countries includes Partnership and Cooperation Agreements and Enhanced Partnership and Cooperation Agreements, which cover a wide range of areas such as trade, investment, and human rights. Additionally, the EU has implemented various strategies aimed at enhancing cooperation with Central Asian countries, focusing on areas such as economic development, energy, environmental sustainability, and security. The paper conducts an analysis of the agreements signed between the EU and Central Asian countries, as well as the strategies adopted by the EU towards Central Asia.

KEYWORDS: EU, Central Asia, legal frameworks, PCA, EPCA, Strategy

Introduction

After the fall of the Soviet Union and the end of the bipolar international system, the geopolitical landscape underwent significant changes. These changes led to the creation of many new independent states on the Eurasian continent. In Central Asia, five new republics became independent: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Since ancient times, the Central Asian region has attracted significant attention from both Western and Eastern countries due to its crucial geopolitical and geo-economic position as a bridge connecting Asia and Europe. In the 1990s, these Central Asian countries began to shape their foreign policies and establish their geopolitical positions. These new countries faced many challenges, one of the biggest being how to establish their own foreign policies. During the Soviet period, Moscow was in charge of implementing foreign policy on behalf of all Soviet Socialist Republics, and most newly independent countries lacked experience in conducting their own foreign policies and had to start from scratch. Central Asia's role in international politics is progressively growing due to its geopolitical location, vast energy reserves and natural resources, and potential for economic cooperation. Russia, the United States, China, the European Union, and other regional powers are all striving to maintain and strengthen their positions in the region, albeit from different starting points.

EU policy towards Central Asia has undergone evaluation over the past 30 years. The European Union's approach to the region took shape relatively later compared to other actors. Among the key factors contributing to the European Union's sustained interest in Central Asia, several noteworthy aspects emerge: the region's geostrategic significance, positioned at the nexus of global powers' geopolitical interests; Central Asia's considerable transit potential for trade between Europe and Asia; the abundant energy and natural resource reserves present in Central Asia; and the proximity of Central Asian states to Afghanistan, heightening the risk of security threats such as terrorism, religious extremism, drug trafficking, and substantial transit migration. Since 1991, relations between the EU and the independent states of Central Asia have progressively developed. The EU has sought to strengthen its engagement with Central Asian countries through various channels, including political dialogue, economic cooperation, and development assistance. Presently, the legal framework for cooperation is established through the signed Enhanced Partnership and Cooperation Agreement (EPCA) with Kazakhstan and Partnership and Cooperation Agreements (PCA) with Kyrgyzstan, Tajikistan, and Uzbekistan, as well as an Interim Agreement on trade and trade-related matters with Turkmenistan. The EU signed an EPCA with Kyrgyzstan in 2019, pending ratification, and a PCA with Turkmenistan in 2010, also pending ratification. The EU started consultations with Tajikistan and Uzbekistan to upgrade the PCA to EPCA.

Regionally speaking, from the early years of Central Asian countries' independence until 2006, the EU cooperated with countries of the region through its Technical Assistance to the Commonwealth of Independent States program, which covered not only Central Asian countries but all post-Soviet countries. In 2007, the EU upgraded its relations with Central Asian countries and adopted its Strategy towards Central Asian countries. On July 20, 2007, the Council of the European Union adopted *The EU and Central Asia: Strategy for a New Partnership.* In 2019, the EU upgraded its Strategy towards Central Asia, and a Joint Communication on *The EU and Central Asia: New Opportunities for a Stronger Partnership* was adopted by the European Commission and the High Representative in May 2019. On June 17, 2019, the Council adopted conclusions on a new EU strategy on Central Asia. Considering the changing geopolitical situation in the world, discussions have commenced within EU institutions to update the Strategy in Central Asia in the coming years, aiming to adapt EU policy to current geopolitical changes.

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¹ Council of the European Union: The EU and Central Asia: Strategy for a New Partnership, 2007. https://data.consilium.europa.eu/doc/document/ST-10113-2007-INIT/en/pdf (May 10, 2024).

² Joint Communication to the European Parliament and the Council: The EU and Central Asia: New Opportunities for a Stronger Partnership, 2019. https://www.eeas.europa.eu/sites/default/files/joint communication - the eu and central asia - new opportunities for a stronger partnership.pdf (May 10, 2024).

³ Council of the European Union: Central Asia: Council adopts a new EU strategy for the region, 2019. https://www.consilium.europa.eu/en/press/press-releases/2019/06/17/central-asia-council-adopts-a-new-eu-strategy-for-the-region/ (July 12, 2024)

The primary aim of this paper is to analyze the legal framework of the EU's relationship with Central Asian countries. To achieve this, a content analysis was conducted on legally binding documents signed between the EU and individual Central Asian countries, as well as an examination of EU adopted strategies. After this introduction, the first part of this paper analyzes the bilateral legal frameworks that governed relations between the EU and individual Central Asian countries. The second part presents the EU's adopted strategies regulating EU-Central Asia relations. Lastly, a brief conclusion of the research topic and recommendations are presented.

I. Foundations of relations: TACIS and bilateral agreements

The cornerstone for developing political and economic ties between the EU and the five Central Asian republics was the Technical Assistance to the Commonwealth of Independent States (TACIS) program. Between 1991 and 2006, the European Union primarily offered technical assistance aimed at economic and commercial reforms, state-building processes, and fostering foreign investments. While TACIS was intended as an aid program for the entire Commonwealth of Independent States (CIS), it didn't cover all countries uniformly. Economic and technical assistance varied based on European strategic priorities: Russia, being the largest CIS country, received the most aid, followed by Eastern European countries set to join the EU, with Central Asian countries receiving less attention. Throughout the program's activities from 1991 to 2006, the EU allocated a total of 537.8 million euros to the Central Asian countries. Kazakhstan received financial support amounting to 166.2 million euros, Kyrgyzstan 94.9 million euros, Tajikistan 51.0 million euros, Turkmenistan 57.5 million euros, and Uzbekistan 168.2 million euros.

Established under a Council Regulation in 1991, the TACIS program aimed to provide assistance for economic reform and the transition of newly independent republics of the former Soviet Union to market economies and democratic governance. As a result, technical assistance became a priority, focusing on training management personnel for both public and private sectors, financial services, energy, transportation, and food trade.⁵ With the Council's Regulation adopted on July 19, 1993, assistance shifted towards implementing economic reform and restoration in beneficiary states, concentrating efforts in specific sectors and regions crucial for supporting reforms.⁶ The Council Regulation adopted in 1996 expanded technical assistance to support economic reform measures in partner countries, emphasizing the transition to a market economy and the strengthening of democracy.⁷ Similarly, the Council Regulation adopted in 2000 aimed to facilitate the transition to a market-based economy, strengthen democracy and the rule of law, and promote knowledge transfer, vocational training, industrial cooperation, and institutional building partnerships between the EU and partner countries. 8 This Council Regulation marked a new stage in the TACIS program's implementation from 2000 to 2006, building upon the achievements of the previous decade while incorporating adjustments based on accumulated experience and the increasingly diversified development of partner countries. The TACIS program officially concluded its activities in 2006, and the decision to conclude the program was influenced by several factors. One of the primary reasons was the changing geopolitical landscape and the evolving needs of the countries in the CIS region. The program had been in operation for more

⁴ Raszkowski, Andrzej: *Program TACIS w państwach postsowieckich (TACIS program in post-Soviet countries)*. In Ekonomia Vol. 16, 2011. pp. 436-445.

⁵ Council Regulation No 2157/91 of 15 July 1991 concerning the provision of technical assistance to economic reform and recovery in the Union of Soviet Socialist Republics, 1991. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31991R2157 (May 15, 2024).

⁶ Council Regulation No 2053/93 of 19 July 1993 concerning the provision of technical assistance to economic reform and recovery in the independent States of the former Soviet Union and Mongolia, 1993. https://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993R2053:EN:HTML (May 15, 2024).

⁷ Council Regulation No 1279/96 of 25 June 1996 concerning the provision of assistance to economic reform and recovery in the New Independent States and Mongolia, 1996. https://eur-lex.europa.eu/eli/reg/1996/1279 (May 15, 2024).

⁸ Council Regulation No 99/2000 of 29 December 1999 concerning the provision of assistance to the partner States in Eastern Europe and Central Asia, 2000. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000R0099 (May 15, 2024).

than 15 years, and during that time, significant progress had been made in terms of economic and political reforms in many of the CIS countries. As a result, the European Union deemed it appropriate to transition to new approaches that could better address the emerging challenges and priorities facing the region.

During the early years of cooperation, active negotiations were conducted, and several agreements were signed. The EU first established diplomatic contacts with Central Asian countries in early 1993, and its initial regional mission was opened in Almaty, Kazakhstan. The legal framework of EU-Central Asia relations has its roots in the PCA signed between the EU and the Central Asian countries in the 1990s and early 2000s. 10 A PCA is a legally binding arrangement between the EU and non-EU countries. Through a PCA, the EU aims to foster democratic and economic development in the partner country. These agreements are comprehensive, establishing a fundamental framework for cooperation and dialogue. The PCA with Kazakhstan was signed on January 23, 1995, and entered into force in 1999, setting the political dialogue between the parties and establishing a system of consultations on mutually interested issues, including those of global concern. 11 On February 9, 1995, the PCA between the Kyrgyz Republic and the European Union was signed in Brussels, which came into force on June 1, 1999. 12 Diplomatic relations between the Republic of Uzbekistan and the European Union were established on November 16, 1994. On June 21, 1996, the parties signed the current PCA, which came into force in 1999. 13 This document, like other similar agreements concluded by the EU with post-Soviet countries, provides for cooperation on a wide range of issues: political dialogue, trade, business and investment activities, protection of intellectual property, legislative cooperation, economic cooperation, and interaction on issues related to democracy and human rights. On May 24, 1998, the EU initialed a PCA with Turkmenistan, but the European Parliament has delayed the ratification of this PCA, citing concerns over Turkmenistan's human rights record as a pivotal factor in this decision. The Interim Agreement on trade and trade-related matters, which entered into force in August 2010, is the main legal basis of the relationship between the EU and Turkmenistan. ¹⁴ The EU and Tajikistan signed a PCA on November 11, 2004, which entered into force on January 1, 2010.¹⁵ PCAs cover a broad spectrum of issues such as trade, economic cooperation, investment, human rights, democracy, energy, environment, transport, tourism, financial cooperation, and cross-border supply of services. These agreements laid down the foundation for cooperation in various areas, including political dialogue, trade, investment, and development assistance.

In 2015, Kazakhstan signed an EPCA, marking a significant milestone in its relations with the European Union. This agreement came into force on March 1, 2020. The EU-Kazakhstan EPCA covers 29 areas of cooperation, expanding collaboration in sectors like investment, environment, energy, transport, research, and education, with a strong emphasis on human rights, the rule of law, and good governance. This agreement reflects a deeper level of engagement compared to traditional PCAs. This transition from the PCA to the EPCA marks a significant deepening of EU-Kazakhstan relations, highlighting the EU's commitment to supporting Kazakhstan's development and aligning it with European standards and practices. In 2019, Kyrgyzstan signed an EPCA with the European Union,

⁹ Zhunissova, Madina: *The European Union's Soft Power Dynamics in Kazakhstan*. In Journal of Balkan and Black Sea Studies Vol. 11, 2023. pp. 75-102.

¹⁰ Rakhimov, Mirzokhid: *The European Union and Central Asia: challenges and prospects of cooperation*. In Discussion papers / Zentrum für Internationale Entwicklungs- und Umweltforschung, 47, 2010.

¹¹ Kembayev, Zhenis: *Partnership between the European Union and the Republic of Kazakhstan: Problems and perspectives.* In European Foreign Affairs Review Vol. 21, no. 2, 2016. pp. 185-203.

¹² EEAS: EU-Kyrgyz Republic relations, 2023. https://www.eeas.europa.eu/eeas/eu-kyrgyz-republic-relations_en (May 10, 2024).

¹³ EEAS: EU-Uzbekistan relations, 2018. https://www.eeas.europa.eu/node/11047 en (May 10, 2024).

¹⁴ EEAS: EU-Turkmenistan Relations, 2023. https://www.eeas.europa.eu/eeas/eu-turkmenistan-relations_en (May 6, 2024).

¹⁵ Ministry of foreign affairs of the Republic of Tajikistan: Bilateral relations of Tajikistan with the European Union, 2024. https://mfa.tj/en/main/view/160/bilateral-relations-of-tajikistan-with-the-european-union (May 20, 2024).

¹⁶ EEAS: The European Union and Kazakhstan, 2023. https://www.eeas.europa.eu/kazakhstan/european-union-and-kazakhstan_en?s=222 (May 20, 2024).

which is expected to be ratified soon, while Tajikistan and Uzbekistan started consultations with the EU to upgrade their PCAs to EPCAs.

In July 2005, the EU Council established the position of EU Special Representative for Central Asia to ensure coordination and coherence of the EU's external actions in the region.¹⁷ This representative directly reports to and operates under the leadership of the High Representative for EU Foreign and Security Policy. In each of the Central Asian countries, there is a Delegation of the EU, representing and developing relations between the EU and the Central Asian countries.

II. Advancing cooperation: EU's strategies towards Central Asia

For a long time, the EU lacked an effective policy towards Central Asia. In the first half of 2007, Germany took the presidency of the EU Council, and one of its primary tasks was the revision and clearer formulation of EU policy in Central Asia. On May 31, 2007, the first strategy, *The EU and Central Asia: Strategy for a New Partnership*, was adopted. This document served as the main EU program for interregional cooperation from 2007 onward, laying the groundwork for stable political relations between Central Asian countries and the EU, and fostering closer ties between the region and the Western world as a whole.

This strategy emphasized multidisciplinary cooperation in areas such as economic development, transportation, regional security, environmental protection, and energy resources. High-level political dialogue further strengthened exchanges and cooperation between the two sides, enhancing the EU's standing and political influence in the region. Since 2007, EU-Central Asia ministerial meetings have taken place, alongside multilateral dialogues such as the High-Level Political and Security Dialogue and operational working groups like the Working Group on Environment and Climate. ¹⁹ The strategy underscored the importance of human rights, democratization, good governance, and poverty eradication in the EU's relations with Central Asia. The EU's goals in the region, as outlined in the strategy for 2007-2013, included ensuring the stability and security of Central Asian countries, contributing to poverty reduction and improving living standards in line with the Millennium Development Goals, and promoting regional cooperation both among Central Asian states and between these states and the EU, particularly in the fields of energy supply, transport, higher education, and environmental protection.

The 2007 EU Strategy for Central Asia also emphasized the region's role as a vital link between Europe and Asia. The strategy's main priorities included:

- Upholding human rights, promoting the rule of law, good governance, and democratization.
- Investing in the future through youth and education initiatives.
- Promotion of economic development, trade, and investment.
- Strengthening cooperation in the energy and transport sectors.
- Promoting environmental sustainability and managing water resources.
- Addressing common threats and challenges.
- Fostering cultural dialogue to build bridges between communities. 20

As a strategic approach, the EU proposed maintaining regular political dialogue at the level of foreign policy agencies, introducing initiatives like the *European Education Initiative* and the *EU Rule of Law Initiative*, establishing focused dialogues on human rights with each Central Asian state separately, and conducting ongoing energy dialogues with regional countries. However, this document faced ample criticism for treating Central Asia as a homogeneous entity and disregarding the specific characteristics of individual countries, rendering it abstract and ineffective. One of the main

¹⁷ EEAS: EU Special Representative for Central Asia. https://www.eeas.europa.eu/eeas/eu-special-representative-central-asia en (May 21, 2024).

¹⁸ Council of the European Union: op.cit.

¹⁹ Ministry for Environment, Land and Sea Protection of Italy: European Union Strategy for Central Asia, 2023. https://www.mase.gov.it/pagina/european-union-strategy-central-asia (July 12, 2024). https://www.mase.gov.it/pagina/european-union-strategy-central-asia (July 12, 2024).

achievements of the 2007 strategy, despite not being fully realized, is that it helped the European Union establish its presence in the region by opening its delegations in all five Central Asian countries.

Energy cooperation has been a significant aspect of EU-Central Asian relations. The EU has been interested in accessing Central Asia's vast energy resources to diversify its energy supplies and reduce dependency on other sources, particularly Russia. The EU launched the *Sustainable Energy Connectivity in Central Asia (SECCA)*, aiming to enhance energy security, promote sustainable energy policies, and facilitate investments in the energy sector. Over the years, the EU has supported various projects in Central Asia, such as the *European Union – Central Asia Water, Environment and Climate Change Cooperation (WECOOP)* and the *Transport Corridor Europe-Caucasus-Asia" (TRACECA)*. These initiatives aim to improve regional infrastructure, facilitate trade, and enhance connectivity between Central Asia and Europe. Furthermore, the EU has been engaged in promoting human rights, democracy, and the rule of law in Central Asia and supporting the *Central Asia Rule of Law Programme*.²¹ It has advocated for reforms, civil society development, and respect for human rights through various channels, including political dialogues, human rights dialogues, and financial support for civil society organizations.²²

In 2017, the European Union recognized the need to explore the Central Asian region more thoroughly and formulate a new diplomatic strategy in response to evolving circumstances. This led to the EU's resolution in 2017 to develop a fresh strategy for Central Asia, driven by political reforms, the promotion of regional integration, and the increasing global significance of the region. On May 15, 2019, after two years of efforts, the European Commission and the EU High Representative for Foreign Affairs and Security Policy presented the Joint Communication *The EU and Central Asia: New Opportunities for a Stronger Partnership* to the Council of the EU.²³ This document, which became the new EU Strategy for Central Asia upon its adoption by the EU Council on June 17, 2019, aims to form a stronger, modern, and inclusive partnership with the countries of Central Asia.

Notably, it retained key ideas from the previous 2007 EU policy document for Central Asia, such as interconnectedness, sustainability, inclusivity, and adherence to rules. In contrast to the 2007 Strategy, the 2019 EU policy document for Central Asia did not establish specific thematic platforms to maintain flexibility and long-term relevance. This strategy, built upon three interconnected pillars of collaboration, reflects the EU's commitment to engaging with Central Asian countries across various fronts. At the core of this strategy is the concept of Partnering for Resilience. This pillar underscores the EU's dedication to promoting democratic values, protecting human rights, and upholding the rule of law in Central Asia. The EU aimed to collaborate with the region on issues affecting their socioeconomic development and to promote reforms, focusing on democracy, human rights, the rule of law, and gender equality. Security cooperation remained important, including effective border management, migration, combating drug trafficking, countering violent extremism and terrorism, cybersecurity, disarmament, non-proliferation of weapons of mass destruction, and addressing hybrid threats. The EU also intended to enhance cooperation in environmental matters, such as managing water resources efficiently and adopting principles of the green economy and renewable energy sources. In parallel, the Partnership for Prosperity pillar focuses on enhancing the economic landscape of the region. This included developing a competitive private sector, fostering a favorable investment environment, boosting trade, enhancing dialogue between business communities, improving transport, energy, and digital connectivity, promoting people-to-people exchanges, and fostering intra-regional and interregional education cooperation. Additionally, the EU aims to facilitate the integration of Central Asian countries into the global economy by supporting their accession to the World Trade Organization. By promoting economic development and trade, this pillar seeks to contribute to the long-term prosperity of the region. Furthermore, the strategy emphasizes the significance of Working Better Together between the EU and Central Asian countries. This involves strengthening political dialogue and expanding the involvement of civil society in decision-making processes. By fostering closer ties

²¹ EEAS: Central Asia, 2022. https://www.eeas.europa.eu/eeas/central-asia_en (July 12, 2023).

²² Qodirov, Nosirkhon: *The EU's engagement with Central Asia: assessing achievements and prospects for cooperation.* In Eurasian World Journal, Vol. 13, 2023. pp. 75-79.

²³ Joint Communication to the European Parliament and the Council: op.cit.

and cooperation, the EU aims to enhance mutual understanding and collaboration on various regional and global issues. 24

While most priority areas of the updated EU strategy remained unchanged, the focus was on supplementing it with necessary elements while maintaining the basic concept of relations. The EU aimed to tailor its approach to each Central Asian state's specific interests, deepening ties with those willing and able to intensify relations. An innovative aspect of the strategy was the emphasis on enhancing connectivity between Europe and Central Asia. This aimed to strengthen regional cooperation to manage interdependence, address vulnerabilities, tackle common challenges, unlock economic growth potential, and enhance international standing while preserving independence and identity. Considering the sudden onset of the global coronavirus pandemic, the Russia-Ukraine war, and the changing geopolitical situation in the world, achieving the goals outlined in the Strategy may prove challenging. In light of these challenges, preparations are ongoing within EU institutions to update the Strategy. Research is needed to assess the extent to which these strategies were successful and how many of the plans were implemented. Nevertheless, the strategies adopted, and agreements signed opened a new phase and upgraded the relationship between the EU and Central Asian states.

Conclusion

Over the past three decades, the European Union has made significant efforts to strengthen its relationship with the countries of Central Asia. The EU's engagement with the region has been guided by a desire to promote stability, prosperity, and connectivity while addressing common challenges such as security threats, economic development, and environmental sustainability. The legal framework governing EU-Central Asia relations has evolved through the signing of bilateral agreements and the adoption of strategic documents. PCAs and EPCAs have provided the foundation for cooperation in various areas, including trade, investment, human rights, and democracy. These agreements have facilitated political dialogue and economic cooperation between the EU and Central Asian countries, contributing to the development of mutually beneficial relations. In addition to bilateral agreements, the EU has adopted strategies to guide its engagement with Central Asia. These strategies have emphasized multidisciplinary cooperation in areas such as economic development, energy, environmental protection, and security. Despite facing criticism for treating Central Asia as a homogeneous entity, these strategies have helped to establish the EU's presence in the region and promote dialogue and cooperation on key issues.

Looking ahead, the EU must continue to adapt its policies and strategies to the changing geopolitical landscape and emerging challenges. By deepening cooperation in areas such as economic development, energy, and security, the EU can contribute to the stability and prosperity of Central Asia while advancing its own interests in the region. As the EU seeks to strengthen its engagement with Central Asian countries, the implementation of strategic initiatives should be guided by a thorough understanding of the cultural, religious, and social context of Central Asia. This involves integrating cultural sensitivity and contextual awareness into policy-making processes to ensure that initiatives resonate with the local population and contribute to sustainable development. By recognizing and accommodating the uniqueness of Central Asian cultures, religions, traditions, outlooks, and mentalities, the EU can foster inclusive and effective cooperation that promotes mutual prosperity and stability.

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²⁴ ibid.

²⁵ The Astana Times: European Parliament Report Calls for Updated Central Asia Strategy, 2024. https://astanatimes.com/2024/01/european-parliament-report-calls-for-updated-central-asia-strategy/ (May 22, 2024).

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